

DATE: May 5, 2015
TO: Honorable Mayor & City Council
FROM: Doug Bender, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of May 4, 2015

**AGENDA ITEM NO. 7 - PUBLIC HEARING
ZONING CASE 2015-15
APPLICANT: CITY OF PLANO**

Request to amend Section 4.300 (Planning & Zoning Commission Public Hearing) and Section 4.500 (City Council Public Hearing) of Article 4 (Amendments, also known as Article 6 (Procedures and Administration) within Ordinance No. 2006-4-24) and related sections of the Zoning Ordinance pertaining to public notice requirements for zoning petitions.

APPROVED: 5-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

4.300 Planning & Zoning Commission Public Hearing

- .1 Upon receipt of a complete written petition for zoning or for a change or an amendment to an existing provision of this Zoning Ordinance, the Planning Department staff will set a date for a public hearing before the Planning & Zoning Commission. In no case shall the public hearing be held within 36 days after the date of filing the written petition.
- .2 Prior to the issuance of the notice of the public hearing, the petitioner may, by written notice, withdraw the petition or request rescheduling of the public hearing to a later regular meeting of the Planning & Zoning Commission. Once public notice is given, the petitioner may withdraw the petition or reschedule the public hearing only with the approval of the Planning & Zoning Commission. The Planning & Zoning Commission may reject a request to withdraw a zoning petition, reschedule the public hearing, or conduct the public hearing as notified and take action as appropriate within the context of the public notice provided.
- .3 Prior to the issuance of the notice of the public hearing, the petitioner must post zoning sign(s) in compliance with the requirements specified on the city's zoning petition form, and a signed and notarized affidavit certifying that the required sign(s)

is(are) posted on the subject property must be submitted to the Planning Department staff.

- .34** Notice of a public hearing shall meet or exceed the requirements of the general laws of the State of Texas. Before the 20th day before the hearing date, written notice of each public hearing before the Planning & 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 before the 20th day before the date of the hearing, and notice of the time and place of the hearing must be published in an official newspaper or newspaper of general circulation in the municipality. When any amendment relates to a change of a zoning regulation or to the general text of this ordinance, notice of the public hearing of the Planning & Zoning Commission shall be given by publication in a newspaper of general circulation in the city of Plano without the necessity of notifying property owners by mail. The notice shall state the time and place of the hearing and the nature of the subject to be considered, which time shall not be earlier than 20 days from the date of publication.
- .5** Properties located within 500 feet of a proposed change in a zoning classification, which do not receive a notice as required by Sec. 4.300.4, a written courtesy notice will be sent to each owner of real property, as indicated by the most recently approved municipal tax roll, before the 20th day before the hearing. A courtesy notice shall also be sent to properties located within 500 feet of the property on which the change is proposed, which do not receive a notice as required by Sec. 4.300.4 where located in territory annexed to the municipality and not included on the most recently approved municipal tax roll. The courtesy notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.
- .6** The Planning & Zoning Commission shall hold a public hearing on any petition for any amendment or change prior to making its recommendation and report to the City Council. The Planning & Zoning Commission may establish such regulations and restrictions regarding the presentation of a zoning case at the public hearing as they may deem necessary.

4.500 City Council Public Hearing

- .1 After a public hearing before the Planning & Zoning Commission, the City Secretary and the City Council shall be notified of any action taken by the Planning & Zoning Commission on the petition, and if the petition is approved, including denials in part, by the Planning & Zoning Commission, the City Secretary shall automatically schedule a public hearing regarding the petition to be held before the City Council, giving notice as required by the general laws of the State of Texas. However, if the petition is denied by the Planning & Zoning Commission, the petitioner may, upon his own motion within 30 days, file with the Planning Department staff a written request that a public hearing be scheduled and held before the City Council regarding the petition. Upon receipt of the written request, a public hearing on the petition shall be scheduled to be held before the City Council, giving notice as required by the general laws of the State of Texas.
- .2 Upon the filing of a written request for the scheduling of a public hearing regarding a petition which has been denied in total by the Planning & Zoning Commission, the action of the Commission with regard to the question of prejudice shall be totally vacated, and the City Council shall determine the question as provided in Sec. 4.600.1
- .3 A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the city of Plano stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication.
- .4 A signed and notarized affidavit certifying that the required zoning sign(s) is(are) being maintained on the subject property in compliance with the requirements specified on the city's zoning petition form must be submitted to the Planning Department staff no later than the 14th day before the date of the City Council hearing.
- ~~.45~~ Prior to the opening of the public hearing, the petition may request withdrawal of the petition or tabling of the request to a specified future City Council meeting. City Council may approve the request or open the public hearing and following its closing take appropriate action within the context of the public notice provided.

For City Council Meeting of : May 11, 2015 (To view the agenda for this meeting, see www.planotx.gov)

RA/dr

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 4, 2015

Agenda Item No. 7

Public Hearing: Zoning Case 2015-15

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 4.300 (Planning & Zoning Commission Public Hearing) and Section 4.500 (City Council Public Hearing) of Article 4 (Amendments) and related sections of the Zoning Ordinance pertaining to public notice requirements for zoning petitions.

BACKGROUND:

At its meeting on March 2, 2015, the Planning & Zoning Commission voted 8-0 to call a public hearing to consider amendments to Article 6 (Procedures and Administration) and related sections of the Zoning Ordinance pertaining to public notice requirements for zoning petitions. At the April 6, 2015 Commission meeting, a discussion was held regarding potential modifications to these regulations. At the meeting, staff presented research gathered from other cities within the metroplex including current zoning signage requirements, notification distances and cost comparisons for various notice types. A summary of this information is provided in Appendix A. This zoning case incorporates the Commission's recommendations from the April 6 discussion.

ISSUES:

Zoning Signage

Currently, the Planning Department has specific design criteria for signs that are recommended to be posted on the subject property for zoning petitions that involve real property. These criteria specify zoning sign materials, dimensions, timing, and verification of signage posting requirements. Language is specific in the document to encourage compliance; however, the city does not have a specific provision within the Zoning Ordinance to mandate compliance if the zoning petitioner chooses not to participate.

With this zoning case, staff is proposing to add requirements to the Zoning Ordinance mandating the posting of signs for zoning petitions involving real property. The provisions for signage will include the following:

- Zoning petition signs must be posted on the subject property prior to public notice for the zoning case.
- Applicant(s) must provide photographs and an affidavit that the signs are posted on the subject property prior to the city mailing out public hearing notices.
- Applicant(s) must provide photographs and an affidavit that the signs are posted prior to the public hearing for City Council.

Requiring the applicant to post zoning notification signs will avoid city administrative costs associated with this activity; further, requiring an affidavit and photographs of the posted signage will ensure that the signage is in place prior to public notices being mailed. As a part of this effort, staff has drafted new signage criteria for zoning signs including requirements for sign design, specifications, locations, and maintenance of signs. Appendix B specifies the proposed requirements for zoning signage.

The city currently furnishes small zoning signs (24" x 18") for specific use permit (SUP) requests, but does not mandate posting them on the subject property. Staff believes that these smaller signs should continue to be used only for SUP requests in lease spaces. An example of this would be a private club SUP request for a restaurant in a retail shopping center. In all other instances, applicants would have to erect sign in accordance with Appendix B.

Public Hearing Notice Requirements

The Zoning Ordinance currently requires that written notice of a public hearing for a zoning petition involving real property be sent out at least 20 days before the Planning & Zoning Commission hearing date to each owner of real property within 200 feet of the subject property. For zoning petitions that proceed to the City Council for consideration, notices are also published in the newspaper at least 15 days prior to the Council's public hearing.

In Texas, the law requires the following written and published notices for zoning petitions involving real property:

- Before the 10th day before the zoning commission hearing date, written notice of each zoning petition involving real property shall be sent to the owner, as indicated by the most recently approved municipal tax roll, of all properties that lie 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.
- Before the 10th day before the zoning commission hearing date, written notice of each zoning petition involving real property that involves a residential or multifamily zoning classification shall be sent to the school district(s) where the

property is located. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.

- Before the 15th day before the governing body's hearing date, notice of each zoning petition (whether involving real property or an amendment to the text of the Zoning Ordinance) shall be published in an official newspaper or a newspaper of general circulation in the municipality.

The city's current public hearing notification requirements for zoning petitions meet or exceed state law. In 1996, the city amended the Zoning Ordinance and increased the time frame for public notices from the statutorily required 10 days to 20 days to provide additional time for homeowners to respond to mailed notices and to communicate with neighbors. The city also sends the statutorily required written notices to applicable independent school district(s), including Plano ISD, Frisco ISD, Allen ISD, and/or Lewisville ISD.

In addition to state law requirements for zoning-related public hearing notices, Plano also performs the following public outreach efforts:

- Mails a copy of public hearing notices to the Dallas Morning News, the Plano Star Courier, and two contacts for the Plano Homeowners' Council.
- Recommends the posting of signage meeting the city's design specifications on the subject property for zoning petitions that involve real property, and photographic evidence that such sign(s) are in place for at least two weeks prior to the Commission hearing, and for at least one week prior to the Council hearing (if applicable).
- Posts a list of all current development projects and zoning petitions at www.planoplanning.org and <http://www.plano.gov/DocumentCenter/View/1513>.
- Sends a courtesy notice to [registered homeowners groups](#) that are located within 1,500 feet of the subject property for zoning petitions that involve real property.

Plano's current 20 day notification time frame for zoning-related public hearing notices is twice the amount of time required by state law, and it allows homeowners more time to become informed on proposed zoning petitions that are near their neighborhoods.

Although the city can extend the distance of mailed notices beyond the statutorily required 200 foot distance, the protest provision requiring a super majority vote to approve a zoning petition must remain at 200 feet per state law. It is technically possible to provide written notices to property owners within a farther distance, such as up to 500 feet; however, testing the city's Geographic Information System (GIS) at 10,000 feet, based upon the two-mile distance that has been mentioned during public discussion on this topic, stressed the capacity of the city's GIS system and caused malfunction due to the exportation of the large number of property owner addresses.

Based upon the April 6 discussion, and consistent with state law, the Commission recommended that the city's current practice of mailing notices to properties within 200

feet, and its protest provision pertaining to when a super majority vote is necessary, should not be changed in the Zoning Ordinance. However, the Commission also recommended mailing out additional courtesy notices to property owners within 200 to 500 feet of the subject property for zoning petitions.

Staff is concerned about creating a separate courtesy notice. Zoning petitions have become increasingly more complex due to the characteristics of undeveloped land and the innovative nature of many proposed development projects. Recently, most zoning petitions have included very specific language based upon a planned development (PD) district. These petitions require a significant amount of staff time to prepare reports, review plans and resolve details of the requests with the applicants. An additional notice requirement will only reduce the capacity of staff to perform responsibilities related to the substantive issues associated with increasingly complex zoning requests.

Additionally, if the area for notice expands, the number of responses will likely increase which will require additional staff time to identify the locations of responses (many do not reference the address for which they are responding), generate maps and handle additional requests for information. In lieu of generating an additional courtesy notice, staff believes that requiring signage to be posted on the subject property, as well as providing other types of courtesy notifications (as detailed in the next section of this report), will provide sufficient notice to the public. However, staff has provided proposed language in case the Commission does decide to require public notices up to 500 feet (*see Appendix C for an example of the Courtesy Notice for property owners within 200 to 500 feet of the subject property for zoning petitions*).

Administrative Procedural Changes

In addition to the amendments discussed previously, staff is proposing the following administrative procedural changes to assist in the notification of pending zoning petitions:

1. The city will remove the HOA GIS database as a means of communication, and will instead perform email notifications utilizing the Constant Contact database, which is much more complete and which is kept up-to-date through HOA and Neighborhood Association Presidents' Council communications. In lieu of mailing notices to a limited number of additional contacts, the weekly homeowners/neighborhood association newsletter will include a link to the most current zoning and development information on the city's website.
2. The Planning Department website will now feature a new page dedicated to new development activity and zoning petitions, including maps showing various development and zoning proposals along with a brief description of each.
3. The city is currently in the process of implementing an enterprise software solution, CRW TRAKiT (www.crw.com), that will help to facilitate notifications related to development and zoning. The system includes a citizen access portal, eTRAKiT, which will allow continuous online access to development data

including status of projects, geographic location, and contact information. This improved access will be a major asset to interested parties and is scheduled to go live in January 2016 (see *Appendix D for an example of the city's new permit tracking software*).

Staff believes the above procedural changes will effectively provide notice to a wider audience within the city regarding potential zoning changes.

RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

4.300 Planning & Zoning Commission Public Hearing

- .1 Upon receipt of a complete written petition for zoning or for a change or an amendment to an existing provision of this Zoning Ordinance, the Planning Department staff will set a date for a public hearing before the Planning & Zoning Commission. In no case shall the public hearing be held within 36 days after the date of filing the written petition.
- .2 Prior to the issuance of the notice of the public hearing, the petitioner may, by written notice, withdraw the petition or request rescheduling of the public hearing to a later regular meeting of the Planning & Zoning Commission. Once public notice is given, the petitioner may withdraw the petition or reschedule the public hearing only with the approval of the Planning & Zoning Commission. The Planning & Zoning Commission may reject a request to withdraw a zoning petition, reschedule the public hearing, or conduct the public hearing as notified and take action as appropriate within the context of the public notice provided.
- .3 Prior to the issuance of the notice of the public hearing, the petitioner must post zoning sign(s) in compliance with the requirements specified on the city's zoning petition form, and a signed and notarized affidavit certifying that the required sign(s) is(are) posted on the subject property must be submitted to the Planning Department staff.
- .34 Notice of a public hearing shall meet or exceed the requirements of the general laws of the State of Texas. Before the 20th day before the hearing date, written notice of each public hearing before the Planning & 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 before the 20th day before the date of the hearing, and notice of the time and place of the hearing must be published in an official newspaper or newspaper of general

circulation in the municipality. When any amendment relates to a change of a zoning regulation or to the general text of this ordinance, notice of the public hearing of the Planning & Zoning Commission shall be given by publication in a newspaper of general circulation in the city of Plano without the necessity of notifying property owners by mail. The notice shall state the time and place of the hearing and the nature of the subject to be considered, which time shall not be earlier than 20 days from the date of publication.

.5 Properties located within 500 feet of a proposed change in a zoning classification, which do not receive a notice as required by Sec. 4.300.4, a written courtesy notice will be sent to each owner of real property, as indicated by the most recently approved municipal tax roll, before the 20th day before the hearing. A courtesy notice shall also be sent to properties located within 500 feet of the property on which the change is proposed, which do not receive a notice as required by Sec. 4.300.4 where located in territory annexed to the municipality and not included on the most recently approved municipal tax roll. The courtesy notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.

.6 The Planning & Zoning Commission shall hold a public hearing on any petition for any amendment or change prior to making its recommendation and report to the City Council. The Planning & Zoning Commission may establish such regulations and restrictions regarding the presentation of a zoning case at the public hearing as they may deem necessary.

4.500 City Council Public Hearing

.1 After a public hearing before the Planning & Zoning Commission, the City Secretary and the City Council shall be notified of any action taken by the Planning & Zoning Commission on the petition, and if the petition is approved, including denials in part, by the Planning & Zoning Commission, the City Secretary shall automatically schedule a public hearing regarding the petition to be held before the City Council, giving notice as required by the general laws of the State of Texas. However, if the petition is denied by the Planning & Zoning Commission, the petitioner may, upon his own motion within 30 days, file with the Planning Department staff a written request that a public hearing be scheduled and held before the City Council regarding the petition. Upon receipt of the written request, a public hearing on the petition shall be scheduled to be held before the City Council, giving notice as required by the general laws of the State of Texas.

.2 Upon the filing of a written request for the scheduling of a public hearing regarding a petition which has been denied in total by the Planning & Zoning Commission, the action of the Commission with regard to the question of prejudice shall be totally vacated, and the City Council shall determine the question as provided in Sec. 4.600.1

.3 A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by

publication in a newspaper of general circulation in the city of Plano stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication.

.4 A signed and notarized affidavit certifying that the required zoning sign(s) is(are) being maintained on the subject property in compliance with the requirements specified on the city's zoning petition form must be submitted to the Planning Department staff no later than the 14th day before the date of the City Council hearing.

.45 Prior to the opening of the public hearing, the petition may request withdrawal of the petition or tabling of the request to a specified future City Council meeting. City Council may approve the request or open the public hearing and following its closing take appropriate action within the context of the public notice provided.

APPENDIX A

<u>City</u>	<u>Signage Requirement</u>	<u>Posted/Removed</u>	<u>Placement Regulations</u>
McKinney	Applicant posts signage (affidavit required)	7 days prior to P&Z hearing/2 weeks	Yes
Frisco	Applicant posts signage (verification/pictures 7 days prior to hearing)	14 days prior to P&Z hearing/3 days	Yes
Richardson	City supplies and posts signs as a courtesy	No information	No
Allen	City supplies and posts signs (\$200 fee for public hearing sign)	10 days prior to P&Z hearing/staff removes signs	No
Garland	City supplies and posts signs	10 days prior to P&Z hearing/staff removes signs	No
Coppell	City supplies signage (\$200 deposit) - Applicant posts signs	10 days prior to P&Z hearing/applicant removes	No
Arlington	City posts signs (can authorize applicant to post them, affidavit required)	16 days prior to P&Z hearing/5 days	Yes (number of signs per land size) - less than 15 acres (1), 15-25 acres (2), more than 25 acres (3)
Southlake	City supplies signage - Applicant posts signs (affidavit required)	Signage must be placed on the subject property by the end of the week prior to the P&Z public hearing.	Yes - one sign for every one thousand (1,000) feet of street frontage
Dallas	City supplies signage (fee) - Applicant posts signs	10 days prior to City Plan Commission hearing date	One sign for each 5 acres up to maximum 5 signs - signs cost \$10 each

APPENDIX A

City	Written Notification	Notification Distance
Arlington	16 days	600 feet for gas wells and 200 feet otherwise
Garland	10 days	400 feet
Dallas	10 days	200 feet to 500 feet depending on size of property
McKinney	10 days	200 feet
Frisco	10 days	200 feet
Richardson	10 days	200 feet
Allen	10 days	200 feet
Coppell	10 days	200 feet
Southlake	10 days	200 feet
Plano	20 days	200 feet

The protest provision requiring a super majority vote to approve a zoning petition must remain at 200 feet per state law. Testing the city's Geographic Information System (GIS) at 10,000 feet (2 mile distance) stressed the capacity of the city's GIS system and caused malfunction due to the exportation of the large number of property owner addresses.

Cost Comparison of Various Written Notice Standards

Notices – number of notices generated by specific distances

	<u>200 feet</u>	<u>500 feet</u>	<u>10,000 feet</u>
ZC 2014-42 notices	19	48	6,870
ZC 2015-01 notices	32	80	9,882

Cost Assessment – includes estimated administrative staff time and cost of supplies (paper, envelopes, postage, etc.)

	<u>200 feet</u>	<u>500 feet</u>	<u>10,000 feet</u>
ZC 2014-42 notices	\$136	\$321	\$49,108
ZC 2015-01 notices	\$209	\$495	\$70,647

Initial submittals will no longer be accepted via courier. All initial submittals for a plat, plan, or rezoning request must be submitted in-person by the applicant or their designated representative.

Type of Petition Requested *(check the appropriate box)*

- Rezoning/Initial Zoning *(for single-family detached, single-family attached, and two-family residential petitions)*
- Rezoning/Initial Zoning *(for multifamily residential, nonresidential, and planned development petitions)*
- Specific Use Permit *(specify use in General Description below)*
- Zoning Ordinance Text Amendment *(specify request in General Description below)*
- Heritage Resource Designation *(specify request in General Description below)*

General Description of Request *(complete the following)*

Existing Zoning _____
 Proposed Zoning/Purpose of Request _____

Subject Property Information *(complete the following)*

General Location *(street frontage and distance to cross street)* _____

 Gross Area of Parcel *(to the nearest tenth of acre)* _____

Items Required with Submittal *(check the appropriate boxes to indicate items submitted with petition)*

The items listed below must be submitted with the zoning petition unless noted otherwise on the zoning petition checklist. (Please refer to the checklist for additional information.)

- Zoning Request or Specific Use Permit Fee **(See Fee Schedule)** Fee Amount \$ _____
- Zoning Petition **(1 original signed and notarized)**
- Zoning Exhibit **(3 copies - 24" x 36")**
- Zoning Exhibit Checklist **(1 completed original)**
- Zoning Sign Affidavit with Photograph **(1 copy - 8 1/2" x 11")**
- Zoning Sign Location Exhibit **(1 copy - 8 1/2" x 11")**
- Current Tax Certificate **(1 original tax certificate from all taxing agencies)**
- Pre-Application Conference Form
- Metes and Bounds Legal Description **(1 copy - 8 1/2" x 11")**
- Proposed Development Stipulations **(1 copy - 8 1/2" x 11")**
- Traffic Impact Analysis **(3 copies - 8 1/2" x 11") (See Fee Schedule)** Fee Amount \$ _____
- Concept Plan or Preliminary Site Plan *(requires separate development application)*
- Site-Specific Storm Water Management Plan *(requires separate development application)*

<i>For Office Use Only</i>
Case # _____

ZONING PETITION

PAGE 2 OF 4

APPENDIX B

Property Owner and Authorization *(sign and notarize)*

Name *(signature required below)* _____

Company Name _____

Address _____

City _____ State _____ Zip Code _____

Telephone _____ Fax _____ Email _____

Property Owner, check ONE of the following:

- I will represent the application myself; OR
- I hereby designate _____ *(name of project representative)* to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property requested for zoning in this petition and further certify that the information provided on this zoning petition is true and correct.

Property Owner's Signature _____ Date _____

STATE OF TEXAS:

COUNTY OF:

BEFORE ME, a Notary Public, on this day personally appeared _____ *(printed property owner's name)* the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the _____ day of _____, 20____.

Notary Public in and for the State of Texas

Project Representative *(complete if designated by owner)*

- Purchaser Tenant Preparer of Zoning Petition
- Other *(specify)* _____

Name _____

Company Name _____

Address _____

City _____ State _____ Zip Code _____

Telephone _____ Fax _____ Email _____

ZONING PETITION

PAGE 3 OF 4

For Office Use Only

Case # _____

APPENDIX B

Signage Requirements

The following is a listing of requirements for signage associated with Zoning Petitions. A completed checklist must be submitted with each Zoning Petition. Petitioners shall indicate willingness to comply with standards by checking the box adjacent to the standard.

Sign Posting Standards

Zoning signage shall comply with the following standards:

- The applicant shall be responsible for posting at least one zoning sign on each street frontage of the subject property at least 28 days prior to the Planning & Zoning Commission scheduled public hearing as noted on the exhibit.
- The applicant shall furnish an affidavit, as well as date-stamped photograph(s) of each posted sign, to the City of Plano Planning Department prior to the city publishing and mailing public hearing notices for the zoning petition certifying that the required signs were posted on the subject property on or before the 28th day prior to the said Commission meeting.
- Failure to post signage at least 28 days prior to the Planning & Zoning Commission public hearing shall result in the postponement of the zoning petition and delay of notices.
- The applicant shall furnish an affidavit, as well as date-stamped photograph(s) of each posted sign, to the City of Plano Planning Department by 12:00 p.m. (noon) two weeks prior to the scheduled City Council meeting date certifying that the required sign was maintained on the subject property in a manner consistent with the requirements contained herein prior to City Council holding a public hearing to consider the application.
- The City of Plano will furnish zoning notification signs for zoning petitions requesting a specific use permit for a lease space in an existing building, in lieu of signs described on page 4 of this petition.

Sign Maintenance Standards

Maintenance of zoning notification signage shall comply with the following standards:

- The applicant shall be responsible for maintaining all zoning notification signage on the subject property throughout the zoning petition process. The City of Plano is not responsible for monitoring the required zoning notification signage. Should the City of Plano discover through routine duties related to other aspects of their daily functions that the signage is not being maintained, the City of Plano shall contact the applicant. Within five days of contact, an affidavit from the applicant certifying that the applicant has corrected the posting shall indicate that the intent of the posting requirement was met. Failure to maintain the sign during the process shall not result in the postponement of the zoning petition consideration as long as the applicant attempted to replace damaged or missing signage upon notification.
- The applicant shall be responsible for removing zoning notification signage within two weeks of final action by the City of Plano.

ZONING PETITION

PAGE 4 OF 4

For Office Use Only

Case # _____

APPENDIX B

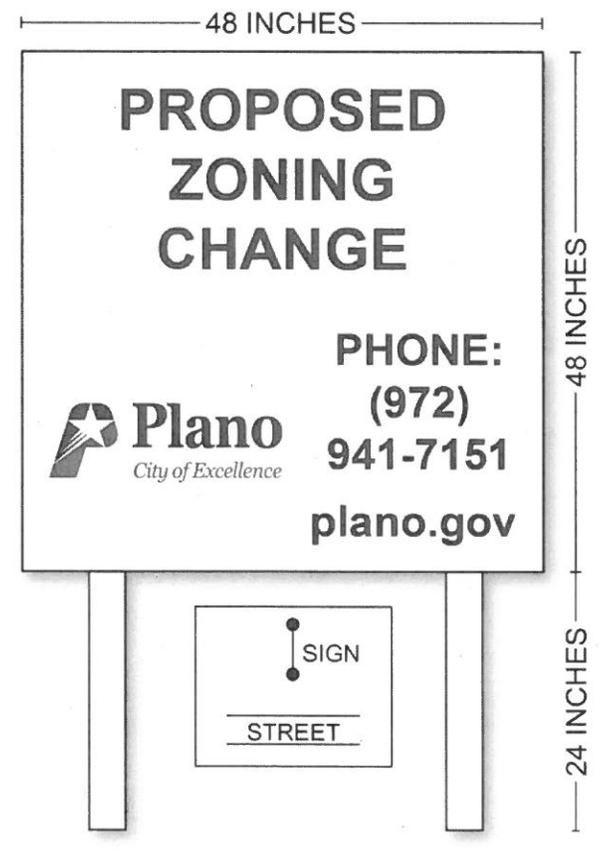
Sign Criteria

- The number and placement of zoning notification signs has been determined at the time of pre-application meeting at a rate of one sign per street frontage, not to exceed three signs. It is the responsibility of the person submitting the zoning petition to comply with these standards.

Sign Design Criteria

Signs must be:

- Two-sided wooden or opaque coroplast signs.
- Lettering on both sides of the sign with colors as shown on the exhibit below.
- Place sign perpendicular to street as illustrated on the required exhibit submitted.
- Sign installed on wooden posts.



APPENDIX C

COURTESY NOTICE OF PUBLIC HEARING FOR PROPOSED ZONING CHANGE Zoning Case 2015-99

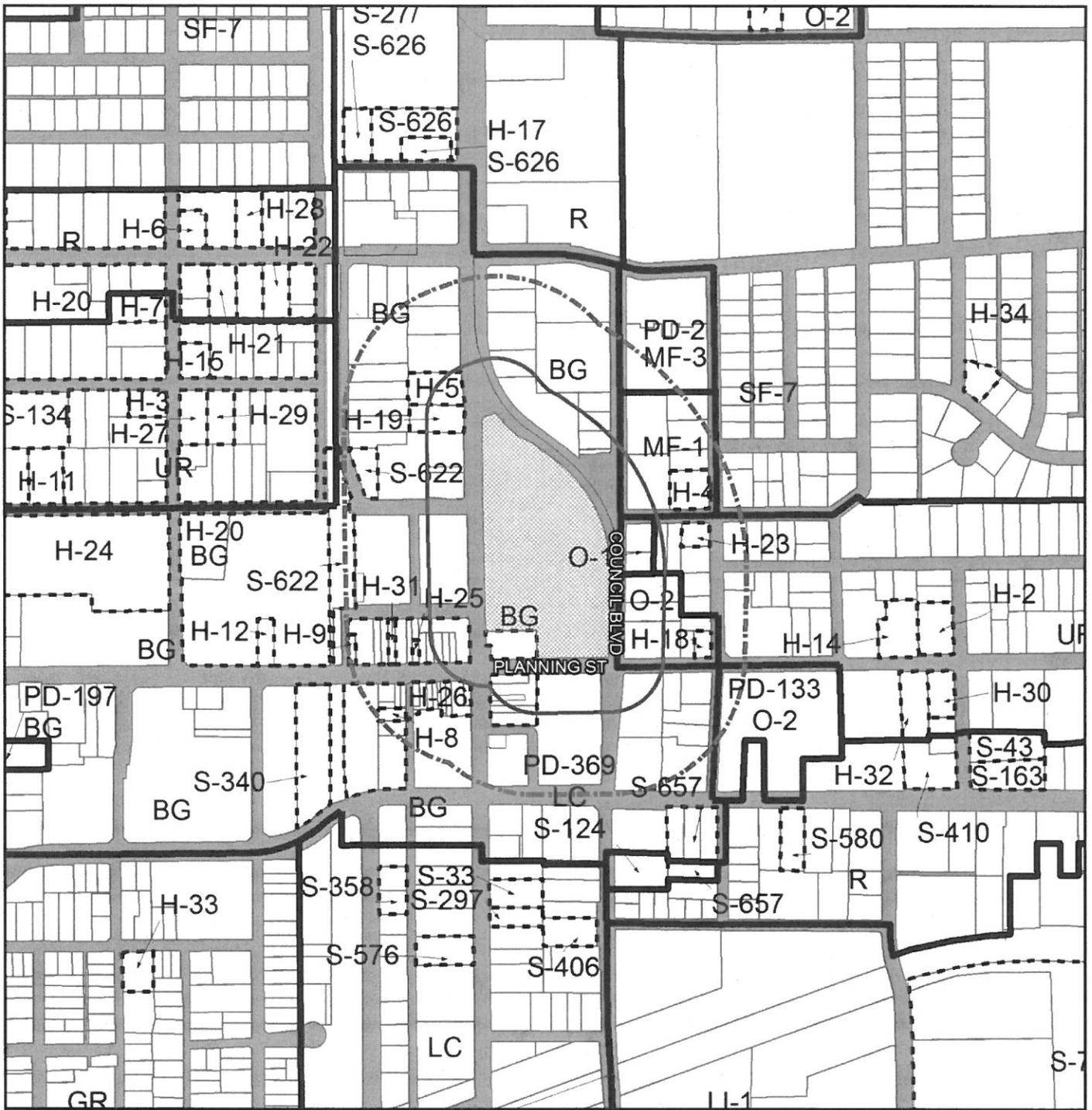
The Planning & Zoning Commission (P&Z) of the City of Plano will hold a public hearing on **Zoning Case 2015-99** on **January 1, 2015, 7:00 p.m.**, Plano Municipal Center, 1520 K Avenue, Senator Florence Shapiro Council Chambers. Because you live between 200 feet and 500 feet of the subject property we are sending you this notice and map of the area of the proposed zoning change including the boundary of the notification area.

PROPOSED ZONING CHANGE: This is a request to rezone 25.5± acres located on the north side of Planning Street, 500± feet west of Council Boulevard **from** General Office **to** Downtown Business/Government. The Downtown Business/Government (BG) district is intended to serve as a pedestrian-oriented center for retail, office, governmental, cultural, entertainment, and residential uses. It is designed to ensure that development, redevelopment, and renovation within the district are consistent with the historical character of Plano's original business district and the surrounding area. The standards of this district apply to specific characteristics of Plano's downtown area and are not appropriate for other locations and districts.

CURRENT ZONING: The General Office (O-2) district The O-2 district is intended to allow for a variety of low-, mid-, and high-rise office developments providing for professional, financial, medical, and similar services to local residents; corporate offices for regional and national operations; and major centers of employment for Plano and surrounding communities.

Persons wanting more information should contact the Planning Department at (972) 941-7151.

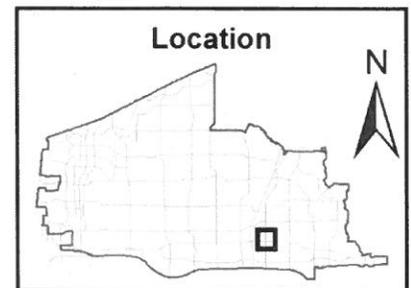
APPENDIX C



Zoning Case #: 2015-99

Existing Zoning: General Office

Proposed Zoning: Downtown Business/Government



- 500' Courtesy Notice
- 200' Notification Buffer
- Subject Property
- Zoning Boundary
- Specific Use Permit
- City Limits
- Right-of-Way

Source: City of Plano Planning Department

eTRAKiT

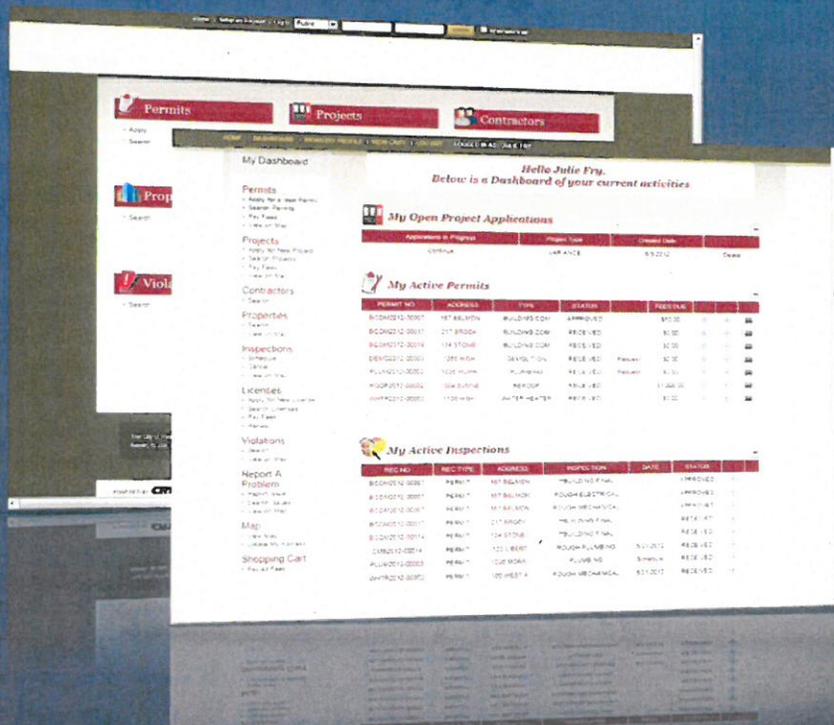
CITIZEN ACCESS PORTAL

The public can use our interactive web application eTRAKiT to access permit, project, license, code, land, and inspection information using web-enabled screens and functions. Citizens can request inspections, pay fees, upload plans, apply for permits, file complaints, and much more due to the versatility of eTRAKiT.

eTRAKiT offers several different sign-in preferences for different users, including a general public access, private access to additional details, and a contractor sign-on for additional functions (e.g. requesting inspections). Additionally, if your agency uses outside plan review agencies or inspectors, eTRAKiT can allow them to place their results and upload files to maintain within the same database. Giving citizens 24/7 access to information, eTRAKiT will create less phone traffic into your office, and route your citizens to more immediate responses.

APPENDIX D FEATURES

- Designed with several layers of encryption security
- Outside agencies (plan reviewers/inspectors) can result online
- Contractors have unique access to additional review details
- Upload plans online
- Online fee payment portal
- Apply for permits and projects online
- Schedule inspections online
- File a complaint online and track the progress
- Update business license information & renewal fees
- Look up record details
- Restrict access to certain users based on sign-on privileges
- Advanced search features
- View parcel location on an integrated GIS Map
- Examine inspection history and notes made by Inspectors



Benefits

24/7 SERVICE

Citizens can obtain property details and information regarding development activity 24/7 such as review notes, inspections, etc.

USER DASHBOARD

Logged in users can view all applications they've started but haven't completed as well as any active permits, projects, licenses they've applied for. Easily print, schedule inspections, pay fees, obtain status all from a single screen.

ONLINE MAPPING FEATURES

Run standard and ad hoc queries from the map and plot data to quickly see areas with permits or active code violations. Print the map, obtain property details and much more.

Zoning Case 2015-15

An Ordinance of the City of Plano, Texas, amending Section 4.300 (Planning & Zoning Commission Public Hearing) and Section 4.500 (City Council Public Hearing) of Article 4 (Amendments, also known as Article 6 (Procedures and Administration) within Ordinance No. 2006-4-24) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. ____-__-__, as heretofore amended, pertaining to public notice requirements for zoning petitions; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 11th day of May, 2015, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 11th day of May, 2015; and

WHEREAS, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Section 4.300 (Planning & Zoning Commission Public Hearing) Article 4 (Amendments) of the Comprehensive Zoning Ordinance No. ____-__-__, as the same has been heretofore amended, is hereby further amended, pertaining to public notice requirements for zoning petitions, such section to read in its entirety as follows:

4.300 Planning & Zoning Commission Public Hearing

- .1 Upon receipt of a complete written petition for zoning or for a change or an amendment to an existing provision of this Zoning Ordinance, the Planning Department staff will set a date for a public hearing before the Planning & Zoning Commission. In no case shall the public hearing be held within 36 days after the date of filing the written petition.

- .2 Prior to the issuance of the notice of the public hearing, the petitioner may, by written notice, withdraw the petition or request rescheduling of the public hearing to a later regular meeting of the Planning & Zoning Commission. Once public notice is given, the petitioner may withdraw the petition or reschedule the public hearing only with the approval of the Planning & Zoning Commission. The Planning & Zoning Commission may reject a request to withdraw a zoning petition, reschedule the public hearing, or conduct the public hearing as notified and take action as appropriate within the context of the public notice provided.
- .3 Prior to the issuance of the notice of the public hearing, the petitioner must post zoning sign(s) in compliance with the requirements specified on the city's zoning petition form, and a signed and notarized affidavit certifying that the required sign(s) is(are) posted on the subject property must be submitted to the Planning Department staff.
- .4 Notice of a public hearing shall meet or exceed the requirements of the general laws of the State of Texas. Before the 20th day before the hearing date, written notice of each public hearing before the Planning & 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 before the 20th day before the date of the hearing, and notice of the time and place of the hearing must be published in an official newspaper or newspaper of general circulation in the municipality. When any amendment relates to a change of a zoning regulation or to the general text of this ordinance, notice of the public hearing of the Planning & Zoning Commission shall be given by publication in a newspaper of general circulation in the city of Plano without the necessity of notifying property owners by mail. The notice shall state the time and place of the hearing and the nature of the subject to be considered, which time shall not be earlier than 20 days from the date of publication.
- .5 Properties located within 500 feet of a proposed change in a zoning classification, which do not receive a notice as required by Sec. 4.300.4, a written courtesy notice will be sent to each owner of real property, as indicated by the most recently approved municipal tax roll, before the 20th day before the hearing. A courtesy notice shall also be sent to properties located within 500 feet of the property on which the change is proposed, which do not receive a notice as required by Sec. 4.300.4 where located in territory annexed to the municipality and not included on the most recently approved municipal tax roll. The courtesy notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.

- .6 The Planning & Zoning Commission shall hold a public hearing on any petition for any amendment or change prior to making its recommendation and report to the City Council. The Planning & Zoning Commission may establish such regulations and restrictions regarding the presentation of a zoning case at the public hearing as they may deem necessary.

Section II. Section 4.500 (City Council Public Hearing) of Article 4 (Amendments) of the Comprehensive Zoning Ordinance No. ____-_-__, as the same has been heretofore amended, is hereby further amended, pertaining to public notice requirements for zoning petitions, such section to read in its entirety as follows:

4.500 City Council Public Hearing

- .1 After a public hearing before the Planning & Zoning Commission, the City Secretary and the City Council shall be notified of any action taken by the Planning & Zoning Commission on the petition, and if the petition is approved, including denials in part, by the Planning & Zoning Commission, the City Secretary shall automatically schedule a public hearing regarding the petition to be held before the City Council, giving notice as required by the general laws of the State of Texas. However, if the petition is denied by the Planning & Zoning Commission, the petitioner may, upon his own motion within 30 days, file with the Planning Department staff a written request that a public hearing be scheduled and held before the City Council regarding the petition. Upon receipt of the written request, a public hearing on the petition shall be scheduled to be held before the City Council, giving notice as required by the general laws of the State of Texas.
- .2 Upon the filing of a written request for the scheduling of a public hearing regarding a petition which has been denied in total by the Planning & Zoning Commission, the action of the Commission with regard to the question of prejudice shall be totally vacated, and the City Council shall determine the question as provided in Sec. 4.600.1
- .3 A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the city of Plano stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication.
- .4 A signed and notarized affidavit certifying that the required zoning sign(s) is(are) being maintained on the subject property in compliance with the requirements specified on the city's zoning petition form must be submitted to the Planning Department staff no later than the 14th day before the date of the City Council hearing.
- .5 Prior to the opening of the public hearing, the petition may request withdrawal of the petition or tabling of the request to a specified future City Council meeting. City Council may approve the request or open the public hearing and following its closing take appropriate action within the context of the public notice provided.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 11TH DAY OF MAY, 2015.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY