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**Staff: Jalyn Porchay, Senior Planner**

**FILE NUMBER:** DCA245-006

**DATE INITIATED:** March 5, 2025

**TOPIC:** Amendment to the Dallas Development Code to remove Section 51A-4.701(e) Postponements

**COUNCIL DISTRICT:** All

**CENSUS TRACTS:** All

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**PROPOSAL:** Consideration of removing Section 51A-4.701(e) "Postponements" to eliminate the postponement process for zoning amendments. This change would allow participants and applicants to request that items be held at City Plan Commission (CPC) and City Council (CC) hearings without the need to submit a formal letter and pay a fee.

**SUMMARY:** The proposed code amendment update Chapter 51A to aims to enhance transparency and fairness, increase procedural efficiency, and reduce administrative costs.

**STAFF RECOMMENDATION:** Approval.

## **BACKGROUND**

This proposal originated from a review of the financial impact of the current postponement process. Between 2022 and 2025, city staff analyzed the costs associated with re-noticing public hearings due to automatic postponement rules. Total costs include printing, postage, cost of materials, and administrative overhead. The analysis revealed that, in most instances, the city was losing a significant amount of money each time a case was postponed, as the \$150 fee was insufficient to cover the true expense of renotification.

## **STAFF ANALYSIS:**

### Issues

City staff are proposing to eliminate Section 51A-4.701(e) of the Dallas Development Code, which governs the postponement of public hearings for zoning code amendments and authorized hearings (city-initiated rezonings). Under the existing code, both the applicant and opposition can request postponement of a scheduled public hearing, after the hearing has already been noticed to the public, by paying a nominal fee of \$150 and submitting a formal letter that sets forth the grounds for the postponement.

The existing postponement rules in Section 51A-4.701(e) has become problematic due to loopholes that allow for exploitation and excessive costs. Under existing rules, any applicant or property owner within the area of notification can request a postponement for a \$150 fee, and this would trigger an automatic postponement and require renotification. However, the cost of renotification – often exceeding the \$150 payment – falls on the city instead of the requestor. This creates disparities where opponents can easily and cheaply delay cases, while the city incurs significant expenses. This problem is exemplified with the larger rezoning cases, often initiated by the city themselves through the Authorized Hearing process. With some of the Authorized Hearing areas covering more than 10,000 properties, costs can often exceed \$20,000 just to send the first notice of hearing. Furthermore, the enactment of Senate Bill S.B. 929 – which requires the city to send additional notifications to property owners and businesses which could become nonconforming because of the proposed zoning – significantly increases the possible financial burden of renotification. And under the current postponement rules, the low cost, guaranteed postponement has led to significant abuse of the system. This issue not only prolongs the implementation of area plans, but it consumes significant staff time, drains public resources, and creates glaring inefficiencies in the process. Additionally, the existing language removes the discretionary power of elected officials and governing bodies. Since postponements are automatically granted upon request, governing bodies have no ability to deny unreasonable or repetitive delays. This results in prolonged backlogs and hinders cases from being heard in a timely manner.

Staff Proposal

This proposed amendment aims to provide predictability to the public by preventing the automatic postponement, addressing the financial burdens on taxpayers by removing the possibility of automatic notification costs and ensuring maximum transparency in the zoning process by requiring that a request be made at a public hearing. Under staff's proposal, a guaranteed postponement of a public hearing would no longer be automatically granted upon a 51A-4.701(e) application and payment of a fee. Instead, residents and applicants could request a hold of the item either in writing before the public hearing or in person at the public hearing. The item would still travel to the City Plan Commission (CPC) or City Council (CC) for a public hearing, at which time the body would discuss and vote whether to hold the item. In this way, an applicant or any community member could still influence how much time a zoning amendment stays at a certain body for adequate consideration, but would not directly and suddenly increase the cost burden or decrease City efficiency without formal discretion by CPC or CC.

**STAFF-RECOMMENDED AMENDMENTS:**

**SEC. 51A-4.701 ZONING AMENDMENTS.**

*Subsections (a), (b), (c), and (d) have been omitted for brevity.*

~~(e) Postponements:~~

~~—(1) The applicant and the opponents shall each be allowed to postpone one hearing date before the commission and one hearing date before the city council.~~

~~—(2) A request for postponement must be in writing and must be submitted to the director no later than 5:00 p.m. on the Monday of the week preceding the week of the hearing. If the deadline falls on an official city holiday, then the request must be submitted no later than noon on the following day.~~

~~—(3) Before a hearing to be held by the city plan commission may be postponed, the person requesting postponement shall pay a fee of \$150.00 to the director. Before a hearing to be held by the city council may be postponed, the person requesting postponement shall pay a fee of \$150.00 to the director.~~

~~—(4) Only the applicant or his representative may postpone the hearing date prior to the mailing of the hearing notices. A hearing postponed by the applicant or his representative whether prior to the mailing of required notices or after the mailing of required notices may be postponed for no longer than 60 days from the date of the scheduled or advertised hearing. If the applicant fails to request in writing within 60 days a new hearing date, the application is automatically withdrawn, and the director shall return the application to the applicant and the filing fee, less that amount necessary for administrative cost as determined by the director.~~

~~—(5) Only a property owner within the area of notification may request a postponement for the opposition. The request for postponement must set forth the grounds for the postponement and must be signed by the party making the request. If postponed, the case will be rescheduled for the next hearing date that is four weeks or more in the future, unless the party making the request requests an earlier date.~~