Article XXIX.
Changes and Amendments*

***State law references:** Zoning ordinance adoption and amendment procedures, V.T.C.A., Local Government Code § 211.006.

Sec. 1. By governing body.

The governing body may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established.

Sec. 2. City planning commission to recommend.

Before taking action on any proposed amendment, supplement or change, the governing body shall submit the same to the city planning commission for its recommendation and report.

Sec. 3. Public hearings.

(a) Public hearings shall be held only after notices required by the laws of the State of Texas shall have been given in the manner required by law.

(b) In accordance with the provisions and authority of the Texas Local Government Code, the council may hold any public hearing, after published notice as required by law, jointly with any public hearing which is required by law to be held by the commission. Provided, however, that in such case the council shall not take action on any such matter before the joint hearing until it has received the final report of the commission.

(Ord. No. 3598, § 19, 3-26-07)

Sec. 4. Location of zoning map.

The official zoning map of the City of Richardson shall be kept in the office of the city secretary. It shall be the duty of the city secretary, or such other person as may be designated by the governing body, to keep the official map current by entering on such map any changes which the governing body may from time to time order by amendments to the zoning ordinance and map. The city secretary, upon the adoption of this ordinance, shall affix a certificate identifying the map in his office as the official zoning map of the City of Richardson.

Sec. 5. Recommendations of plan commission.

(a) Where the city plan commission is considering a change in zoning classification or special conditions, the city plan commission may, at its discretion, make the following recommendations to the city council.

  (1) Recommend approval as requested.

  (2) Recommend a change in zoning to a more restrictive classification.

(3) Recommend a change in classification or special conditions subject to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to the public street, provisions for drainage, parking, street layouts, screening and open space and any other requirement or condition deemed necessary by the city plan commission in the interest of promoting public health, safety, order, convenience, prosperity, and general welfare.

(4) Recommend denial of the change in zoning or special conditions.

(b) Where the city plan commission recommends approval as in (1), (2) or (3) above, the recommendation will be forwarded automatically to the city council and a date for a public hearing will be set.

(c) Where the city plan commission recommends denial as in (4) above, the application will not automatically be placed on the city council agenda unless requested in writing by the applicant within ten days after the city plan commission recommendation to deny.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 6. Property owner protest.

If a proposed change to a zoning regulation or boundary is protested in accordance with Section 211.006 of the Texas Local Government Code, as amended, the proposed change in zoning must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the city council.

(Ord. No. 3172-A, § 5, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 7. Three-fourths vote required to overrule recommendation to deny.

The affirmative vote of at least three-fourths of all members of the city council is required to overrule a recommendation of the city plan commission that a proposed change to a zoning regulation or boundary be denied.

(Ord. No. 3172-A, § 5, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 8. Appeal of city plan commission recommendation to deny.

Where the city plan commission makes a recommendation to deny a change in zoning classification or change in special conditions, the application will not automatically be placed on the city council agenda unless requested in writing by the applicant within ten days after the city plan commission recommendation to deny.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 9. Denial with prejudice.

A recommendation to deny a request for a change in zoning classification or change in special conditions (as opposed to a special permit) by the city plan commission or a denial of the same by the city council is considered to be with prejudice unless specifically stated otherwise. Denial with prejudice imposes a one-year waiting period from the date of denial on any applications for a zoning change or special conditions involving the same property. Denial without prejudice will permit a substantially different application on a given piece of property with no waiting period;

however, the same or a substantially similar application for zoning change shall not be considered within one year of a denial. A recommendation by the city plan commission to deny a request for a change in zoning classification or change in special conditions shall not be considered to be with prejudice if such request is appealed to the city council and there denied without prejudice.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 10. Fees.

All applications for appeals to the zoning board of adjustment for variances from the comprehensive zoning ordinance shall be accompanied by a nonrefundable filing fee.

(Ord. No. 3598, § 20, 3-26-07)

End of Article XXIX