

Zoning Application Materials

<u>Required*</u>	<u>Complete</u>	<u>NA</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tax certificate showing legal owner (with no taxes due)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Survey: Five (5) copies of zoning area, 18"x24", One (1) copy at 11"x17, and One (1) copy at 8 ½" x 11" sealed by a licensed surveyor or recorded plat of property
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Digital copy of survey on CD or flash drive
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Applicant presentation to Planning and Zoning Commission and City Council

Staff's Signature

Date

*Required items to be determined at Pre-Application meeting

AMENDMENT AND REZONING PROCEDURE (§§ 1160--1169)

1161. Title and purpose.

Sections 1161 through 1169 shall be known as the amendment and rezoning procedure. The purpose of this procedure is to prescribe the manner in which changes shall be made in the text of the regulations (text amendment) and the application of such regulations to property within the City of Marble Falls by means of the zoning map (rezoning). This procedure is intended to conform to minimum requirements of state law and to afford opportunity for review of proposed changes by the public.

1162. Jurisdiction.

The city council shall have jurisdiction with respect to all text amendments and rezonings. The planning and zoning commission shall review and submit a recommendation to the council on all text amendments and rezonings.

1163. Initiation.

- A. A text amendment may be initiated by the planning and zoning commission or the city council.
- B. A rezoning may be initiated by the planning and zoning commission or the city council.
- C. A rezoning may be initiated by the owner or the authorized agent of the owner of property by filing an application for a change in district boundaries (rezoning) as prescribed in this chapter. If the property for which rezoning is proposed is in more than one (1) ownership, all the owners or their authorized agents shall join in filing the application.

1164. Application and fee.

- A. Application for rezoning initiated by a property owner shall be filed with the city manager on a prescribed form and shall include the following data and maps:
 - 1. Name and address of the owner and/or applicant.
 - 2. Address and legal description of the property.
 - 3. If the applicant is not the legal owner of the property, statement that the applicant is the authorized agent of the owner.
 - 4. An accurate map of the area proposed for rezoning and the surrounding area, showing existing streets and property lines and existing and proposed district boundaries. The map shall include an area determined by the planning and zoning commission to be necessary to illustrate the relationship to and potential impact on the surrounding area, but not less than two hundred (200) feet or more than six hundred (600) feet from the property proposed for rezoning.
 - 5. The property address of each lot and the name and mailing address of the owner of each lot within two hundred (200) feet of the property proposed for rezoning and a map keyed to the ownership and address data.
- B. The city may require additional information or maps if they are necessary to enable the planning and zoning commission to determine whether the change is consistent with the objectives of this ordinance.
- C. An application for rezoning initiated by a property owner shall be accompanied by a fee established by the city council.
- D. A rezoning initiated by the planning and zoning commission or by the city council shall be pursuant to a motion of the commission or council. The city shall prepare the information prescribed in paragraph (A) above, pursuant to the intent of the motion. No fee shall be applicable.
- E. A text amendment initiated by the planning and zoning commission or by the city council shall be pursuant to a motion of the commission or council. No fee shall be applicable.

1165. Preliminary report, public hearing, and final report of the planning and zoning commission.

Prior to the public hearing, the planning and zoning commission shall adopt a preliminary report for each request for rezoning. The preliminary report shall outline the issues to be considered in the public hearing and discussion. Following the adoption of the preliminary report, and not more than sixty (60) days after filing of the application, the planning and zoning commission shall hold a public hearing on each application for a text amendment or rezoning. Notice shall be given as prescribed in Section 1170. At the public hearing, the commission shall review pertinent evidence relating to consistency with the objectives of this ordinance, the development policies of the city, and the comprehensive plan. Following the public hearing, the planning and zoning commission shall make a recommendation to the city council. This recommendation to the council shall be final report as required in Section 211.007(b) of the State of Texas Local Government Code. If the commission is unable to make a final report on any zoning application after such zoning application has appeared on the planning and zoning Commission's agenda for three (3) separate occasions, the request shall be deemed to be denied.

(Ord. No. 98-O-9C, 9-8-98)

1166. Action by the city council.

A. Not more than forty (40) days following receipt of the recommendation of the planning and zoning commission, the city council shall hold at least one (1) public hearing on the text amendment or rezoning. Notice shall be given as prescribed in Section 1170.

1167. Protest provision.

Any ordinance enacted by the council to reclassify property from one district to another district shall require a favorable vote of at least four (4) members of the council, when a written protest against the rezoning is received from either of the following:

- A. From persons owning twenty (20) percent or more of the land area included within the proposed rezoning.
- B. From persons owning twenty (20) percent or more of the land area adjoining and within two hundred (200) feet of the area proposed for rezoning, but excluding land outside the city or the extra-territorial jurisdiction of the city.

1168. New application.

A. Following the denial of an application for a change in district boundaries or a change in the regulations, an application or request for the same or substantially the same change shall not be filed within eighteen (18) months of the date of denial.

B. In event of withdrawal of an application by the applicant prior to action by the council, an application or request for the same or substantially the same change shall not be filed within one (1) year of the date of withdrawal.

1169. Prezoning.

A. For the purpose of establishing zoning regulations to become effective only upon annexation, property outside the boundaries of the City of Marble Falls subject to annexation, may be classified within one (1) or more districts in the same manner and subject to the procedural requirements as prescribed for property within the city. Any ordinance duly passed by the city council establishing or changing such classification shall become effective only upon the effective date of annexation of such property to the city.

B. Upon passage of an ordinance establishing the applicable district designation for property outside the city, the zoning map shall be revised to show the potential classification to become effective upon annexation, and shall identify each district or districts applicable to such property with the label or nomenclature "PREZONED" in addition to such other map designation as may be applicable.