

DALLAS DEVELOPMENT CODE AMENDMENT

FILE NO. DCA 189-004

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Zoning property owner notifications

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**Request:**

Consideration of amending Chapters 51 and 51A of the Dallas Development Code to amend regulations regarding zoning property owner notifications.

**Background:**

During the City Council public hearing on February 13, 2019, an affidavit in opposition of a zoning change request was questioned by the applicant.

In response to this, on April 8, 2019, the Mobility Solutions, Infrastructure, & Sustainability Committee (MSIS) was briefed on zoning property owner notifications and the notification process. The MSIS committee recommended the issue to ZOAC and CPC to review, research, and determine if amendments are needed, and if so to develop proposed amendment.

The most recent amendments to zoning notification and zoning signs regulations were: On February 14, 2007, the City Council approved an amendment to Section 51A-1.106 of the Dallas Development Code to address the number and timing of notification signs; On January 23, 2015, City Council approved changes to the Sec.51A-1.106 of the Dallas Development Code to clarify the intent of the notification signs and posting.

**Research/Staff Analysis:**

The Zoning Signs regulations were amended twice in 2007 and 2015. The following table shows amendments:

# Zoning Sign Regulations: 2007 and 2015 amendments

|   | 2007  | 2015  |
|---|---|---|
| Number of notification signs required   | (a) One notification sign per 500 feet of street frontage (at least one per frontage)<br>(b) One notification sign per five acres if no street frontage<br>(c) A maximum of five notification signs required  | No change   |
| Timing of notification sign posting   | (a) Within 14 days after an application is filed;<br>(b) Must be legible and remain posted until a final decision is made on the application;<br>(c) Must be evenly spaced over the length of street frontage;<br>(d) If no frontage, must be evenly posted in prominent locations most visible to the public | No change   |
| Consequences of improper posting of notification signs  | Postpone the public hearing for at least four weeks or deny the request   | No change   |
| Authority of city plan commission, landmark commission, or board of adjustment to determine if the posting of notification signs met the code's intent: | No discretion granted   | The city plan commission, landmark commission, or board of adjustment has the authority to determine if the notification sign posting meets code requirements. Posting requirements have been met if any lost, stolen, or vandalized signs are replaced in a timely manner, and good faith efforts have been made to keep signs posted as required by code. |
| Information included on notification signs  | Code do not specify   | Notification signs are intended only to supplement other notice requirements.   |
| When to post notification signs for authorized hearings   | Within 14 days after the hearing is authorized.   | A minimum 30 days before the first public hearing unless the authorizing authority approves a shorter time period at the time of the authorization.   |

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**Other Cities Research:**

See the attachment 1, for the Zoning Sign Regulations Research in Index cities and surrounding cities.

Zoning Sign Regulations Research in Index Cities

|   | Austin, TX   | El Paso, TX  | Fort Worth, TX  | Houston, TX   | *Los Angeles, CA  | Phoenix, AZ  | San Antonio, TX  | * Vancouver, Canada   |
|---|--|--|---|---|---|--|--|---|
| Who provides the sign? City or applicant?   | City   |  |   |   | City  | Applicant  | City   | Applicant   |
| Are there requirements for construction or materials of sign and if so what are they? |  | Signs made of durable material, anchored to ground with at least two posts, or on building, fence, or wall. Top of text on sign must be five feet above ground | City  |   | City provides the sign on 24" x 36" poster; The poster is heavy card stock that has been laminated to repel humidity, and the hearing notice and map is letter size paper. Please note that in Los Angeles we do not have much rain or snow or high winds and temperatures are mild. The poster is either taped or affix with tacks to the surface -these are not provided by the city. Applicant posts the signs | 1. 4feet X 8 feet in size;<br>2.Each sign shall be mounted to two posts. Sign shall be attached to posts using at least six 2-inch long corrosionresistant screws. Signs may be attached to the face of the posts or installed into grooves cut into the posts; eitherconstruction method requires six screws per sheet of plywood or MDF (medium density fiberboard).<br>3.Laminated 5-ply plywood or MDF.<br>4.Front, back, and all edges painted with two coats of white exterior acrylic enamel. | City provides the signs  | Applicant has to send before and after pictures of the posting of the signs   |
| Is there certain information required to be on the sign?                              | Type of action pending, file number, name and contact info | "Location of Proposed Rezoning" Contact info with Spanish 4" bolded black lettering  | Zoning change request and department contact information' 24by 36 metal signs | Application number, date/time/location of public hearing, applicant contact, department contact | Project Description, Case #, Description of the entitlement Request, Time, Date and Location of the Hearing and contact information of the applicant and contact information for planning staff assigned to the case.   | a double-sided sign giving notice of the date, time and place of the tentatively scheduled hearings  | Application number, contact information, zoning change information | full colour, 4 ft. high by 8 ft. wide. The signage must be installed in a visible and prominent location, at an appropriate height to ensure it is fully legible from street level. |
| What are the time frames for posting?   |  | At least 15 days before public hearing   | At least 10 days before the public hearing                                    | At least 10 business days in advance  | 5 to 10 days prior to the PH depending on the code.   | 15 days prior to the PH  | 10 days prior to the PH  | at least two weeks prior to the PH  |
| Are there specific requirements for where on the property they have to be posted?     | visible from street, spaced no more than 200' apart        | Visible from street, one sign per right of way   | No specific requirements  | Signs must face each public street, up to four signs  | The corner sites get one at each street frontage and they must be posted at a height that is legible to a five-foot five inches tall person. For a larger site 1 poster every corner or 150 linear feet.  | double-sided, and placed at a prominent location on the site, perpendicular to the street, generally adjacent to the public right-of-way   | visible  | requiring rezoning applications to have an updated site sign throughout the rezoning process  |
| Additional information  |  | A double-sided signs placed perpendicular to street. Applicant to provide proof to City of sign posting  |   |   | After the sign is placed the applicant needs to take a photograph of the sign and submit it as evidence that the requirement was met.   | After the sign has been posted, the applicant or their representative must submit an affidavit of posting and a photograph of the site posting   | Process completion   |   |

\* Not an Index City.

Zoning Sign Regulations Research in Surrounding Cities

|   | Arlington  | Cedar Hill                   | Duncanville                     | Garland                              | Grand Prairie  | Irving                          | McKinney   | Plano   |
|---|--|------------------------------|---------------------------------|--------------------------------------|--|---------------------------------|--|---|
| Who provides the sign? City or applicant?   | City   | City                         | City                            | City                                 | City   | City                            | Sign contractors   | Applicant   |
| Are there requirements for construction or materials of sign and if so what are they? | City provides the signs  | City provides the signs      | City provides the signs         | No                                   | No   | No                              | Approx. 4' x 4'  | Sign is installed on wooden posts, two-sided wooden or opaque coroplast signs |
| Is there certain information required to be on the sign?                              | Case number and phone number   | Case number and phone number | Zoning ca                       | Case Number, Department Phone Number | Notice of public hearing, Case number, phone #               | Case Number                     | Requested action, City contact information, other relevant info              | "Proposed zoning change" City contact info, case number                       |
| What are the time frames for posting?   | at least 16 days before the date of the scheduled public hearing                               | 18 days prior to the PH      | 15 days prior to public hearing | 10 days prior to public hearing      | 10 days prior to public hearing. usually Friday by midnight. | 10 days prior to public hearing | 7 days prior to public hearing   | 28 days prior to public hearing   |
| Are there specific requirements for where on the property they have to be posted?     | notification signs shall remain on the property until final action is taken on the application |                              | Visible from the road           |                                      |  |                                 | Visible from public right of way, signs for every 200-250 feet               | Determined at time of application, one sign per street frontage               |
| Additional information  |  |                              |                                 |                                      |  |                                 | Applicant to provide affidavit to planning department about posting of signs | Two sided wooden sign, perpendicular to street                                |