

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AMENDING ORDINANCE NUMBER 1470, OTHERWISE KNOWN AS THE COMPREHENSIVE ZONING ORDINANCE, AMENDING THE TEXT OF ARTICLE XXXI. CHANGES AND AMENDMENTS OF THE COMPREHENSIVE ZONING ORDINANCE TO AMEND SECTION B. HEARING BEFORE THE PLANNING AND ZONING COMMISSION AND SECTION C. HEARING BEFORE CITY COUNCIL RELATED TO PUBLIC NOTICE FOR ZONING ORDINANCE TEXT AMENDMENTS; PROVIDING PENALTY, SEVERABILITY, REPEALER, AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.**

**WHEREAS**, at a public hearing held on the Third day of November 2022, the Planning & Zoning Commission considered and made recommendation on a change to the Comprehensive Zoning Ordinance of the City of Carrollton (Case No. PLZT 2022-165); and

**WHEREAS**, the City Council conducted a public hearing on the Sixth day of December 2022, at which all persons were given an opportunity to present testimony; and

**WHEREAS**, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare:

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:**

Section 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2.

Article XXXI. Changes and Amendments, Section B. Hearing Before The Planning and Zoning Commission, 1. Zoning Map Changes, a. Written Notice of the Comprehensive Zoning Ordinance, City of Carrollton, Texas, is hereby amended to state the following:

“a. Written Notice

Before acting upon any application for amendment to the Official Zoning Map, the Planning & Zoning Commission shall hold a Public Hearing. Notice of the public hearing before the Planning and Zoning Commission shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested or proposed. The notice of public hearing shall be given to each taxpayer as the ownership appears on the last approved city tax roll by depositing such notice, properly addressed and postage paid, in the United States Post Office not less than 10 days before the date set for a public hearing before the Planning and Zoning Commission.

Notwithstanding requirements of state statute, when any amendment relates to a change of a zoning regulation or to the general text of this ordinance, notice of the public hearing of the Planning and Zoning Commission shall be given in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail.”

Section 3.

Article XXXI. Changes and Amendments, Section B. Hearing Before The Planning and Zoning Commission, 2. Zoning Text Changes of the Comprehensive Zoning Ordinance, City of Carrollton, Texas, is hereby amended to state the following:

“2. ZONING TEXT CHANGES:

When any such amendment relates to a change of a zoning regulation or to the text of this ordinance not affecting specific property, notice of public hearing of the Planning and Zoning Commission shall be given by publication in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail, in accordance with State Statute. Such notice shall state the time and place of such hearing and the nature of the subject to be considered. Such notice shall be published not less than 10 days prior to the public hearing.”

Section 4.

Article XXXI. Changes and Amendments, Section C. Hearing Before The City Council, 1. Zoning Map Changes, b. Written Notice of the Comprehensive Zoning Ordinance, City of Carrollton, Texas, is hereby amended to state the following:

“b. Written Notice

Notice of the public hearing before the City Council shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested or proposed. The notice of public hearing shall be given to each taxpayer as the ownership appears on the last approved city tax roll by depositing such notice, properly addressed and postage paid, in the United States Post Office not less than 15 days before the date set for a public hearing before the City Council.

Notwithstanding requirements of state statute, when any amendment relates to a change of a zoning regulation or to the general text of this ordinance, notice of the public hearing of the City Council shall be given in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail.”

#### Section 5.

Article XXXI. Changes and Amendments, Section C. Hearing Before The City Council, 2. Zoning Text Changes of the Comprehensive Zoning Ordinance is hereby amended to state the following:

#### “2. ZONING TEXT CHANGES:

When any such amendment relates to a change of a zoning regulation or to the text of this ordinance not affecting specific property, notice of public hearing of the City Council shall be given by publication in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail, in accordance with State Statute. Such notice shall state the time and place of such hearing and the nature of the subject to be considered. Such notice shall be published not less than 15 days prior to the public hearing.”

#### Section 6.

Any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

#### Section 7.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

#### Section 8.

This ordinance shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

#### Section 9.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance, Chapter 153 of the Code of Ordinances, and the Official Zoning Map, as amended, shall remain in full force and effect.

#### Section 10.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Sixth day of December 2022.

CITY OF CARROLLTON

By: \_\_\_\_\_  
Steve Babick, Mayor

ATTEST:

\_\_\_\_\_  
Chloe Sawatzky  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Albert Thomas  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Loren Shapiro, AICP  
Planning Manager