

## Article 3 - Processes and Procedures

### Section 3.1 Zoning Processes

#### a. INITIATION OF ZONING AMENDMENTS AND CHANGES

The City Council may, from time to time, amend, supplement, or change by Ordinance, the text of this Ordinance, the zoning district boundaries of the Official Zoning Map or the zoning district classification of property whenever the public necessity, convenience, general welfare or good zoning practice requires.

Any such amendment may be initiated by:

- City Council on its own motion;
- Recommendation by the Planning and Zoning Commission to the City Council;
- Petition of the owner(s), contract purchaser with the owner's written consent or the owner's agent with owner's written consent, of the property which is the subject of the proposed amendment.
- Any person may petition the City Council for a change or amendment to the provisions of the Ordinance.

#### b. REQUIREMENTS FOR ZONING AMENDMENT APPLICATION

- Commission hearings for zoning changes that do not affect specific property. These changes are usually associated with textual changes to this Ordinance. When any proposed amendment, supplement, or change of zoning map or text of this Ordinance does not affect specific property, notice of public hearing of the Planning and Zoning Commission shall be given by publication in a newspaper of general circulation in the City without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered. Such notice shall be published not less than ten (10) days prior to the public hearing.
- Each application for zoning or for an amendment or change to the existing provisions of this Ordinance shall be made in writing on a form suitable to the Zoning Administrator and shall be filed with the Zoning Administrator of the City of Lorena, Texas and shall be accompanied by payment of the appropriate fee to be charged by the City of Lorena, Texas, for administering the zoning application.
- The zoning application shall contain sufficient information relative to the amendment requested. To ensure the submission of adequate information, the Zoning Administrator is empowered to maintain and distribute a list of specific requirements for zoning applications. Upon periodic review, the Zoning Administrator shall have the authority to update such requirements for zoning application details.
- Upon receipt of a complete written application for zoning or for a change or an amendment to an existing provision of this Ordinance, the Zoning Administrator will set a date for a public hearing before the Planning and Zoning Commission.
- Written notice of each public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within two hundred (200) feet of the

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property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.

- The Planning and Zoning Commission shall hold a public hearing on any application for any amendments or change prior to making its recommendation and report to the City Council. The Planning and Zoning Commission may establish such regulations and restrictions regarding the presentation of a zoning case at the public hearing, as they may deem necessary.
- Following the public hearing, the Planning and Zoning Commission may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application. When an application is denied by the Planning and Zoning Commission, the Planning and Zoning Commission should offer reasons to the applicant for such denial.
- After a public hearing before the Planning and Zoning Commission, the City Secretary and the City Council shall be notified of any action taken by the Planning and Zoning Commission on the application, and if the application is recommended for approval, including denials in part, by the Planning and Zoning Commission, the City Secretary shall automatically schedule a public hearing regarding the application to be held before the City Council.
- A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the City of Lorena stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. The Planning and Zoning Commission and City Council may hold a joint meeting.
- Notice of hearings on proposed changes in the text of this Ordinance shall be accomplished by one (1) publication not less than fifteen (15) days prior to the public hearing in the official newspaper of the City. Changes in the ordinance text which do not change zoning regulations and/or zoning district boundaries do not require written notification to individual property owners.
- After a public hearing is held before the City Council regarding the zoning application, the City Council may approve a change in zoning as appropriate within the context of the public notice provided. If the proposed amendment, supplement or change fails to receive a favorable report and recommendation by the Planning and Zoning Commission or if there is a protest filed with the City Secretary against such proposed amendment, supplement or change, duly signed by the owners of twenty (20) percent or more, either of the area of the lots included in such change, or of those within two hundred (200) feet from the property boundary of such opposite lots, such proposed amendment, supplement or change shall not become effective except by a three-fourths ( $\frac{3}{4}$ ) vote of all the members of the City Council.
- If the City Council fails to pass an ordinance approving such proposed amendment, supplement or change, then in that event, a new application for such proposed amendment, supplement or change to the zoning ordinance shall not again be considered until after the expiration of six (6) months from the date such proposed amendment, supplement or change was rejected; provided, however, that such application may be reconsidered within the above mentioned six (6) month period, if it be shown to the City that a substantial change in conditions has taken place in the vicinity of the property sought to be rezoned.

c. **WITHDRAWAL**

Any proposal or application may be withdrawn by the applicant after the Planning and Zoning Commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a

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period of time must pass before a new application is considered. If such proposal is withdrawn, the City Council will not consider it. Withdrawal of an application from a public hearing or meeting agenda is at the review or decision-making authority's discretion.

### **Section 3.2 Conditional Use Permits**

Conditional Use Permits are authorized under the terms of this Section to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by only the application of the underlying zoning district regulations. Further, Conditional Permit Uses are those uses, which, if not specially regulated, can have an undue impact on or be incompatible with other uses of land within or adjacent to a given zoning district. Upon the granting of a Conditional Use Permit by City Council, these uses may be allowed to be located or expanded within given designated zoning districts under the standards, controls, limitations, performance criteria, restrictions and other regulations of this Ordinance.

- B. All provisions of Section 3.3 Site Plan Requirements shall apply to applications for Conditional Use Permits.
- C. All applications for Conditional Use Permits shall be reviewed using the following criteria:
  - 1. The proposed use shall be:
    - a. In harmony with the adopted Comprehensive Plan;
    - b. In harmony with the intent and purpose of the zoning district in which the use is proposed to be located; and
    - c. In harmony with the character of adjacent properties and the surrounding neighborhoods and with existing and proposed development.
  - 2. The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities.
  - 3. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.
  - 4. The proposed use shall be designated, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

#### **3.2.1 SPECIAL CONDITIONS**

In granting any Conditional Use Permit, the City Council may impose special conditions necessary to assure that the proposed use will conform to the requirements of this Section and will continue to do so. The City Council may take all necessary actions to ensure compliance with the conditions imposed.

- A. The City Council may impose reasonable standards as deemed necessary to protect the public interest and welfare. Such standards may include, but need not be limited to:
  - 1. More restrictive sign standards.
  - 2. Additional open space, landscaping or screening requirements.
  - 3. Additional setback requirements.
  - 4. Special lighting requirements.

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5. Time limitations on hours of operation.
  6. Additional off-street parking and loading requirements.
  7. Additional utility, drainage and public facility requirements.
  8. Additional right of way and public access requirements.
  9. Additional requirements to ensure compatibility with the Comprehensive Plan.
  10. Conditions for renewal, extension, expiration and/or revocation of the Conditional Use Permit.
- B. The City Council may specify time limits or expiration dates for a Conditional Use Permit, including provisions for periodic review and renewal.

**3.2.2 APPLICATION REQUIREMENTS FOR A CONDITIONAL USE PERMIT:**

- A. An application for a Conditional Use Permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Zoning Administrator, and shall be accompanied by the filing fee.
- B. If the request for a Conditional Use Permit has been denied by the City Council, a request in substantially the same form shall not be resubmitted within six (6) months of the date of denial.
- C. The application shall include the following information:
  1. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
  2. A written statement of the proposed project compatibility with the following:
    - a. The Comprehensive Plan.
    - b. The applicable zoning district.
    - c. The surrounding properties.
    - d. Current and future neighborhood conditions.
    - e. Pedestrian and vehicular traffic patterns, on-site and off-site.
    - f. Adequate public facilities.
  - g. When requested by the Zoning Administrator, the Planning and Zoning Commission or the City Council, the following information shall be provided by the applicant:
    - (1). The architectural elevations and floor plans of proposed building(s).
    - (2). Parking and site circulation analysis.
    - (3). Photographs of property and surrounding area.

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**3.2.3 ACTION BY PLANNING AND ZONING COMMISSION AND CITY COUNCIL**

- A. The process by which a Conditional Use Permit is acted upon shall be the same process for a zoning amendment as directed by Section 3.1 of this Ordinance.

**3.2.4 EXTENSION**

A. Extension

1. If the City Council approves a Conditional Use Permit with a time limit or expiration date, the property owner may initiate a request for an extension. The Zoning Administrator may grant one (1) extension not to exceed one (1) year from the date of the expiration or time limit.

B. Expiration

1. Whenever a Conditional Use Permit is approved by the City Council, the conditional use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the City Council may have specified within the permit, or, if no such time has been specified, then within one (1) year from the approval date of such permit.
2. If the conditional use or construction has not commenced in accordance with the above provisions, then the Conditional Use Permit shall automatically expire without notice and become null and void and a new application for a Conditional Use Permit must be applied for and approved for the Conditional Use

C. Revocation

1. Unless a time limit is specified for a Conditional Use Permit, the same shall be valid for an indefinite period of time, except that if the use or activity should cease for any reason for a continuous period of one (1) year or more, the Conditional Use Permit shall automatically terminate without notice and become null and void and a new application for a Conditional Use Permit must be applied for and approved for the Conditional Use.
2. The approval of a new Conditional Use Permit shall be required prior to any subsequent reinstatement of the Conditional Use.
3. A Conditional Use Permit is subject to [Section 1.8](#), Enforcement and Penalty for Violation, for failure to comply with the terms of the Conditional Use Permit.

**Section 3.3 Site Plan**

**3.3.1 SITE PLAN APPLICATION**

The standards of this Section shall apply to those developments that are in zoning districts that require compliance with design standards and meet the following thresholds:

- A. Any building containing multifamily dwelling units
- B. All new non-residential structures
- C. Any increase in an existing non-residential structure that is greater than 25% of the gross floor area of the existing structure

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- D. The conversion of a residential structure to a non-residential structure
- E. The creation or expansion of a parking lot for multi-family or non-residential uses

**3.3.2 PROCEDURE**

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- A. A site plan review application is required for any development that is required to meet the requirements of this Section.
- B. All developments requiring a site plan as defined above shall be reviewed by the Zoning Administrator or their designee and any other City Staff, which will have pertinent purview over the design standards required by this Ordinance. Such site plan may be approved administratively by City Staff.
- C. Any process described by this Ordinance such as a Conditional Use Permit, or a Planned Development District which requires the submittal of a site plan, shall follow the review and approval process as designated by the requirements of the Conditional Use Permit or Planned Development District

**3.3.3 SITE PLAN REQUIRED**

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The following information shall be required for all developments requiring a site plan. It may be submitted in one or several maps and written material, as deemed complete by the Zoning Administrator.

- A. A site plan containing the following:
  - 1. Project name
  - 2. Vicinity map
  - 3. Scale, no less than one (1) inch equals fifty (50) feet
  - 4. North arrow
  - 5. Date
  - 6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development, pavement widths, sidewalks and bikeways.
  - 7. Lot layout with dimensions for all lot lines.
  - 8. Zoning designations of the proposed development
  - 9. Zoning designations adjacent to the proposed development
  - 10. Location and use of all proposed and existing buildings, fences and structures within the proposed development and within two hundred (200) feet of the proposed development, including any right of way or public utility easements. Indicate which buildings are to remain and which are to be removed.
  - 11. Location and size of all existing and proposed public utilities in and adjacent to the proposed development with the locations shown of:
  - 12. Water lines and diameters
  - 13. Sewers, manholes and cleanouts
  - 14. Storm drains and inlets

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15. Electric and gas
16. Telecommunication
17. The proposed location of:
  - a. Connection the City water system
  - b. Connection to the City sewer system
  - c. The proposed method of drainage of the site
  - d. The proposed method of erosion and sedimentation control
  - e. The extent of clearing and grading
18. Location, size and use of contemplated and existing public areas within the proposed development.
19. Fire hydrants proposed to be located within the site.
20. A topographic map of the site and the area adjacent within two hundred (200) feet at a contour interval of no more than two (2) feet.
21. Location of all parking areas and all parking spaces, ingress and egress on the site, including proposed drive approaches, fire lanes and on-site circulation.
22. Use designations for all areas not covered by buildings, parking or landscaping.
23. Locations of all significant landscape features including, but not limited to, any existing healthy trees greater than six inches and larger, and generally forested areas, and creeks, wetlands, one hundred (100) year floodplains, or ponds existing on the site and fifty (50) feet outside the site boundary. Indicate any planned modifications to a natural feature.
24. A landscape plan showing in detail the location, type and size of the proposed landscaping and plantings as required by Article 8.
25. A tree preservation plan detailing which trees are to be preserved, procedures to protect the trees during development and post construction maintenance plan.
26. The elevations, surface area in square feet, illumination type, height and construction (material and style) and locations of all proposed signs for the development.
27. Architectural elevations for all buildings proposed on the property. Such plans shall indicate the material, color, texture, windows, doors and other design features of the building, including all visible mechanical equipment, such as for heating and cooling. Elevations shall be submitted drawn to scale of one (1) inch equals ten (10) feet or greater or a comparable scale.
28. Photometric plan of the site.
29. Tree preservation plan as indicated by Section 8.6.4.
30. A written summary showing the following:
  - a. For commercial developments:

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- (1). The total area contained in the area proposed to be developed.
  - (2). The area and percentage of the lot covered by structures.
  - (3). The area and percentage of the lot covered by other impervious surfaces.
  - (4). The total number of parking spaces.
  - (5). The total area of all landscaped open space areas.
  - (6). The total area covered by tree canopy at maturity of the trees.
- b. For residential developments:
- (1). The total gross area in the development.
  - (2). The number of dwelling units in the development. (3).
- Area and percentage of lot covered by:
- (a). Structures
  - (b). Streets, roads and alleys (c).
- Sidewalks
- (d). Recreation areas
  - (e). Landscaping
  - (f). The total area covered by tree canopy at maturity of the trees
  - (g). Parking areas
  - (h). Impervious surfaces

**3.3.4 CRITERIA FOR APPROVAL**

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The following criteria shall be used to approve or deny a site plan:

- A. All applicable City of Lorena ordinances have been met and will be met by the proposed development.
- B. All requirements of the Site Plan Section 3.3 have been met.
- C. That adequate capacity of public or private facilities for water, sewer, paved access to and through the development, electricity and adequate public facilities for transportation can and will be provided to and through the subject property.