

TEXAS NEIGHBORHOODS TOGETHER

SUPPORT

Notification

Recommendation

Require 30-day advance written notice be placed at the proposed site of incompatible land uses that will be located in or near residential areas before a license or permit for that use may be granted. Require mailed notification to all property owners within 400 feet of the proposed use, twice the statutory minimum distance for other types of notification.

Require that an inexpensive placard be posted on the property, minimum size: 24 inches x 36 inches with two-inch lettering, that the sign be visible from the street, and that the sign be placed at the proposed site at least 30 days prior to the date that the permit or license is to be considered by the permitting or licensing entity. This posting is in addition to other required notification methods such as publication or mailed notice and is intended to supplement rather than supersede those requirements.

Background

Currently, Texas does not have a uniform process for notifying local authorities and residents when intrusive land uses are proposed to be located in or near residential neighborhoods. In most Texas communities today, a new incompatible use is discovered only after construction has begun or the establishment is in place and operating. The current practice of placing a notice in the classified section in an area newspaper is ineffective and rarely reaches those residents directly affected. There are certain land uses that have a detrimental effect on the security and quality of life in neighborhoods, which decreases property values and jeopardizes citizen health and safety.

Impact

A uniform process that provides a timely and informative notice will enable the affected community to have an opportunity to work with local authorities to address the issue and mitigate the potential incompatibility. This process will also provide notification to the appropriate local and state representatives so that they are able to address concerns from an informed position. Typical uses should include establishments selling alcoholic beverages, sexually-oriented businesses, correctional facilities and other incompatible uses which are permitted or licensed by the state and by local governmental entities.