

UT LAND USE FUNDAMENTALS 2024

SITE PLANNING AND OTHER COMMERCIAL DEVELOPMENT ISSUES

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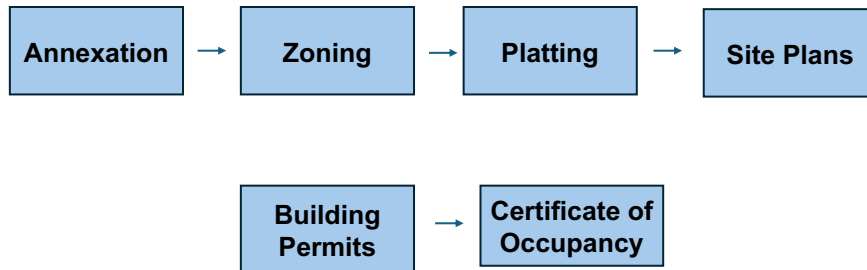
From the Beginning. . .

Bluebonnet Ridge

- Undeveloped Land
- In City and ETJ
- 300 Acres
- Mixed Use Desired (Single family, multi-family, townhomes, commercial)

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Is the Zoning Request in Compliance with the City's Comprehensive Plan?

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Comprehensive Plan

Must the City follow the Comprehensive Plan when making zoning decisions?

The legislative body does not, on each rezoning hearing, re-determine as an original matter, the city's policy of comprehensive planning. The law demands that the approved zoning plan should be respected. The duty to obey the existing law forbids municipal actions that disregard not only the pre-established zoning ordinance but also the long-range master plans and maps that have been adopted by ordinance. *City of Pharr v. Tippitt*, 616 SW2d 173, 176-177.

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Comprehensive Plan

Can a City Council Impose a Temporary Moratorium on Residential Zoning?

(Chapter 212, Subchapter E, LGC)

Yes, but it may only be imposed if there is a need, supported by written findings, to prevent a shortage of essential public services (water, wastewater, drainage facilities, or street improvements) or significant need (one that would endanger public health and safety) for other public facilities, including police and fire services.

- Limited to 120 days without an additional public hearing process
- 4-day notice
- Must provide a waiver procedure
- Have your lawyer on standby

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