

CITY OF KENNEDALE

APPLICATION FOR ZONING CHANGES & PROCESS FOR ZONING CHANGES

UPDATED 8-22-2013

PROCEDURE/PROCESS FOR REQUESTING A ZONE CHANGE

1. Complete and submit the “Petition for Change of Zoning Classification” form, provided by the City of Kennedale.
2. Attach to the petition a legal description of the property, identified by metes and bounds as determined by a registered surveyor.
3. Attach to the petition a map of the vicinity in which the property is located, and on which the property to be re-zoned is clearly identified by highlighter or by heavy lines. (City Staff can provide a copy of the applicable portion of the City of Kennedale’s zoning map if so requested.)

As part of the zoning change request, staff will prepare an ordinance for the Commission and Council to consider. If the zoning change is approved, the ordinance is the official means for changing the zoning regulations that apply to a particular property. The metes and bounds description and the map submitted by the applicant are usually considered part of the ordinance, attached as Exhibits “A” and “B”, so it’s important that these items be submitted with the application, be accurate, and be legible.

4. Applicant shall attach, as part of her application packet, payment for the zone change request fee, which is \$500.00 for properties less than 10 acres and \$1,500.00 for 10 or more acres.
5. Applicant shall submit her “Petition for Change of Zoning Classification” packet along with required exhibits and fee to the Permits/Planning Department at least thirty-five (35) days prior to the Planning and Zoning Commission meeting date. The applicant and property owners within two-hundred (200) feet of the site to be considered for a zoning change will be advised of the public hearing dates by U.S. Mail, and Public Notice of same will appear in the City’s official newspaper. Staff will also post a sign on the site for which rezoning is requested.
6. The zone change request will be reviewed by both the Planning and Zoning Commission and City Council – each will conduct a Public Hearing prior to rendering a decision. The Planning and Zoning Commission meets on the third Thursday of each month. Planning and Zoning Commission review must precede City Council action. The process during each meeting is as follows.
 - a) The staff will give a presentation about the case and will usually present a recommendation. At the Planning & Zoning Commission meeting, staff will present the staff recommendation. At the City Council meeting, staff will present both its own recommendation and the recommendation from the Planning & Zoning Commission.

- b) The applicant will be given an opportunity to present her case.
- c) The Commission/Council will hold a public hearing to receive comments about the case.
- d) The application will be given an opportunity to respond to comments made or questions asked during the public hearing.
- e) Staff will summarize the case.
- f) The Commission/Council will render its decision.

** An example of items 1 through 3 above is provided as part of this packet. **

Please note that the burden is on the application to demonstrate to the Council's satisfaction that a zoning change should be approved. The applicant should be able to satisfy the Council that the general welfare of all the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning.

Please note also that the Council is authorized to approve the request, to deny the request, or to initiate a request to consider changing all or a portion of such property to a district other than the requested and of a different character. For example, if an applicant requests to change a zoning classification for a property from residential single family to commercial, the Council may consider rezoning to the commercial district classification requested or to a different commercial zoning classification.

You are encouraged to meet with the city administrator or his or her designated official in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearing on the petition.

Please keep in mind that, with rare exceptions, the Council can only approve zoning changes that are in compliance with the comprehensive land use plan. You should review the city's comprehensive land use plan, including the Future Land Use Plan, before submitting your application.



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 Planning Department
 www.cityofkennedale.com
PETITION FOR

CHANGE OF ZONING CLASSIFICATION

ZONING CASE # _____
 (assigned by city staff)

DATE: _____

City Council
 City of Kennedale
 Kennedale, Texas 76060

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

You are hereby respectfully requested to approve the following request for a change of zoning classification. I, the applicant, request to change the zoning classification of the property described on Exhibit "A" attached, from its current zoning classification of

" _____ " (_____) to that of

" _____ " (_____) in its entirety as shown on Exhibit "B"

attached. The property totals some _____ acres.

A statement of why the zoning change should be approved is attached to this application. I understand that I must satisfy the Council that either the general welfare of all the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning.

Legal Description is _____

Present use of the property is _____

Address of the property is _____

Property Owner's Name: _____

Address: _____

Telephone Number: _____



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Applicant's Name: _____

Address: _____

Telephone Number: _____

If applicant is not the owner, an owner's affidavit must be submitted with this application.

I, the applicant, understand that city staff, the Planning & Zoning Commission, or the City Council may request from me a site plan or other supporting documents concerning the nature, extent, and impact of my request for rezoning, in addition to what I supply with my application for a change in zoning.

I further certify that _____ is the sole owner(s) of the property described in the legal description and shown in the map attached to this application, as of the date of this application.

Applicant Signature

Date



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The text below is an excerpt from the Kennedale city code. This excerpt describes the zoning process that must be followed by the city in order to consider zoning changes. The same text is also available online through www.municode.com.

SECTION 17-429. AMENDMENTS

- (a) *General.* The zoning regulations, restrictions and boundaries may from time to time be amended, supplemented, changes, modified or repealed. An amendment to this article may be initiated at the request of the owner or his or her agent, the City Manager, the Planning and Zoning Commission, or the City Council on its own motion when it finds that the public may benefit from the consideration of such matter.
- (b) *Procedure.* All requests for amendments to zoning district boundaries shall be submitted, together with required fees to the city manager or his or her designated administrative official, whom shall cause notices to be sent and the petition placed on the Planning and Zoning Commission agenda. Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing the original request for amendment, however all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original filing.
- (c) *Posting sign.* The city manager, or his or her designated administrative official, shall have at least one (1) sign erected on the property to be rezoned which sign shall have a total area of at least four (4) square feet. This sign shall, if possible, be located adjacent to a street and in a conspicuous place. The sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the City Council or when the applicant withdraws the request, whichever comes first. The sign shall state that a zoning change has been requested on that particular property and the telephone number of the city offices from where dates of public hearings and more information about the zoning request may be obtained. The erection or continued maintenance of signs shall not be deemed a condition precedent to the granting of any zoning change or holding of any public hearing.
- (d) *Hearings and notices.* The City Council may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established after receiving a report thereon from the Planning and Zoning Commission. A public hearing on amendment, supplement, or change shall be held by both the Planning and Zoning Commission and the City Council. Notice of hearings shall be given by publication one (1) time in the official newspaper of the city, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. Publication of such change shall be accomplished by publishing a descriptive caption of the proposed change. Also, written notice of such public hearings shall be sent to the applicant and all other persons who are owners of real property lying within two hundred (200) feet of the property on which the zoning request is made. Such notice shall be given no less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last city tax roll.



Such notice may be serviced by depositing the same properly addressed and postage addressed and postage paid in the United States post office.

- (e) *Planning and Zoning Commission consideration and report.* The Planning and Zoning Commission, after conducting a hearing on a zoning request, shall report its recommendations on the zoning request to the City Council for their consideration. The Planning and Zoning Commission may recommend favorable approval of the request or that the request be denied, with or without prejudice. The recommendation of the Planning and Zoning Commission shall automatically be forwarded to the City Council for public hearing and consideration. When the Planning and Zoning Commission recommends that the proposal should be denied, it shall report the same to the City Council and the applicant.
- (f) *Application not to be considered for ninety (90) days after denial of request for rezoning.* No application for rezoning shall be considered within ninety (90) days of denial of a request by City Council for the same classification on the same property.
- (g) *Protest against change.* In case of a protest against such change signed by the owners of twenty (20) percent or more either of the land included in such proposed change, or of the land within two hundred (200) feet thereof, such amendment shall not become effective except by the favorable vote of three-quarter (3/4) of all the members of the City Council present and qualified to vote.
- (h) *Action on application.* The proponent of any zoning change shall satisfy the City Council that either the general welfare of all the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning. If such is proved to the council's satisfaction, it may grant the requested zoning change; or it may change the zone's designation of a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a district other than the requested and of a different character.
- (i) *Site plan and supporting documents required; petition for zoning district change or specific use permit.* When, in the opinion of the city administrator or his or her designated official, the Planning and Zoning Commission, the City Council, or the Board of Adjustment, greater information is required from the applicant concerning the nature, extent and impact of his or her request than supplied with his or her application for a change in zoning, variance, or specific use permit, in order to properly review and evaluate all relevant factors thereof, the Planning and Zoning Commission, City Council, or the Board of Adjustment may require the applicant to submit a site plan and/or supporting documents conforming with all or a portion of the requirements set forth in this section, prior to rendering a decision thereon. The applicant is encouraged to meet with the city administrator or his or her designated official in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearing on the petition. The general type and extent of plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:



- (1) *Site plan.* Meeting all of the requirements of a “preliminary plat,” as described in the city’s subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project’s petition. Additional site plan drawing information which the reviewing body may require include:
 - a. Existing and proposed zoning district;
 - b. A tabular summary schedule indicating:
 1. The gross acreage and percent of each type of zoning category proposed;
 2. The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single-family, two-family, multi-family, townhouse, etc., including the total gross project acreage;
 3. The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half (1/2) of any abutting street only;
 4. The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single-family, two-family, etc.; and
 5. Proposed maximum lot coverage by building and land use types, i.e., “AG,” “R-1,” “R-2,” “OT,” “D,” “MF,” “C-1,” “C-2,” and “I” expressed in terms of percent or floor area ratio of the lot or site;
 - c. General outline of extensive tree cover areas;
 - d. Drainage ways and one-hundred year floodplain limits;
 - e. Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use, where required;
 - f. Proposed internal non-vehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict; and
- (2) *Architectural drawings.* Elevations, concept sketches, or renderings depicting building types and other significant proposed improvements, including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant’s land use and development proposals; and

- (3) *Written documents.* In narrative form on eight and one-half inch by eleven-inch sheets, including;
- a. Statement (s) on planning objectives to be achieved in use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.;
 - b. Legal description of the total site area proposed for rezoning, development, or conditional use permit;
 - c. A development schedule indicating the approximate date (s) when construction of the proposed development, and subsequent stages or phases thereof, if any, can be expected to begin and be completed to the best of the applicant's knowledge and belief;
 - d. A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application;
 - e. Economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a conditional use permit;
 - f. Environment assessment statement, prepared pursuant to the National Environmental Policy Act of 1969, and any subsequent amendments thereto, when deemed necessary by the reviewing body to properly assess the impact of the proposed development/land use on the existing environment;
 - g. Statement(s) as to how and when the applicant proposes to provide water and sewer to the development; and
 - h. Signature, title and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflecting a reasonably accurate portrayal of the general nature and character of the proposals.