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DALLAS, TX

ZONING ORDINANCE ADVISORY COMMITTEE (ZOAC)

Tuesday, January 31, 2023

9:00 a.m.

A G E N D A

The Zoning Ordinance Advisory Committee meeting will be held by videoconference at <https://bit.ly/ZOAC013123> and in person in Room in 6ES at Dallas City Hall, 1500 Marilla Street, Dallas, TX 75201.

The public is encouraged to attend the meeting virtually or by calling (469) 210-7159 / Access code: 248 597 11685 / Event Password Webinar: zoac

Individuals who wish to speak on an agenda item must complete the Planning and Urban Design Department ZOAC speaker sign-up sheet by visiting <https://forms.office.com/q/PCdcrRFtc2> by 5:00 p.m. Sunday, January 29, 2023 and must have their camera on when speaking virtually.

To request an interpreter, please email Sarah.May@dallas.gov at least 72 hours (3 business days) in advance of a meeting. Late requests will be honored, if possible.

Para solicitar un intérprete, mande un correo electrónico a Sarah.May@dallas.gov al menos 72 hora (3 días laborales) antes de una reunión. Solicitudes con retraso serán respetadas, si es posible.

DISCUSSION:

- (1) **DCA212-007** **Consideration of amending Chapter 51A of the Dallas Development Code, Section 51A-4.701(d), "Two year limitation" to revise the applicability of the two-year limitation, the standard for the waiver of two-year limitation, and related regulations.**
Lori Levy

OTHER MATTERS:

- (2) Approval of meeting minutes from January 17, 2023.

ADJOURNMENT.

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

A quorum of the City Plan Commission may attend this Zoning Ordinance Advisory Committee Meeting

FILE NUMBER: DCA212-007(LL)

DATE INITIATED: Fall 2022

TOPIC: Development Code Amendment to consider revising the applicability of the two-year limitation, and related regulations

COUNCIL DISTRICT: All

CENSUS TRACTS: All

PROPOSAL: Consideration of amending Chapter 51A of the Dallas Development Code, Section 51A-4.701(d), "Two year limitation," to revise the applicability of the two-year limitation, and related regulations.

SUMMARY: The proposed code amendments modify the two-year limitation between a final decision of approval or denial of an application for a change in zoning or boundary line adjustment and a subsequent request and the criteria to be considered to grant a waiver. These modifications are intended to align Dallas more closely with other area cities and provide more clarity to the criteria in which a waiver may be granted.

STAFF RECOMMENDATION: Approval of the proposed amendments and move the item forward to City Plan Commission.

CODE AMENDMENT WEBPAGE:

<https://dallascityhall.com/departments/pnv/Pages/Code-Amendments.aspx>

Appendices

1. [Sec. 51A-4.701. Zoning Amendments. \(amlegal.com\)](#)
2. [Sec. 51AA-4.219. Specific Use Permit \(SUP\). \(amlegal.com\)](#)
3. Other Cities Comparison Table 1 of 2.
4. Other Cities Comparison Table 2 of 2.

BACKGROUND INFORMATION:

- On May 11, 2022, City Plan Commission (CPC) approved the request of Chair Joanna Hampton, Vice Chair Brent Rubin, and Commissioner Michael Jung to initiate a public hearing to consider a code amendment of the Dallas Development Code, Section 51A-4.701(d), “Two year limitation,” to revise the applicability of the two-year limitation, the standard for the waiver of two-year limitation, and related regulations.
- On November 15, 2022 and January 17, 2023, staff presented recommendations for two-year limitations to ZOAC. At the meeting, ZOAC asked staff to consider items included in the minutes and is included with this report.

STAFF ANALYSIS:

CPC initiated the code amendment to review the current two-year waiting period required between a final decision of approval or denial of an application for a change in zoning or boundary line adjustment and a subsequent application for a change in zoning or boundary line adjustment. A two-year waiting period is not required for minor amendments to site, landscape, or development plans and original development plans. However, any change to an approved site, landscape, or development plan does not qualify for a minor amendment would be subject to the two-year waiting period since significant changes to approved plans are required to go through the zoning process.

The current two-year waiting period between an approved zoning or specific use permit (SUP) application on a property creates challenges because relief from the waiting period is only granted with a waiver from CPC. The CPC waiver process adds at least a month to a minimum two public hearings by CPC and Council that are required for a zoning change, including an SUP and a boundary adjustment.

To grant a waiver under the existing parameters, the commission must consider what is meant by “changed circumstances regarding the property sufficient to warrant a new hearing”. The meaning of this phrase has historically been interpreted in a variety of ways ranging from physical changes to the land or existing structures which have been altered outside the property owner’s control (e.g. tornado, fire damage, flooding, etc.) to changes that are not physically discernable such as a change in interpretation, property owner, or market conditions. These differing interpretations have complicated the waiver process and therefore warrants review.

Analyses of Previous Two-Year Waiver Requests

During the two fiscal years of 2020-2022, the Planning and Urban Design Department received eight applications, or four per fiscal year, to waive the two-year waiting period. Of those applications, all were granted by CPC. Most waiver applications are made so that a subsequent application and public hearings could occur to correct inconsistencies in the preceding zoning or SUP ordinance, adjust for changes in market conditions, or because an SUP was granted within two years on the same property, often for an unrelated use to the new application requiring a waiver.

Per ZOAC's request at the November 15, 2022 meeting, staff researched two-year waivers that were filed from 2018 to 2020 and found five waivers that were submitted as a result of final action decisions of denial (with prejudice). Of those five waiver applications, two were granted approval by CPC within one month of filing and two were denied within one month of filing the application. Of those two denied by CPC, one was ultimately granted (overturned) upon an appeal to City Council within six months of filing the application. One waiver application was granted within two months of filing the application.

Additionally, three of these five waiver applications that were filed from 2018 to 2020 were filed regarding original decisions for SUP's that were denied (with prejudice). One waiver was approved to allow the owner to submit a subsequent application for an SUP renewal for an existing video signboard when an additional SUP for a video sign board was denied within the two-year limitation. The second waiver was approved to submit a subsequent application for an SUP for an auto salvage or reclamation use and the third was to submit a subsequent application for an SUP for a commercial amusement inside use. Two of the three waiver applications sought to change the use on the same property or a portion of the larger property. One waiver was approved after the previous final decision of denial was due to failing to get a favorable three-quarter vote from Council when 20 percent of the property owners within 200 feet of the area of request filed responses in opposition to the original request.

Staff also analyzed certain final decisions from Council and CPC from the year 2021. Those decisions included 20 to deny with prejudice, 22 to deny without prejudice, and 72 SUPs or SUP renewals were granted¹. Approvals for general zoning changes or planned developments are excluded in staff's research. Based on this sample size of 114 final decisions in 2021, 49 properties (42.9%) are exempt from the current two-year waiting

¹ Of the 72 SUPs that were granted, 27 (37.5%) were for a period of two years or less, 29 (40.3%) were for a period between two-and-a-half-years and six years, one was for a period of 10 years (cell tower), two were granted for a period of 30 years (public schools) and 13 (18%) were granted with eligibility for automatic renewals.

period because they are either denials without prejudice (22 properties) or granting an SUP or renewal of an SUP for a period of two years or less (27 properties). Staff's recommended amendments to exempt approvals would increase the number of exemptions from 49 to 94 properties (42.9% to 82.4%) of this sample size from the two-year waiting period which is expected to significantly reduce the number of waiver requests.

Exempting Approvals from the Two-Year Waiting Period

Per ZOAC's request at the January 17, 2023 meeting, staff evaluated maintaining the requirement that final decisions of approval for SUPs or for a change in zoning district classification or boundary to the two-year limitation. Staff recommends an exemption for approvals for an SUP or for a change in zoning district classification or boundary from the two-year limitation. Exempting approvals from a waiting period will have at least four significant impacts as described below.

1. It will save time for staff and the commission because it will significantly reduce the number of waiver applications as described in the last paragraph of the preceding section.
2. It will save time for the property owner because it adds a minimum of one month in addition to the zoning change process which could take an additional three to six months when there is no backlog of cases. This additional time to go through a waiver process could negatively impact further development of a property. Staff's recommendation also supports the goal to undergo regulatory review to remove barriers to growth and development, particularly in areas that are experiencing accelerated economic growth and vitality or a resurgence of growth and development. It also directly correlates to the Economic Development Policy (EDP) to analyze and improve development review processes to encourage predictability in order to meet the larger goal of leveraging a diverse range of commercial and industrial development opportunities in all areas of the city to meet 10-year demand for business growth.
3. It would align with 13 out of 15 cities compared. The comparison shows that only Atlanta and El Paso require approvals to have a waiting period. Austin, Baltimore, Boston, Buffalo, Columbus, Fort Worth, Houston, Minneapolis, Philadelphia, San Antonio, San Diego, San Francisco, and San Juan do not require approvals to have any waiting period. Eliminating the waiting period for approvals would help to make Dallas competitive and ultimately better positioned for more development opportunities in a competitive climate.

4. It balances previous decisions of approvals with previous decisions for denial without prejudice. Although a request that previously received a decision of approval may not be exactly what the applicant requested, approvals require a majority vote. Therefore, it can be assumed that the previous decision had enough support to entertain further discussion should problems arise within two years and a subsequent request is necessary. Further, if portions of a request that were previously determined to be contrary to the public interest and were not included in the previous approval are resubmitted within the two-year period with a subsequent request, CPC and Council will still retain the option to work with the applicant to find consensus or to deny the subsequent request with or without prejudice.

Ultimately, staff has found insufficient reasons to maintain a two-year waiting period for approvals alongside denials with prejudice. Therefore, staff recommends that properties that were granted a specific use permit or approved for a change in zoning district classification or boundary should not be required to wait two years before making a subsequent request.

Additional Criteria to Grant Two-Year Waivers

Also per ZOAC's request at the January 17, 2023 meeting, staff evaluated additional suggestions for criteria to be considered to grant a request to waive the two-year waiting period and are included in the proposed amendments. Although staff agrees the criteria to grant a waiver needs clarification so that staff and CPC will have more opportunity to find consensus, staff does not support the entire set of suggestions. Staff also notes that the criteria for waivers in comparison cities is limited and is therefore concerned that an exhaustive list of criteria for waivers is inconsistent with most other cities, may cause unexpected consequences, and would add processing time for staff to gather information necessary to present to the commission to consider the additional criteria.

Staff supports the change suggested by ZOAC to the criteria of "changed circumstances regarding the property sufficient to warrant a new hearing" to read, "specific and material changes for which the original decision was made". Since the decision to waive the two-year limitation is disconnected from the subsequent application, it should be noted that the contents of a future application cannot be a condition upon which a waiver is granted. Therefore, the merits of this change will rely on the testimony of the waiver applicant or representative. However, since a waiver of the two-year limitation does not alter any regulatory conditions and the ultimate result of the subsequent application is still subject to public hearing procedures, staff supports this change. Staff also recommends

amendments to add items the commission may consider in granting waivers. These additions include considerations when the previous application was for an SUP, the size of the subsequent request is expected to change, and when the previous request was initiated by the City, such as authorized hearings. Staff has not added the remainder of the suggested criteria (romanette iv in ZOAC's request) because these criteria are seen to be nuances of 'significant and material changes' and are therefore unnecessary.

Staff does not support the suggestion to consider the unanimity of the vote on a previous decision or the degree to which responses were received. Regarding the unanimity of the previous final decision, as previously discussed, if the previous decision was for approval, the previous decision was made by a majority of City Council. If the previous final decision was for denial (with prejudice), a majority vote of CPC or City Council was required for that outcome. Since community input has historically been one of many factors in the ultimate decision to deny a request with or without prejudice, the unanimity of the previous vote is irrelevant and the decision to impose a two-year waiting period should not be waived on the grounds of unanimity, or lack thereof, alone unless there are other significant or material circumstances sufficient to warrant a new hearing.

Regarding the degree to which the community was in support or the previous responses cataloged, these are not items that can be objectively judged outside the context of the original decision. For the responses that are officially registered by staff according to the requirements set forth in the Dallas Development Code, the criteria for cataloging responses received are often difficult and not reflective of all stakeholders in the community. In most cases, responses collected are primarily from select long-term residential property owners who would rather have their dissenting views known and mend fences later, in the event the applicant's request passes. Responses collected rarely includes business owners because some fear negative outcomes may arise in the future from not being viewed a 'friendly neighbor', condo-owners because the condo-owners must vote as a whole through the condominium governance, and other property owners that missed any one required element to catalog the response (e.g. the date and time must be written on responses to be registered). The largest excluded stakeholder on notifications and responses collected are from renters since the requirements for collecting responses set forth in the Dallas Development Code are narrowly focused on property owners. Additionally, property owners who had originally sent responses in opposition rarely update their original position in time to update the register of responses. Outdated responses often occur when the community and applicant come to a consensus by the conclusion of the request. A response in opposition may have arisen originally due to not knowing or understanding the details of the request and have since come to support the request, or a response in opposition may have simply been a plea for more time to understand the request. Therefore, staff considers establishing previously collected

responses as criteria to waive the waiting period (or not) can be seen as inequitable and out of context.

Staff would welcome a reduction to the two-year waiting period, in lieu of the suggestion to consider the time period that elapsed since the previous final decision and the waiver request. Since the time period alone lacks direction on how long of a waiting period would be appropriate, other factors should be considered instead. Regarding the duration of the required waiting period, of the 15 typical comparison cities nation-wide, Columbus, Minneapolis and San Diego had no waiting period required; San Antonio only had a six-month waiting period; Fort Worth, Houston, Philadelphia, San Francisco, El Paso, Baltimore, Buffalo and San Jose had a one-year waiting period; and Austin had a one-and one-half year waiting period. Only two other cities of our comparison cities, Atlanta and Boston, require a two-year waiting period like Dallas.

Refining Terminology:

The remaining proposed amendments include many changes that simply refine the existing interpretation. For example, the word “subsequent” is proposed to replace “further”. Although no significant changes in interpretation were discovered with this proposed change, staff believes “subsequent” is a more refined and appropriate word in this context and was seen in some comparison cities.

Additionally, ZOAC originally requested that staff propose wording to merge the existing subsection (d)(2) with (d)(1) which was included in the January 17, 2023 ZOAC report. However, ZOAC agreed with staff that merging the two concepts could be more confusing and it has since been restored to two separate subsections.

The remainder of the changes proposed are considered improvements to the existing requirements but are not significant changes to current practices and interpretations.

Summary of Staff Recommendations

Staff recommends removing the two-year limitation for approvals of a change in zoning district classification or boundary, which includes decisions to grant SUPs. Exempting approvals from the two-year waiting period will align Dallas more closely with other area cities and the number of two-year waiver applications presented to CPC will be significantly reduced, potentially eliminated, and no unnecessary additional time will be required for the waiver process. The reduction in time to process subsequent applications for an SUP or for a change in zoning district classification or boundary and changes on a property could have a direct impact on development and economic growth; particularly in areas that are experiencing accelerated economic growth and vitality or a resurgence of growth and development.

Additionally, staff supports limited amendments to the standards to grant a waiver to provide additional clarity, particularly when the previous decision was for an SUP, when the area of request is expected to change, when the previous decision was initiated by the City, or for any other significant or material change that warrants a new hearing.

Proposed Amendments

Note: ~~Strikeouts~~ are words being removed. Underlined words are words being added.

Division 51A-4.700. Zoning Procedures.

SEC. 51A-4.701. ZONING AMENDMENTS.

Omitted for brevity

(d) Two-year [~~Two-year~~] limitation.

ZOAC request:

(1) Except as provided in Subsections (d)(2) and (d)(3), after a final decision is reached by the commission or city council either granting or denying a request for a change in a zoning district classification or boundary, no [~~further~~] subsequent applications may be considered for that property for two years from the date of the final decision.

(2) If the commission or the city council renders a final decision of denial without prejudice, or if the city council grants a specific use permit and imposes a time limit of two years or less, the two-year [~~two-year~~] limitation is waived.

Staff recommendation:

(1) Except as provided in Subsections (d)(2) and (d)(3), after a final decision is reached by the commission or city council [~~either granting or~~] denying a request for a change in a zoning district classification or boundary, no [~~further~~] subsequent applications may be considered for that property for two years from the date of the final decision.

(2) If the commission or the city council renders a final decision of denial without prejudice, ~~or if the city council grants a specific use permit and imposes a time limit of two years or less~~, the two-year [~~two-year~~] limitation is waived.

(3) A property owner may apply for a waiver of the two-year [~~two-year~~] limitation in the following manner:

(A) The applicant shall submit the [~~his~~] request in writing to the director. The director shall inform the applicant of the date on which the commission shall consider the [~~his~~] request and shall advise the applicant of the [~~his~~] right to appear before the commission.

ZOAC request:

(B) The commission may consider the following factors when determining whether to waive the two-year limitation and grant a new hearing if:

(i) I[~~t~~]here are changed circumstances regarding the property [sufficient to warrant a new hearing.];

(ii) The length of time that has elapsed since the previous zoning decision;

(iii) If the previous final decision for a change in a zoning district classification or boundary of the property was City-initiated;

(iv) If the previous request was for a specific use permit;

(iv) If significant and material changes between the previous and subsequent requests are expected, including but not limited to:

(aa) a change in land area,

(bb) the nature of the subsequent request, or

(cc) new circumstances or information has been discovered that were unforeseeable;

(v) If the previous final decision for a change in a zoning district classification or boundary of the property was not unanimous and the degree to which public responses to the previous final decision were received;

(vi) Other factors in which granting a waiver is not contrary to the public interest;

Staff recommendation:

(B) The commission may waive the two-year limitation if there are changed circumstances [~~regarding the property~~] sufficient to warrant a new hearing, including but not limited to:

(i) the previous final decision was for a specific use permit,

(ii) the previous final decision was City-initiated,

(iii) the land area of the previous final decision is expected to significantly change in the subsequent request, or

(iv) other specific and material changes are expected in the subsequent request.

(C) A simple majority vote by the commission is required to grant the request. If a waiver [~~rehearing~~] is granted, the applicant shall follow the procedure for a zoning amendment per [~~to~~] this article or a request for a change in a zoning district classification or boundary.

(D)~~(C)~~ If the commission denies the request, the applicant may appeal in writing to the city council by filing an appeal with the director.

Appendices

SEC. 51A-4.701. ZONING AMENDMENTS. (EXCERPT) [SEC. 51A-4.701. ZONING AMENDMENTS. \(amlegal.com\)](#)(EXCERPT) [SEC. 51A-4.701. ZONING AMENDMENTS. \(amlegal.com\)](#)

SEC. 51A-4.219. SPECIFIC USE PERMITS (SUP). (EXCERPT) [SEC. 51A-4.219. SPECIFIC USE PERMIT \(SUP\). \(amlegal.com\)](#)

OTHER CITIES COMPARISON (See Attached)

**SEC. 51A-4.701. ZONING AMENDMENTS.
EXCERPT**

SEC. 51A-4.701. ZONING AMENDMENTS.

...

(d) Two year limitation.

- (1) Except as provided in Subsections (d)(2) and (d)(3), after a final decision is reached by the commission or city council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision.
- (2) If the commission or the city council renders a final decision of denial without prejudice, or if the city council grants a specific use permit and imposes a time limit of two years or less, the two year limitation is waived.
- (3) A property owner may apply for a waiver of the two year limitation in the following manner:
 - (A) The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the commission shall consider his request and shall advise the applicant of his right to appear before the commission.
 - (B) The commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the commission is required to grant the request. If a rehearing is granted, the applicant shall follow the procedure for an amendment to this article or a request for a change in a zoning district classification or boundary.
 - (C) If the commission denies the request, the applicant may appeal in writing to the city council by filing an appeal with the director.

SEC. 51A-4.219. SPECIFIC USE PERMIT (SUP).

(a) General provisions.

(1) The SUP provides a means for developing certain uses in a manner in which the specific use will be compatible with adjacent property and consistent with the character of the neighborhood.

(2) The use regulations for each use in Division 51A-4.200 state whether an SUP is required for a use to be permitted in a zoning district. The SUP requirement for a use in a district does not constitute an authorization or an assurance that the use will be permitted. Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate. Each SUP must be granted by the city council by separate ordinance.

(3) The city council shall not grant an SUP for a use except upon a finding that the use will:

(A) complement or be compatible with the surrounding uses and community facilities;

(B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;

(C) not be detrimental to the public health, safety, or general welfare; and

(D) conform in all other respects to all zoning regulations and standards.

(4) The granting of an SUP has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.

(5) The city council may impose reasonable conditions upon the granting of an SUP consistent with the purposes stated in this chapter.

(6) The applicant shall post the SUP ordinance in a conspicuous place on the property, except where a use has no interior building space (for example, a private street or alley use). The applicant shall post the SUP ordinance by June 1, 2006.

(b) Specific use permit procedure.

(1) An applicant for an SUP shall comply with the zoning amendment procedure for a change in zoning district classification. Each SUP ordinance is incorporated by reference into this chapter.

(2) At the time of applying for an SUP, the applicant shall submit:

(A) a site plan that includes:

(i) the dimensions, bearings, and street frontage of the property;

(ii) the location of buildings, structures, and uses;

(iii) the method of ingress and egress;

(iv) off-street parking and loading arrangements;

(v) screening, lighting, and landscaping, if appropriate;

(vi) the locations, calipers, and names (both common and scientific) of all trees near proposed construction activity (trees in close proximity that all have a caliper of less than eight inches may be designated as a "group of trees" with only the number noted); and

(vii) any other information the director determines necessary for a complete review of the proposed development; and

(B) a traffic impact analysis if the director determines that the analysis is necessary for a complete review of the impacts of the proposed development.

(3) If the director determines that one or more of the items listed in Paragraph (2) is not necessary to allow for a complete review of the proposed development, he shall waive the requirement that the item(s) be provided.

(4) The minor amendment process allows flexibility as necessary to meet the contingencies of development. Amendments that do not qualify as minor amendments must be processed as a zoning amendment. The city plan commission shall, after a public hearing, authorize minor changes in the site plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:

- (A) alter the basic relationship of the proposed development to adjacent property;
- (B) increase the number of dwelling units shown on the original site plan by more than 10 percent;
- (C) increase the floor area shown on the original site plan by more than five percent or 1,000 square feet, whichever is less;
- (D) increase the height shown on the original site plan;
- (E) decrease the number of off-street parking spaces shown on the original site plan so as to create a traffic hazard or traffic congestion or fail to provide adequate parking; or
- (F) reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original site plan.

For purposes of this paragraph, "original site plan" means the earliest approved site plan that is still in effect, and does not mean a later amended site plan. For example, if a site plan was approved with the specific use permit and then amended through the minor amendment process, the original site plan would be the site plan approved with the specific use permit, not the site plan as amended through the minor amendment process. If, however, the site plan approved with the specific use permit was replaced through the zoning amendment process, then the replacement site plan becomes the original site plan.

**OTHER CITIES COMPARISON
FOR TWO YEAR LIMITATION FOR SUBSEQUENT APPLICATIONS
(TABLE 1 OF 2)**

	Dallas	Atlanta	Austin	Baltimore	Boston	Buffalo	Columbus	El Paso
Application (Subsequent) Limitation	Y	Y	Y	Y	Y	Y	N	Y
Waiting Time Period (in Years)	2	2	1-1/2	1	2	1	N/A	1
Decision Impacted	Approvals/ Denials – change in a zoning district classification or boundary	Applications for any change affecting same property or any part thereof	Denials – zone or rezone to a property or a portion of the property to the same or a less restrictive zoning district	Denials – the same applications for the same properties for variances and conditional uses	Denials - SUP's or permits	Denials	N/A	Change of zoning for a given property
Waiver	Y	Y	N	Y	Y	Y	N/A	Y
Exceptions	<ol style="list-style-type: none"> 1. Denial w/o prejudice 2. If SUP is granted with imposed time limit of two years or less (2 yr. time limit is waived) or 3. Property owner may apply for waiver in writing 	Planning Bureau or Council may initiate a change on same property not less than 1 year (1 yr. time frame may not be waived)	N/A	Substantial new evidence is available	<ol style="list-style-type: none"> 1. Unanimous vote of board of 3 members; or 2. Vote of 4 members of a board of 5 members; or 3. Two-thirds vote of a board of more than five members 	Substantial new evidence or a mistake of law or of fact	N/A	Y
Conditions	<ol style="list-style-type: none"> 1. Applicant must submit waiver request in 	N/A	Applicant may not file another application within 1-1/2 yrs. if application:	Application must include: <ol style="list-style-type: none"> 1. Detailed description of how 	<ol style="list-style-type: none"> 1. Specific and material changes in conditions upon which 	Applicant must submit detailed statement justifying consideration	N/A	A finding that a substantial change in conditions has occurred

**OTHER CITIES COMPARISON
FOR TWO YEAR LIMITATION FOR SUBSEQUENT APPLICATIONS
(TABLE 1 OF 2)**

Dallas	Atlanta	Austin	Baltimore	Boston	Buffalo	Columbus	El Paso
<p>writing to Director;</p> <p>2. Changed circumstances that warrant a new hearing; and</p> <p>3. A vote of a simple majority of the Commission</p>		<p>1. Is not recommended by the Land Use Commission as requested by applicant and withdrawn by applicant before Council votes on application;</p> <p>2. Is not recommended by Land Use Commission as requested by applicant and is denied by Council;</p> <p>3. Is amended by applicant before Land Use Commission makes recommendation and applicant withdraws application before Council votes on</p>	<p>application is substantially different request or how substantially new evidence justifies consideration</p>	<p>decision was made;</p> <p>2. Describes such changes in record of proceedings; and</p> <p>3. Unless all but one of the members of the planning board consents thereto and after notice to parties in interest of such time and place of proceedings of such question of consent will be considered</p>			

**OTHER CITIES COMPARISON
FOR TWO YEAR LIMITATION FOR SUBSEQUENT APPLICATIONS
(TABLE 1 OF 2)**

	Dallas	Atlanta	Austin	Baltimore	Boston	Buffalo	Columbus	El Paso
			application; or 4. Is amended by the applicant before the Land Use Commission makes a recommenda tion and Council denies the application.					
Reapplication Decision Maker	Planning Commission	City Council may approve ordinance to waive 2 yrs.	N/A	Zoning Administrator must summarily deny if Administrator finds that application is not appropriate for hearing	Planning Board	Ordinance Administrator may deny if Administrator determines no grounds to justify consideration of a hearing	N/A	Planning Commission

**OTHER CITIES COMPARISON
FOR TWO YEAR LIMITATION FOR SUBSEQUENT APPLICATIONS
(TABLE 2 OF 2)**

	Dallas	Ft. Worth	Houston	Minneapolis	Philadelphia	San Antonio	San Diego	San Francisco	San Jose
Application (Subsequent) Limitation	Y	Y	Y	N	Y	Y	N	Y	Y
Waiting Time Period (in Years)	2	1	1	N/A	1	6 mos.	N/A	1	1
Decision Impacted	Approvals/ Denials – change in a zoning district classification or boundary	Denials (with prejudice)	Denials	N/A	Denials	Denials	N/A	Planning Code, General Plan, conditional use or variance	Denials – same zoning or rezoning for same property or any part thereof
Waiver	Y	Y	N	N/A	Y	N	N/A	N	N
Exceptions	1. Denial w/o prejudice 2. If SUP is granted with imposed time limit of two years or less (2 yr. time limit is waived) or 3. Property owner	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

**OTHER CITIES COMPARISON
FOR TWO YEAR LIMITATION FOR SUBSEQUENT APPLICATIONS
(TABLE 2 OF 2)**

	Dallas	Ft. Worth	Houston	Minneapolis	Philadelphia	San Antonio	San Diego	San Francisco	San Jose
	may apply for waiver in writing 4. Applicant requests withdrawal 5 full working days before the date of the hearing								
Conditions		Original Applicant must: submit a written statement of substantially changed conditions	N/A	N/A	Zoning Board must hold a public hearing limited to two issues: 1. whether the Dept. of License and Inspections (L&I) properly applied the One Year Rule; and 2. whether because of	N/A	N/A	N/A	N/A

**OTHER CITIES COMPARISON
FOR TWO YEAR LIMITATION FOR SUBSEQUENT APPLICATIONS
(TABLE 2 OF 2)**

	Dallas	Ft. Worth	Houston	Minneapolis	Philadelphia	San Antonio	San Diego	San Francisco	San Jose
					materially changed circumstances, the application should be considered not withstanding the One Year Rule				
Reapplication Decision Maker		City Council	N/A	N/A	Zoning Commission	N/A	N/A	N/A	N/A