

4-8-15

ORDINANCE NO. 29702

An ordinance amending Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Section 51A-4.505, “Conservation Districts”; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 51A-4.505, “Conservation Districts,” of Division 51A-4.500, “Overlay and Conservation District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

**“SEC. 51A-4.505. CONSERVATION DISTRICTS.**

(a) Definitions. In this section:

(1) AREA means the land within the boundaries of a proposed CD that may include subdistricts, land within the boundaries proposed to be added to an established CD that may include subdistricts, or land within the boundaries of a proposed subdistrict.

~~[ARCHITECTURAL ATTRIBUTES means those physical features of buildings and structures that are generally identified and described as being important products of human thought and action characteristic of a population or community.]~~

(2) ~~[BLOCK means an area bounded by streets on all sides.~~

(3) BLOCKFACE means ~~[all of]~~ the linear distance of lots along [one] one side of a street between the two nearest intersecting streets. If a street dead ends, the terminus of the dead end will be treated as an intersecting street [block].

(3[4]) CD means conservation district.

~~[(5) CD FEASIBILITY STUDY means a study conducted by the director to determine whether or not a particular area of the city is eligible for conservation district classification.]~~

(4[6]) CD ORDINANCE means the ordinance establishing or amending a particular conservation district.

~~[(7) CULTURAL ATTRIBUTES means all of those physical features of an area that, either independently or by virtue of their interrelationship, are generally identified and described as being important products of human thought and action characteristic of a population or community. Accordingly, the term "cultural attributes" necessarily includes "architectural attributes" as that term is defined in this section. The term "cultural attributes" does not refer to the characteristics or beliefs of people who may reside in or frequent a particular area.]~~

(5) DEMOLITION means the intentional destruction of an entire building.

(6) NEIGHBORHOOD COMMITTEE means the property owners of at least 10 properties within a proposed CD, proposed area to be added to an established CD, or an established CD; or, if less than 10 properties, 50 percent of the property owners within the proposed CD, proposed area to be added to an established CD, or an established CD.

(7) PHYSICAL ATTRIBUTES means the physical features of buildings and structures, including the architectural style; characteristics of a period; and method of construction, and may also include those physical characteristics of an area that help define or make an area unique, including scale; massing; spatial relationship between buildings; lot layouts; setbacks; street layouts; streetscape characteristics or other natural features; or land-use patterns.

(8) STABLE means that the area is expected to remain substantially the same over the next 20 years with continued maintenance of the property. While some changes in structures, land uses, and densities may occur, all such changes are expected to be compatible with surrounding development.

(9) STABILIZING means that the area is expected to become stable over the next 20-year period through continued reinvestment, maintenance, or remodeling.

(b) Findings and p[P]urpose.

(1) State law authorizes the city of Dallas to regulate the construction, alteration, reconstruction, or razing of buildings and other structures in "designated places and areas of historic, cultural, or architectural importance and significance." [~~Whereas the city has historic districts containing such regulations and restrictions for historic places and areas, the~~]

(2) C[e]onservation districts are [is] intended [established] to provide a means of conserving an area's distinctive [atmosphere or] character by protecting or enhancing its physical attributes [significant architectural or cultural attributes].

(3) Conservation districts are distinguished from historic overlay districts, which preserve historic residential or commercial places; neighborhood stabilization overlay districts, which preserve single family neighborhoods by imposing neighborhood-specific yard, lot, and space regulations that reflect the existing character of the neighborhood; and planned development districts, which provide flexibility in planning and construction while protecting contiguous land uses and significant features.

(4) The purpose of a CD is to:

(A) protect the physical attributes of an area or neighborhood;

(B) promote development or redevelopment that is compatible with an existing area or neighborhood;

(C) promote economic revitalization;

(D) enhance the livability of the city; and

(E) ensure harmonious, orderly, and efficient growth.

(c) General provisions.

(1) Each CD [conservation district] must be established by a separate CD ordinance. [~~Before adopting a CD ordinance, the city council shall approve a conceptual plan for the district in accordance with this section. Each CD ordinance must be consistent with the conceptual plan approved for the district by the city council.~~]

(2) A CD may replace a planned development district or a neighborhood stabilization overlay. A CD may include an historic district overlay. A CD may not be placed on a planned development district or a neighborhood stabilization overlay. [If the director determines that, due to the sensitivity of the area, or due to the nature of the proposed regulations for the area, a special administrative procedure should be established for the review of proposed work in a conservation district, he may recommend that such a procedure be incorporated into the conceptual plan for the district. Unless such a procedure is considered by the commission and approved by the city council as part of the conceptual plan for the district, there shall be no

~~administrative review of proposed work in a conservation district other than the customary review for compliance with all applicable city codes, ordinances, rules, and regulations which occurs at the time a person makes application for a building permit.]~~

(3) For purposes of determining the applicability of regulations in this chapter triggered by adjacency or proximity to another zoning district, an identifiable portion of a CD [~~conservation (CD) district~~] governed by a distinct set of use regulations is treated as though it were a separate zoning district. If the CD district or a portion of the district is limited to those uses permitted in an expressly stated zoning district, the CD district or portion of the district is treated as though it were that expressly stated zoning district; otherwise it is treated as though it were:

(A) a TH-3(A) zoning district if it is restricted to single family and/or duplex uses;

(B) an MF-2(A) zoning district if it is restricted to residential uses not exceeding 36 feet in height and allows multifamily uses;

(C) an MF-3(A) zoning district if it is restricted to residential uses and allows multifamily uses exceeding 36 feet in height; or

(D) a nonresidential zoning district if it allows a nonresidential use.

(d) Establishing a conservation district.

(1) Determination of eligibility.

(A) Before a neighborhood committee may request pre-application meetings or apply for a CD, a neighborhood committee must request a determination of eligibility and the director must determine that an area is eligible. A request for determination of eligibility is not an application for a CD.

(B) A neighborhood committee must submit a request for determination of eligibility on a form furnished by the department. The request for a determination of eligibility must include:

(i) The names and addresses of the neighborhood committee members.

(ii) The name and address of the neighborhood committee member designated to receive notice and information from the department.

(iii) A map of the request area.

(iv) A written statement explaining how the neighborhood committee selected the request area. For example, the request area is the original subdivision.

(v) A list of the architectural styles of each main building in the area of request and the year that each main building was constructed.

(vi) A written statement describing the physical attributes of the area, including the architectural styles, period of significance, and method of construction.

(vii) A written statement describing how the area of request meets all of the eligibility criteria in Section 51A-4.505(d)(1)(C).

(viii) Any other information that the director deems necessary.

(C) Within 65 days after a complete request for determination of eligibility is submitted, the director shall make a determination of eligibility. An area is not eligible for a CD unless it satisfies all of the following criteria:

(i) The area contains at least one blockface.

(ii) The area must be either “stable” or “stabilizing” as defined in this section.

(iii) The area is compact and contiguous with boundary lines drawn to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary.

(iv) At least 75 percent of the lots are developed with main buildings that are at least 25 years old.

(v) The area has physical attributes that include recognizable architectural style(s).

(D) If the director determines that the area is eligible for a CD, the director shall notify the designated neighborhood committee member in writing. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail. The director’s determination that an area is eligible for a CD may not be appealed.

(E) After the director determines an area is eligible for a CD, the boundaries may only be changed by city council at a public hearing to consider a proposed CD or by a request for a new determination of eligibility after the original determination of eligibility expires. A request for a new determination of eligibility with different boundaries must be made before a neighborhood committee may request pre-application meetings or apply for a CD.

(F) If the director determines that the area is not eligible for a CD, the director shall notify the designated neighborhood committee member in writing why the proposed area is not eligible. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail. The director's determination that an area is not eligible for a CD classification may be appealed to the city plan commission by the neighborhood committee.

(G) An appeal of a determination that an area is not eligible for a CD is made by filing a written notice of appeal with the director. The notice of appeal must be filed within 30 days after the director provides written notice to the designated neighborhood committee member. The sole issue on appeal is whether the director erred in the determination of eligibility. The city plan commission shall consider the same criteria that the director is required to consider.

(H) The city plan commission's determination of eligibility on appeal is final. If the city plan commission determines that the area is not eligible for a CD, no further requests for determination of eligibility may be considered for the area of request for two years from the date of its decision. A property owner within the area of request may apply for a waiver of the two-year limitation period pursuant to Section 51A-4.701(d)(3).

(2) Pre-application meetings.

(A) After an area is determined eligible for a CD and before a neighborhood committee may apply for a CD, a neighborhood committee must request pre-application meetings. A request for pre-application meetings is not an application for a CD.

(B) Pre-application meetings are held by the department. Pre-application meetings are intended to inform the neighborhood committee and property owners within the eligible area about the determination of eligibility process, purpose of a CD, and the CD ordinance process. Pre-application meetings are also held to discuss and establish a list of development and architectural standards the neighborhood is interested in regulating.

(C) Within 65 days after the director has determined that an area is eligible for a CD, the neighborhood committee must submit a request for pre-application meetings on a form furnished by the department or the determination of eligibility for that area expires. If the determination of eligibility expires, a neighborhood committee must submit a new request for determination of eligibility and the director must determine that the area is eligible before a request for pre-application meetings may be submitted.

(D) Within 60 days after a complete request for pre-application meetings is submitted, the director shall schedule the first of at least two pre-application meetings. Notice of each pre-application meeting shall be given at least 10 days before the pre-application meeting to all property owners within the area eligible for a CD as evidenced by the last certified municipal tax roll.

(E) Within 14 days after the last pre-application meeting, the department shall provide the designated neighborhood committee member with the original petition forms.

(F) The original petition forms must include a map showing the boundaries of the area determined eligible for a CD; a list of the development and architectural standards a CD may regulate; the development and architectural standards established at the pre-application meetings that neighborhood is interested in regulating; the name and address of all property owners within the proposed CD; the deadline for the required signatures; and a statement that by signing the petition, the property owner is indicating support for initiating a process that may result in a change of zoning.

(G) Once the original petition forms are provided to the designated neighborhood committee member, additions to the development and architectural standards established by the neighborhood and listed on the original petition forms may only be recommended by city plan commission and approved by the city council.

(3) Application for a CD.

(A) After an area is determined eligible for a CD and the pre-application meetings have been held by the department, a neighborhood committee may submit an application for a CD.

(B) The application must be on a form provided by the department and must include:

(i) The original petition forms submitted with the dated signatures of property owners within the area determined eligible for a CD in support of the proposed CD that represent at least 58 percent of the land, excluding streets and alleys, within the proposed CD or 58 percent of the lots within the proposed CD.

(aa) For a proposed CD with 200 or fewer lots, the signatures on the original petition forms must be dated within 12 months following the date the original petition forms are provided to the designated neighborhood committee member.

(bb) For a proposed CD with 201 to 500 lots, the signatures on the original petition forms must be dated within 15 months following the date the original petition forms are provided to the designated neighborhood committee member.

(cc) For a proposed CD with more than 500 lots, the signatures on the original petition forms must be dated within 18 months following the date the original petition forms are provided to the designated neighborhood committee member.

(ii) The application fee, if applicable.

(aa) If the original petition forms are signed by 75 percent or more of the lots within the proposed CD boundaries, the application fee is waived.

(bb) If the proposed CD is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(iii) Any other information that the director deems necessary.

(C) Within 30 days after an application for a CD is submitted, the director shall verify the original petition forms and determine if the application is complete. The time the director takes to review an application for completeness is not counted toward the date requirements in Section 51A-4.505(d)(3)(B)(i) for signatures in support of the proposed CD.

(D) If the application is deemed complete or the CD is authorized pursuant to Section 51A-4.701(a)(1), a public hearing to create a CD is initiated.

(E) If the director deems the application incomplete, the director shall notify the designated neighborhood committee member in writing of the application deficiencies and return the incomplete application. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail.

(F) For purposes of Section 51A-4.701, "Zoning Amendments," once a CD application has been deemed complete, the CD shall be treated as a city plan commission authorized public hearing and may not be appealed to city council if the city plan commission recommends denial. If the proposed CD is initiated by application, the notice of authorization in Section 51A-4.701(a)(1) is not required.

(4) Preparing a CD ordinance.

(A) Within 30 days after a CD application is deemed complete, the director shall begin scheduling neighborhood meetings. Neighborhood meetings shall be held as necessary to receive input from property owners regarding the content of the CD ordinance.

(B) The city shall prepare a CD ordinance that includes:

(i) a map showing the boundaries of the area, including any subdistricts, that the director determined eligible for a CD;

(ii) maps and other graphic and written materials describing the physical attributes of the proposed CD; and

(iii) regulations for development and architectural standards.

(C) The CD ordinance must include the following:

(i) Development standards.



- (aa) accessory structures.
- (bb) building and structure height;
- (cc) density;
- (dd) fences and walls;
- (ee) floor area ratio;
- (ff) lot coverage;
- (gg) lot size;
- (hh) off-street parking and loading requirements;
- (ii) permitted uses;
- (jj) setbacks; and
- (kk) stories.
- (ii) Architectural standards.
  - (aa) architectural styles;
  - (bb) building elevations;
  - (cc) building materials;
  - (dd) chimneys;
  - (ee) porch styles;
  - (ff) roof form or pitch;
  - (gg) roofing materials; and
  - (hh) windows.

(D) The CD ordinance may also include, but is not limited to, the following development and architectural standards:

- (i) building relocation;
- (ii) building width;

- (iii) demolition;
- (iv) driveways, curbs, and sidewalks;
- (v) foundations;
- (vi) garage location and entrance;
- (vii) impervious surfaces;
- (viii) landscaping or other natural features;
- (ix) massing;
- (x) paint colors;
- (xi) solar energy systems and the components;
- (xii) steps; or
- (xiii) window and dormer size and location.

(E) At least 30 days before the city plan commission public hearing to consider the proposed CD ordinance, the director shall conduct a neighborhood meeting to review the proposed CD ordinance.

(F) Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the boundaries of the proposed CD as evidenced by the last certified municipal tax roll. The notice must include a web address where an electronic copy of the draft CD ordinance may be found.

(G) After the neighborhood meeting and at least 10 days before consideration by the city plan commission, the director shall send written notice of the city plan commission public hearing and a reply form to all property owners within the area of notification as evidenced by the last certified municipal tax roll. The reply form allows the recipient to indicate support or opposition to the proposed CD and give written comments. The director shall report to the city plan commission the percentage of replies in favor and in opposition, and summarize any comments.

(H) If city plan commission recommends approval of the proposed CD, at least 10 days before consideration by the city council, the director shall send written notice of the city council public hearing and a reply form to all property owners within the area of notification as evidenced by the last certified municipal tax roll. The reply form allows the recipient to indicate support or opposition to the proposed CD and give written comments. The director shall report to the city council the percentage of replies in favor and in opposition, and summarize any comments.

Initiation

~~(1) A CD feasibility study may be initiated by a group of persons who collectively own:~~

~~(A) more than 50 percent of the land, excluding streets and alleys, within the area of request; and~~

~~(B) more than 50 percent of the building sites within the area of request.~~

~~(2) An agent of a group that satisfies the requirements of Subsection (d)(1) may file an application for a CD feasibility study with the director on a form furnished by the department. Each person in the group must sign the application.~~

~~(3) An application for a CD feasibility study must include the following:~~

~~(A) The application fee.~~

~~(B) Map(s) showing the existing zoning and land uses on all of the land in the area of request, and on all of the land within 200 feet, including streets and alleys, measured from the boundary of the area of request.~~

~~(C) A list of the names and addresses of all property owners and residents in the area of request.~~

~~(D) A list of all neighborhood associations or other organizations representing the interests of property owners in the area of request. This list should include information as to the number of members and the officers' names, mailing addresses, and phone numbers.~~

~~(E) A statement of justification. This statement should:~~

~~(i) point out the factors which render the area of request eligible for CD classification; and~~

~~(ii) explain in detail how and why such a classification would be in the best interest of the city as a whole.~~

~~(F) A description of the prevalent architectural and cultural attributes of the area.~~

~~(G) Any additional information that the director determines to be necessary for the study.~~

(4) ~~A CD feasibility study may also be initiated by the commission or the city council.]~~

(e) Expanding an established CD.

(1) In general. Before a neighborhood committee or, if the area proposed to be added is one lot, an applicant may request petitions or apply to expand an established CD, a neighborhood committee or applicant must request a determination of eligibility for the proposed area to be added and the director must determine that the area is eligible. A request for determination of eligibility is not an application to amend an established CD.

(2) Determination of eligibility.

(A) A neighborhood committee or, if the area proposed to be added is one lot, an applicant must submit a request for determination of eligibility on a form furnished by the department. The request for determination of eligibility must include:

(i) The names and addresses of the neighborhood committee members or applicant.

(ii) If applicable, the name and address of the neighborhood committee member designated to receive notice and information from the director.

(iii) A map of the request area to be added that is compact and contiguous with the established CD.

(iv) A written statement explaining how the neighborhood committee or the applicant selected the request area. For example, the proposed area is part of the original subdivision but was not included when the CD was established.

(v) A list of the architectural styles of each main building in the area of request and the year that each main building was constructed.

(vi) A written statement describing the physical attributes of the area, including the architectural styles, period of significance, and method of construction and how these physical attributes, including the architectural styles, are similar to and compatible with the established CD.

(vii) A written statement describing how the proposed area meets all of the eligibility requirements in Section 51A-4.505(d)(1)(C) except that the area proposed is not required to be at least one blockface.

(viii) Any other information that the director deems necessary.

(B) Within 65 days after a complete request for determination of eligibility is submitted, the director shall make a determination of eligibility. An area is not eligible to be added to an established CD unless:

(i) the area satisfies all of the criteria in Section 51A-4.505(d)(1)(C), except that the area to be added is not required to be at least one blockface, and

(ii) the area to be added is similar to and compatible with the physical attributes of the established CD.

(C) If the director determines that the proposed area is eligible to be added to an established CD, the director shall notify the designated neighborhood committee member or applicant in writing. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail. The director's determination that an area is eligible for a CD may not be appealed.

(D) After the director determines an area is eligible to be added to an established CD, the boundaries may only be changed by city council at a public hearing to consider expanding an established CD or by a request for a new determination of eligibility after the original determination of eligibility expires. A request for a new determination of eligibility with different boundaries must be made before a neighborhood committee or applicant may request petitions or apply to expand an established CD.

(E) If the director determines that the area is not eligible to be added to an established CD, the director shall notify the designated neighborhood committee member or applicant in writing why the area is not eligible. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail.

(F) The director's determination that an area is not eligible to be added to a CD may be appealed to the city plan commission by the neighborhood committee or applicant.

(G) An appeal of a determination that an area is not eligible for a CD is made by filing a written notice of appeal with the director. The notice of appeal must be filed within 30 days after the director provides written notice to the designated neighborhood committee member or applicant. The sole issue on appeal is whether the director erred in the determination of eligibility. The city plan commission shall consider the same criteria that the director is required to consider.

(H) The city plan commission's determination of eligibility on appeal is final. If the city plan commission determines that the area is not eligible for a CD, no further requests for determination of eligibility may be considered for the area of request for two years from the date of its decision. A property owner within the area of request may apply for a waiver of the two-year limitation period pursuant to Section 51A-4.701(d)(3).

(3) Request for petitions.

(A) After an area is determined eligible to be added into an established CD and before a neighborhood committee or applicant may apply to expand an established CD, a

neighborhood committee or applicant must request petitions. A request for petitions is not an application to amend an established CD.

(B) A neighborhood committee or applicant must submit a request for petitions within 65 days after the director determines that the area is eligible to be added to an established CD or the determination of eligibility for that proposed area to be added expires. If the determination of eligibility expires, a neighborhood committee or applicant must submit a new request for determination of eligibility and the director must determine that the area is eligible before a request for petitions may be submitted.

(C) The request for petitions must be on a form furnished by the department and must include the names and addresses of the neighborhood committee members or the applicant and a list of the development and architectural standards listed in Sections 51A-4.505(d)(4)(C) and (D) that a neighborhood committee or applicant is interested in regulating.

(D) Within 14 days after a complete request for petitions is submitted, the director shall provide the designated neighborhood committee member or applicant with the original petition forms.

(E) The original petition forms must include a map showing the boundaries of the established CD and the area eligible to be added to the established CD; a list of the development and architectural standards a CD may regulate; the development and architectural standards the neighborhood or applicant is interested in regulating; the name and address of all property owners within the area proposed to be added to an established CD; the deadline for the required signatures; and a statement that by signing the petition, the property owner is indicating support for initiating a process that may result in a change of zoning.

(F) Once the original petition forms are provided to the designated neighborhood committee member or applicant, additions to the development and architectural standards established by the neighborhood and listed on the original petition forms may only be recommended by city plan commission and approved by the city council.

(G) Within 60 days after the department provides the designated neighborhood committee member or applicant with the original petition forms, the department shall schedule a neighborhood meeting. Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the proposed area to be added and the established CD as evidenced by the last certified municipal tax roll.

(H) The neighborhood meeting is held by the department. The purpose of the neighborhood meeting is to inform the property owners within the established CD, and the proposed area to be added, that petitions have been requested to expand the established CD.

(4) Application to expand an established CD.

(A) After an area is determined eligible to be added to an established CD and the neighborhood committee or applicant has requested and received the original petition

forms, the neighborhood committee or applicant may submit an application to expand an established CD.

(B) The application must be on a form provided by the department and must include:

(i) The original petition forms with dated signatures of property owners within the proposed area to be added into the established CD that are in support of being added to the established CD.

(ii) The signatures on the original petition forms must be dated within 60 days after the date the director provides the original petition forms to the neighborhood committee or applicant and must represent at least 58 percent of the land, excluding streets and alleys, within the proposed area to be added to the CD; or 58 percent of the lots within the area proposed to be added to the CD.

(iii) The application fee, if applicable. If the proposed expansion of the established CD is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(iv) Any other information that the director deems necessary.

(C) Within 30 days after an application to expand an established CD is submitted, the director shall verify the original petition forms and determine if the application is complete. The 30 day application review period is not counted toward the signature date requirement in Section 51A-4.505(e)(4)(B)(ii).

(D) If the director deems the application complete or the request to expand the established CD is authorized pursuant to Section 51A-4.701(a)(1), a public hearing to expand an established CD is initiated.

(E) If the director deems the application incomplete, the director shall notify the designated neighborhood committee member in writing of the deficiencies and return the incomplete application. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail.

(5) Preparing an ordinance to expand an established CD.

(A) The city shall prepare amendments to the established CD in accordance with Sections 51A-4.505(d)(4)(B) through (D) to establish development and architectural standards for the area to be added.

(B) At least 10 days before consideration by the city plan commission, the director shall send written notice of the city plan commission public hearing and a reply form to all property owners within the area of notification as evidenced by recent tax rolls. The reply form allows the recipient to indicate support or opposition to the proposed expansion of the

established CD and give written comments. The director shall report to the city plan commission the percentage of replies in favor and in opposition, and summarize any comments.

(C) At least 10 days before consideration by the city council, the director shall send written notice of the city council public hearing and a reply form to all property owners within the area of notification as evidenced by recent tax rolls. The reply form allows the recipient to indicate support or opposition to the proposed expansion of the established CD and give written comments. The director shall report to the city council the percentage of replies in favor and in opposition, and summarize any comments.

[Determination of eligibility.

~~(1) When a CD feasibility study is initiated under Subsection (d), the director shall determine the eligibility of the area for CD classification in accordance with this subsection.~~

~~(2) The director's determination of eligibility must be based on a consideration of the standards in this subsection. An area is not eligible for CD classification unless it satisfies all of the following criteria:~~

~~(A) The area must contain at least one blockface.~~

~~(B) The area must be either "stable" or "stabilizing" as those terms are defined in this section.~~

~~(C) The area must contain significant architectural or cultural attributes as those terms are defined in this section.~~

~~(D) The area must have a distinctive atmosphere or character which can be conserved by protecting or enhancing its architectural or cultural attributes.~~

~~(3) If the director determines that the area is not eligible for CD classification, he shall notify the applicant of this fact in writing. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice must be sent to the address shown on the application. The decision of the director that an area is not eligible for CD classification may be appealed to the commission by the applicant.~~

~~(4) An appeal under Subsection (e)(3) is made by filing a written request with the director. The request must be filed within 30 days of the date written notice is given to the applicant of the director's decision. In considering the appeal, the sole issue shall be whether or not the director erred in his determination of eligibility, and, in this connection, the commission shall consider the same standards that were required to be considered by the director in making his determination.~~

~~(5) The commission's determination of eligibility on appeal is final. If the commission determines that the area is not eligible for CD classification, no further applications for CD classification may be considered for the area of request for two years from the date of its~~



~~decision. A property owner in the area of request may apply for a waiver of the two-year limitation pursuant to Section 51A 4.701(d)(3).~~

~~(6) If the director determines that the area is eligible for CD classification, he shall proceed to formulate a conceptual plan for the area in accordance with Subsection (f). The decision of the director that an area is eligible for CD classification may not be appealed.]~~

(f) Amending regulations in an established CD.

(1) Pre-application meetings.

(A) To amend regulations that affect an entire established CD, a neighborhood committee must first request pre-application meetings. A request for pre-application meetings is not an application for a CD.

(B) Pre-application meetings are held by the department. Pre-application meetings are intended to inform the property owners within the established CD that a neighborhood committee is interested in amending regulations in the established CD and to discuss and establish a list of development and architectural standards the neighborhood is interested in amending or adding to the established CD.

(C) Within 60 days after a complete request for pre-application meetings is submitted, the director shall schedule the first of at least two pre-application meetings. Notice of each pre-application meeting shall be given at least 10 days before the pre-application meeting to all property owners within the established CD as evidenced by the last certified municipal tax roll.

(D) Within 14 days after the last pre-application meeting, the department shall provide the designated neighborhood committee member with the original petition forms.

(E) The original petition forms must include a map showing the boundaries of the established CD; a list of the development and architectural standards a CD may regulate; the development and architectural standards established at the pre-application meetings that the neighborhood is interested in amending or adding; the name and address of all property owners within the established CD; the deadline for the required signatures; and a statement that by signing the petition, the property owner is indicating support for initiating a process that may result in a change of zoning.

(F) Once the original petition forms are provided to the designated neighborhood committee member, additions to the development and architectural standards established by the neighborhood and listed on the original petition forms may only be recommended by the city plan commission and approved by the city council.

(2) Application to amend an established CD.

(A) After the pre-application meetings have been held by the department, a neighborhood committee may submit an application to amend an established CD that affects the entire CD.

(B) The application must be on a form provided by the department and must include:

(i) The original petition forms submitted with the dated signatures of property owners within the established CD in support of the amending the established CD that represent at least 58 percent of the land, excluding streets and alleys, within the established CD or 58 percent of the lots within the established CD.

(aa) For an established CD with 200 or fewer lots, the signatures on the original petition forms must be dated within 12 months following the date the original petition forms are provided to the designated neighborhood committee member.

(bb) For an established CD with 201 to 500 lots, the signatures on the original petition forms must be dated within 15 months following the date the original petition forms are provided to the designated neighborhood committee member.

(cc) For an established CD with more than 500 lots, the signatures on the original petition forms must be dated within 18 months following the date the original petition forms are provided to the designated neighborhood committee member.

(ii) The application fee, if applicable.

(aa) If the original petition forms are signed by 75 percent or more of the lots within the established CD boundaries, the application fee is waived.

(bb) If the established CD is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(iii) Any other information that the director deems necessary.

(C) Within 30 days after an application to amend an established CD is submitted, the director shall verify the original petition forms and determine if the application is complete. The time the director takes to review an application for completeness is not counted toward the date requirements in Section 51A-4.505(d)(3)(B)(i) for signatures in support of the proposed CD.

(D) If the application is deemed complete or an amendment to the established CD is authorized pursuant to Section 51A-4.701(a)(1), a public hearing to create a CD is initiated.

(E) If the director deems the application incomplete, the director shall notify the designated neighborhood committee member in writing of the application deficiencies and return the incomplete application. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail.

(F) For purposes of Section 51A-4.701, "Zoning Amendments," once an application to amend regulations in an established CD has been deemed complete, the application shall be treated as a city plan commission authorized public hearing and may not be appealed to city council if the city plan commission recommends denial. If the application to amend regulations in an established CD is initiated by application, the notice of authorization in Section 51A-4.701(a)(1) is not required.

(3) Preparing an ordinance to amend an established CD.

(A) Within 30 days after an application to amend an established CD is deemed complete, the director shall begin scheduling neighborhood meetings. Neighborhood meetings shall be held as necessary to receive input from property owners regarding the amendments to the established CD. Notice of neighborhood meetings shall be given at least 10 days before the neighborhood meeting to all property owners within the boundaries of the established CD as evidenced by the last certified municipal tax roll.

(B) The city shall prepare an ordinance amending an established CD in accordance with Sections 51A-4.505(d)(4) (B) through (D).

(C) At least 30 days before the city plan commission public hearing to consider proposed amendments to an established CD, the director shall conduct a neighborhood meeting to review the proposed ordinance amending the established CD.

(D) Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the boundaries of the established CD as evidenced by the last certified municipal tax roll. The notice must include a web address where an electronic copy of the draft proposed ordinance amending the established CD may be found.

(E) After the neighborhood meeting and at least 10 days before consideration by the city plan commission, the director shall send written notice of the city plan commission public hearing and a reply form to all property owners within the area of notification as evidenced by the last certified municipal tax roll. The reply form allows the recipient to indicate support or opposition to the proposed CD and give written comments. The director shall report to the city plan commission the percentage of replies in favor and in opposition, and summarize any comments.

(F) If city plan commission recommends approval of the proposed CD, at least 10 days before consideration by the city council, the director shall send written notice of the city council public hearing and a reply form to all property owners within the area of notification. The reply form allows the recipient to indicate support or opposition to the proposed

CD and give written comments. The director shall report to the city council the percentage of replies in favor and in opposition, and summarize any comments.

~~[Conceptual plan formulation and review.~~

~~(1) If the area is determined to be eligible for CD classification pursuant to Subsection (e), the director shall schedule a public meeting for the purpose of informing property owners in the proposed district of the nature of the pending request. The director shall send notice of the time and place of the meeting by mail to all addresses of property owners and residents shown on the application, and to any additional addresses of properties in the proposed district shown on the last approved city tax roll.~~

~~(2) The director shall prepare a conceptual plan for the proposed district and schedule a public hearing before the commission to receive public comment regarding the plan. The director shall send written notice of the public hearing to all owners of real property in the proposed district and within 200 feet of its boundaries. The measurement of the 200 feet includes streets and alleys. The notice must be given not less than 10 days before the date set for the hearing. Notice is given by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.~~

~~(3) After the public hearing, the commission shall make a recommendation regarding the plan and forward it to the city council for further action.~~

~~(4) The city council shall hold a public hearing before it makes a decision regarding the plan. The city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the hearing.~~

~~(5) After the city council holds the public hearing, it shall make a decision regarding the plan. The council may make minor changes in the plan without sending it back to the commission; however, if the changes are substantial, the council shall send the plan back to the commission for another public hearing.~~

~~(6) No conservation district may be established in the city unless the city council first approves a conceptual plan for the district in accordance with this subsection.]~~

(g) Creating or amending a subdistrict within an established CD.

(1) An application to create or amend a subdistrict within an established CD must comply with Section 51A-4.701(a)(2).

(2) At least 30 days before a city plan commission public hearing to consider creating or amending a subdistrict within an established CD, the director shall hold a neighborhood meeting.

(3) Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the established CD as evidenced by the last certified municipal tax roll.

(4) The purpose of the neighborhood meeting is to inform the property owners within the established CD of the application to create or amend a subdistrict within an established CD.

(5) The city shall prepare an ordinance creating or amending a subdistrict within an established CD in accordance with Sections 51A-4.505(d)(4)(B) through (D).

(6) The city council shall not grant a request to create or amend a subdistrict within an established CD except upon a finding that the creating or amending a subdistrict within the established CD will not:

(A) alter the essential character of the established CD, or

(B) be detrimental to the overall purpose of the established CD.

(h) Removing property from an established CD.

(1) An application to remove property from an established CD must comply with Section 51A-4.701(a)(2).

(2) At least 30 days before a city plan commission public hearing to consider removing property from an established CD, the director shall hold a neighborhood meeting.

(3) Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the established CD as evidenced by the last certified municipal tax roll.

(4) The purpose of the neighborhood meeting is to inform the property owners within the established CD of the application to remove a property from an established CD.

(5) The city council shall not grant a request to remove property from an established CD except upon a finding that removing property from the established CD will not:

(A) alter the essential character of the established CD, or

(B) be detrimental to the overall purpose of the established CD.

~~CD ordinance preparation and review.~~

~~(1) The director shall hold public meetings as necessary for the purpose of receiving input from property owners regarding the content of the CD ordinance.~~

~~(2) The city attorney shall prepare a CD ordinance based on the approved or proposed conceptual plan, the reports and recommendations of the city staff, and input received from property owners at the public meetings held by the director. The ordinance must contain regulations governing permitted uses, heights of buildings and structures, lot size, floor area~~

~~ratio, density, setbacks, off street parking and loading, environmental performance, signs, landscaping, and nonconforming uses and structures, and may further contain any additional regulations, special exceptions, or procedures that the city council considers necessary to conserve the distinctive atmosphere or character of the area, or to minimize potential adverse impacts which could result from creation of the district.~~

~~(3) After preparation of the ordinance by the city attorney, the commission shall hold a public hearing to allow all citizens to present their views regarding the proposed ordinance. If the commission so desires, it may hold this public hearing on the same day that it holds the public hearing on the conceptual plan. Notice of this public hearing must be given as required by law for a change in zoning district classification.~~

~~(4) After the public hearing, the commission shall make a recommendation regarding the proposed ordinance. The commission shall not recommend approval of the ordinance unless it determines that the ordinance is consistent with the conceptual plan.~~

~~(5) After the commission makes its recommendation on the proposed ordinance, the director shall forward the recommendation and ordinance to the city council for further action. The city council shall hold a public hearing before taking any action on the ordinance. If the city council so desires, it may hold this public hearing on the same day that it holds the public hearing on the conceptual plan. Notice of this public hearing must be given as required by law for a change in zoning district classification.~~

~~(6) Each CD ordinance must be approved by the affirmative vote of a majority of city council members present; except, the favorable vote of three fourths of all members of the city council is required if:~~

~~(A) the commission recommends against adoption of the ordinance; or~~

~~(B) a written protest against adoption of the ordinance has been signed by the owners of 20 percent or more of either the land in the area of request or land within 200 feet, including streets and alleys, measured from the boundary of the area of request and the protest has been filed with the director.]~~

(i) Work review procedures.

(1) Review form applications. A review form application must be submitted for any work covered by the standards in a CD ordinance.

(2) Work requiring a building permit.

(A) Upon receipt of a review form application for work requiring a building permit, the building official shall refer the review form application to the director to determine whether the work complies with the standards of the applicable CD ordinance. Within 30 days after submission of a complete review form application, the director shall review and determine whether the work complies with the standards of the applicable CD ordinance.

(B) If the director determines that the work complies with the standards of the applicable CD ordinance, the director shall approve the review form application and send it back to the building official, who shall issue the building permit if all requirements of the construction codes and other applicable ordinances have been met.

(C) If the director determines that the work does not comply with the standards of the applicable CD ordinance, the director shall state in writing the specific CD ordinance requirements that must be met before a building permit may be issued and send it back to the building official, who shall deny the building permit. The director shall give written notice to the applicant stating the reasons the building permit is denied.

(3) Work not requiring a building permit.

(A) Upon receipt of a review form application for work not requiring a building permit, the director shall review and determine whether the work complies with the standards of the applicable CD ordinance within 10 days after submission of a complete review form application.

(B) If the director determines that the work complies with the standards of the applicable CD ordinance, the director shall approve the review form application and give written notice to the applicant.

(C) If the director determines that the work does not comply with the standards of the applicable CD ordinance, the director shall state in writing the specific CD ordinance requirements to be met before the work review application may be approved. The director shall give written notice to the applicant stating the reasons for denial.

(j) Appeals.

(1) An applicant may appeal any decision regarding a review form application made by the director or any aggrieved person may appeal a final decision of an administrative official, to the board of adjustment by filing a written appeal within 15 days after notice of the decision is given by the director or the official in accordance with Section 51A-4.703(a).

(2) The regulations and procedures in Section 51A-4.703 apply to an appeal to the board of adjustment under this section, including staying proceedings, notice of hearing, and board action.

(3) In considering the appeal, the sole issue before the board of adjustment shall be whether the director or the administrative official erred in the decision. The board shall consider the same standards required to be considered by the director or the administrative official.

(4) Appeals to the board of adjustment are the final administrative remedy.

(k) Conflicts. If there is a conflict between the text of this section and the text of a CD ordinance, the text of the CD ordinance controls.

([h]) Board of adjustment fee waiver. The board of adjustment may waive any filing fee for an appeal from a decision of the building official interpreting a CD ordinance, or for a variance or special exception to a CD ordinance requirement when the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement as part of his appeal or request that the matter be placed on the board's miscellaneous docket for predetermination. If the matter is placed on the miscellaneous docket, the applicant may not file his appeal until the merits of the request for waiver have been determined by the board.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 3. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By   
Assistant City Attorney

Passed APR 08 2015





## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL APR 08 2015

ORDINANCE NUMBER 29702

DATE PUBLISHED APR 11 2015

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose C. Lisi".