

ZONING AMENDMENT OVERVIEW

GENERAL INFORMATION

This packet outlines the procedures and submittal requirements necessary to obtain a change of zoning within the City of Elmhurst jurisdiction. The regulatory requirements and procedures for approval are defined in Chapter 38-50 of the Code of the City of Elmhurst. The zoning ordinance was adopted by the City Council on December 12, 2013 in order to protect the health, safety and welfare of the Elmhurst community.

Additional information about the zoning process and code requirements can be obtained prior to submitting a zoning application by reviewing the code of ordinances on the City of Elmhurst's website at www.elmhurst-tx.com.

WHAT IS ZONING?

Zoning is the division of land within a jurisdiction into separate districts within which uses are permitted, prohibited or permitted with conditions. Zoning establishes site regulations, such as building heights, bulk (density/floor-to-area ratio), setbacks, building coverage, impervious cover, etc. Zoning is a power granted to municipalities by the State in order to promote public health, safety, morals, or general welfare, and to protect and preserve places and areas of historical, cultural, or architectural importance and significance.

TYPE OF AMENDMENT

An application for an **amendment of the text** of this chapter may be filed by the city administrator, planning and zoning commission or city council. Any citizen may petition the planning commission, as a whole, to initiate an application for amendment to the text of this chapter.

An application for an **amendment of the official zoning map** (including any amendment required by other procedures in this article) shall only be filed by the following persons: (a) a person, firm or corporation that, together or separately, is an owner of the subject property. (b) An authorized representative of such a person, firm or corporation. A notarized affidavit shall be required from the property owner designating such a representative. (c) The city council or planning and zoning commission acting of its own volition or on a petition of the public. A resolution to initiate the amendment process shall appear in the minutes of the official body initiating the request. (d) The City administrator, acting in his capacity as technical advisor to the planning and zoning commission.

ORDER OF PROCESS

Submission of application

A complete application for amendment to the text of this chapter or the official zoning map shall be submitted to the City Secretary, along with the appropriate fee. After determining that the application is complete, the city administrator shall place the request on a meeting agenda of the planning and zoning commission.

Hearing and recommendation by planning and zoning commission

The planning and zoning commission shall, after required notice, conduct a public hearing on each request for an amendment of the official zoning map. The planning commission shall then have the prerogative of deciding whether to conduct a hearing on any such proposed amendment. At the hearing, the planning and zoning commission shall consider the application, comments and recommendations of city staff, other relevant support materials and public testimony given at the public hearing. After the close of the public hearing, the planning and zoning commission shall recommend that the city council approve, approve with modifications, or deny the proposed amendment based on the criteria in subsection (f) of Sec 38-50.

A recommendation by the planning and zoning commission to deny a request for amendment of the official zoning map shall be the final decision on the matter, if not appealed in writing to the city council within ten days. A tie vote by the planning commission on any proposed amendment to the official zoning map or the text of this chapter shall be forwarded without recommendation to the city council.

Hearing and action by council

After receipt of the recommendation from the planning and zoning commission, and after appropriate notice, the city council shall conduct a public hearing on each proposed change, except for requests to amend the official zoning map which are recommended by the planning commission to be denied and are not formally appealed to city council. At the public hearing, the city council shall consider the application, comments and recommendations by city staff, the planning and zoning commission recommendation, other relevant support materials and public testimony given at the public hearing. The city council may approve, approve with modifications, or deny a proposed amendment. However, city council may only overrule a recommendation by the planning and zoning commission to deny a proposed change to a boundary or regulation, including a map amendment, by an affirmative vote of at least three-fourths of all the members of the council. Where written protest against such amendment is made and signed by the owners of 20 percent or more of the area subject to the zone change or the owners of 20 percent or more of the area within 200 feet of the affect area,

then the proposed amendment shall require a favorable vote of at least three-fourths of all the members of the city council to become effective.

AMENDMENT CRITERIA

The wisdom of amending the text of this chapter or the official zoning map is a matter committed to the sound legislative discretion of the city council and is not controlled by any one factor. In determining whether to adopt, adopt with modifications or deny the proposed amendment, the city council shall at a minimum consider the following factors:

- Compatible with plans and policies. Whether the proposed amendment is compatible with any land use policies adopted by the planning and zoning commission or city council.
- Consistent with chapter. Whether and the extent to which the proposed amendment would conflict with any portion of this chapter.
- Compatible with surrounding area. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.
- Changed conditions. Whether and the extent to which there are changed conditions that require an amendment.
- Effect on natural environment. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including, but not limited to, water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.
- Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.
- Development patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.

TIMEFRAME FOR PROCESSING A ZONING AMENDMENT APPLICATION

Applications may be submitted on any working day at the Elmendorf City Hall 8304 FM 327 Road, and may be found at www.elmendorf-tx.com. Please call 210-635-8210 to schedule an appointment. Zoning requests are typically heard by the assigned Planning & Zoning Commission on the third Thursday of the month following the date of submission (approximately 6 to 7 weeks), and by the City Council on the same day of the Commission's recommendation.

CASE MANAGER

Each application is assigned to the City Secretary. The City Secretary will serve as liaison between you and the City of Elmendorf and function as your main point of contact. Once your application has been submitted, any questions, problems, conflicts, etc. should be directed to the City Secretary. If you need to see the City Secretary, it is suggested an appointment be made to ensure the City Secretary is available.

NOTICE

Zoning is usually the first step in the development process. Prior to the construction or occupation of a new or expanded land use/business on a site, other steps including subdivision, site plan, or building permit and inspection, may be required after this process. Contact the Elmendorf City Hall for additional information.

ZONING SUBMITTAL INFORMATION AND REQUIREMENTS

When filing a zoning change, the applicant or the applicant's agent shall submit the following information in person to the Elmendorf City Hall 8304 FM 327 Road or mail to City of Elmendorf P.O. Box 247 Elmendorf, TX 78112.

A. APPLICATION FORM - Type or print all information. One copy of the completed application form shall be submitted in which the following items shall be addressed:

1. **Owner** - Please indicate the name of the current owner. The current owner or authorized agent must apply for the zoning change.

2. **Project Name** - Fill in, if applicable.

3. **Location** - Indicate the address or property identification number assigned by the Bexar County Appraisal District.

4. **Type of Ownership** - If the ownership is other than sole or community property, attach a list of the partners/beneficiaries/principals and their positions.

5. **Proposed Zoning** - Indicate the proposed zoning. If there are questions as to what zoning is needed, contact the City Secretary.

6. **Agent Information** - If designated, this will be the primary contact. If the agent changes, the City Secretary should be notified.

7. **Owner's Signature** - The owner must sign the application or attach a written authorization for the agent. If there is more than one owner, attach additional owner information to application. Be sure that all signatures are legible and address information is correct.

B. APPLICATION FEE – All fees are nonrefundable.

Less than one acre	\$350.00
1 acre but less than 5 acres	\$600.00
5 acres but less than 10 acres	\$800.00
10 acres but less than 25 acres	\$1,000.00
25 acres but less than 30 acres	\$1,100.00
30 acres but less than 40 acres	\$1,200.00
40 acres but less than 50 acres	\$1,300.00
50 acres but less than 75 acres	\$1,400.00
75 acres but less than 100 acres	\$1,500.00
100 acres or more	\$1,600.00

8304 FM 327 • P.O. BOX 247
ELMENDORF, TX 78112
Phone 210-635-8210
Fax 210-635-8221
www.elmendorf-tx.com



Zoning Amendment Application

Owner Name:						
Project Name:						
Property Address or ID#:						
Owner Phone Number:			Owner Email:			
Type of Ownership:	Sole <input type="checkbox"/>	Community <input type="checkbox"/>	Partnership <input type="checkbox"/>	Corporation <input type="checkbox"/>	Trust <input type="checkbox"/>	
Proposed Zoning:	Single-Family (R-1) <input type="checkbox"/>	General Commercial (C-2) <input type="checkbox"/>	Commercial (C-3) <input type="checkbox"/>	Light Industrial & Manufacturing (M-1) <input type="checkbox"/>	Heavy Industrial & Manufacturing (M-2) <input type="checkbox"/>	Manufactured Housing Subdivision (MHS) <input type="checkbox"/>
Authorized Agent Name		Authorized Agent Phone Number		Authorized Agent Email Address		

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the review of this application. As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

Signature of Owner: _____ Date: _____

Name (Type or Printed): _____

Firm: _____