



DISCUSSION ITEM: 200 FEET ZONING NOTIFICATION BOUNDARY

DS-18-068

August 7, 2018

Discussion Item: 200 feet Zoning Notification Boundary

2

- The City's Planning staff currently provides notice to property owners within 200 feet of land being proposed for a change in zoning (including conditional use permits).
- This is in accordance with Texas Local Government §211.007(c) which states in part:

*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.*

Discussion Item: 200 feet Zoning Notification Boundary

3

- 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.*

Discussion Item: 200 feet Zoning Notification Boundary

- ❑ Currently 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.
- ❑ So far in calendar year 2018, Planning staff has spent \$297.92 on public notices and mailers for zoning cases.
- ❑ An increase in the zoning notification from 20 feet to 400 feet could effectively double the expenditures associated with providing notices.
- ❑ If the Council decides to increase the notification boundary, staff is recommending that the increase take the form of a directive to the City Manager to amend the Governing Standards and Expectation to include the revised notification boundary.

Discussion Item: 200 feet Zoning Notification Boundary

5

□ *An example of the amendment follows:*

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.

□ *If directed, the change in zoning notification change can take place immediately.*