

Item D-1

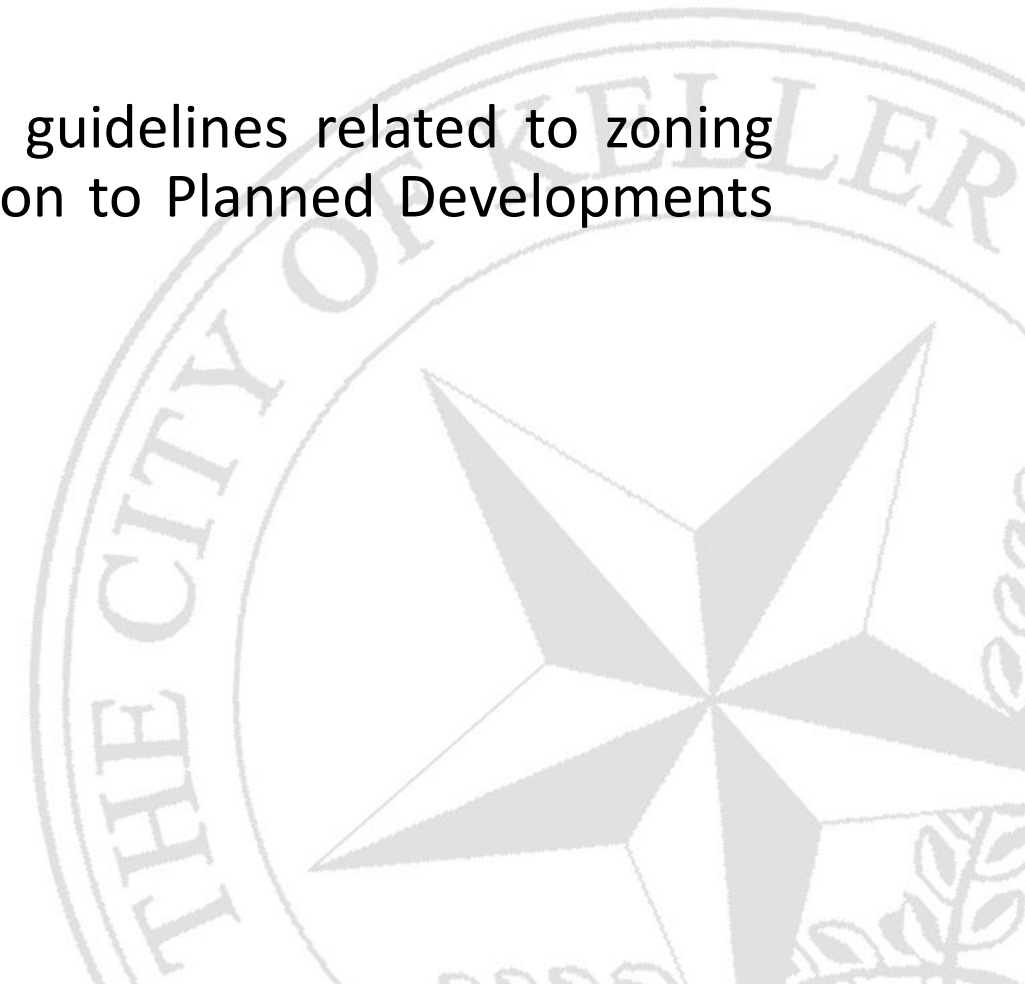
Discuss zoning case protest procedures.

1. Staff Presentation:

- Texas Local Government Code
- Current Unified Development Code (UDC) guidelines related to zoning case protest procedures (includes opposition to Planned Developments and Specific Use Permits)

2. Council Discussion

3. Next Steps



Texas Local Government Code

Section 211.006 Procedures Governing Adoption of Zoning Regulations and District Boundaries

(a) The governing body of a municipality wishing to exercise the authority relating to zoning regulations and zoning district boundaries shall establish procedures for adopting and enforcing the regulations and boundaries. A regulation or boundary is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality.

Texas Local Government Code – Changes Adopted by HB 24

Section 211.0061 Protest Procedures for Certain Proposed Changes

- (a) Only applies to zoning changes that are not a comprehensive zoning change
- (b) A protest of a proposed change to a zoning regulation or district boundary must be written and signed by the owners of:
 - (1) at least 20 percent of the area of the lots or land covered by the proposed change;
 - (2) except as provided by Subdivision (3), at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or
 - (3) at least 60% of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200' from that area if the proposed change has the effect of allowing more residential development than the existing zoning regulation or district boundary and does not have the effect of allowing additional commercial or industrial uses unless the additional use is limited to the first floor of any residential development and does not exceed 35% of the overall development.

Texas Local Government Code – Changes Adopted by HB 24

Section 211.0061 Protest Procedures for Certain Proposed Changes

(d) If a proposed change to a regulation or district boundary is protested in accordance with Subsection (b), the proposed change must receive, in order to take effect, the affirmative vote of at least:

(1) three-fourths of all members of the governing body for a protest described by Subsection (b)(1) or (2); or

(2) a majority of all members of the governing body for a protest described by Subsection (b)(3).

Unified Development Code

- **Section 8.02(D)(6)(e) – Current Language**

Three-Fourths Vote: If a proposed change in zoning classification is protested by the owners of at least twenty percent (20%) of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, the affirmative vote of at least three-fourths (3/4) of all members of the City Council is required to effect the change in zoning classification provided:

- 1) The protest is by/from property owners as described in 3.b.(1)(a) above.
- 2) The protest is written and signed by all persons listed as owners of the property as described in 3.b.(1)(a) above.
- 3) Written protests with signatures are submitted to the City of Keller Community Development department no later than 12:00 p.m. (noon) on the day of the City Council public hearing on the proposed change in zoning classification.

- **Staff proposes deleting this section in its entirety and replacing with language identical to LGC 211.0061**

Incorporating HB 24 into Keller UDC

UDC Section 8.02(D)(6)

(d) If a proposed change to a regulation or district boundary is protested in accordance with Subsection (b), the proposed change must receive, in order to take effect, the affirmative vote of at least:

(1) three-fourths of all members of the governing body for a protest described by Subsection (b)(1) or (2), **provided that the protest is by/from property owners as described in 3.b.(1)(a) above and the protest is written and signed by all persons listed as owners of the property as described in 3.b.(1)(a) above;** or

(2) a majority of all members of the governing body for a protest described by Subsection (b)(3).

Procedure for Submitting or Withdrawing Opposition

UDC Section 8.02(D)(6)

Written protests with signatures are submitted to the City of Keller Community Development department no later than 12:00 p.m. (noon) ~~on~~ the day ~~of~~ before the City Council public hearing on the proposed change in zoning classification. Once the public hearing has been closed, opposition shall no longer be accepted.

In order to withdraw previously-submitted opposition, written documentation with signatures must be submitted to the Community Development department no later than 12:00 p.m. (noon) on the day of the final City Council vote on a proposed change in zoning classification.

Practical Application – Current Process

Type of Feedback (Received before 12 p.m.)	Action
Email/letter to CD/Mayor & CC from outside 200' buffer or no address	Redact and add to agenda packet
Petition or letter with signatures (hand-delivered, mail or email attachment accepted)	Verify properties are within 200' buffer and that all owners listed on TAD have signed; have GIS rerun buffer map as needed
Petition or letter with signatures requesting to withdraw opposition	Same as above

- Staff keeps a log of each individual (even outside the 200' buffer or those who do not provide an address) that submits feedback (support or opposition)

Next Steps

- P&Z Consideration: Sept. 23
- City Council consideration: Oct. 21





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Questions?