

ZONING TEXT AMENDMENTS

Case Coordinators: Loren Shapiro

GENERAL PROJECT INFORMATION

REQUEST: Approval of amendments to the Carrollton Comprehensive Zoning Ordinance (CZO) Related To Public Notice For Zoning Ordinance Text Amendments

REPRESENTED BY: City of Carrollton

State Regulations:

Chapter 211 Municipal Zoning Authority, of the Local Government Code regulates cities' powers of zoning and including procedures for adopting regulations or zoning boundaries. The state statutes require public notice for changes to zoning regulations or zoning boundaries. Additionally, the state statutes indicate a governing body may, by a 2/3 vote, prescribe the type of notice to be given of the time and place of the public hearing. The state also mandates property owner notice sent for proposed changes in zoning classification for items scheduled before Planning and Zoning Commission.

The city does prescribe the type of notice that already meets the Local Government Code standards. In Article XXXI. Changes and Amendments, the city's Comprehensive Zoning Ordinance (CZO) regulates public notices for zoning regulation or district changes. Currently, the CZO requires changes in the zoning ordinance regulation, that does not affect specific property, to advertise in a newspaper without the necessity of notifying property owners by mail. The CZO also mandates the city sends property owner notice, for public hearing, to owners within 200 feet from properties requesting zoning changes to districts or boundaries for Planning and Zoning Commission and City Council meetings.

Another reason the city wants to reaffirm and revise the public notice requirements is due to the costly burden to notice property owners across the community for text amendments. The city paid over \$11,000 to notify property owners for the CZO text changes for the PD Infill amendments. This is the cost of a single text amendment. There are over 37,000 properties in Carrollton. The estimated cost of sending postcards to every property owner in the city would cost \$16,280 for postage alone.

The city wants to ratify the current regulations and clarify public notice for CZO text amendments. Under both subsections of Article XXXI. Changes and Amendments, staff recommends adding additional language to both the newspaper legal ad notice for CZO text amendments for both Planning and Zoning Commission and City Council.

Proposed Changes to Article XXI. Changes and Amendments are as following: Red underlined is the new language.

Section B. Hearing Before Planning and Zoning Commission.

1. Zoning Map Changes.

“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 State 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.”

The proposed added language is consistent with state statutes and reaffirms zoning text changes would require public hearing notice with a newspaper announcement without the need of mailing notice to property owners.

Section B. Hearing Before Planning and Zoning Commission.

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.

The proposed added text emphasizes conformance with State Statute.

Article XXXI. Changes and Amendments, Section C. Hearing Before City Council.

1. Zoning Map Changes

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 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.

Article XXXI. Changes and Amendments, Section C. Hearing Before City Council.

“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.”

The added language matches up with the Planning and Zoning Commission text in that notices would be sent in accordance with state law.

CONCLUSION

The CZO text is intended to align with both long-standing public notice practices of the city expected by property owners and legal standards established by the recent court decision. Staff recommends approval of the modified language provided in the Result Sheet.