



## ZONING CHANGE APPLICATION

### **SUMMARY OF ZONING CHANGE APPLICATION REQUIREMENTS**

#### **Application Review Requirements:**

1. This application is for requesting a change to a specific property and not for changes to the Kaufman Zoning Ordinance.
2. Meet with Development Services Staff to review the application requirements for your specific request.
3. Make sure you have everything on the attached Check List.
4. Completed application with signatures of owners and/or applicant
5. Application Fees are established in the Fee Schedule as adopted.
6. Must have the address and the lot, block and subdivision name of the subject property
7. It is the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or obligation directly attributable to said property and owed by the owner or previous owner thereof shall have been paid at the time of application submittal.
8. Submit any drawing, plans, exhibits, information about proposed uses in order to ensure that the request is understood. Development Services Staff will let you know if additional copies are needed and what size they need to be.
9. This application and/or payment will not be accepted if it is incomplete. Staff will not retain partial packets.
10. Please check your submittal date and time on our website at [Forms | Kaufman, TX \(kaufmantx.org\)](http://Forms | Kaufman, TX (kaufmantx.org)). Applications will only be accepted during the listed times.

**Application must be signed by the property owner before the request can be scheduled with the Planning and Zoning Commission and City Council.**

#### **DELIVERY ADDRESS:**

DEVELOPMENT SERVICES DEPARTMENT  
CITY OF KAUFMAN  
209 S. WASHINGTON  
KAUFMAN, TEXAS 75142

**DIRECT QUESTION TO DEVELOPMENT SERVICES STAFF AT  
(972)-932-2216  
FAX NUMBER (972)-932-6288**



## ZONING CHANGE CHECK LIST

ITEMS REQUIRED	
	Zoning Change Check list
	Application for Zoning Change
	Zoning Change Fee
	Tax Certificate certified by Kaufman County Tax Office showing all taxes have been paid.
	One of the following:
1.	Exhibit map with metes and bounds
2.	Plat
3.	Survey
The information below is for staff regarding notifications.	
	Assign case number: Z-
	Public Hearing
	Newspaper notification
	300' buffer notification

ZONING APPLICATIONS	
Zoning Change	\$400 + \$20 per acre



## ZONING CHANGE APPLICATION

**1. Site Location:**

General Street Location: \_\_\_\_\_ PID: \_\_\_\_\_

Street Address: \_\_\_\_\_

Lot, Block, & Subdivision Name: \_\_\_\_\_

**2. Applicant:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Office #: \_\_\_\_\_ Cell #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email Address: \_\_\_\_\_

**3. Property Owner:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Office #: \_\_\_\_\_ Cell #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email Address: \_\_\_\_\_

**4. Summarize the proposed development. If necessary, use a separate sheet.**

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5. **Present Zoning:** \_\_\_\_\_ **Present Land Use:** \_\_\_\_\_

**Future Land Use Designation:** \_\_\_\_\_

6. **Attach:** Any additional maps, exhibits, drawings or pictures necessary to help explain the request.

**7. Local Government Code 212.004 Compliance with Comprehensive Plan**

- a. Zoning regulations must be adopted in accordance with a comprehensive plan and must be designed to:
  - i. Lessen congestion in the streets;
  - ii. Secure safety from fire, panic and other dangers;
  - iii. Promote health and the general welfare;
  - iv. Provide adequate light and air;
  - v. Prevent the overcrowding of land;
  - vi. Avoid undue concentration of population; or
  - vii. Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

**I UNDERSTAND THAT IT IS NECESSARY FOR ME OR MY AGENT TO BE PRESENT AT BOTH THE PLANNING AND ZONING COMMISSION MEETING AND CITY COUNCIL MEETING.**

**I hereby authorize the undersigned applicant to act as my agent for the representation and/or presentation of the request.**

Applicant Name (print or type): \_\_\_\_\_

Applicant signature: \_\_\_\_\_

Owner Name (print or type): \_\_\_\_\_

Owner signature: \_\_\_\_\_

**FAILURE TO APPEAR** before the Planning and Zoning Commission or City Council for more than one (1) hearing without an approved delay by the City Manager or his designee shall constitute sufficient grounds to table or deny the request unless the City is notified at least 72 hours prior to the hearing.

**DENIALS BY THE PLANNING AND ZONING COMMISSION** shall be forwarded to City Council, along with the Commission's reasons for denial and will require a  $\frac{3}{4}$  favorable vote of all members of City Council (6 votes).

**TABLED BY THE PLANNING AND ZONING COMMISSION:** The Commission may not defer its report for more than 90 days from the time it was posted on the agenda, or until it has had an opportunity to consider other proposed changes, which may have a direct bearing, unless a postponement is requested by the applicant.

Date Received \_\_\_\_\_ Date Paid \_\_\_\_\_ Receipt Number \_\_\_\_\_

# Kaufman Zoning Ordinance

## SECTION 10

## ZONING CHANGES AND AMENDMENTS TO THE ZONING ORDINANCE AND DISTRICTS, AND ADMINISTRATIVE PROCEDURES

### 10.1 DECLARATION OF POLICY

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- A. To correct any error in the regulations or map.
- B. To recognize changed or changing conditions or circumstances in a particular locality.
- C. To recognize changes in technology, the style of living, or manner of conducting business.
- D. To change the property to uses in accordance with the approved Comprehensive Plan.

### 10.2 REVIEW CRITERIA

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
- B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances, which may make a substantial part of such vacant land unavailable for development.
- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- E. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
- F. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

### 10.3 AUTHORITY TO AMEND ORDINANCE:

The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning District Map. Any Ordinance regulations or zoning

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district boundary amendment may be ordered for consideration by the City Council, be initiated by the Planning and Zoning Commission, or be requested by the owner of real property, or the authorized representative of an owner of real property.

Consideration for a change in any district boundary line or special zoning regulation may be initiated only by the property owner or his authorized agent (proof of such authorization must be submitted with the zoning application, per Section 10.3), or by the Planning and Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown in City records are different, the applicant shall submit proof of ownership and/or verification that he is acting as an authorized agent for the property owner.

No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Kaufman, and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.

#### **10.3 APPLICATION:**

- A. Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing on an application form available at the City, filed with the City, and shall be accompanied by payment of the appropriate fee as established within the Fee Schedule as adopted of this Ordinance. The application shall also be accompanied by additional information/materials (i.e., plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the Director, or his designee, in order to ensure that the request is understood.
- B. This ordinance is intended to implement the policies and recommendations contained in the Comprehensive Plan and Thoroughfare Plan. If a zoning request differs from the recommendations in these plans, the Director shall prepare the necessary revisions to the applicable plan and process concurrently with the zoning request.
- C. Applicants are strongly encouraged to request a pre-submittal meeting with staff prior to making commitments to acquire land or engaging professional services to discuss the merits of the proposed zoning change, proposed uses, ordinance requirements, availability of utilities and other services, submittal requirements, scheduling of public hearings, platting and site plan requirements, fees, etc.

#### **10.4 PUBLIC HEARING AND NOTICE:**

- A. Notice for public hearings for changes in the text of this Ordinance which do not change zoning district boundaries or zoning classifications (i.e., which do not involve a specific real property) shall be given by publishing the purpose, time and place of such hearings in the official newspaper of the City not less than fifteen (15) days prior to the date of the first public hearing and do not require written notification to individual property owners.
- B. For amendments or proposed changes to the Thoroughfare Plan or zoning/rezoning requests involving real property at least one (1) public hearing on each zoning application shall be held at both the Planning and Zoning Commission and City Council, as per applicable State law (Texas Local Government Code Chapter 211, as may be amended). For proposed changes to zoning district boundaries (including rezoning requests),

written notice of the public hearings to occur before the Planning and Zoning Commission and City Council shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within three hundred feet (300') of any property affected thereby, said written notice to be sent not less than ten (10) days before the first such hearing is held. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the United States mail.

- C. Notice of the both Planning and Zoning Commission and City Council public hearings shall be given together by publishing the purpose, time and place of such hearings in the official newspaper of the City not less than fifteen (15) days prior to the date of the first public hearing. The notification and advertising requirements listed above will be required to be resubmitted on applications that are tabled beyond ninety (90) days of the first scheduled public hearing.
- D. The City may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and/or development proposals (e.g., site plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change and/or development by the applicant or its agent(s). Adherence to such rules and procedures, if established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change and/or development application.

#### **10.5 FAILURE TO APPEAR:**

Failure of the applicant or his representative to appear before the Planning and Zoning Commission or City Council for more than one (1) hearing without an approved delay by the City Manager, or his designee, shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing.

#### **10.6 PLANNING AND ZONING COMMISSION CONSIDERATION AND REPORT:**

The Planning and Zoning Commission shall function in accordance with Section 8 of this Ordinance. The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed zoning change stating its findings, and its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Planning and Zoning Commission may defer its report for not more than ninety (90) days from the time it was posted on the agenda, or until it has had an opportunity to consider other proposed changes which may have a direct bearing thereon, unless a postponement is requested by the applicant.

#### **10.7 RECOMMENDATIONS FOR DENIAL:**

If the Planning and Zoning Commission recommends denial of the zoning change request, it shall offer reasons to the applicant for the denial, if requested by the applicant. The Planning and Zoning Chairman shall inform the applicant of the right to receive reasons for the denial.

#### **10.8 CITY COUNCIL CONSIDERATION:**

- A. **Applications Forwarded from the Planning and Zoning Commission to City Council** - An application which is recommended by the Planning and Zoning Commission for denial shall be forwarded to City Council along with the Commission's reasons for denial, and ultimate approval of the request by City Council will require a three-fourths (3/4) favorable vote of all members of the City Council.

**B. City Council Action on Zoning/Rezoning or Text Amendment Requests** - After a public hearing is held before City Council regarding the zoning application, the City Council may approve the request in whole or in part, deny the request in whole or in part, table the application to a specific future meeting/date, or it may refer the application back to the Planning and Zoning Commission for further study.

1. If the City Council approves the request, then this will be considered the first (1<sup>st</sup>) of two (2) readings required by the City Charter in order to adopt a proposed ordinance. (See Section 10.8 E - Final Approval and Ordinance Adoption)
2. If the City Council denies the request, then no other zoning application may be filed for all or part of the subject tract of land (or for that portion of the Zoning Ordinance, in the case of a text amendment request submitted by a property owner or citizen) for a waiting period of one (1) year following the denial.
  - a. The City Council may, at its option, waive the one-year waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.

**C. Joint Hearings –**

1. The City Council may hold a public hearing, after publishing the notice required in 10.4, jointly with the Planning and Zoning Commission, for zoning/rezoning and Zoning Ordinance text amendments. However, the City Council shall not take action until it has received a final report from the Planning and Zoning Commission. The City Council may, by two-thirds (2/3) vote, prescribe an alternate type of notice to be given of the time and place of the public hearing held jointly with the Planning and Zoning Commission. In that case, the notice required in 10.4 does not apply.

**D. Three-Fourths Vote** - A favorable vote of three-fourths (3/4) of all members of the City Council shall be required to approve any change in zoning when written objections are received from twenty (20%) percent of the area of the adjacent landowners which comply with the provisions of Section 211.006 of the Texas Local Government Code (commonly referred to as the "twenty [20%] percent rule"). If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20%) percent or more, either of the area of the lots included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200') there from or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such amendments shall not become effective except by a three-fourths (3/4) vote of all members of the City Council.

**E. Final Approval and Ordinance Adoption** - Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the City for the preparation of the amending ordinance. A metes and bounds description of all property, a survey (i.e., drawing) exhibit, and other appropriate exhibits that are determined necessary by the Director, or his designee, must be submitted with the zoning change request application. The zoning request shall be deemed tentatively approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions. However, the zoning request does not receive final approval (become effective) until after the amending ordinance has been prepared and a second reading of the ordinance is approved by the City Council in accordance with the Charter and the ordinance is officially adopted.