

DALLAS DEVELOPMENT CODE AMENDMENT

FILE NO. DCA 189-004

Zoning property owner notification

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Request:

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

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 a proposed amendment. Specifically to potentially: 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) mail notices to resident/occupant in addition to the property owner; and 4) increase the area of notification for Authorized Hearings.

On May 2, 2019, the Zoning Ordinance Advisory Committee reviewed the April 8, 2019 MSIS briefing and asked staff, additionally to review City of Dallas zoning signage regulations and research other cities.

On May 16, 2019, after reviewing the City of Dallas zoning sign requirements and research from other cities, ZOAC discussed the City of Dallas website for zoning information. ZOAC requested staff to look into: (a) potentially increasing the font size on the signs; (b) possibility of utilizing and printing a tiny URL or shorter weblink in addition to the QR code on the signs; (c) possibility of including contact information in Spanish; and (d) easy access to zoning cases online.



Staff is working with the Public Information group, Geographic Information System group and Communication Information Service (CIS) Department to address the above requests.

Current:

In response to MSIS Committee direction to review the zoning property owner notification process and specifically look into: 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) mailing notices to the resident/occupant in addition to the property owner; and 4) increasing the area of notification for the Authorized Hearings. We have reviewed the state law, our current code regulations and policies, and researched other cities.

Table -1:

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

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

The above calendar reflects an example of the timeline.

Pros:

- (a) Property owners are notified sooner regarding the public hearing.
 - (b) Mayor and Council Members would receive tabulations of the responses on Monday prior to the public hearing, instead of the evening before the hearing.
 - (c) If there is 20% opposition which requires a 3/4 vote by City Council to approve, it would be known sooner.
- Note: 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.

Cons:

- (a) Mailing notices for Council would coincide with mailing notices for City Plan Commission, which may result in large numbers of notices for staff to coordinate and the mail room to process.
- (b) May be perceived as having less time for the neighborhood and applicant to gather replies in support or opposition.

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

Per Section 211.007(c) of the Texas Local Government Code, the public hearing notices are mailed to the property owner, as indicated by the most recently approved municipal tax roll. Sending the notification mails to the resident/occupant in addition to the property owner may create the following issues:

(a) If property owner is also the resident/occupant, will receive two notices, one with the reply form and another without. This could be confusing.

(b) at a minimum, will double the mailing cost.

(c) No easy way to access multifamily/multiunit data: The resident/occupant information related to the multifamily/multiunit properties is not held in Appraisal District database. Example: Z178-206 in Planned Development District No. 193, the Oak Lawn Special Purpose District for amendment to Planned Development Subdistrict was considered by the City Council on January 9, 2019. The notification area was 500 feet and 948 property owner notices were mailed. There are at least three multifamily unit parcels within the area of notification, each receiving one notice to the property owner. We have no way to know how many units in each multifamily unit that would require the resident/occupant notice. Each of those multifamily properties could have 200 units requiring 600 additional mailing. There is no easy way to know if every resident/occupant of these multifamily units has been notified.

Possible ways to access multifamily/multiunit mailing addresses by using:

(i) Dallas Water Utility billing information: The Dallas Water Utility department sends water meter bills to individual meters (generally includes single family) and master meters (generally includes multifamily/multiunit). This database might not include accurate multifamily/multiunit resident/occupant information as there might be only one address for each master meter bill.

(ii) The USPS sends mail via "Every Door Direct Mail" by zip codes. This service will cost the city to send the zoning notifications. The area of notification could include portions in multiple zip codes and might cover a much larger area than the required area of notification.

4) Increase the area of notification for Authorized Hearings:

Per current Code, 51A-1.105, the area of notification for Authorized Hearing is 200 feet. By increasing the notification area to 500 feet will increase the cost. However, the area of notification distance increase will be consistent with the rest of the zoning requests/area of notification requirements for the amendments to the planned development district.

Previous Research/Staff Analysis on zoning notification and zoning signs regulations:

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.

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) (b) One notification sign per five acres if no street frontage (c) A maximum of five notification signs required	No change
Timing of notification sign posting	(a) Within 14 days after an application is filed; (b) Must be legible and remain posted until a final decision is made on the application; (c) Must be evenly spaced over the length of street frontage; (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.

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; 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). 3.Laminated 5-ply plywood or MDF. 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