Zoning Property Owner Notification

City Planning Commission (CPC) Briefing
October 17, 2019

Vasavi Pilla, Senior Planner Sustainable Development and Construction



City of Dallas

Zoning property owner notificationHistory

- 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 notificationOverview

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 pefore 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	Current: CPC Notices mailed to the property owners) 8	
9	Possible Change: Notices mailed to the property owners	11	12	13	Current: CC Notices mailed to the property owners	15	
16	17	18	Current: CPC reply forms and affidavits to be returned before noon		Possible Change: Reply on forms and affidavits to be returned before noon	22	
23	If Friday is a holiday, then the request must be submitted no later the noon on the following working day	Current: CC reply forms and affidavits to be returned before noon	City Council (CC)	27	28	29	
30							



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:

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

Rationale:

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



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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.
- o 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 Sings
 - 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



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

https://developmentdata.dallascityhall.com

Current Rezoning Sign



PROPOSED REZONING

CASE NO:

Z189-325

FOR MORE INFORMATION PARA MAS INFORMACION



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

https://developmentdata.dallascityhall.com

Proposed Rezoning Sign

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Zoning SignsAffidavit



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 to 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 Nun	nber: Z				
Location:					
I,(Repre	esentative or Applicant)	, affin	n that I have poste	d the	
requiredsigns for the above mentioned zoning case. The sign(s) was/were					
posted on		at		am/pm.	
	(date of posting)		(time of posting)		
Signature of	Representative or Applic	ant			
It is a criminal offense	e to knowingly make a false en	try in a governmen	ntal record. (Texas,Per	nal 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 14^{th} 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 in City of Dallas **Envelopes**



SUSTAINABLE DEVELOPMENT AND CONSTRUCTION 1000 MARILLA ST., 58N DALLAS, TEXAS 75201

City of Dallas Dallan, Tx 75201



SUSTAINABLE DEVELOPMENT AND CONSTRUCTION

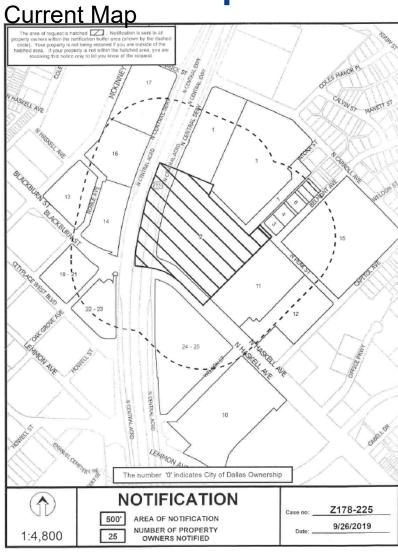
City of Dallas 1500 Marilla Street Dallas, TX 75201

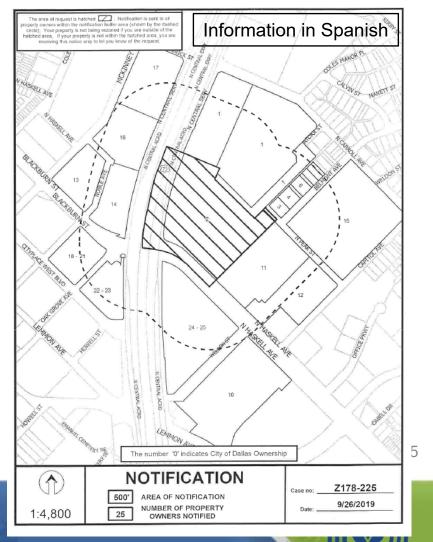
Traduccion en Español Dentro





Location Map







Current Replay Forms

This notice has been sent to you because your property for property owner, you can support or oppose this request. To thusiness day before the City Council hearing date. Only the <u>original</u> of this reply form or a written reply that comples wused. Exceed or photocopies of this reply form will not be accepted.	dies) is in or near the are	Z178-260 (SM)
used. Faxes or photocopies of this reply form will not be accepted.	e counted, this form mus	be received before moon on th
	nn Datas Development C	ode Section 5 (A-4, 70) may be
	For inform	ation contact Sarah May
	1 2	(214) 671-9404 or
City of Dallas Sustainable Dev & Construction	sarah ma	v@dalascit/hall.com
1500 Marilla St, 5BN		nformación en español, favor a Liliana Lopez al teléfono
Dailas, TX 75201 Z178-2400		a Criana Copez al leletono (214) 670-4209.
1 am authorized to sign this form because I a	m (Check only one	box.)
	s/Organization	Condominium
Enobord arms	esident/Vice President eneral Partner	Governing body*
Changing at a bound or surering	torney in fact	☐ Individual owner
*I am authorized to sign by the governing body of the condominis		bull must
** A condominium unit owner must enclose a copy of the legal d		
separately from the governing body.		
List the street address(es) of your property in (Do not list a P.O. Box.) If you own multiple for account names, you may receive multiple for Street Address:	le properties under d	ifferent appraisal district
Indicate your support or opposition to the pr	Opposed Opposed	e request:
Comments:		
Comments:		
Comments:		
	a and time was signer	must be provided. Faid th
Comments: STEP Sign below. For this form to be valid, the dat form as indicated on the reverse side and return it by mail	or hand delivery. To b	
Sign below. For this form to be valid, the dat	or hand delivery. To b	
Sign below. For this form to be valid, the dat orm as indicated on the reverse side and return it by mall accelled before noon on the business day before the City Co	or hand delivery. To b	e counted, this form must b
Sign below. For this form to be valid, the dat orm as indicated on the reverse side and return it by mail see lived before noon on the business day before the City Co	or hand delivery. <u>To b</u> suncil hearing date.	e counted, this form must b
Sign below. For this form to be valid, the date or as indicated on the reverse side and return it by mail acceived before noon on the business day before the City Co. Signature (and Title if applicable)	or hand delivery. <u>To b</u> suncil hearing date.	e counted, this form must b

Y	COMMISSION HEARING DATE	III-	REP	LY		CASE NO:
Oct	ober 4th, 2018	CITY OF DAL	LAS FOR	IM	Z	178-260 (SM)
As a propert		or oppose this re	equest. To be cour			of a proposed zoning change, received before noon on the
Only the <u>cric</u> used. <u>Faxes</u>	ainal of this reply form or a s or photocopies of this rep	written reply that by form will not b	t complies with Da ie accepted.	las Develop	ment Code	e Section 51A-4.701 may be
i	For information contact Sarah May					
1	City of Dallas Z 178-260 at (214) 671-9404 or seren may@dallascityhall.com.					
	Sustainable Dev & Cor 1500 Marilla St. 5BN	struction		Si	desea info	ormación en español,
	Dallas, TX 75201			favor de llamar a Liliana Lopez al teléfono (214) 670-4209.		
					ar telelolo	0 (2 14) 070-4200.
STEP 1	I am authorized to sig	gn this form b	ecause I am (Check only	y <u>one</u> bo	x.)
☐ Aut	al operty owner thorized by a power of a presenting a majority of		☐ General	t/Vice Pres Partner		Condominium Governing body* Individual owner **
* I am authorized to sign by the governing body of the condominium in accordance with its bylaws. ** A condominium unit owner <u>must</u> enclose a copy of the legal document that gives the individual owner the right to act separately from the governing body.						
STEP2 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 Addre	ess(es):		_			
Indicate your support or opposition to the proposed zoning change request: Support Opposed						
Comments						
				_		
STEP 4 Sign below. For this form to be valid, the date and time you signed must be provided. Fold the form as indicated on the reverse side and return it by mail or hand delivery. To be counted, this form must be received before noon on the business day before the City Plan Commission hearing date.						
Signature (a	nd Title If applicable)		Signature	(and Title if a	applicable)	
Date and Tin	Date and Time (both must be provided) Date and Time (both must be provided)					
It is a crime to investigate submit a false worker made from Taxons Parest Code 5 37 40). Section Parests Parest						

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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

