

PD No. 15 Authorized Hearing FAQ

Existing Zoning

Q. Does the Residential Proximity Slope (RPS) apply to properties within PD No. 15?

A. No. RPS does not currently apply to properties within PD No. 15. The base zoning for PD No. 15 is the MF-3 Multiple Family District which is under Chapter 51 (the previous Development Code) and does not include regulations for RPS (See the Q&A below for additional regulations which provide similar relief as RPS in Chapter 51A).

Q. What is the height limit in PD No. 15?

A. The base zoning MF-3 allows for any legal height. However, since there is a development plan as part of the PD No. 15 ordinance, each tract is limited to the number of floors shown on the development plan. A zoning change is required to amend the height shown on the plan. (Note – Tract 2 does not show the number of floors on the development plan (2015 zoning interpretation letter)).

Q. Are there tower spacing regulations in PD No. 15?

A. Tower spacing regulations are not specifically called out in Chapter 51. However, under Chapter 51, additional setbacks (up to 50 feet) are required for structures over 36 feet in height that are adjacent to or within residential zoning districts. These regulations provide similar principles as the tower spacing in Chapter 51A. Please reference Sections 51-4.401(a)(7), 51-4.401(b)(7), 51-4.402(b)(7), and 51-4.403(b)(3) for regulations: http://www.dallascityattorney.com/51/articleIV_pdf/Division%2051-4.400.pdf

Authorized Hearing Process

Q. How long will the authorized hearing process take?

A. Approximately six months after the steering committee meetings begin. However, the timing can vary depending on the scope and complexity of the authorized hearing.

Q. What are the next steps in the steering committee process?

A. Staff will facilitate meetings to discuss potential changes to the zoning regulations in PD No. 15. All steering committee meetings are open to the public for observation and public comments can be submitted to staff for additional consideration. Council Member Gates will appoint the steering committee. Staff will coordinate with the steering committee to select a preferred meeting date and time.

Public Hearings (City Plan Commission and City Council)

Q. How can I voice my support or opposition for the proposed amendments?

A. Property owners within 200 feet from the area of request (PD No. 15) will receive notification of public hearing and a reply form in the mail to mark “support” or “oppose” in relation to the proposed re-zoning (See the Q&A below for the official reply form method for condominiums).

Additionally, all citizens are welcome to attend the public hearing and speak in support or opposition of the proposed re-zoning and can send comments to staff for distribution to City Plan Commission.

Q. How are reply forms for condominium individual owners tabulated?

A. Unless otherwise written into a condominium association's by-laws, reply forms will be counted by the reply form from the governing body for a condominium association. The lot for the condominium complex will be shown as support or opposition per the governing body reply form. Individual owners' reply forms will be provided to City Plan Commission but will not be shown on the map or list of respondents. Please reference Section 51A-4.701(g)(3)(C) for written protest procedures:

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleivzoningregulations?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$anc=JD_51A-4.701](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleivzoningregulations?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$anc=JD_51A-4.701)

Q. What is the percentage of replies needed to approve the amendments?

A. The amendments will be voted on by City Plan Commission and City Council. The reply forms are used to measure the support or opposition given by property owners for the proposed amendments. If ballots representing 20 percent or more of the land area within the area of request or within 200 feet from the area of request submit reply forms in opposition to the proposed amendments, a super majority or $\frac{3}{4}$ vote (12 affirmative votes) at City Council will be required to approve the amendments.

Q. What happens if proposal is not approved?

A. The zoning will not change from what is currently existing.

Other

Q. Can a property owner submit an application for a zoning change while the authorized hearing process is in progress?

A. Yes, a property owner may submit an application for a zoning change at any time provided proper authorization is submitted.

Q. What is proper authorization for a condominium complex?

A. The applicant must prove the authority to submit a zoning change application. It is presumed that 100% of the owners must give authorization. If the condominium by-laws specify a percentage less than 100%, verified letters of authorization and condominium association by-laws must be submitted with the application.

Q. How will the Northwest Highway and Preston Road Area Plan affect these amendments?

A. Area 4 of the Northwest Highway and Preston Road Area Plan includes PD No. 15. The plan identifies issues, goals, and recommendations providing guidance for future land development for the Northwest Highway and Preston Road Area. Comprehensive Area Plans are adopted by City

Council to establish land use and development policy in specific areas and are intended to guide future zoning and land development decisions.