

ARTICLE 9

AMENDMENTS TO THE ZONING ORDINANCE

Section 9-101. Authorization to Initiate Amendments

Any amendment to the text or the zoning map of this Ordinance may be initiated by the Board of Aldermen, by the Town Planning and Zoning Commission, or by application of a person who owns property in Talty, Texas or his authorized agent at the regularly scheduled meeting.

Section 9-102. Amendment by Petition to Commission

The Board, upon receipt of a petition to amend the Ordinance, which has been examined and approved as to form by the Town Secretary, shall refer the same to the Commission for study, hearing, and report. The Board may not enact the proposed amendment until the Commission makes its report to the Board.

Section 9-103. Recommendation for Amendment Initiated by the Commission

Upon referral to the Commission of any proposed amendment to the Comprehensive Zoning Ordinance or Zoning Map of the Town, the Commission shall make recommendations as to appropriate regulations to be enforced in the various zoning districts. The Commission shall, hold a public hearing before submitting its final report to the Board. Before the tenth (10) day before the hearing date, written notice of each public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification, including the granting of a conditional use, shall be sent to each owner, as indicated by the most recently approved Town tax roll, of real property within five hundred (500) feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the Town, properly addressed with postage paid, in the United States mail. If the property within five hundred (500) feet of the property on which the change is proposed is located in territory annexed to the Town and is not included on the most recently approved Town tax roll, notice of the Commission's public hearing shall be given of the time and place of the hearing by publication before the fifteenth (15) day before the date of the hearing in an official newspaper or a newspaper of general circulation in the Town.

Section 9-104. Amendment by Action of the Board

The Board of Aldermen shall provide regulations and restrictions and the boundaries of zoning

districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed; provided, however, that no such regulation, restrictions, or boundary

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shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Upon receipt of the final report of the Planning and Zoning Commission, the Board of Aldermen shall conduct a public hearing on the proposed change, provided that before the fifteenth (15) day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the Town.

Section 9-105. Public Hearing and Notice Thereof

Any public hearing of the Board of Aldermen may be held, after published notice as required above, jointly with any public hearing required by the Commission, provided that the Board shall not take action until it has received the final report of the Commission. Notice of a joint public hearing shall be given as required by Section 9-103 and 9-104 above.

Section 9-106. Effect or Protest to Proposed Amendment

In case a protest against any proposed amendment to this Ordinance be presented in writing to the Town Secretary prior to the public hearing thereon duly signed by the owners of twenty (20) percent or more, either of the area of lots included in such proposed change, or of the lots or land immediately adjoining the same and extending five hundred (500) feet therefrom, such amendments shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the Board.

Section 9-107. Filing of Application

All petitions for amendments to this Ordinance, shall be in writing, signed, and filed in triplicate with the Town Secretary for presentation to the Board, and all petitions for amendments shall contain at least the following:

- (A) The petitioners name, address, and interest in the petition, as well as the name, address and interest of every person having a legal or an equitable interest in the land covered by the petition.

- (B) The nature and effect of the proposed amendment.

(C) If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing:

- (1) The land which would be affected by the proposed amendment.
- (2) A legal description of such land.

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- (3) The present zoning classification of the land
- (4) The zoning classification of all abutting Zoning Districts, and
- (5) All public and private rights-of-way and easements bonding and intersecting the land under consideration.

(D) If the proposed amendment would require a change in the Zoning map, the names and addresses of the owners of all land within the area to be changed by the proposed amendment.

(E) The alleged error in this Ordinance, which would be corrected by the proposed amendment together with a detailed explanation of such error in the Ordinance, which is alleged, and detailed reasons as to how the proposed amendment will correct the same.

(F) The Changed or changing conditions, if any, in the area or in the municipality generally, that make the proposed amendment reasonable necessary.

(G) Evidence that the petition is in accordance with the Comprehensive Plan

(H) All other circumstances, factors and reasons which applicant offers in support of the proposed amendment

Section 9-108. Time Limitation

If a petition for rezoning is denied with prejudice by the Board of Aldermen, another petition for reclassification of the same property or any portion thereof shall not be filed within a period of one (1) year from the date of final denial. A denial without prejudice shall not preclude another petition for reclassification of the same property or any portion thereof from being refiled immediately or at any time thereafter.

Section 9-109. Comprehensive Review of Ordinance

The Commission shall from time to time, at intervals of not more than three (3) years, examine the provisions of this Ordinance and the location of the Zoning District boundary lines and shall submit a report to the Board of Aldermen recommending changes and amendments, if any, which are deemed desirable in the interest of the public health, safety, and general welfare.

Section 9-110. Annexed Territory

(A) Any territory hereafter annexed to the Town of Talty shall be temporarily

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classified as ‘RE10’ Residential Estate District, only until permanently zoned by the governing body of the Town. The Town Planning and Zoning Commission shall, as soon as practicable after annexation of any of the territory to the Town, institute proceedings on its own motion to give the newly annexed territory a permanent zoning, and the procedure to be followed shall be the same as is provided by law for the adoption of original zoning regulations.

(B) In any area temporarily classified as “RE10’ Residential Estate District, no permit for the construction of a building other than a single-family dwelling or accessory building shall be issued by the Building Inspector until such permit has been specifically authorized by the Board of Aldermen under the following conditions:

An application for any use shall be made to the Building Inspector, said application to show the use contemplated, a plat showing the size of the lot or tract of land being used, and the location of and the size and type of building to be constructed; and if such application is for other than a single-family dwelling or accessory building related thereto, it shall be referred by the Building Inspector to the Town Planning and Zoning Commission for consideration and its recommendation to the Board of Aldermen after giving due consideration to the type of permanent zoning to be applied to the area in which the application is located. Whenever such a recommendation is filed with the Board of Aldermen, it shall be advisory only and the Board of Aldermen may grant or deny it as the facts justify.

(C) In the event that the Town Planning and Zoning Commission holds a bearing on proposed annexation, it may, at its discretion, hold a hearing at the same time upon the permanent zoning that is to be given to the area or tract to be annexed, and make a recommendation on both matters to the Hoard of Aldermen so that the Board of Aldermen can, if it desires, act on the matter of permanent zoning and annexation at the same time.

Section 9-111. Records of Amendments

The Town Secretary shall maintain a record of amendments to the text and map of this Ordinance In a form convenient for the use of the public.