

FILE NUMBER: DCA245-006(JP) **DATE INITIATED:** March 5, 2025

TOPIC: Amendment to the Dallas Development Code to remove Section 51A-4.701(e) Postponements and shift requests for postponements to City Plan Commission and/or City Council public hearings.

COUNCIL DISTRICT: All

CENSUS TRACTS: All

PROPOSAL: Consideration of removing Section 51A-4.701(e) "Postponements" to eliminate the non-discretionary postponement process for zoning amendments.

SUMMARY: The proposed code amendment aims to enhance transparency and fairness, increase procedural efficiency, and reduce administrative costs. This change would allow participants and applicants to request that items be postponed or held at CPC and CC public hearings without the need to submit a formal letter and pay a fee, allow for public discussion about the rationale for the postponement, and have a new "date certain" meeting established at the public hearing, should the request for postponement be granted.

CPC RECOMMENDATION: Approval.

ZOAC RECOMMENDATION: Approval.

STAFF RECOMMENDATION: Approval.

BACKGROUND

This proposal originated from a Planning and Development (PDD) staff review of the processing times for zoning cases (both city-initiated and individual), the financial impact of the current postponement process, and the transparency of the existing regulation. Processing times for Authorized Hearings (City-initiated zonings) and private applications have been in the spotlight for the past several years, and staff has looked at multiple angles to decrease the time it takes to complete zoning cases. Under the current standards, cases may be postponed by four weeks or more before one City Plan Commission (CPC) public hearing and one City Council public hearing. Of the last five Authorized Hearings, three had requests for postponements, adding up to an additional three months to each project.

The rising costs of supplies and postage and financial sustainability also weighed into the proposal. Between 2022 and 2025, City staff analyzed the costs, time, and efficiency associated with re-noticing public hearings for zoning cases due to administrative, non-discretionary postponement rules. Total costs include printing, postage, cost of materials, and administrative overhead. The analysis revealed that the true costs associated with the postponement process, including both re-noticing in the newspaper and re-mailing notices, far outweigh the flat \$150 postponement fee. Furthermore, these re-notices result in confusion within the community due to multiple mailouts with changing public hearing dates. The intent of this amendment is to improve transparency, promote greater financial efficiency, and streamline processes.

On April 22, 2025, the Zoning Ordinance Advisory Committee (ZOAC) was briefed and recommended the proposed amendment move forward to CPC, as recommended by Planning and Development staff.

STAFF ANALYSIS

Current Process

Under the existing code, both the applicant and opposition within the area of notification of a zoning case may request postponement of a scheduled public hearing by paying a fee of \$150 and submitting a formal letter of request to the Director of Planning and Development that sets forth the grounds for the postponement. These postponements are automatic with receipt of the fee and the letter of request. One postponement is allowed prior to CPC and one prior to City Council, and the request may be for 4- weeks or more in the future. These postponement requests are made after notices are sent and must be submitted no later than 5:00 pm on the Monday preceding the week of the

hearing, triggering the requirement for another newspaper notice and a second mailout to affected properties owners to announce the postponement and new meeting date.

Issues

The existing postponement rules in Section 51A-4.701(e) lack transparency, lead to confusion, add extra time to zoning cases, and result in increased costs to the City. Since postponements are currently administrative and automatically granted upon request, governing bodies and the community have no opportunity to weigh in on the requests. This can be particularly impactful on large-area zoning cases where months of community meetings have taken place and expectations for a proposed timeline have been established. Currently, one person within the area of notification may request a postponement to staff, and it must be granted, without consideration by appointed and elected officials, other property owners, or community members in the area. This results in confusion by property owners who expected a certain process and poses challenges to having cases heard in a timely manner.

Another significant issue with the current regulation is the rising costs associated with the process. When the zoning code was adopted in 1987, postage was 22 cents. Today, postage is 73 cents, and it is estimated that each piece of mail that goes out costs the City a minimum of \$1.04 including postage, paper, envelopes and printing. The flat rate postponement fee of \$150 most often does not meet cost recovery, and the additional cost of re-mailing notices and publishing again in the newspaper falls entirely on the City, PDD specifically. This issue is exemplified with the larger rezoning cases, often initiated by the City itself through the Authorized Hearing process. With some of the Authorized Hearing areas covering more than 10,000 properties, costs can often exceed \$10,000 just to send the first notice of hearing.

In addition to an internal review of the impacts of this code, staff also reviewed the postponement procedures of several jurisdictions in Texas including Arlington, Garland, Grapevine, San Antonio, Plano, Irving, and Austin. There is a mix of how postponements are addressed, but the majority defer the decision-making authority over postponements to the governing bodies, rather than by administrative decision. In cases where there is the option for an administrative decision, the request for postponement must either be made prior to noticing for a public hearing or the requestor is responsible for any costs or fees associated with the postponement.

Staff Proposal

If more time is needed prior to a zoning case being scheduled for CPC or for City Council, applicants and property owners generally work with staff to afford more time to address

outstanding issues prior to scheduling a public hearing. At a certain point, however, the engagement prior to a public hearing reaches its productive end, and the most prudent next step is to schedule the public hearing to engage the appointed and elected officials in the discussion. Should more time be warranted after a public hearing is set, an individual may still request a postponement at the public hearing. This proposal to strike Section 51A-4.701(e) Postponements, does not eliminate the option to request a postponement, but it would require that requests and decisions be made at the public hearing. This would allow either the CPC or City Council to weigh the reasons for the request and, if granted, set a new date for the public hearing. Postponing or holding the case to a date certain does not trigger the requirement to re-send notices, which minimizes confusion to property owners and is responsible from a budget standpoint.

ZOAC RECOMMENDATION

On April 22, 2025, the Zoning Ordinance Advisory Committee (ZOAC) was briefed, discussed the item, and recommended the proposed amendment move forward to CPC, as recommended by Planning and Development staff.

ZOAC action and the proposed amendments to Sec. 51A-4.701 are to follow.

CPC RECOMMENDATION

On May 22, 2025, the Dallas City Plan Commission was briefed, discussed the item, and recommended the proposed amendment move forward to CC, as recommended by Planning and Development staff.

ZOAC ACTION:

April 22, 2025

1. DCA245-006 (JP)

Jalyn Porchay

Consideration of removing Section 51A-4.701(e) "Postponements" to eliminate the postponement process for zoning amendments. This change would allow participants and applicants to request that items be held at City Plan Commission (CPC) and City Council (CC) hearings without the need to submit a formal letter and pay a fee.

Mr. Porchay presented the code amendment. The Zoning Ordinance Advisory Committee (ZOAC) discussed the code amendment and asked questions of Mr. Porchay. Chair Housewright led the discussion. There were no speakers.

Motion: Motion to approve staff recommendation to eliminate 51A-4.701(e) "Postponements".

Motion: Rubin

2nd : Wheeler-Reagan

Result: Passed: 5-0

For: Behring, Wheeler-Regan, Housewright, Rieves, Rubin

Against: None

Absent: Barrett, Carden, MacGregor

Speakers: None

STAFF AND ZOACRECOMMENDED AMENDMENTS:

SEC. 51A-4.701 ZONING AMENDMENTS.

Subsections (a), (b), (c), and (d) have been omitted for brevity.

~~(e) Postponements:~~

~~—(1) The applicant and the opponents shall each be allowed to postpone one hearing date before the commission and one hearing date before the city council.~~

~~—(2) A request for postponement must be in writing and must be submitted to the director no later than 5:00 p.m. on the Monday of the week preceding the week of the hearing. If the deadline falls on an official city holiday, then the request must be submitted no later than noon on the following day.~~

~~—(3) Before a hearing to be held by the city plan commission may be postponed, the person requesting postponement shall pay a fee of \$150.00 to the director. Before a hearing to be held by the city council may be postponed, the person requesting postponement shall pay a fee of \$150.00 to the director.~~

~~—(4) Only the applicant or his representative may postpone the hearing date prior to the mailing of the hearing notices. A hearing postponed by the applicant or his representative whether prior to the mailing of required notices or after the mailing of required notices may be postponed for no longer than 60 days from the date of the scheduled or advertised hearing. If the applicant fails to request in writing within 60 days a new hearing date, the application is automatically withdrawn, and the director shall return the application to the applicant and the filing fee, less that amount necessary for administrative cost as determined by the director.~~

~~—(5) Only a property owner within the area of notification may request a postponement for the opposition. The request for postponement must set forth the grounds for the postponement and must be signed by the party making the request. If postponed, the case will be rescheduled for the next hearing date that is four weeks or more in the future, unless the party making the request requests an earlier date.~~