property owners," "no preliminary report describing the change was created prior to the Public Hearing," and "the requested change was not in compliance with the Comprehensive Plan."

§ 7.002 Procedural Paths for Reclassifications by Home-Rule Cities, Initial Zoning, and Comprehensive Revisions

The enabling act establishes two procedural paths for zoning commission and legislative action. The first applies to adoption of original zoning ordinances; the second applies to zoning amendments that reclassify specific tracts.[14] For both, the act requires review and recommendations by the zoning commission (optional for general-law cities) and final passage by the governing body, with required notice and public hearings at both steps.

The two procedures differ significantly as to (1) the type of advance notice of proposed action required as a condition of legislative action, and (2) the percentage of favorable vote required for reclassifications if a designated percentage of affected owners object.

For initial zoning, the act requires notice to the community by publication. Original zoning ordinances can be adopted by a majority vote of the governing body. But for changing the classification of once-zoned tracts, the act requires specific notice by mail of the zoning commission's hearing to persons whose land is affected by proposed reclassification and to other property owners within 200 feet of the target tract. If 20 percent of landowners within the affected area or adjoining and within 200 feet thereof object to proposed reclassification, the zoning amendment is not effective unless adopted by a three-fourths majority of the governing body.

The enabling act does not specify which of the two procedures applies to a third, not uncommon, legislative action—comprehensive revision of existing ordinances. Comprehensive revisions are similar to initial adoptions in that they consider anew all regulations and all zoning classifications in the municipality. Logically, the enabling act could be interpreted to require only community-wide notice by publication for such revisions. Comprehensive revisions can with equal logic be viewed as reclassifications in that they will reclassify some tracts. Landowners in reclassified areas and within 200 feet therefrom can reasonably claim that reclassifications resulting from comprehensive revisions are ineffective unless the zoning commission gives specific notice by mail and the governing body adopts by a three-fourths majority in the event of protest.

As to zoning amendments that change *district-wide* regulations, *Wells v. City of Killeen*[15] held that the specific notice requirements did not apply. The court noted that, if reclassification requirements applied, the municipality would have to give notice to every property owner in the municipality. The court recognized that such widespread specific notice would be impractical.

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[14] Zoning ordinances sometimes require that rezonings be initiated by specific persons or entities. *See, e.g.*, Buffalo Equities, Ltd. v. City of Austin, 2008 Tex. App. LEXIS 3388 (Tex. App.—Austin, May 9, 2008, no pet. h.) (mem. op.) (easement owner was not "record owner" authorized to seek rezoning).

[15] 524 S.W.2d 735 (Tex. Civ. App. Beaumont 1975, writ refused n.r.e.). *See also* City of McKinney v. OH Skyline/380, L.P., 375 S.W.3d 580 (Tex. App.—Dallas 2012), *appeal after remand dismissed* City of McKinney v. Oh Skyline/380, L.P., 2013 Tex. App. LEXIS 6519 (Tex. App.—Dallas, 2013) which involved amendments to the City's multi-family zoning standards. The City published newspaper notice and "apparently" gave individual notice to property owners outside the area where the amendments applied (but within 200 feet). The City apparently did not give individual notices to property owners inside the area where the amendments applied. The court ruled that the "inside" owners had standing to challenge the failure to give them individual notices. The court offered "no opinion" on the question of whether the amendments were "changes in classification" that required individual notices under the statute.