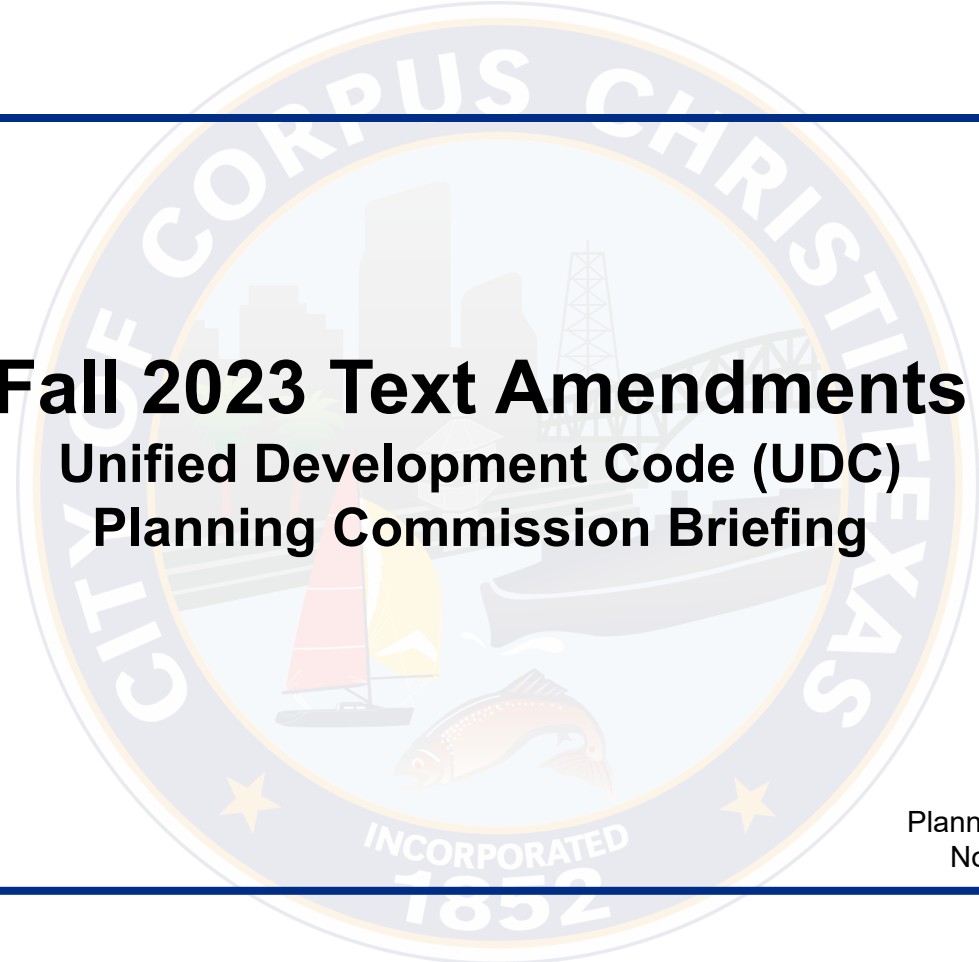


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# **Fall 2023 Text Amendments**

## **Unified Development Code (UDC)**

### **Planning Commission Briefing**

Planning Commission  
November 1, 2023

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# Senate Bill 929

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- Notice and compensation by municipality required before revoking right to use property for a use that was allowed before the adoption of or change to a zoning regulation or boundary
  - If rezoning or zoning regulation change creates a nonconforming use:
    - Notice must be mailed to each owner and each occupant no later than the 10<sup>th</sup> day before each hearing date
    - Include following in 14-point type:  
"THE [MUNICIPALITY NAME] IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."
      - May continue to use property as non-conforming use

# UDC Amendment: Public Notices

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## **3.1.7.3 Mailed Notice**

- A. For review procedures requiring mailed notice, a notice of public hearing shall be sent by United States mail to [property](#) owners of record of property within 200 feet of the property under consideration, as determined by the most recent tax roll information from the appropriate Appraisal District. The notice shall be deposited in the mail before the 10th day before the public hearing date. [A notice of Public Hearing shall be provided to each party required in compliance with Local Government Code 211.007.](#)
  
- B. [For review procedures requiring mailed notice, a notice of public hearing shall be sent by United States mailed by United States mail to each owner of real or business personal property where the proposed nonconforming use is located as indicated by the most recently approved municipal tax roll and each occupant of the property not later than the 10th day before the hearing date. A notice of Public Hearing shall be provided to each party required provided in compliance with Local Government Code 211.006.](#)

# UDC Amendment: Public Notices

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## 3.1.7.4 Content of Notice

- a. **Published or Mailed Notice:** Published or mailed notices shall contain at least the following information:
- i. The general location of land that is the subject of the application. A location map shall be included in the mailed notice but not in the published notice. (Ordinance 029770, 03/19/2013)
  - ii. The legal description or street address;
  - iii. A description of the action requested including, where applicable, a general description of the proposed development including the size of each element of the proposed development;
  - i. The time, date and location of the public hearing;
  - ii. A phone number to contact the Development Services office; and
  - iii. A statement that interested parties may appear at the public hearing.
  - iv. [Mailed notices for the purpose of notifying a nonconforming use must be done in compliance with Section 211.006 of the Texas Local Government Code.](#)
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# House Bill 3699

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- Plat is considered filed on the date the applicant submits the plat, with completed plat application, application fees and other requirements prescribed by the city or municipal authority for approving plats
    - The governing body of a municipality or the municipal authority responsible for approving plats may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly allowed by state law.
  - Each municipality shall adopt and make available to the public a complete, written list of all documentation and other information that the municipality requires to be submitted with a plat application. Municipality shall continuously maintain the list on the Internet not later than the 30<sup>th</sup> day after the date the municipality adopts or amends the list.
  - Each municipality shall adopt and make available to the public a complete, written list of all documentation and other information that the municipality requires to be submitted with a plat application. Municipality shall continuously maintain the list on the Internet not later than the 30<sup>th</sup> day after the date the municipality adopts or amends the list.
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# UDC Amendment: Application Requirements

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## 3.1.6.B Forms

- A. Development applications required under this Unified Development Code shall be submitted on forms and in such numbers as required by the ~~Director~~ Assistant City Manager of Development Services and in compliance with Local Government Code 212.0081.
- B. This subsection shall establish the required list of documents to determine land subdivision application completeness per plat type.
  - A. List on separate spreadsheet.
  - B. Other information and details as published on the City's website and in compliance with Section 212.0081 of the Texas Local Government Code.

# UDC Amendment: Application Requirements

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## **3.1.6.E Application Completeness Review**

1. A determination of whether a development application is complete shall be made by the ~~Director Assistant City Manager~~ of Development Services no more than five business days after submittal of the application.
2. An application that contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this Unified Development Code shall be deemed complete.
3. If an application is determined not to be complete, the ~~Director Assistant City Manager~~ of Development Services shall notify the applicant in writing within ten business days of the initial application. The notification shall list all missing or incomplete items and provide at least ten business days for the applicant to resubmit the material. The applicant may request an additional meeting for explanation of the missing or incomplete items. If the application is not resubmitted within the period specified, the application shall be deemed rejected and shall not be accepted for filing. After an application has been rejected, a new application and fee shall be required.
4. A determination of completeness does not preclude any negative final action and does not include any implied determination that the application successfully meets any review criteria or that during review additional clarification or information will not be needed.
5. Any time an incomplete application is erroneously deemed complete and later determined to be incomplete, the application shall be rejected and subparagraph 3.1.6.E.3 above shall apply.
6. [Required application materials shall be listed and in compliance with Local Government Code 212.0081.](#)

# Staff Recommendation

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**Approval** of the proposed text amendments to the UDC

