



# **INFORMATION MEMORANDUM**

TO: Mayor and City Council

THROUGH: Ben Williamson, City Manager

FROM: Sarah Bergman, Deputy Director of Planning

DATE: June 3, 2025

SUBJECT: Conduct a public hearing and consider adopting Ordinance No. 3927 to amend Article 6, "Administration" of the Comprehensive Zoning Ordinance, to increase the required notification boundary for public hearings related to zoning cases; and take appropriate action.

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## **Background:**

During the March 4, 2025, Study Session meeting, the City Council reviewed and discussed notification procedures related to zoning cases. Currently, written notices are mailed to all owners of property within 200 feet of any zoning request, as outlined by State law. Additional measures taken to notify the public of upcoming zoning hearings include posting signs on site, providing case information on the City's website, and publication in the newspaper.

After the discussion, the City Council provided direction that the required boundary for written notifications should be increased beyond 200 feet in order to enhance public awareness and engagement with the zoning process. A 300-foot radius was suggested, subject to further review and discussion through the public hearing process. As a result, the City is initiating a text amendment to Article 6, "Administration," of the Comprehensive Zoning Ordinance (CZO). This amendment would affect the required public notification boundary for both the Planning and Zoning Commission (P&Z) and the Zoning Board of Adjustment (ZBA).

## **Current Requirements:**

Chapter 211, "Municipal Zoning Authority" of the Texas Local Government Code (TLGC) outlines notification procedures for requests requiring consideration of P&Z or ZBA. The same requirements are adopted in Article 6 of the Farmers Branch CZO.

For requests considered by ZBA, written notification is mailed to all owners of property within 200 feet of a site on which a variance is requested. Notification is also published in the Dallas Morning News. Both notifications occur at least 10 days prior to the scheduled ZBA hearing date.

For P&Z, the following measures are taken to notify the public of upcoming zoning requests requiring a public hearing (zoning amendments, text amendments, specific use permits, and certain detailed site plans requiring special exceptions) at least 10 days prior to the meeting:

- Written notification mailed to all owners of property within 200 feet of the site.
- Written notification mailed to Carrollton-Farmers Branch ISD and Dallas ISD.
- Zoning notification signs posted along the highest visibility street frontage.
- Case descriptions posted online on the City's "Be Informed" and Planning webpages.
- Notice published in the Dallas Morning News (at least 15 days prior to the associated City Council meeting).

The full meeting agenda and packet, including the staff report, location maps, and site drawings, are published at least 72 hours before each hearing to allow for public review and comment.

### **Proposed Amendment:**

The proposed text amendment includes changes to CZO Article 6, "Administration," including Sections 6.1, "Board of Adjustment," 6.2, "Map Amendment," and 6.5, "Specific Use Permit." These sections outline the requirement to notify every owner of property within 200 feet of a requested zoning case. The attached draft ordinance increases this requirement to 300 feet. No other text changes are proposed.

### **Analysis of Surrounding Cities:**

Staff has reviewed the required public notification boundary for 16 surrounding municipalities. Of these, 12 adhere to the 200-foot boundary required by the TLGC. Larger cities such as Fort Worth, Dallas, and Garland apply boundaries ranging from 200 to 400 feet. The City of Colleyville has the largest radius at 500 feet, likely due to the larger estate-style lots within the city. A full list of cities surveyed is included in the attached presentation.

### **Additional Considerations:**

If this amendment is approved, the total number of letters mailed per case will increase, resulting in a related increase in the cost of mailing supplies (envelopes, ink, paper), postage, and staff time. All notification letters are currently prepared in-house by staff. The average time to complete this process is approximately two hours for a standard case involving 50 or fewer owner notifications. Postage costs are currently \$1.38 per letter, to include a Certificate of Mailing from the post office.

In several test cases, staff have determined that increasing the notification boundary to 300 feet does not substantially increase the number of required public notifications in most instances. This will fluctuate based on individual site conditions, lot sizes surrounding the subject property, and the size of the area being rezoned (i.e., a single site versus larger Planned Development amendments).

This update to the notification radius will not impact protest procedures established by State law. A supermajority (three-fourths) vote of the City Council is required when a protest is received from the owners of 20% or more of either: 1) the area of land covered by the proposed change; or 2) the area of land within 200 feet of the proposed change, including streets and alleyways.

**Public Response:**

Notice of this proposed amendment was published in the Dallas Morning News on both May 2, 2025, and May 16, 2025. As of the writing of this report, no written correspondence has been received by the City.

**Recommendation:**

On May 12, 2025, the Planning & Zoning Commission considered this request and recommended approval unanimously.