

Zoning Property Owner Notification

Transportation and Infrastructure
Committee

January 21, 2020

Kris Sweckard, Director
Sustainable Development
and Construction



City of Dallas

Presentation Overview

- Purpose
- History
- Proposal
- Next Steps
- Appendix

Purpose

- Brief the Committee on proposed amendments to the Dallas Development Code pertaining to:
 - the timeline for mailing property owner notifications for zoning cases prior to the City Council public hearing;
 - the deadline for filing a written protest prior to the City Council public hearing; and
 - increasing the area of notification for authorized hearings.
- Seek Committee approval to forward amendments to City Council for consideration.

Zoning Property Owner Notification

History

- On February 13, 2019, during a City Council public hearing, an affidavit in opposition of a zoning change request was questioned by the applicant.
- On April 8, 2019, Sustainable Development and Construction staff briefed the Mobility Solutions, Infrastructure, & Sustainability Committee (MSIS) on the zoning property owner notifications and the notification process. MSIS recommended the Zoning Ordinance Advisory Committee (ZOAC) look into:
 1. mailing notices not less than 15 days before the City Council public hearing;
 2. require reply forms and affidavits to be returned before noon on the Friday preceding the public hearing;
 3. increase the area of notification for Authorized Hearings; and
 4. mail notices to resident/occupant in addition to the property owner.

Zoning Property Owner Notification

History

- ZOAC considered this item on May 2, 2019, May 16, 2019, July 11, 2019, and September 5, 2019 and recommended the proposal to proceed to City Plan Commission (CPC).
- CPC considered this item on November 7, 2019 and recommended the proposal proceed to City Council.

Zoning Property Owner Notification Timing

Currently

- Per the Code, written notice is mailed to property owners not less than 10 days before the public hearings at CPC and City Council.
- Original reply forms or affidavits must be returned before noon the working day immediately preceding the public hearing at CPC or Council.
- Withdrawals of response must be filed in writing and before the filing deadline.

Zoning Property Owner Notification Timing Proposal

- Written notice is mailed not less than 15 days before the public hearing at City Council.
- Original reply forms or affidavits must be returned before noon on the Friday preceding the City Council public hearing.

Zoning Property Owner Notification Timing Proposal

Rationale:

- Property owners are notified at an earlier date prior to the public hearing.
- Mayor and Council Members would receive tabulations of the responses on Monday prior to the public hearing, instead of the evening before the hearing.
- Determination of 20% opposition, which requires a 3/4 vote by City Council to approve, would be known earlier in the process.

Zoning Property Owner Notification Area

Currently

- Written notice of a public hearing on a City Council, City Plan Commission, or Landmark Commission authorized hearing for a change in a zoning district classification or boundary is mailed to all owners of real property lying within 200 feet of the boundary of the area of request.

Zoning Property Owner Notification Area Proposal

- Increase the area of notification for Authorized Hearings:

<u>Authorized Hearing Area</u>	<u>Area of Notification for Hearing</u>
<u>0-1 acre</u>	<u>200 feet</u>
<u>over 1 acre to 5 acres</u>	<u>300 feet</u>
<u>over 5 acres to 15 acres</u>	<u>400 feet</u>
<u>over 15 acres to 25 acres</u>	<u>400 feet</u>
<u>over 25 acres</u>	<u>500 feet</u>

Rationale:

- Consistent with area of notification for hearings for straight zoning applications when an applicant makes the request.

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Resident/Occupant Notification

Currently

- The City Code, in accordance with the Texas Local Government Code, requires public hearing notices to be mailed to property owners as evidenced by the last approved municipal tax roll.

Resident/Occupant Notification

Proposal

- ZOAC recommended “no change”.

Rationale:

- Mailing the public hearing notices to the resident/occupant in addition to the property owner is difficult, expensive and could create confusion.
 - Not easy to access resident/occupant mailing addresses as the tenant information is not held in the Appraisal District database.
 - Substantial increase in the mailing cost.
 - If property owner is also the resident/occupant, will receive two notices, one with the reply form and another without. This could be confusing.
- To address this concern, the following language has been added to the notice of public hearing letter: “The City encourages the property owner to inform tenants of potential zoning changes.”

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Other Items Addressed

- The following items were discussed at ZOAC and addressed, but are not amendments to the Code:
 - Zoning Signs:
 - Increasing the font size of the case number and including contact information in Spanish.
 - To be implemented by April 1, 2020.
 - Instructions on how to post and dimensions for posting.
 - The zoning notification sign affidavit form has been updated to provide the instructions.
 - Zoning notices and forms:
 - Spanish notification mailings:
 - Note has been added to the front of the mailing envelope indicating that Spanish information is included in the envelope.
 - Informational note in Spanish on the location map has been added.
 - First sentence on Reply Form has added “see attached map” for clarification of property location.
 - Reviewed tools currently in place for easy online access to zoning cases:
 - Zoning signs include a QR code to provide easy access to zoning cases online.
 - Webpages are updated and maintained regularly for accuracy and reliability.¹³

Next Steps

- Schedule for City Council consideration on February 26, 2020.

Zoning Property Owner Notification

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Committee

January 21, 2020

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City of Dallas

Appendix -1

Section 211.007(c) of the Texas Local Government Code

- Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given in the manner provided by Section 211.006(a).

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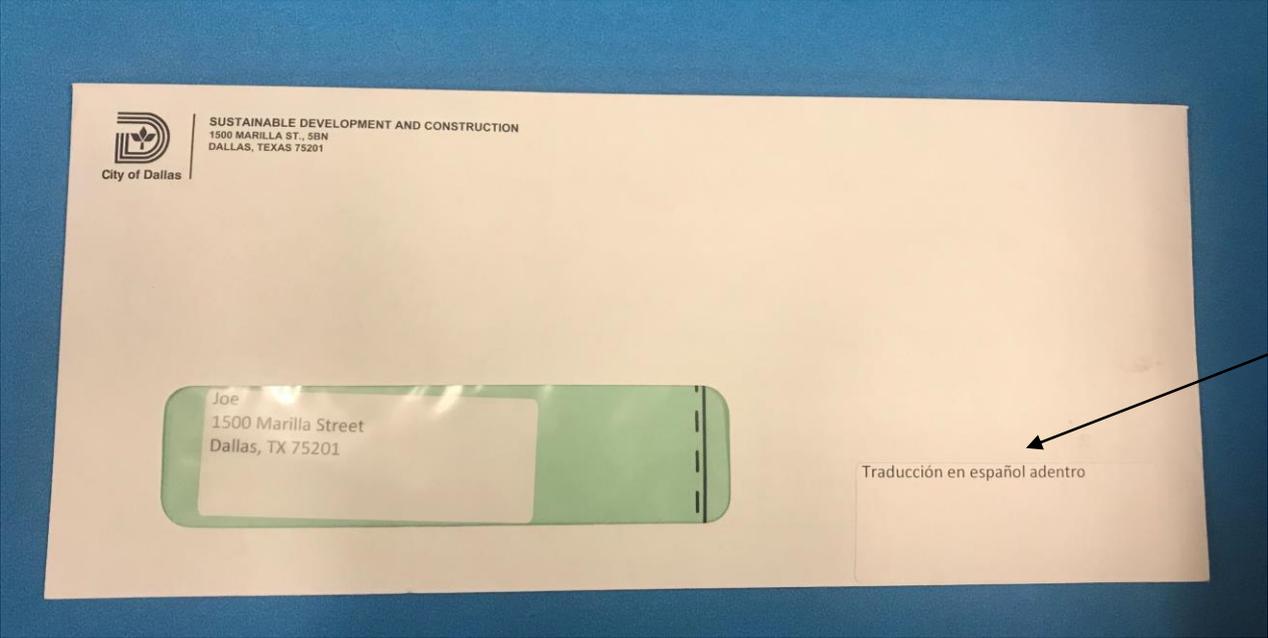
20% Opposition

- 20% opposition:

A written protest against a zoning request signed by owners of 20% or more of the land within the area of request or land within 200 feet, including streets and alleys, measured from the boundary of the area of request will require a favorable vote of three-fourths of City Council to approve

Appendix – 3

Envelopes - Notice and Forms



Spanish note added

Revised

Appendix - 4

Zoning Signs Example



**PROPOSED
REZONING**

CASE NO: Z189-325

FOR MORE INFORMATION
CALL: **214-670-4209**

<https://developmentdata.dallascityhall.com>



City of Dallas

**MAXIMUM \$2000 FINE
FOR REMOVAL OF THIS
SIGN PRIOR TO
PUBLIC HEARING DATE**

Current



**PROPOSED
REZONING**

CASE NO:

Z189-325

Increased
font size of
the case
number

FOR MORE INFORMATION
PARA MAS INFORMACION

214-670-4209

<https://developmentdata.dallascityhall.com>



City of Dallas

**MAXIMUM \$2000 FINE
FOR REMOVAL OF THIS
SIGN PRIOR TO
PUBLIC HEARING DATE**

Contact information in
Spanish

Revised

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Zoning Sign Affidavit



Posting of Notification Sign(s)

The Dallas Development Code, 51A-1.106(b)(c), requires one sign for every 500 feet or less of street frontage, with one additional sign required for each additional 500 feet or less of street frontage, with at least one sign required but not to exceed five signs. The signs must be posted on the request site **within 14 days** after an application is filed and remain on the site until a final decision is made on the application. Replacement sign(s) are \$10.00 per sign.

The sign(s) must be affixed to a solid surface (such as a board, corrugated plastic, or similar material) and must be in a prominent location adjacent to a public street and easily visible from the street. Signs should not be placed inside windows or behind shrubbery. **Failure to properly post the sign(s) will result in either the postponement or denial of the zoning case.**

Zoning Case Number: Z _____ - _____

Location: _____

I, _____, affirm that I have posted the
(Representative or Applicant)

required _____ signs for the above mentioned zoning case. The sign(s) was/were
(number)

posted on _____ at _____ am/pm.
(date of posting) (time of posting)

 Signature of Representative or Applicant

It is a criminal offense to knowingly make a false entry in a governmental record. (Texas, Penal Code 37.10)

Please return this form, signed and dated, to the planner assigned to your case via email, fax (214-670-4210), or in person at City Hall, 1500 Marilla St, Room 5BN **no later than 5:00 on the 14th day after your application was filed.** Failure to return this form on time will result in staff indicating to the City Plan Commission that the sign(s) was/were not posted properly.

Current



Posting of Notification Sign(s)

The Dallas Development Code, 51A-1.106(b)(c), requires one sign for every 500 feet or less of street frontage, with one additional sign required for each additional 500 feet or less of street frontage, with at least one sign required but not to exceed five signs. The signs must be posted on the request site **within 14 days** after an application is filed and remain on the site until a final decision is made on the application. Replacement sign(s) are \$10.00 per sign.

Posting Instructions

The sign(s) must be:

- (a) affixed to a solid surface (such as a board, corrugated plastic, or similar material);
- (b) must be installed at an appropriate height, minimum 24 inches above ground, to ensure it is fully legible from street level;
- (c) must be in a prominent location adjacent to a public street and easily visible from the street;
- (d) signs should not be placed inside windows or behind shrubbery;

Failure to properly post the sign(s) will result in either the postponement or denial of the zoning case.

Zoning Case Number: Z _____ - _____

Location: _____

I, _____, affirm that I have posted the
(Representative or Applicant)

required _____ signs for the above mentioned zoning case. The sign(s) was/were
(number)

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Revised January 07, 2020

Revised

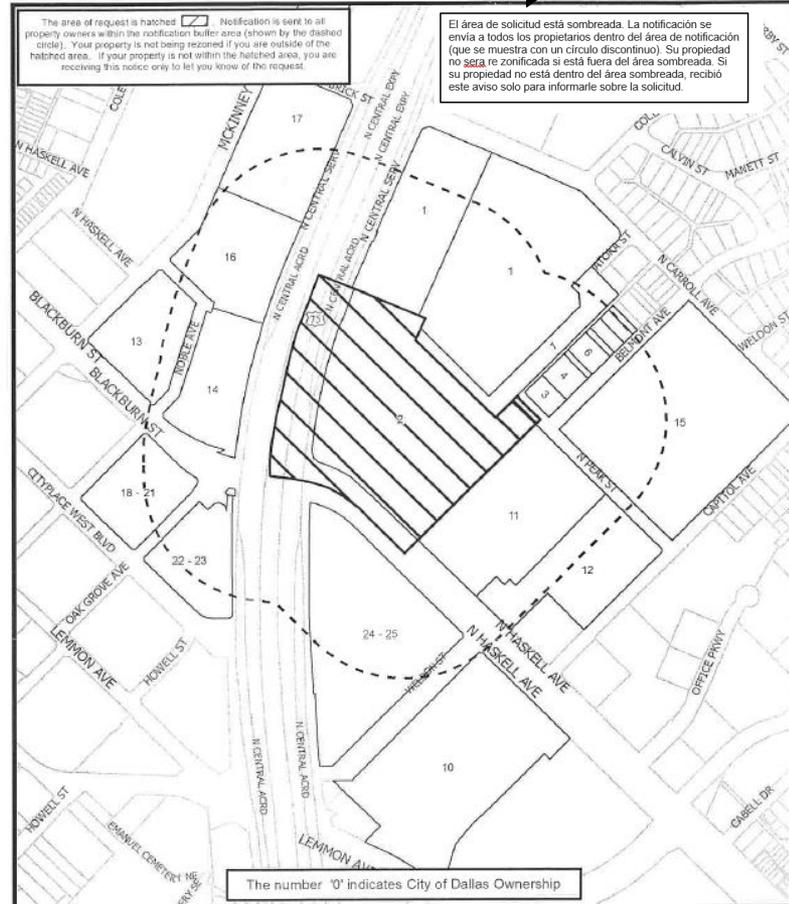
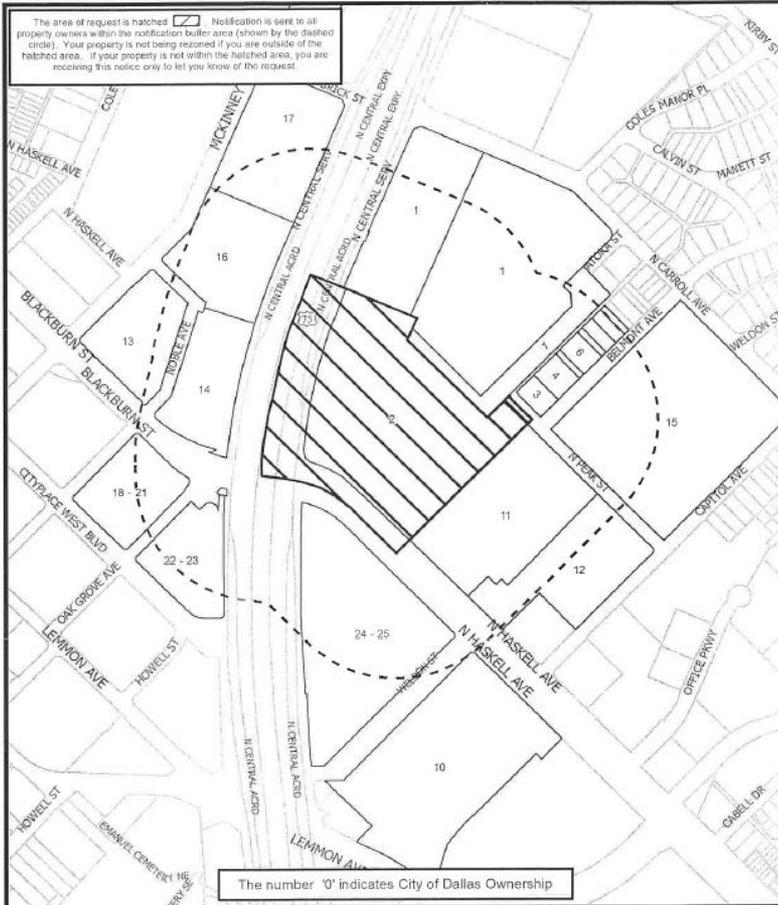


Appendix - 6 Location Map

Current

Revised

Note in Spanish



 1:4,800	NOTIFICATION		Case no: Z178-225 Date: 9/26/2019
	<div style="border: 1px solid black; padding: 2px;">500'</div> AREA OF NOTIFICATION	<div style="border: 1px solid black; padding: 2px;">25</div> NUMBER OF PROPERTY OWNERS NOTIFIED	

 1:4,800	NOTIFICATION		Case no: Z178-225 Date: 9/26/2019
	<div style="border: 1px solid black; padding: 2px;">500'</div> AREA OF NOTIFICATION	<div style="border: 1px solid black; padding: 2px;">25</div> NUMBER OF PROPERTY OWNERS NOTIFIED	



Appendix - 7

Reply Forms

Note added

CITY COUNCIL HEARING DATE
January 8th, 2020

CITY OF DALLAS **REPLY FORM**

CASE NO:
Z189-352 (PD)

This notice has been sent to you because your property (or properties) is in or near the area of a proposed zoning change. As a property owner, you can support or oppose this request. To be counted, this form must be received before noon on the business day before the City Council hearing date.

Only the original of this reply form or a written reply that complies with Dallas Development Code Section 51A-4.701 may be used. Faxes or photocopies of this reply form will not be accepted.

Joe
1500 Marilla Street
Dallas, TX 75201

For information contact Pamela Daniel
at (214) 671-5098 or
pamela.daniel@dallascityhall.com
Si desea información en español, favor
de llamar a Liliana Lopez al teléfono
(214) 670-4209.

STEP 1 I am authorized to sign this form because I am... (Check only one box.)

Individual	Business/Organization	Condominium
<input type="checkbox"/> Property owner	<input type="checkbox"/> President/Vice President	<input type="checkbox"/> Governing body*
<input type="checkbox"/> Authorized by a power of attorney	<input type="checkbox"/> General Partner	<input type="checkbox"/> Individual owner **
<input type="checkbox"/> Representing a majority of property owners	<input type="checkbox"/> Attorney in fact	

* I am authorized to sign by the governing body of the condominium in accordance with its bylaws.
** A condominium unit owner must enclose a copy of the legal document that gives the individual owner the right to act separately from the governing body.

STEP 2 List the street address(es) of your property if different than the address on the label above. (Do not list a P.O. Box.) If you own multiple properties under different appraisal district account names, you may receive multiple forms; please return all of the forms.

Street Address: _____

STEP 3 Indicate your support or opposition to the proposed zoning change request:

Support Opposed

Comments: _____

Current

CITY COUNCIL HEARING DATE
January 8th, 2020

CITY OF DALLAS **REPLY FORM**

CASE NO:
Z178-198 (MB/JM)

This notice has been sent to you because your property (or properties) is in or near the area of a proposed zoning change (refer to the attached map). As a property owner, you can support or oppose this request. To be counted, this form must be received before noon on the business day before the City Council hearing date.

Only the original of this reply form or a written reply that complies with Dallas Development Code Section 51A-4.701 may be used. Faxes or photocopies of this reply form will not be accepted.

Joe
1500 Marilla Street
Dallas, TX 75201

For information contact Jennifer Muñoz
at (214) 670-4208 or
jennifer.muñoz@dallascityhall.com
Si desea información en español, favor
de llamar a Jennifer Muñoz al teléfono
(214) 670-4208.

STEP 1 I am authorized to sign this form because I am... (Check only one box.)

Individual	Business/Organization	Condominium
<input type="checkbox"/> Property owner	<input type="checkbox"/> President/Vice President	<input type="checkbox"/> Governing body*
<input type="checkbox"/> Authorized by a power of attorney	<input type="checkbox"/> General Partner	<input type="checkbox"/> Individual owner **
<input type="checkbox"/> Representing a majority of property owners	<input type="checkbox"/> Attorney in fact	

* I am authorized to sign by the governing body of the condominium in accordance with its bylaws.
** A condominium unit owner must enclose a copy of the legal document that gives the individual owner the right to act separately from the governing body.

STEP 2 List the street address(es) of your property if different than the address on the label above. (Do not list a P.O. Box.) If you own multiple properties under different appraisal district account names, you may receive multiple forms; please return all of the forms.

Street Address: _____

STEP 3 Indicate your support or opposition to the proposed zoning change request:

Support Opposed

Comments: _____

Revised