

**ARTICLE XXXI.  
CHANGES AND AMENDMENTS**

**SECTION A. GENERAL.**

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, modified, or repealed by ordinance adopted by the City Council provided, however:

1. No such action may be taken until:
  - a. Application has been made and duly filed by the property owner or authorized agent upon the forms prescribed by the City of Carrollton, the filing fee as prescribed from time to time by the City Council has been paid, and such application has been submitted to the Planning Development Department;
  - b. A proposed amendment has been initiated by action of the Planning and Zoning Commission or the City Council, or;
  - c. In the sole case of a proposed historic district under Article XX.3 Historic Preservation Overlay District, an application has been initiated by at least 51 percent of the owners of property in the proposed district or the owners of at least 51 percent of the property in the proposed district, whichever is numerically greater, upon the forms prescribed by the City of Carrollton, the filing fee has been paid, and such application has been submitted to the Planning Development Department, and;
2. The proposal or application has been referred to the Planning and Zoning Commission for notice and public hearing, and its recommendation made to the City Council; and,
3. Notice has been given and a public hearing has been held in relation to such proposal before the City Council, at which time parties in interest and citizens have had an opportunity to be heard. (*Ord. No. 2706, 07/16/02*)

**SECTION B. HEARING BEFORE THE PLANNING AND ZONING COMMISSION.**

1. ZONING MAP CHANGES: (*Ord. No. 3421, 01/11/11*)

When any such amendment or change relates to a change in classification or boundary of a zoning district, such amendment or change shall be in accordance with 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

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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.

b. Notification Signs Required

Notification signs shall be placed upon the property subject to a proposed amendment or change. Such signs shall be placed along each of the property's street frontage(s) so as to be clearly visible from the street. If a property does not have a street frontage, then such signs shall be placed upon the closest available right-of-way and upon the property.

Such signs shall be placed in a manner to ensure maximum feasible visibility from such street frontage.

Said signs shall be erected not less than 10 days before the date set for public hearing before the Planning and Zoning Commission and shall remain erected until the public hearing at which a final recommendation of the Planning and Zoning Commission has been made.

c. Erection of Signs

In the event that signs are not erected in accordance with the provisions of paragraph (1)(b) above, then the public hearing before the Planning and Zoning Commission may be postponed to a date in the future so as to allow time for compliance. The Planning and Zoning Commission shall make a determination, based upon evidence presented at the public hearing, as to whether the intent of this ordinance has been met with regard to placing and maintaining the signs.

d. Alternate Notification

When a Joint Public Hearing is proposed for an amendment to the Official Zoning Map involving multiple parcels or tracts, the City Council may, by a two-thirds vote, vote to authorize an alternate method of notification. Said method shall be in accordance with Sections 211.006 and 211.007 of the Texas Local Government Code.

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. 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.

3. PETITIONS FOR REZONING OR SPECIAL USE PERMITS:

The same procedure for notifying adjacent property owners established in Section B(1) of this Article shall be followed by the Planning and Zoning Commission for hearings on rezoning petitions and for Special Use Permit applications, unless otherwise provided.

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4. REQUEST FOR CONTINUANCE:

Any hearing may be continued for good cause at the request of the applicant, or at the discretion of the Planning and Zoning Commission duly noted in writing in its minutes. In the event that any hearing is continued or recessed, or a matter tabled for any reason other than lack of proper notice, further notice to surrounding property owners shall not be required provided that such continuation date and time shall be set at that meeting.

5. RECOMMENDATION REQUIRED:

Upon the final hearing of such application, the Planning and Zoning Commission shall recommend approval or denial of the same and a report of such action shall be made by the Commission to the City Council.

6. CONSIDERATION OF ALTERNATIVE STANDARDS:

- a. Where this ordinance authorizes Planning & Zoning Commission approval of alternatives to the minimum standards contained herein, such as alternative material in lieu of the brick or stone, screening requirements or minimum landscape requirements, such consideration shall be processed in the same manner as prescribed by this Section. The erection of notification signs, however, shall not be required.
- b. Such approval shall be applicable only to the site specifically upon which the alternative plan was considered.
- c. A denial of the request by the Planning & Zoning Commission may be appealed to the City Council if the appeal is filed with the Planning Development Department within 10 days of the action of the Planning & Zoning Commission. (*Ord. 2615, 06/05/01*)

**SECTION C. HEARING BEFORE THE CITY COUNCIL.**

1. ZONING MAP CHANGES: (*Ord. No. 3421, 01/11/11*)

When any such amendment or change relates to a change in classification or boundary of a zoning district, such amendment or change shall be in accordance with the following:

a. Public Hearing Notice

Before acting upon any application for amendment to the Official Zoning Map, the City Council shall hold a public hearing, notice of which shall be published at least one time in a newspaper of general circulation within the City of Carrollton not less than 15 days prior to the date of such hearing. Such notice shall state the time and place of the public hearing and the nature of the change to be considered.

b. Written Notice

Notice of the public hearing before the City Council shall be sent to all owners of real property

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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.

c. Notification Signs Required

Signs shall also be erected not less than 15 days before the public hearing before the City Council and remain erected until a final determination as to the application is made by the Council. Such signs shall meet the same requirements as those required for hearings before the Planning and Zoning Commission, as prescribed in Section B(1) of this Article.

d. Erection of Signs

In the event that signs are not erected in accordance with the provisions of paragraph (1)(c) above, then the public hearing before the City Council may be postponed to a date in the future so as to allow time for compliance. The City Council shall make a determination, based upon evidence presented at the public hearing, as to whether the intent of this ordinance has been met with regard to placing and maintaining the signs.

e. Alternate Notification

When a Joint Public Hearing is proposed for an amendment to the Official Zoning Map involving multiple parcels or tracts, the City Council may, by a two-thirds vote, vote to authorize an alternate method of notification. Said method shall be in accordance with Sections 211.006 and 211.007 of the Texas Local Government Code.

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. 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. (*Ord. No. 1705, 05/07/91*)

3. PETITIONS FOR REZONING OR SPECIAL USE PERMITS:

The same procedure for notifying adjacent property owners established in Section C(1) of this Article shall be followed by the City Council for hearings on rezoning petitions and for Special Use Permit applications, unless otherwise provided.

4. REQUEST FOR CONTINUANCE:

Any hearing may be continued for good cause at the request of the applicant, or at the discretion of the City Council duly noted in writing in its minutes. In the event that any hearing is continued or recessed or a matter tabled for any reason other than lack of proper notice, further notice to surrounding property owners shall not be required provided that such continuation date and time shall be set at that meeting.

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5. COMMISSION OR COUNCIL-INITIATED CHANGES:

Recommendations for revision or amendment of this ordinance, including the Official Zoning Map, may be made by the Planning and Zoning Commission upon its own motion, for final determination by the City Council. Likewise, the City Council may revise, modify or amend this ordinance, including the Official Zoning Map, upon its own motion provided, however, that such proposed changes shall first be submitted to the Planning and Zoning Commission for its recommendation and report. In either case, final action thereon shall be taken only upon notice and hearing as provided herein.

6. WRITTEN PROTEST/RECOMMENDATION OF DENIAL:

In the case of a written protest against such change, signed by the owners of 20 percent or more either of the area of the land included in such proposed change, or of the area of the land immediately adjoining the same and extending 200 feet therefrom, or to overrule a recommendation of denial of such change by the Planning and Zoning Commission, such change shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council.

7. INTERIM ZONING:

The requirement of a three-fourths (3/4) vote by the City Council to overrule a recommendation of denial by the Planning and Zoning Commission will not apply to zoning requests of land that was classified as an interim zone at the time of annexation. A simple majority can approve such request provided all other provisions of this ordinance have been met.

8. DENIAL WITH PREJUDICE:

The City Council shall, unless otherwise stated in the motion, make all denials of zoning changes with prejudice. If the request is denied with prejudice, no additional application shall be accepted which involves all or any part of the same property within a period of 12 months, except:

- a. At the request of the City Council;
- b. Upon written request by the applicant the City Council may waive the 12 month waiting period and permit a new application to be filed. Such request for waiver may be set for a public hearing if required by a majority vote of the City Council, or;
- c. Where the property involved is temporarily classified to the (IH) Interim Holding District.

9. REQUEST FOR HEARING BEFORE COUNCIL:

A request that has received a recommendation of denial by the Planning and Zoning Commission shall not be scheduled for hearing before the City Council unless:

- a. The City Council requests such hearing; or
- b. Upon written request by the applicant submitted to the Planning Development within 10 days of the Planning and Zoning Commission public hearing where such recommendation for denial was made.

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10. JOINT HEARINGS:

The City Council may hold a public hearing, after publishing the required notice, jointly and with any public hearing required to be held by the Planning and Zoning Commission. However, the City Council shall not take action unless and until it has received a final report from the Planning and Zoning Commission.