



Planning and Zoning Commission
Summary of Zoning Ordinance and Major Duties

Disclaimer: This paper is for information and assistance only; it does not supersede or replace the current City Zoning Ordinance in any way nor is this a legal document. Every effort has been made to ensure the accuracy of this information, however if there are conflicts between the information contained here and the Zoning Ordinance, the Zoning Ordinance will be followed. All applicants are urged to read the Zoning Ordinance prior to making application.

Background Information on the Planning & Zoning Commission

- The Planning and Zoning Commission was established by Section 9 of Article VIII of the City of Terrell Hills Charter. The activities and duties of the commission are discussed in Chapter 14, Section XI, and Para B through Annex B of the City of Terrell Hills Code of Ordinances. (Ref: Ch 14, Section XI: Para B.1.a.)
- The board consists of seven members and three alternates. The Chair and Deputy Chair are selected by the membership of the Commission. A quorum of the P&Z consists of four members. (Ref: Section XI: Para B.1.a. and Para B.1.b.)
- Meetings: While the Chair can call Special Meetings (Ref Sec XI, Para B.1.c.), regular meetings of the commission will be the first Monday of every month (assuming there is business); with deadline for submission of materials the tenth of the previous month..
- A member/alternate shall not vote or participate as a member in any matter before the Commission if the member has any interest in the matter, whether such interest is direct, indirect, financial or otherwise. If there is a question on this, the chair shall rule (Ref: Sec XI, Para B.1.e.)
- Required meeting notice: State law (Sec. 211.0075 Local Govt. Code) now requires the Zoning Commissions to comply with the Open Meetings Act. Pursuant to this Act, notice shall be published in an official newspaper at least 15 days prior to any public meeting of the P&Z.Said

notice shall include the time and place of such hearing.. Notice shall be mailed to owners of real property lying within 200 feet of any lot to be potentially replatted or any property upon which a change in zoning classification is proposed.

THE PLATTING (REPLATTING) PROCESS

Note: Requests of this nature sometimes come from individuals who do not own the property. The procedure of the staff is to require the applicant (including licensed professionals such as engineers/surveyors) to obtain the written permission of the property owner before these requests can be considered by the P&Z.

Definition of a Completed Application

The following must be submitted in order for a platting (or replatting) application to be deemed complete:

- Letter requesting preliminary, final, or short form platting procedure signed by owner or surveyor/engineer representing owner;
- Check for \$100 (Note: one check covers entire process)
- Drawing/photo/visual image of the lots surrounding the property (within 1000' horizontally and one full block vertically) on which the action is proposed
- Preliminary plat: conforms to requirements of Annex A, Para 3.
- Final plat: conforms to requirements of Annex A, Para 5.
- Information received by the 10th of the preceding month to facilitate appropriate notice in time for next meeting.

City Manager, Planning and Zoning & City Council Responsibilities

A. Without further action by the Planning and Zoning Commission or City Council, the City Manager has authority to approve the following:

- Amending Plats
- Minor plats involving four or fewer lots (subject to some restrictions)
- Replats that do not require the creation of new streets or municipal facilities
(Ref, Ch 1, Sec 1-42, Para 1.a.b.c.)

Rule of Thumb: If the lot is getting bigger, approval is granted by City Manager, if lot is getting subdivided or getting smaller, approval by the Planning and Zoning Commission is necessary.

B. P&Z has final approval authority on all plats unless there are two dissenting votes, at which time it goes to City Council for consideration (Ref: Ch 14, Sec XI Para B.2.b.)

C. Plats that are disapproved may not be considered again for six months unless new, relevant and substantial evidence is produced by the applicant (Ref: Ch 14, Sec XI, and Para B.2.a.)

Short Form Procedure (bypassing a Preliminary Plat - Ref Ch 14, Sec XI, Para B.2.d.1.2.3.)

The filing of a preliminary plat is not required under the following conditions:

- all lots front on a previously dedicated street and are so situated that no new streets, alleys, easements or public property are required;
- utilities and drainage are in place; and
- staff review confirms all engineering data remains accurate.

Note: The initial submission of a Final Plat (the "Short Form Procedure") has risks for the applicant, because P&Z may decline the application outright due to issues identified by members of the City staff, P&Z and other residents. We normally recommend the submission of a Preliminary Plat so as to allow for to applicant to receive input and feedback prior to formal submission of a Final Plat.

Regular Procedure (Ch 14, Annex A):

- Staff holds a preliminary conference with owner and makes comments on proposed plat;
- Owner prepares preliminary plat by a licensed surveyor or engineer according to specifications in the ordinance;
- Planning and Zoning Commission holds public hearing to express its approval, conditional approval, or disapproval of the preliminary plat. Reasons should be given to the applicant;
- Final Plat: The commission shall act on the final plat within 30 days after the date the final plat is filed with the City Secretary. A plat is considered approved by the P&Z unless it is disapproved within that period.

Note: City staff determines when the plat is final, and must meet all conditions prescribed by the P&Z at the preliminary meeting. Normally, the City Manager considers the plat final when notice is sent to the newspaper. There is nothing to prevent an applicant from withdrawing their application in order to avoid the six month delay of the plat.

THE PROCESS FOR AMENDING THE ZONING REGULATIONS

The following must be submitted in order for an application for amendments to the zoning regulations to be deemed complete:

- Letter requesting specific action by the P&Z signed by the property owners. If action is a contingency to a sale, then current property owners must sign indicating their concurrence with the proposed action.
 - Check for \$100
 - Drawing/photo/visual image of the lots surrounding the property (within 200') on which the action is proposed
 - Information received by the 10th of the preceding month to facilitate appropriate notice in time for next meeting.
- Example: Requesting a funeral home be added as an authorized use in the semi-commercial district or changes to the zoning ordinance itself.
 - All petitions, applications, recommendations or proposals for changes in the zoning district classification of property or for changes in the textual provision of the zoning ordinance shall be filed for review by the P&Z (Ref Ch 14, Sec XI, and Para B.3.c.1.)
 - Note: Requests of this nature sometimes come from individuals who do not own the property. The procedure of the staff is to require the applicant to obtain the written permission of the property owner before these requests can be considered by the P&Z.
 - The P&Z shall make a preliminary report on all proposed changes and hold a public hearing thereon before submitting its final report to City Council. Notice is required in accordance with procedures described above (Ref Ch 14, Sec XI, and Para B.3.c.3.)
 - Note: We have had some confusion on the "preliminary report." This can either be a document prepared for the P&Z by staff or some other agency or it can be an actual meeting on the issue. We have done it both ways. The chair should make the call on what needs to be done
 - After the final report is submitted by the P&Z, the City Council shall act upon the report after a public hearing is held in relation to the request (Ref Ch 14, Sec XI, and Para B.3.c.4.)
 - Applications are not accepted for property rezoning requests disapproved within the last year (Ref Ch 14, Sec XI, and Para B.3.c.2.)

OTHER USEFUL INFORMATION

A. Minimum requirements to approve platted lots (Ref: Ch 14, Sec VII, Para B):

No residential building site hereafter platted shall have a frontage, depth, and total area that is not harmonious with the existing plats in the immediate vicinity; but, in no case will a lot be platted with less than 12,000 square feet nor less than 80 feet frontage.

-- Exception (Ref: Ch 14, Sec VII, Para B): Residences may be constructed on a nonconforming single lot shown by a plat or plats recorded prior to passage of this ordinance when the applicant provides satisfactory evidence that the lot existed as a separate independent parcel prior to the date of passage of this amendment to the Zoning Code and has remained as a separate independent parcel continuously since such date.

B. Commercial District authorized uses (Ref: Ch 14, Sec V, Para A-K):

- any use permitted in the residential or semi-commercial districts;
- service shops and restaurants, including drive-in types;
- banks and wholesale offices or sample rooms;
- commercial billboards or advertising signs;
- bakeries employing less than six persons;
- dyeing or cleaning works employing less than six persons on the premises;
- laundries employing less than six persons on the premises;
- automobile service stations;
- retail stores (other than for the sale or display of second-hand or salvage merchandise); -
- new and used car lots (some restrictions apply);
- child day care nurseries and kindergartens;
- libraries and museums.

C. Semi-commercial authorized uses (Ref: Ch 14, Sec IV, Para A. 1.2.3.):

- any use permitted in the residential district;
- multiple dwellings (apartments) that contain 1200 square feet of floor area with at least a one-car covered garage or carport;
- office space provided it is not used for display or sale of merchandise on premises.

D. Residential district authorized uses (Ref: Ch 14, Sec III, Para A.1.2.3.):

- detached one family dwellings;
- non-occupied accessory buildings;
- occupied accessory buildings;
- public parks or playgrounds.