

HOW TO FILE A PETITION

A petition should be dated and addressed to the City Council. In order to be legally binding, the first paragraph should read as follows:

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than _____.

After this initial statement, briefly state the reasons for the protest.

This statement should be followed by the signatures of the protesters and their addresses. If a protester signs for other than the owner of record, a Power of Attorney should accompany the petition. Signatures should be in black ink to facilitate reproduction. A sample petition is attached.

Property owner information is obtained from the Travis County Appraisal District. If there has been a recent sale of the property, the current owners may not be shown. A copy of the deed or closing statement must be furnished with the petition to establish ownership.

Please furnish the name and phone number of a contact person in case there are questions about the petition.

File number and zoning information may be obtained from the Planning and Zoning Department, 505 Barton Springs Road, Fifth Floor. It is also suggested that a numeric printout of the property owners and a copy of that portion of the tax plat showing 200 feet around the area proposed for rezoning be obtained.

A parcel number for each property within a 200-foot radius must be determined. This may be done as follows:

- ❑ The first five digits of the parcel number are the tax plat number.
- ❑ The next two digits are the block number. This is the large underlined number shown on each block.
- ❑ The last two digits are the lot number. This is the small underlined number on each lot.

This nine digit number is called a parcel number and corresponds to those numbers shown on the property owner printout. A sample map with the appropriate numbers circled is attached for your information.

A brief description of the process for determining the validity of a petition is as follows:

Figure square footage of area within 200-foot radius of property being rezoned, excluding property being considered.

Figure each petitioner's area. These areas should include one-half of right-of-way adjacent to the petitioner's property.

Figure percentage:

$$\frac{\text{Total of petitioners' area}}{\text{Total area within 200' radius}}$$

Condominium projects may protest the rezoning if the petition is signed by the appropriate officer of the governing body of the condominium. An individual condominium owner shall not be included when calculating the petition unless the documents governing the condominium clearly establish the right of an individual owner to act with respect to his or her respective undivided interest in the common elements of the condominium.

The petition should be furnished to the Planning and Zoning Department as early as possible prior to the Council hearing so the validity may be determined prior to the hearing.

If you need additional information or assistance concerning the above procedures, please contact the Planning and Zoning Department, 505 Barton Springs Road, Fifth Floor, 512-974-3583.

INFORMATION FOR OPPOSING A ZONING CHANGE

If you are in opposition to a zoning change in your neighborhood, it is suggested you contact the City staff and the applicant to attempt to reach a compromise. When possible, applicants are advised to contact and work with the applicable neighborhood organization(s) prior to submitting an application.

If a compromise cannot be reached, the following procedures may be used to protest the zoning change. These are

- 1) either in writing or at the public hearing, request the Zoning and Platting Commission/Planning Commission not to recommend the zoning change to the City Council, and /or
- 2) petition the City Council not to grant the zoning change. Petitions must be submitted no later than 12:00 p.m. (noon) on the day of the scheduled public hearing to the Case Manager, Planning and Zoning Department (per City Council Resolution as of 11/13/1986). You are, however, encouraged to submit your petition earlier (possibly two days earlier) to assure that validation occurs in a timely manner.

These procedures are described below:

ZONING AND PLATTING COMMISSION / PLANNING COMMISSION

At the Zoning and Platting Commission/Planning Commission hearing you will be given an opportunity to speak in opposition to the zoning. If you are part of an organized group, it is recommended a spokesman be selected to represent the interests of the group.

A written statement of your opposition may also be presented to the Commission members (there are nine) with a copy for the staff.

The order of the meeting is as follows:

1. Chair announces request.
2. Staff present a summary
3. Chair calls on those FAVORING the request.
 - a. Applicant's presentation (5 minutes)
 - b. Others favoring the request (3 minutes)
4. Chair calls on those OPPOSING the request
 - a. Primary presentation (5 minutes)
 - b. Others opposing the request (3 minutes)
5. Applicant answers stated objections (3 minutes)
6. Staff summation and questions form Commission
7. Public hearing is closed and Commission acts on request

The Zoning and Platting Commission/Planning Commission's recommendation will be forwarded to the City Council for their action.

If you cannot appear at the hearing, a written statement of your opposition may be sent to the Planning and Zoning Department. Written protests should be filed as early as possible so copies will be available for the Commission. The Notices of Public Hearing contain a section where brief comments may be made and returned to the Planning and Zoning Department.

Comments should be mailed to:

Planning and Zoning Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

Zoning File No. C14-_____

CITY COUNCIL

At the City Council hearing you may again protest the zoning change following the same procedures as for the Zoning and Platting Commission/Planning Commission.

You may also submit a written petition against the zoning. Only a simple majority of the Council is required to grant the zoning unless a valid written petition has been submitted. A valid petition requires a three-fourths vote of Council. This usually consists of nine votes; however, if a Council Member must recuse, it could require fewer votes to obtain a three-fourths majority. An absence or abstention does not reduce the number of votes required.

Sec. 25-2-284 of the Land Development Code, states that:

- (A) The affirmative vote of three-fourths of the members of council is required to approve a proposed rezoning if:
 - 1) the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or
 - 2) the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:
 - (a) included in the proposed change; or
 - (b) Immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.