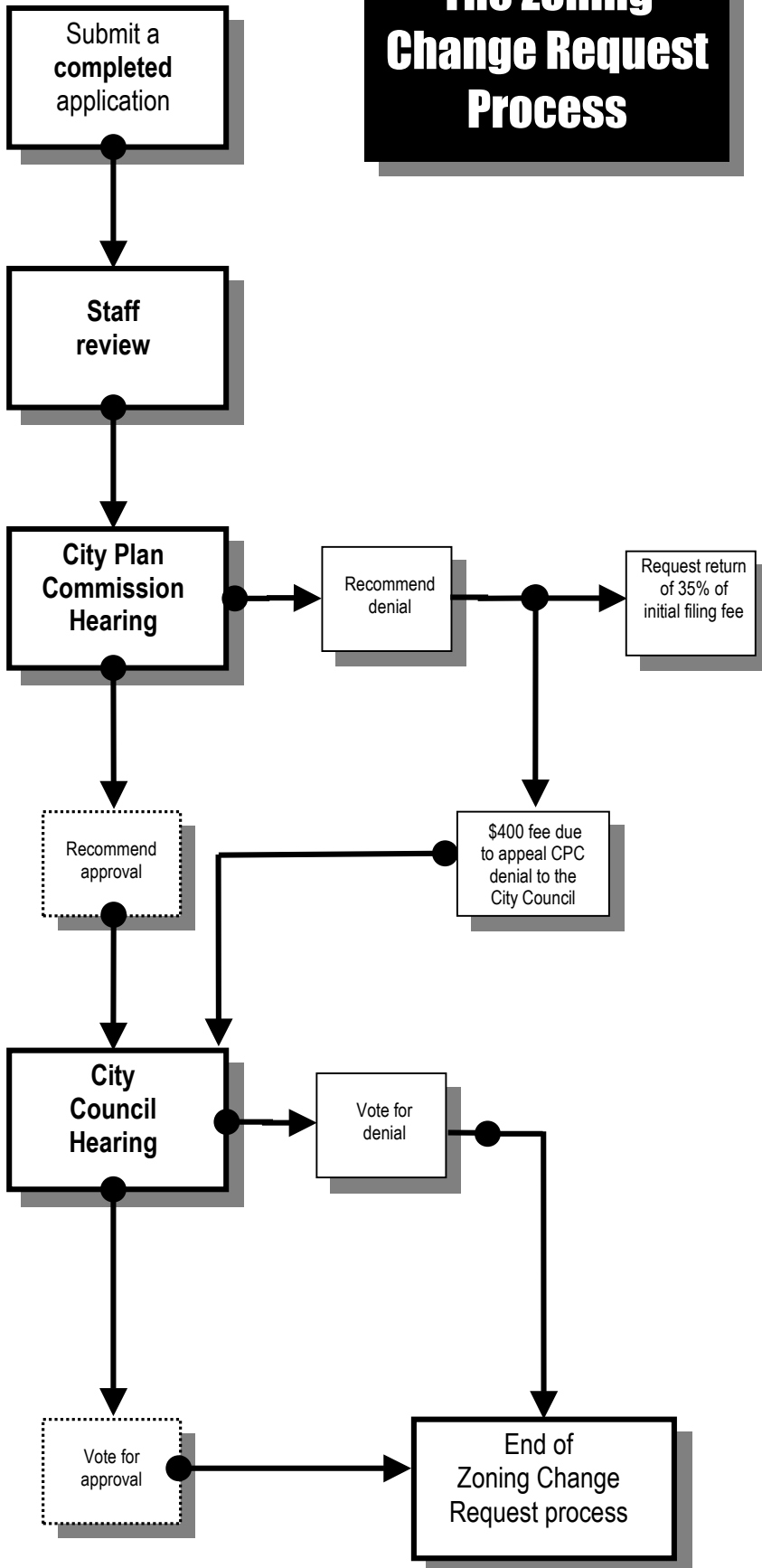




# **DEED RESTRICTION INFORMATION PACKET**

# The Zoning Change Request Process



Staff's review of a completed application will result in the applicant receiving a preliminary recommendation within 2 to 3 weeks of the original submittal date. **This recommendation is subject to change.**

In processing an application, two public hearings are held at which time the applicant or his/her representative should be present.

The first of these hearings is held before the City Plan Commission (CPC). Ten days prior to the CPC hearing the property owners within the required notification area will be notified of their right to appear and express their opinion about the request.

Approximately 6-8 weeks after a completed application is submitted, the CPC holds a hearing on the zoning change request.

A CPC vote of approval results in the automatic forwarding of the request to the City Council (CC).

Any CPC vote of denial can be appealed to the City Council upon written request and receipt of a \$400 administration fee due within 10 days of the City Plan Commission action. Otherwise, a written request with original filing fee receipt can be forwarded for a 35% refund of the initial filing fee.

Approximately 4-6 weeks after a City Plan Commission decision, a forwarded or appealed zoning change request will be considered by the City Council.

Written notification is sent to all property owners within the required notification area 10 days prior to the City Council hearing.

A vote of approval by the City Council results in the passage of an ordinance that makes the decision legally binding.

A vote of **denial with prejudice** at either the CPC or CC hearing or a CC **vote of approval** means that an applicant **cannot** bring in another zoning change request on the same property within two years without a waiver of the two-year waiting period.

A vote of **denial without prejudice** at either the CPC or CC hearing means that an applicant **can** bring in another zoning change request on the same property without filing for a waiver of the mandatory two-year waiting period.

# Submitting a Zoning Change Request

To amend or terminate deed restrictions, collect the appropriate documents (see Checklist below) and bring them to the Pre-Development Section of the Department of Development Services in Room 5BN in City Hall located at 1500 Marilla Street. A planner will review your submission for completeness. **An incomplete application will not be accepted.** If your submission is incomplete, a planner will provide you with a list of requirements to make your request acceptable for submission.

The Pre-Development Section conducts submission reviews Monday through Friday between 9:00 a.m and 4:00 p.m. subject to staff availability. On Thursday, staff is at the City Plan Commission meeting and a planner may not always be available during this time.

The planner assigned to your application will assist you in obtaining contact information for neighborhood groups and others who are interested in the area of request. It is also recommended that you **contact the Plan Commissioner** for the area to discuss the case.

Use the following checklist as a guideline to gather the information necessary to submit a completed request. Not all requirements apply to all requests. A detailed explanation of each requirement is provided in this packet. Each requirement explanation will be referenced to the letter in the far left column.

Deed Restriction Application Checklist		
<b>A</b>	Application Form	<input type="checkbox"/>
<b>B</b>	Proper signatures	<input type="checkbox"/>
<b>C</b>	Letter(s) of authorization	<input type="checkbox"/>
<b>D</b>	Land use statement	<input type="checkbox"/>
<b>E</b>	Zoning Location Maps (2)	<input type="checkbox"/>
<b>F</b>	Tax Plat Maps (2)	<input type="checkbox"/>
<b>G</b>	Correct lot & block or Metes & Bounds survey with drawing (2)	<input type="checkbox"/>
<b>H</b>	Copy of Deed	<input type="checkbox"/>
<b>I</b>	Tax Certificate	<input type="checkbox"/>
<b>J</b>	Verification of no unpaid liens	<input type="checkbox"/>
<b>K</b>	List of partners/principals/officers	<input type="checkbox"/>
<b>L</b>	Termination instrument	<input type="checkbox"/>
<b>M</b>	New instrument	<input type="checkbox"/>
<b>O</b>	Copy of existing deed restrictions	<input type="checkbox"/>
<b>P</b>	Application and Sign Fees	<input type="checkbox"/>

Upon submission of a completed application, staff will assign a **tentative** City Plan Commission hearing date and work closely with you to hold that date. Your responsiveness in providing staff with any additionally requested, necessary information will determine when your request is scheduled and therefore considered by the City Plan Commission.

# Checklist Explanation

<b>A Application Form</b> <ul style="list-style-type: none"><li>▪ Please provide the information requested on the zoning application.</li><li>▪ Applicant, representative and owner information will be required as appropriate.</li><li>▪ Site information can be obtained by collecting E, F, G, and I. Also, <a href="http://www.dallascityhall.org">www.dallascityhall.org</a> is an informative website.</li><li>▪ Staff can answer some site information questions at 214-670-4209 or 214-948-4480.</li></ul>
<b>B Proper Signatures</b> <ul style="list-style-type: none"><li>▪ Applicant, representative and/or owner must sign the application and/or letters of authorization as appropriate.</li></ul>
<b>C Letter of Authorization</b> <ul style="list-style-type: none"><li>▪ If the applicant and the owner are not the same person, the relationship between the two must be documented by a letter authorizing the applicant to act on the owner's behalf to pursue the requested zoning change.</li><li>▪ If a representative is retained by an owner to pursue a zoning change request, the relationship between the two must be documented by a letter authorizing the representative to act on the owner's behalf.</li></ul>
<b>D Land Use Statement</b> <ul style="list-style-type: none"><li>▪ A land use statement is a written explanation which describes the request and includes <b>at a minimum</b> the following:<ul style="list-style-type: none"><li>– The reason this request is being submitted;</li><li>– The size of the area of request (in acres or square feet);</li><li>– The existing zoning and use of the area of request;</li><li>– The existing zoning and uses of the properties surrounding the area of request;</li><li>– The current and proposed use of any existing structures;</li><li>– The proposed use for the area of request;</li><li>– The proposed maximum building height in feet and stories of new structures;</li><li>– The proposed lot coverage for buildings, parking structures or parking lots (list each separately).</li></ul></li></ul>
<b>E 8 ½" x 11" Zoning Location Maps (2 required)</b> <ul style="list-style-type: none"><li>▪ Current zoning maps are required.</li><li>▪ Can be obtained at <b>City Hall, Room 5CN</b> for \$1.00 each.</li><li>▪ Please outline the area of request in <b>red</b>.</li></ul>
<b>F 18" x 24" Tax Plat Maps (2 required)</b> <ul style="list-style-type: none"><li>▪ Can be obtained at <b>320 E. Jefferson, Room 318</b>.</li><li>▪ Please outline the area of request in <b>red</b> and fold maps.</li></ul>
<b>G Correct Lot and Block or Metes and Bounds Survey</b> <ul style="list-style-type: none"><li>▪ If the area of request cannot be described as all of a platted lot, then a metes and bounds description is required.</li><li>▪ A metes and bounds description with drawing can be prepared by a surveyor, engineer or architect.</li><li>▪ The metes and bounds description must be typed on an 8½" x 11" sheet(s) of paper and legible.</li><li>▪ The correct lot and block or metes and bounds description is necessary to legally bind the property to the ordinance, if the City Council approves the request.</li><li>▪ Although not a requirement, it would helpful to include a 3.5" diskette with the text description of the survey saved as either a Microsoft Office Document '.doc' or a Rich Text Format, '.rtf' file.</li></ul>
<b>H Deed</b> <ul style="list-style-type: none"><li>▪ One copy of a deed that verifies ownership of the property.</li><li>▪ A copy of the deed may be obtained at the Dallas County offices at <b>500 Elm Street</b>.</li></ul>
<b>I Tax Certificate.</b> <ul style="list-style-type: none"><li>▪ Can be obtained at <b>Dallas County</b> tax office located at <b>500 Elm Street</b>.</li></ul>
<b>J Verification of no unpaid liens</b> <ul style="list-style-type: none"><li>▪ Can be obtained at <b>City Hall, Room 2DN</b>.</li></ul>
<b>K List of Partners/Principles/Officers</b> <ul style="list-style-type: none"><li>▪ If the applicant and/or the owner are a corporation, partnership or trust, a list of partners/principals or officers must be provided so that any conflict of interest by City Plan Commissioners or City Council persons can be identified before a vote is taken.</li></ul>
<b>L Termination Instrument</b> <ul style="list-style-type: none"><li>▪ Provide a copy of the instrument to terminate existing deed restrictions.</li><li>▪ Staff can provide a generic form. Call (214) 670-4209.</li></ul>
<b>M New Instrument</b> <ul style="list-style-type: none"><li>▪ Provide a copy of the instrument to create new deed restrictions.</li><li>▪ Staff can provide a generic form. Call (214) 670-4209.</li></ul>
<b>O Existing Deed Restrictions</b> <ul style="list-style-type: none"><li>▪ Provide a copy of the executed deed restrictions.</li></ul>

# Checklist Explanation

**P Application and Sign Fees**

- Both the application and sign fees must be paid at the time of application.
- Consult the Fee/Sign schedule for a list of current fees.



City of Dallas

# Department of Development Services

1500 Marilla Street Room 5B North Dallas, TX 75201 Phone 214.670.4209 Fax 214.670.4210

## Zoning Change Application

October 2002

Provide the following information. (Please print).

Applicant		Representative		Owner	
Owner <input type="checkbox"/> <input type="checkbox"/> Prospective Buyer				Individual <input type="checkbox"/> <input type="checkbox"/> Corporation	
Tenant <input type="checkbox"/>				Partnership <input type="checkbox"/> <input type="checkbox"/> Trust	
Name:		Name:		Name:	
Address:		Address:		Address:	
City/St/Zip:		City/St/Zip:		City/St/Zip:	
Telephone:		Telephone:		Telephone:	
Fax:		Fax:		Fax:	
E-mail:		E-mail:		E-mail:	
Signature of Applicant			Signature of Owner		

Existing zoning:		Location & cross street:	
Mapscos no.		Request:	
Zoning map no.			
Council district			
School district			
Census tract no.		Lot(s)/Block(s):	Size of request:

Areas below to be completed by staff during application intake.

General Zoning Change*	Specific Use Permit*	Planned Development	Deed Restrictions*
	New <input type="checkbox"/> <input type="checkbox"/> Renewal Amendment <input type="checkbox"/> <input type="checkbox"/> Auto Renewal***	District*	Termination <input type="checkbox"/> <input type="checkbox"/> Amendment
Proper signatures <input type="checkbox"/>	Proper signatures*** <input type="checkbox"/>	Proper signatures <input type="checkbox"/>	Proper signatures <input type="checkbox"/>
Letter(s) of authorization <input type="checkbox"/>	Letter(s) of authorization*** <input type="checkbox"/>	Letter(s) of authorization <input type="checkbox"/>	Letter(s) of authorization <input type="checkbox"/>
Land use statement <input type="checkbox"/>	Land use statement <input type="checkbox"/>	Land use statement <input type="checkbox"/>	Land use statement <input type="checkbox"/>
Zoning Location Maps (2) <input type="checkbox"/>	Draft Conditions <input type="checkbox"/>	Draft Conditions <input type="checkbox"/>	Zoning Location Maps (2) <input type="checkbox"/>
Tax Plat Maps (2) <input type="checkbox"/>	Zoning Location Maps (2)*** <input type="checkbox"/>	Zoning Location Maps (2) <input type="checkbox"/>	Tax Plat Maps (2) <input type="checkbox"/>
Correct lot & block or Metes & Bounds survey with drawing (2) <input type="checkbox"/>	Tax Plat Maps (2) <input type="checkbox"/>	Tax Plat Maps (2) <input type="checkbox"/>	Correct lot & block or Metes & Bounds survey with drawing (2) <input type="checkbox"/>
Copy of Deed <input type="checkbox"/>	Correct lot & block or Metes & Bounds survey with drawing (2) <input type="checkbox"/>	Correct lot & block or Metes & Bounds survey with drawing (2) <input type="checkbox"/>	Copy of Deed <input type="checkbox"/>
Tax and lien statements <input type="checkbox"/>	Copy of Deed <input type="checkbox"/>	Copy of Deed <input type="checkbox"/>	Tax and lien statements <input type="checkbox"/>
Traffic Impact Worksheet <input type="checkbox"/>	Tax and lien statements <input type="checkbox"/>	Tax and lien statements <input type="checkbox"/>	List of partners/principals/officers** <input type="checkbox"/>
Traffic impact Study or Waiver** <input type="checkbox"/>	Traffic Impact Worksheet <input type="checkbox"/>	Traffic Impact Worksheet <input type="checkbox"/>	Termination instrument** <input type="checkbox"/>
List of partners/principals/officers** <input type="checkbox"/>	Traffic impact Study or Waiver** <input type="checkbox"/>	Traffic impact Study or Waiver** <input type="checkbox"/>	New instrument** <input type="checkbox"/>
	List of partners/principals/officers** <input type="checkbox"/>	List of partners/principals/officers** <input type="checkbox"/>	Copy of executed deed restrictions** <input type="checkbox"/>
	Site Plans (10 folded) <input type="checkbox"/>	Conceptual plans (10 folded) or Development Plans (10 folded) <input type="checkbox"/>	
	Landscape Plans (10 folded)** <input type="checkbox"/>	Landscape Plans (10 folded)** <input type="checkbox"/>	
	Tree Survey (2 folded)** <input type="checkbox"/>	Tree Survey** <input type="checkbox"/>	
		Elevation/perspectives (optional) <input type="checkbox"/>	

\*Additional requirements may be determined as necessary prior to application acceptance. \*\* If required.

2 year waiver: Y <input type="checkbox"/> N <input type="checkbox"/>	Filing fee: \$	Sign fee: \$	Date filed:
Escarpment Y <input type="checkbox"/> N <input type="checkbox"/>	Receipt no.	Receipt no.	Accepted by:
Floodplain Y <input type="checkbox"/> N <input type="checkbox"/>	Notification area: FT.	No. of signs:	Date withdrawn:

Tentative CPC Hearing Date:	Planner:	File No.: Z _____ - _____ / _____ (____)
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City of Dallas

# Department of Development Services

1500 Marilla Street Room 5B North Dallas, TX 75201 Phone 214.670.4209 Fax 214.670.4210

## Deed Restriction Fee/Sign Schedule

October 2002

Deed Restrictions		0 to 1 acre	>1 acre to 5.0 acres *	>5.0 acres to 15 acres *	>15.0 acres to 25 acres *	>25.0 acres *
<b>New</b>	Fee	\$350.00 (\$0 if submitted with an application for zoning change, prior to CPC)				
	Notification area	200 ft.	300 ft.	400 ft.	400 ft.	500 ft.
<b>Amendment</b>	Fee	\$900.00 (\$0 if submitted as part of an application for zoning change)				
	Notification area	Same as original notification				

*\*Any fraction of an acre is rounded up to the next acre.*

### Notification Signs

- ✓ **One** sign must be posted for **each 5 acres** of property up to a maximum of **5** signs.
- ✓ Signs cost **\$10.00 each** which is due upon submission of a completed application.
- ✓ The sign(s) must be posted **at least 10 days** before the scheduled City Plan Commission hearing date.
- ✓ The sign(s) must be **visible from all street frontages**.
- ✓ Signs not properly displayed leave the City Plan Commission only two considerations;  
  - 1) *denial of the request* or
  - 2) *postponement until the proper ten day posting is accomplished.*

I have read and understand my responsibility regarding the legal posting of notification signs.

Monday  
(by 1:30 p.m.),

\_\_\_\_\_ **Tentative posting date**

\_\_\_\_\_ **Applicant signature**

\_\_\_\_\_ **Date**