

13-20 - Procedure for a Change of Zoning Classification of a Parcel of Land

- (a) Who May Initiate Request to Change a Zoning Classification. A request to change the zoning classification of a parcel of land may be initiated by the owner of such parcel or his authorized agent. The City may also propose a zoning change on its own motion, without such a request.
- (b) Manner of Initiating a Zoning Change Request.
 - (1) Application by Property Owner. A property owner or his authorized agent may file an application with the City Manager requesting the zoning or a change of zoning for real property. All property owners shall sign the application form and become parties to the application or provide a copy to the City of their express written authority to an agent acting on their behalf in a format compliant with all applicable state requirements. Whenever a property is owned by a corporation, a limited liability company, a partnership or any other similar entity, the person signing on behalf of that entity will provide documentation of that authority. In the case of multiple property owners, a single individual shall be designated on the application form as the source and recipient of all formal correspondence and be responsible for communication with all other parties to the application. Such application shall be accompanied by a fee established by the Council, and shall contain the following information, unless waived in writing by the City Manager or his designee:
 - (A) The legal description and address of the parcel for which the application is made (the "subject parcel").
 - (B) A map showing the present zoning classification, if any, of the subject parcel and of each abutting, adjacent or contiguous parcel.
 - (C) The present use of the subject parcel and of each abutting, adjacent or contiguous parcel.
 - (D) The type and location of all structures on the subject parcel and on each abutting, adjacent or contiguous parcel.
 - (E) The zoning requested and the proposed use of the subject parcel.
 - (F) Conceptual plan, if required by ordinance.
 - (G) If required by the planning and zoning commission or city council, a traffic impact analysis.
 - (H) A map showing the location and line size of the nearest or proposed point of connection to, wastewater and water lines.
 - (I) Certification from all applicable taxing authorities that all taxes due on the subject parcel sought to be zoned or rezoned have been paid.
 - (J) Any other relevant information requested by the Commission or the Council.

- (2) Application Deadline. Consideration of the application by the Planning and Zoning Commission shall occur at a regular scheduled or special called meeting following a public hearing no sooner than sixty (60) days or more than one-hundred eighty (180) days after receipt of an application determined to be complete by the City Manager or their designee.
- (c) Review of Zoning Change Requests by Planning and Zoning Commission. The Commission shall:
- (1) Review each application for a zoning change.
 - (2) Conduct a hearing. Notice of a hearing before the Commission shall be given by notification as prescribed in Section 13-40(a)(1) and (a)(2) below. Notice of the hearing before the Commission may be combined with the notice given for the hearing on the same matter before the Council.
 - (3) Following the hearing on the requested change it shall prepare a recommendation for the Council.
- (d) Required Conformance to Master Plan. The adopted Comprehensive Plan documents the current land use policy recommendations applicable within the municipality and serves as a guideline for future zoning decisions that will yield a balanced, diversified, and compatible pattern of development consistent with the vision of its citizens. While it does not establish zoning regulations or establish zoning district boundaries, no zoning application deemed to be inconsistent with the Comprehensive Plan shall be considered without first successfully seeking an amendment, in accordance with the provisions below, that eliminates that inconsistency.
- (1) An application for an amendment to the Comprehensive Plan shall be required prior to the approval of a zoning change application whenever the City Manager or their designee determines that the proposed change is otherwise inconsistent with the adopted Comprehensive Plan. An appeal of that determination shall comply with the procedures outlined in Section 11-50 of this chapter.
 - (2) An amendment to either the text of the Comprehensive Plan or any of its various components, including but not limited to the Future Land Use Plan or Map, shall be requested using the required form available from the Development Services Department and include the fee specified in Appendix A.
 - (3) The procedure for an amendment to the Comprehensive Plan shall be the same as specified in this section for a zoning change, including the ability of the City to initiate a proposed amendment and the notice required by Section 13-40 when specific property is the subject of the request. However, the provisions of 13-20(e)(3) are not applicable. Consideration of the application by the Planning and Zoning Commission shall occur at a regular scheduled or special called meeting following a public hearing no sooner than sixty (60) days or more than one-hundred eighty (180) days after receipt of an application determined to be complete by the

City Manager or their designee. A successful application shall be accompanied by an amendment to the ordinance that adopted the current Comprehensive Plan. That amendment shall require the affirmative vote of at least three-fourths (3/4) of all members of the governing body for adoption.

- (4) Notwithstanding anything in this subsection 13-20(d) to the contrary, the City Council maintains full discretion to adopt a Comprehensive Plan and define the content and design of such Comprehensive Plan. A complete application for the amendment of the Comprehensive Plan shall in no way bind the City Council to amend the Comprehensive Plan. An application for an amendment shall not be considered unless one of the following is shown:
 - (A) A significant and unanticipated change, such as an unexpected substantial investment or capital improvement within an area or neighborhood, deterioration or closing of an impactful facility, and disinvestment or deterioration of a development, neighborhood, or area;
 - (B) A demonstrable error, oversight, or omission; or
 - (C) A change that asserts to better achieve the vision, goals, objectives, policies, and desired outcomes expressed within the Comprehensive Plan.
- (5) An application for an amendment to the Comprehensive Plan based on significant and unanticipated change under subsection 4(A), above must show the following:
 - (A) That the significant and unanticipated change to the area that includes the impacted property occurred after the adoption of the Comprehensive Plan;
 - (B) The property is unlikely to be developed in accordance with the land use designation, policies, or recommendations in the current Comprehensive Plan; and
 - (C) That the proposed change is the most appropriate designation for both the property and the surrounding area.
- (6) An application for an amendment to the Comprehensive Plan based on demonstrable error, oversight, or omission under subsection 4(B), above must identify specific and tangible items such as inaccurate, contradictory, or inconsistent information or recommendations, rather than generalities or unsupported conclusions.
- (7) An application for an amendment to the Comprehensive Plan that asserts to better achieve the vision, goals, objectives, policies, and desired outcomes under subsection 4(C), above must show the following:
 - (A) That the proposed change does not require an evaluation that is broader or more comprehensive in scope;

- (B) That the proposed change maintains or increases compatibility with existing land use patterns or designated future land uses;
- (C) That the proposed change would result in benefits, advantages or other similar favorable impacts to the adjacent property or area; and
- (D) That the property is physically capable of accommodating the proposed change (size, shape, topography, etc.).

(e) Review of Zoning Change Request by City Council. The Council shall:

- (1) Review the Commission recommendation.
- (2) Before acting upon the zoning change, hold at least one (1) public hearing on the proposed zoning change. Notice of a hearing before the Council shall be given by publication as prescribed in Section 13-40(a)(2) below. Separate written notice to property owners is not necessary. Notice of the hearing before the Council may be combined with the notice given for the hearing on the same matter before the Commission.
- (3) Take appropriate action as follows:
 - (A) The Council may enact a proposed change of zoning by ordinance, if it finds that such change is in the public interest. A change of zoning may be enacted, even though such proposed change does not conform to the land use map in the City's Master Plan provided that the Council's findings conform to the requirements of Section 13-20(d).
 - (B) A change of zoning shall not become effective except by the affirmative vote of at least three-fourths of all members of the governing body if a written protest, signed by owners of at least twenty percent (20%) of either:
 - (i) The area of lots or land covered by the proposed change;
 - (ii) The area of lots or land immediately abutting the area covered by the proposed change and extending two hundred feet (200') from that area, that is within the municipal limits of the City of Lago Vista.
 - (iii) In computing the percentage of land area described in this subsection, the area of streets, alleys, and publicly owned property within the municipal limits of the City of Lago Vista shall be included.
 - (C) A change of zoning shall not become effective except by the affirmative vote of at least three-fourths (3/4) of all members of the governing body if the Commission has recommended against enactment of a proposed zoning change.
 - (D) Approval or an amendment of a Planned Development District (PDD), including a concept plan, a detail plan, or a combined concept and detail plan shall not become effective except by the affirmative vote of at least three-fourths (3/4) of all the members of the governing body.

(Ord. 19-12-19-01 on 12/19/2019; Ord. 22-09-01-02 on 9/1/2022; Ord. 23-01-19-03 on 1/19/2023; Ord. 24-06-06-04 on 6/4/2024; Ord. 24-07-18-04 on 7/18/2024)