

ORDINANCE NO. 19-3-21-12

PUBLIC HEARING NOTICE AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE CITY OF CORINTH UNIFIED DEVELOPMENT CODE (“UDC”), BY AMENDING SECTION 2.10.04, “ZONING TEXT AND MAP AMENDMENTS” AND SECTION 2.10.05 “PUBLIC HEARINGS AND NOTIFICATION REQUIREMENTS FOR ZONING RELATED APPLICATIONS” OF SUBSECTION 2.10 “ZONING PROCEDURES” OF SECTION 2, “ZONING REGULATIONS” OF THE UDC; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR VIOLATIONS THEREOF AS MORE SPECIFICALLY SET FORTH HEREIN; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas is a home rule municipality located in Denton County, Texas created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City is authorized to adopt regulations governing the development of land within the City and its extraterritorial jurisdiction in the interest of the public health, safety and welfare of its citizens; and

WHEREAS, the City adopted the Unified Development Code (“UDC”) which specifies types and length of zoning text and map amendment notices required within the City; and

WHEREAS, the Planning and Zoning Commission held a public hearing at which persons with interest were provided an opportunity to provide public input and comments and reviewed proposed amendments to existing regulations and procedures for public hearing notices within the UDC; and

WHEREAS, after holding the public hearing, the Planning and Zoning Commission considered the proposal to amend the Zoning Ordinance to extend the time for notice of public hearing from the current ten (10) days to fifteen (15) days prior to the public hearing, the additional of regulations encouraging neighborhood meetings between homeowners and applicants, and the addition of regulations requiring signage posting and removal and regulating spacing of signage utilized for zoning amendment requests, determined that the proposed changes would provide more opportunity for public notice and input and thus voted to recommend approval of the proposed amendments to the City Council; and

WHEREAS, after holding a public hearing at which persons with interest were provided an opportunity to provide public input and comments, the City has reviewed the

proposed amendments to the regulations and procedures for public hearing notices, signage, and encouraging neighborhood meetings as recommended for approval by the Planning and Zoning Commission and has determined that the incorporated amendments to the UDC are appropriate to aid with providing timely notices of public hearings to the City's residents and provide additional notice and opportunity for public input on zoning applications; and

WHEREAS, the City has determined that the amendments proposed relating to public hearing notices will be beneficial to the public safety and welfare; and

WHEREAS, upon review and consideration of the foregoing factors, the City Council has determined that the City's public hearing notices standards should be amended as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

**SECTION 2.
AMENDMENTS**

2.01. That the Comprehensive Zoning Ordinance, being a part of the City of Corinth Unified Development Code, Subsection 2.10 "Zoning Procedures", Section 2.10.04 "Zoning Text and Map Amendments", of Section 2, "Zoning Regulations" is hereby repealed in its entirety and a new Section 2.10.04, "Zoning Text and Map Amendments" of Subsection 2.10 of Section 2 of the UDC is hereby adopted to be and read in its entirety as follows.

"2.10.04. - Zoning Text and Map Amendments

A. Process Requirements

1. Zoning Amendments Require City Council Approval. The City Council may, from time to time, amend, supplement or change by ordinance, the boundaries of the districts (i.e., Zoning Map Amendment (Rezoning)) or the regulations herein established (i.e., Zoning Text Amendment) as provided by the Statutes of the State of Texas.
2. Planning and Zoning Commission Recommendation Required for all Amendments. Before taking action on any proposed amendment the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report.
3. Petitions Submitted to the City Council.
 - a. Any person or corporation having a proprietary interest in any property may petition the City Council for a change or amendment to the zoning provisions of this UDC; or
 - b. The Planning and Zoning Commission may, on its own motion or on request from the City Council, study and propose zoning changes and amendments for the City Council's consideration.

B. Two Types of Zoning Amendments

1. Zoning Map Amendment (Rezoning). A Zoning Map Amendment (Rezoning) is a change or modification to the boundaries of any zoning district within the City's Zoning Map.
2. Zoning Text Amendment. A Zoning Text Amendment is the change of the text within Section 2 Zoning Regulations and does not include change or modification to the boundaries of any zoning districts.

C. Planning and Zoning Commission Recommendation Requires Public Hearing

1. The Planning and Zoning Commission shall hold a public hearing on any Application for any amendment or change prior to making its recommendation and report to the City Council.
2. In the case of a Zoning Map Amendment (Rezoning):
 - a. Written notice of all public hearings before the Planning and Zoning Commission on a proposed amendment or change shall be sent to all owners of real property within two hundred (200) feet of the property on which the change is requested.
 - i. Such notice shall be given not less than fifteen (15) days before the date set for hearing by posting such notice, properly addressed and postage paid, to each taxpayer as the ownership appears on the most recently approved municipal tax roll for the area affected.
 - b. The Applicant is strongly encouraged to conduct a neighborhood meeting with the area homeowners within the vicinity of the request prior to appearing before the Planning and Zoning Commission. The Applicant shall provide written notice to the Director of Planning and Development of any scheduled neighborhood meetings at least seven (7) calendar days prior to the P&Z commission meeting.
 - c. Consistency between a Zoning Map Amendment (Rezoning) and the Comprehensive Plan shall be required, see Section 1.03.03. C.
 - d. For selected zoning districts, each rezoning Application shall be accompanied by a Site Plan (see Section 2.10.08. B.1.a.ii Rezoning Applications Requiring Site Plans).

D. Sign Posting for a Zoning Map Amendment (Rezoning) Related to a Particular Property

1. At least fifteen (15) calendar days prior to the public hearing by the Planning and Zoning Commission on a proposed amendment to the zoning text and map related to particular property, the Applicant shall cause a sign, clearly visible to passersby, to be placed and maintained on such property.
2. Posted signs shall be a minimum of four (4) feet wide by four (4) feet long, affixed to a post or posts.
3. Posted signs shall be removed within ten (10) days of City Council action on the related case.
4. The sign shall state that the property is the subject of a Zoning Map Amendment (Rezoning) Application.
5. The sign shall remain continuously posted on the property until the City Council has conducted its public hearing on the matter.
6. A minimum of at one (1) sign shall be posted spaced at a distance of one (1) sign every one-thousand (1000) feet of street frontage at the site

- E. Effect of Posted Sign Maintenance The continued maintenance of the sign shall not be a condition precedent to the holding of a public hearing, the adoption of any proposed zoning change, or any other official action concerning such amendment.
- F. City Council Decision and Public Hearing Required
1. A public hearing shall be held by the City Council before adopting any proposed amendment.
 2. Notice of such hearing shall be given by publication in the official publication of the City stating the time and place of such hearing, which time shall not be before the fifteenth (15th) calendar day from the date of publication of notice of the public hearing.
- G. Three-Fourths City Council Vote Required for Protested Amendments. If any of the following conditions exist, then amendments shall not become effective except by a three-fourths (3/4) vote of the governing body.
1. The Planning and Zoning Commission recommended denial of zoning amendment.
 2. A protest against such proposed amendment has been filed at least three (3) calendar days before the date of the public hearings with the City Secretary by one of the following types of protesters:
 - a. Interior Protesters:
 - i. The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area included within a proposed amendment boundary.
 - b. Exterior Protesters:
 - i. The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area within a two hundred (200) foot radius of the exterior boundary of the area included in a proposed amendment.

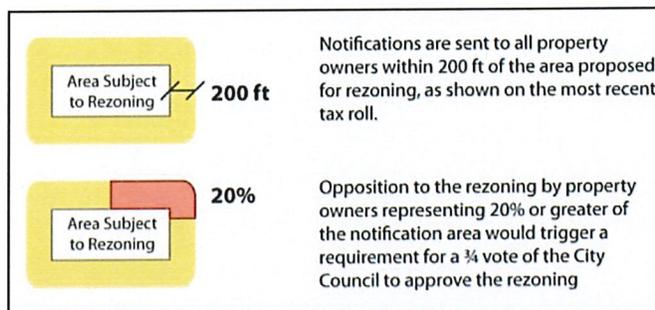


Figure 16: Calculation for Exterior Protestors

2.02. That the Comprehensive Zoning Ordinance, being a part of the City of Corinth Unified Development Code, Subsection 2.10 “Zoning Procedures”, Section 2.10.05 “Public Hearings and Notification Requirements for Zoning Related Applications”, of Section 2, “Zoning Regulations” is hereby repealed in its entirety and a new Section 2.10.05, “Public Hearings and Notification Requirements for Zoning Related Applications” of Subsection 2.10 of Section 2 of the UDC is hereby adopted to be and read in its entirety as follows.

2.10.05. - Public Hearings and Notification Requirements for Zoning Related Applications

A. Applications Requiring Public Hearing for Zoning Related Applications

1. Fence Variance, see Section 2.11.03.
2. Initial Zoning of Newly Annexed Land, see Section 2.10.03. C.
3. Zoning Map Amendment (Rezoning), see Section 2.10.04. B.1.
4. Zoning Text Amendment, see Section 2.10.04. B.2.
5. Planned Development (PD) Steps for Creation and Development, see Section 2.10.09. C.
6. Specific Use Permit, see Section 2.10.10.
7. Amortization of Nonconforming Uses, see Section 2.10.11. B.
8. Appeal of a City Administrative or Interpretative Decision, see Section 2.11.01. A.1.
9. Zoning Variance, see Section 2.11.02.
10. Zoning Special Exception, see Section 2.11.03.

B. Review Bodies and the Associated Public Hearings per Zoning Application Type. Public hearings shall be conducted for each review body per plan or Application type according to the following table:

<i>Table 21: Review Bodies and the Associated Public Hearings per Zoning Application Type</i>			
<i>Application Type</i>	<i>City Council</i>	<i>Planning and Zoning Commission</i>	<i>Board of Adjustment</i>
Initial Zoning of Newly Annexed Land	Hearing	Hearing	
Zoning Map Amendment (Rezoning)	Hearing	Hearing	
Zoning Text Amendment	Hearing	Hearing	
Planned Development (PD) Steps for Creation and Development	Hearing	Hearing	
Specific Use Permit	Hearing	Hearing	
Amortization of Nonconforming Uses			Hearing
Appeal of a City Administrative or Interpretative Decision			Hearing
Zoning Variance			Hearing
Zoning Special Exception			Hearing

C. Public Notice Requirements for Public Hearings for Zoning Related Applications

1. Zoning Related Applications Requiring Public Notice.
 - a. Initial Zoning of Newly Annexed Land, see Section 2.10.03. C.
 - b. Zoning Map Amendment (Rezoning), see Section 2.10.04. B.1.
 - c. Zoning Text Amendment, see Section 2.10.04. B.2.
 - d. Planned Development (PD) Steps for Creation and Development, see Section 2.10.09. C.
 - e. Specific Use Permit, see Section 2.10.10.
 - f. Amortization of Nonconforming Uses, see Section 2.10.11. B.
 - g. Appeal of a City Administrative or Interpretative Decision, see Section 2.11.01. A.1.
 - h. Zoning Variance, see Section 2.11.02.
 - i. Zoning Special Exception, see Section 2.11.03.

D. Required Public Notice for Zoning Related Plans and Applications Public notices shall be required according to the following table:

<i>Table 22: Required Public Notice for Zoning Related Plans and Applications</i>			
<i>Application Type</i>	Property Posted (Sign) Notice	Published Notice	Mailed Notice
Initial Zoning of Newly Annexed Land		Required	Required
Zoning Map Amendment (Rezoning)	Required	Required	Required
Zoning Text Amendment		Required	
Planned Development (PD) Steps for Creation and Development	Required	Required	Required
Specific Use Permit	Required	Required	Required
Amortization of Nonconforming Uses	Required	Required	Required
Appeal of a City Administrative or Interpretative Decision		Required	Required
Zoning Variance	Required	Required	Required
Zoning Special Exception	Required	Required	Required

E. Types of Notice

1. Postings of Signs on Property. The Director of Planning shall maintain an inventory of signs to fulfill the notification requirements listed in Table 22: Required Public Notice for Zoning Related Plans.
2. "Published Notice" and "Mailed Notice" of Public Hearing for Zoning Changes Involving Real Property.
 - a. Published Notice.

- i. Notice of the public hearing to occur before the Planning and Zoning Commission and also before the City Council shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the fifteenth (15) calendar day prior to the date of the public hearing.
 - ii. One published notice is sufficient if the time and date of both public hearings is given.
 - b. Mailed Notice (also referred to as "Written Notice").
 - i. Written notice of the public hearing before the Planning and Zoning Commission and also before the City Council shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of Application and within two hundred feet (200) of any property affected thereby, said written notice to be sent before the fifteenth (15th) calendar day prior to the date such hearing is held.
 - ii. One written notice is sufficient if the time and date of both public hearings is given.
 - iii. Said written notice shall be served by using the last known address as listed on the most recently approved municipal tax roll and depositing the notice, postage paid, in the regular United States mail.
 - iv. If written notice as required is not sent before the fifteenth (15th) calendar day prior to the date of the hearing, then the hearing must be delayed until this notice requirement is met. Such notice shall include:
 - (a) Legal description of the property and the street address or approximate location within the City;
 - (b) Present zoning classification of the property and the zoning sought by the Applicant. If not a Map Amendment (Rezoning), then the nature or intent of the Application shall be described;
 - (c) The date, time, and place of hearing;
 - (d) The web site that contains the zoning map and information regarding the Rezoning;
 - (e) The phone number where questions may be answered; and
 - (f) Other information as may be determined by City as necessary to provide adequate and timely public notice.
3. "Published Notice" of Public Hearing for Zoning Changes Involving Regulation Text.
 - a. For requests involving proposed changes to the text of the zoning regulations, notice of the Planning and Zoning Commission and also the City Council public hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing.
 - b. Changes in the zoning text that do not change zoning district boundaries (i.e., that do not involve specific real property) do not require mailed/written notification to individual property owners.
 - c. The City may, at its option, publish the required zoning change notifications in conformance with Chapter 211 of the Texas Local Government Code for public hearings for the Planning and Zoning Commission and the City Council at the same time; said notifications must be published before the fifteenth (15th) calendar day prior to the Planning and Zoning Commission public hearing and before the fifteenth (15th) calendar day prior to the City Council public hearing.
4. "Published Notice" and "Mailed Notice" of an Appeal of a City Administrative or Interpretative Decision to the Board of Adjustment.

- a. For an Appeal of a City Administrative or Interpretative Decision, the Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice by written notice in the mail addressed to all owners of real property located within two hundred feet (200') of the property on which the appeal is made, and by publication of notice of such hearing in the City's official newspaper.
 - b. Both the written/mailed and published notice shall be given at least fifteen (15th) day prior to the date for the hearing.
 - c. Upon the hearing, any party may appear in person or by attorney or by agent.
5. Additional Rules and Procedures Established.
- a. The City Council may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and development proposals (e.g., required plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the Applicant or its agent(s).
 - b. Knowledge of and adherence to such rules and procedures, if so established by the City, shall be the responsibility of the Applicant and shall be required as part of a zoning change or development Application.
6. Special Notice. Pursuant to Texas Local Government Code Section 211.007(d), the City Council may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and the Planning and Zoning Commission.

**SECTION 4.
PENALTY**

Any person, firm or corporation who intentionally, knowingly or recklessly violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this Ordinance or Code of Ordinances, as amended hereby, governing the fire safety, zoning, or public health and sanitation shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

**SECTION 5.
CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 6.
SAVINGS**

All rights and remedies of the City of Corinth, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 7.
SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

**SECTION 8.
EFFECTIVE DATE**

This ordinance shall take effect upon its publication as required by law. The City Secretary is directed to publish the caption and penalty of this ordinance two times.

PASSED AND APPROVED THIS 21ST DAY OF March, 2019.

APPROVED:



Bill Heidemann
Bill Heidemann, Mayor

ATTEST:

Kimberly Pence
Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Patricia Adams
Patricia Adams, City Attorney