

Zoning Property Owner Notification

City Planning Commission
(CPC) Briefing
October 17, 2019

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Sustainable Development
and Construction



City of Dallas



Zoning property owner notification

History

- On February 13, 2019, during 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 above issue by briefing them on the zoning property owner notifications and the notification process. MSIS recommended ZOAC look into:
 1. mail 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

Overview

- Zoning Ordinance Advisory Committee (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.



Zoning property owner notification

Currently

MSIS recommended reviewing for possible changes to:

1. Mailing notices not less than 15 days before the City Council public hearing;
2. Requiring reply forms and affidavits to be returned before noon on the Friday preceding the public hearing;
3. Increasing the area of notification for the Authorized Hearings; and
4. Mailing notices to the resident/occupant in addition to the property owner.



Zoning property owner notification

Currently

- Per the Code, staff sends written notice not less than 10 days before the public hearing at City Plan Commission (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 Proposal

- 1) mailing notices not less than 15 days before the City Council public hearing;
- 2) requiring reply forms and affidavits to be returned before noon on the Friday preceding the public hearing;

JUNE 2019						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

-  City Planning Commission (CPC)
-  City Council (CC)
-  Possible Changes to City Council
-  If they deadline is a holiday possible Changes to City Council replay form

Note: If Friday is a holiday, the deadline is the following working day giving property owners more time.



Zoning property owner notification

Proposal

Rationale:

- Property owners are notified sooner regarding 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.
- If there is 20% opposition which requires a 3/4 vote by City Council to approve, it would be known sooner.



Zoning property owner notification

Currently

- Per the Code (51A-4.701), city council or the commission may authorize a public hearing on an amendment to this article or a change in a zoning district classification or boundary.
- 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 to all owners of real property lying within 200 feet of the boundary of the area of request.



Zoning property owner notification Proposal

3) 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 a request.



Zoning property owner notification

4) Notice to the resident/occupant in addition to the property owners:

ZOAC Recommended no change.

- If property owner is also the resident/occupant, will receive two notices, one with the reply form and another without. This could be confusing.
 - at a minimum, will double the mailing cost.
 - No easy way to access multifamily/multiunit data
 - Dallas Water Utility billing information
 - USPS sends mail via "Every Door Direct Mail" by zip codes
-
- To address this concern, we will add the following language to the notice of public hearing letter. *The City encourages the property owners to inform tenants of potential zoning changes.*



Other Items Addressed

- The following items are discussed at ZOAC and addressed, however, are not amendments to the Code:
 - Zoning Signs
 - potentially increasing the font size on the signs;
 - possibility of utilizing and printing a tiny URL or shorter weblink in addition to the QR code on the signs;
 - possibility of including contact information in Spanish
 - How to post the zoning sign
 - Zoning notices and forms
 - Envelopes with notice in Spanish information
 - Information on location map in Spanish
 - Reword the 1st sentence on the Replay Forms
 - Easy online access to zoning cases



Zoning Signs

Example



**PROPOSED
REZONING**

CASE NO: Z189-325

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



<https://developmentdata.dallascityhall.com>

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

Current Rezoning Sign



**PROPOSED
REZONING**

CASE NO:

Z189-325

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**

Proposed Rezoning Sign



Zoning Signs 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 Zoning Notification Sign



Notice and Forms Envelopes



SUSTAINABLE DEVELOPMENT AND CONSTRUCTION
1500 MARILLA ST., 5BN
DALLAS, TEXAS 75201

City of Dallas
1500 Marilla Street
Dallas, Tx 75201



SUSTAINABLE DEVELOPMENT AND CONSTRUCTION
1500 MARILLA ST., 5BN
DALLAS, TEXAS 75201

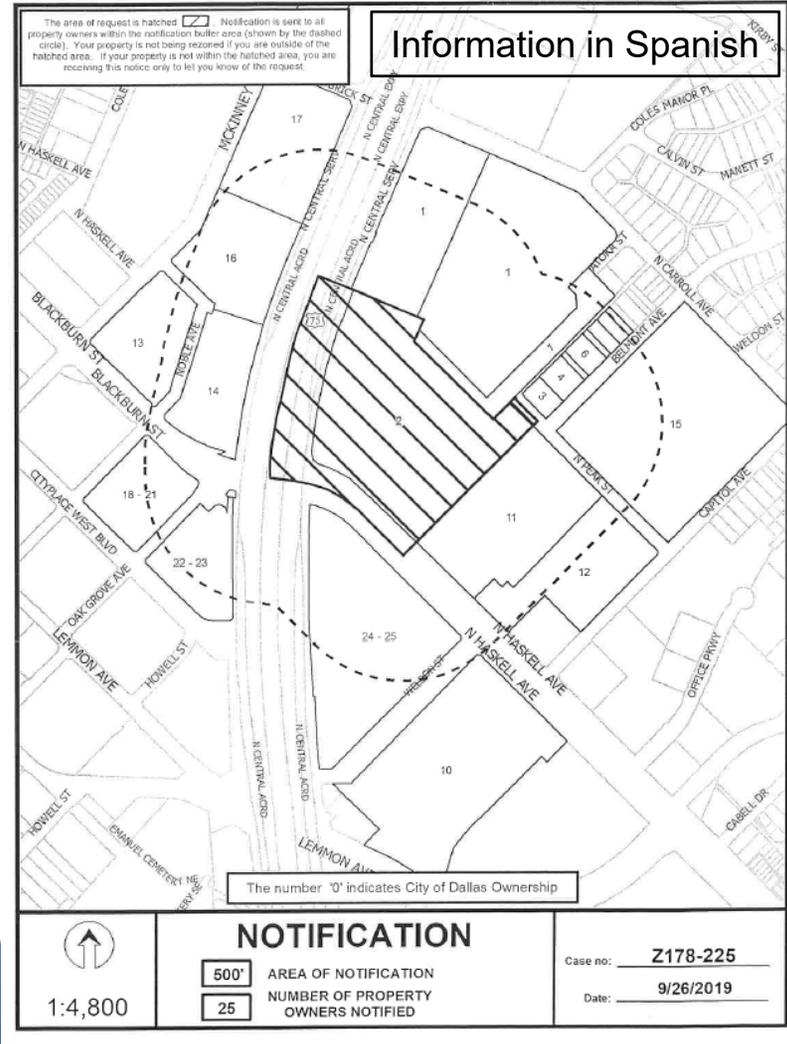
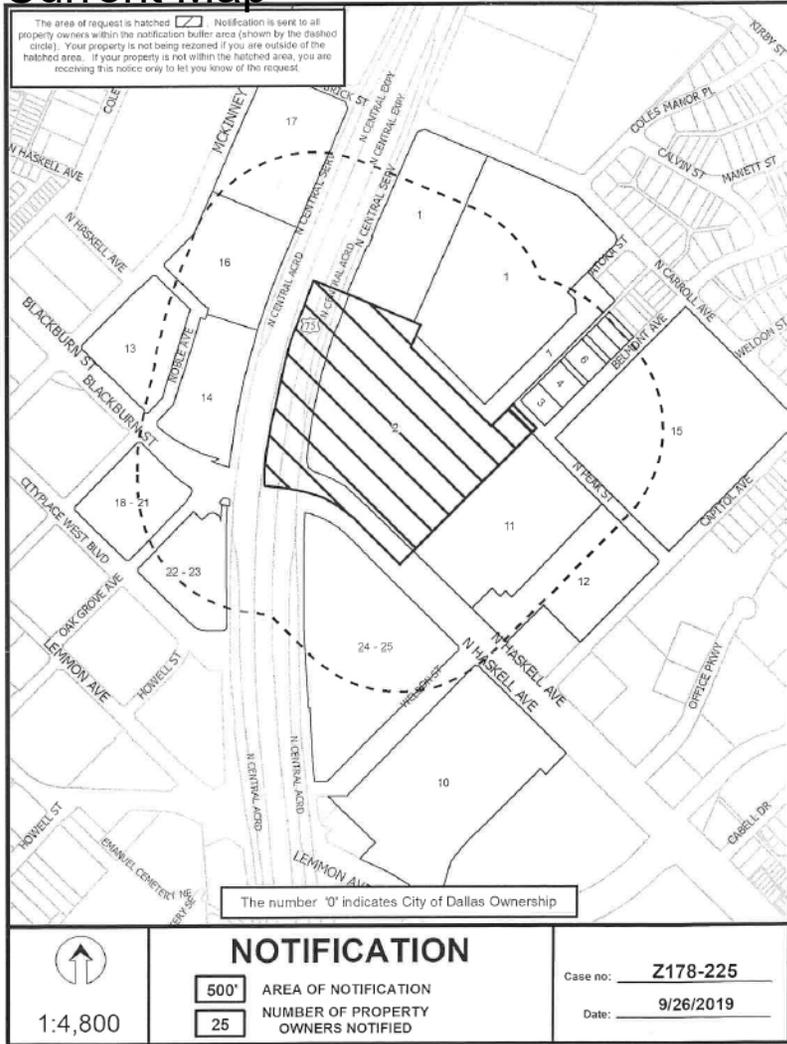
City of Dallas
1500 Marilla Street
Dallas, Tx 75201

Traducción en Español Dentro



Location Map

Current Map



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Envelops

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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).

Appendix -2: 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