

MEMORANDUM

TO: CITY COUNCIL
VIA: RON OLSON, CITY MANAGER 
VIA: RAY SHANAA, PH.D., AICP, EX. DIR. OF PLANNING AND DEV. SVCS.
FROM: TONY D. MCILWAIN, AICP, CFM, CITY PLANNER
SUBJECT: 200 FEET NOTIFICATION BOUNDARY
DATE: 8/7/18

Per your request, I am providing information pertaining to the 200 feet notification boundary as prescribed by the Texas Local Government Code (LGC). Specifically, LGC §211.007(c) states the following:

*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).*

The City of Killeen follows this guideline as the standard by which we provide notice to surrounding property owners. The cities of Belton, Copperas Cove and Temple also use the 200 feet zoning notification boundary standard; Harker Heights uses 400 feet as a zoning notification boundary.

Additionally, LGC §211.006(d) establishes the following standards for protests:

If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either:

- (1) the area of the lots or land covered by the proposed change; or*
- (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending **200 feet** from that area.*
- (e) In computing the percentage of land area under Subsection (d), the area of streets and alleys shall be included.*

Killeen Code of Ordinances §31-39(d) states:

*In case of protest. Unless such proposed amendment, supplement, or change has been recommended for approval by the planning commission, or in case of a protest by the owners of twenty (20) percent or more of either the area of the lots included in such proposed change, or the area of those lots or land immediately adjacent thereto and extending **two hundred (200) feet** from that area, then such change shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the city council.*

Essentially, this means that if the city's notification boundary is expanded, only those property owners within 200 feet shall be considered as protests. An increase in the notification boundary will also lead to increase in the costs associated with providing notice to property owners. It may essentially double expenditures. The table below illustrates the supply expenditures over the last few years:

	2013	2014	2015	2016	2017	2018
Notices Sent	1,211	1,281	1,101	720	632	608
Costs	\$557.06	\$627.69	\$517.47	\$338.40	\$297.04	\$297.92

An option that the City Council may consider is issuing a directive to the City Manager requiring a 400 feet zoning notification boundary and subsequently adopting the aforementioned directive into your Governing Standards and Expectations. Staff would simply insert the LGC statutory language and substitute 400 feet for 200 feet. An example of this text is below:

DIVISION 4. COUNCIL DIRECTIVES AND EXECUTIVE LIMITATIONS

Council Directives to Management

Sec. 4-140. Directive to Expand 200 foot Statutory Notification Boundary to 400 foot Notification Boundary for Zoning Cases

Before the 10th day before the hearing date, written notice of each public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification shall be sent to each owner of real property within 400 feet of the property on which the change in classification is proposed.

Staff is recommending this course of action and is available to discuss this matter.