



Legislation Text

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AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

CM: Todd Hileman

DATE: April 25, 2017

SUBJECT

Receive a report, hold a discussion, and give staff direction regarding current notification practices and requirements for public hearings and public meetings.

BACKGROUND

The Texas Local Government Code (TLGC) sets minimum requirements for notifications for Planning and Zoning-related public hearings. The TLGC requires:

- Published notice of the hearing in the official newspaper before the 15th day before the date of the hearing; and
- Written notices be mailed out to property owners located within 200-feet of the subject property via regular mail before the 10th day before the hearing date.

In addition to the TLGC requirements, the current practice of the Planning Division is to:

- Publish a notice in the Denton Record Chronicle **17 days** prior to the public hearing date;
- Mail written notices to property owners located within 200-feet of the subject property via **certified mail** 12 days prior to the public hearing date.
- Mail a courtesy notice via regular mail to all residents of property located within 500 ft of the subject property 12 days prior to the public hearing date.
- Post a sign on the subject property 12 days prior to the public hearing date.

Exhibit 1 provides a comparison table of public hearing notification requirements found in repealed Sections of the Municipal Code of Ordinances, the notification requirements per Subchapter 35.3 of the DDC, and the notification requirements per section 211.007 of the TLGC.

Exhibit 2 provides a comparison table illustrating the notification requirements of neighboring cities.

RECOMMENDATIONS

In order to enhance the City's notification efforts and level of service to residents and property owners, staff recommends the following changes to current practices:

1. Mail out public hearing notices (8½" x 11" full color, two-sided letter) to property owners within a 200-foot radius of the subject property via **regular mail**. Changing the delivery method from certified to regular mail reduces a barrier for recipients, as they do not have to make a trip to the post office to receive the notice. An example of the revised notification letter is attached as Exhibit 3.
2. Mail out courtesy notices (postcards) to residents within 500-foot radius of the subject property via regular mail. Staff recommends changing the format for courtesy notices to postcard to improve visibility of the notice. An example of a notification postcard is attached as Exhibit 4.
3. Enlarge the public hearing sign dimension to 4' x 3.5' and require the applicant to post the sign on the subject property. The sign would include contact information and a shortened website URL for more information.
4. Implement an electronic notification system where all City notifications are centralized in a prominent location on the City's website, and users can subscribe to email notifications when a notice is posted.
5. Revise the notification fee for all notifications (public hearing notice, courtesy notice, and newspaper publication). The current notification fee for projects that require a public hearing is a flat fee of \$220. Staff recommends a flat fee for the newspaper publication and charging a variable fee for mailed notices based on the actual cost of distribution, which may vary widely based on the subject site.
6. Standardize notification procedures for public hearings, neighborhood or stakeholder meetings, construction notices, and other informational notices. Practices currently vary by department, and staff is working to standardize notification methods based on activity, rather than the initiating department. Exhibit 5 shows the standard and supplemental tools that would be used for each type of activity. City departments will also continue to work with Community Affairs to build relationships with established neighborhoods and other key stakeholders. When there is a project that has the potential to impact a neighborhood, Community Affairs will proactively engage the affected stakeholders by hosting a neighborhood meeting. The goal of the meeting is to involve everyone early in the development review process, and addressing as many questions/issues as possible.

ADDITIONAL OPTIONS

1. Extend the courtesy notices radius from 500-foot to 1,000-foot from the subject site.
2. The City could require the applicant to send out all notifications, and before the first public hearing receive from the applicant a signed and notarized affidavit attesting to meeting the notification requirements.

PRIOR ACTION/REVIEW (Council, Boards, Commission)

April 27, 2016, Planning and Zoning Commission Work Session
October 12, 2016, Planning and Zoning Commission Work Session
October 26, 2016, Planning and Zoning Commission Work Session

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: **Organizational Excellence**
Related Goal: **1.3 Promote effective internal and external communication**

EXHIBITS

1. Comparison Table of Public Hearing Notification Requirements
2. Comparison Table of Neighboring Cities Notification Requirements
3. Example of an 8½" x 11" Letter Notice
4. Example of a 500-foot Postcard Notice
5. Notifications Matrix

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