

9-21-15

ORDINANCE NO. 29893

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.504 and 51A-4.504; providing for demolition delay overlay 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 51-4.504, "Airport Flight Overlay District," of Division 51-4.500, "Overlay and Conservation District Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is retitled as Section 51-4.504, "Demolition Delay Overlay District," and amended to read as follows:

**"SEC. 51-4.504.                    DEMOLITION DELAY [~~AIRPORT FLIGHT~~] OVERLAY DISTRICT.**

This section incorporates by reference the language of Section 51A-4.504[~~,"Airport Flight Overlay District,"~~] of Chapter 51A of the Dallas Development [~~City~~] Code, as amended[~~," as that section exists today and as it may be amended in the future]."~~]

SECTION 2. That Section 51A-4.504, "Reserved," 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 retitled as Section 51A-4.504, "Demolition Delay Overlay District," and amended to read as follows:

**"SEC. 51A-4.504.                    DEMOLITION DELAY OVERLAY DISTRICT  
[RESERVED]."**

(a) Purpose. A demolition delay overlay district is intended to encourage the preservation of historically significant buildings that are not located in a historic overlay district by helping the property owner identify alternatives to demolition.

(b) General provisions.

(1) The city plan commission or city council may initiate a demolition delay overlay district following the procedure in Section 51A-4.701, "Zoning Amendments."

(2) This section applies to any building located in a demolition delay overlay district that is at least 50 years old and meets one of the following criteria:

(A) the building is located in a National Register Historic District or is individually listed on the National Register of Historic Places;

(B) the building is designated as a Recorded Texas Historic Landmark;

(C) the building is designated as a State Archeological Landmark;

(D) the building is designated as a National Historic Landmark;

(E) the building is listed as significant in the 2003 Downtown Dallas/Architecturally Significant Properties Survey; or

(F) the building is listed as contributing in the 1994 Hardy-Heck-Moore Survey.

(c) Demolition delay process.

(1) Phase I.

(A) Upon receipt of a complete application to demolish a building that is in a demolition delay overlay district, the building official shall refer the application to the historic preservation officer.

(B) Within 10 days after the historic preservation officer receives an application to demolish a building within a demolition delay overlay district, the historic preservation officer shall determine whether the building meets the requirements in Subsection (b)(2).

(C) If the historic preservation officer determines that a building within a demolition delay overlay district does not meet the criteria in Subsection (b)(2) and the application meets the requirements for issuing a demolition permit in the Dallas Building Code, the building official shall grant the application to demolish a building.

(2) Phase II.

(A) Within 45 days after determining whether a building within a demolition delay overlay district meets the requirements in Subsection (b)(2), the historic preservation officer shall schedule a meeting with the building's owner and appropriate city officials to discuss alternatives to demolition, such as historic designation under Section 51A-4.501; historic preservation tax exemptions and economic development incentives for historic properties under Article XI; loans or grants from public or private resources; acquisition of the building; and variances.

(B) The historic preservation officer shall post notice of the meeting with the building's owner on the city's website.

(C) Within two working days after the historic preservation officer determines the building within the demolition delay overlay district meets the requirements in Subsection (b)(2), the historic preservation officer shall post a sign on the property to notify the public that an application has been made for a demolition permit within a demolition delay overlay district. The sign must include a phone number where citizens can call for additional information.

(D) The meeting may include organizations that foster historic preservation, urban planning, urban design, development, and improvement in demolition delay overlay districts.

(E) If at the end of the 45-day period the application meets the requirements of the Dallas Building Code and the building owner declines to enter into an agreement as outlined in Paragraph (3), the building official shall grant the application to demolish a building within a demolition delay overlay district.

(3) Phase III. The property owner may enter into an agreement with the city to delay granting a demolition permit for an additional time period to continue exploration of alternatives to demolition."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. 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 6. 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.

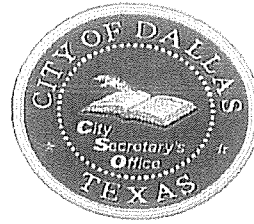
APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By   
Assistant City Attorney

SEP 22 2015

Passed \_\_\_\_\_



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.

SEP 22 2015

DATE ADOPTED BY CITY COUNCIL \_\_\_\_\_

29893

ORDINANCE NUMBER \_\_\_\_\_

SEP 26 2015

DATE PUBLISHED \_\_\_\_\_

ATTESTED BY: