

## ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Section 51A-4.507; amending the height plane for the neighborhood stabilization overlay; 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 Paragraph (4) of Subsection (b), “Definitions,” of Section 51A-4.507, “Neighborhood Stabilization Overlay,” 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:

“(4) HEIGHT PLANE means a plane projecting upward and toward the subject lot from a point six feet above grade at the center line of the street adjacent to the front property line, and extending to the intersection of a vertical plane from the front building facade [~~line~~] with the maximum height established by the neighborhood stabilization overlay and continuing at the same angle to the maximum height of the underlying zoning. The height plane is illustrated below. For purposes of this paragraph, BUILDING FACADE means the front-facing exterior wall or walls of the first floor of the principal structure on a lot, and excludes the building facade of the portion of the principal structure designed or used as a parking structure or a projecting porch. For purposes of interpreting the vertical plane in the neighborhood stabilization overlay districts adopted prior to December 13, 2023, the term “building line” means “building facade.”

SECTION 2. That Subparagraph (C) of Paragraph (5), “Height,” of Subsection (e), “Neighborhood Stabilization Overlay,” of Section 51A-4.507, “Neighborhood Stabilization Overlay,” 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:

“(C) If the district regulates height, single family structures, including structures listed in Section 51A-4.408(a)(2) but excluding chimneys, may not be built to heights that exceed the height plane[, ~~except structures listed in Section 51A-4.408(a)(2)~~]. Height is measured from grade to the midpoint between the lowest eaves and the highest ridge of the structure. See Paragraph 51A-2.102(47), ‘Height.’”

SECTION 3. That the director of development services shall revise the Height Plane Diagram to reflect the changes made by this ordinance, and shall provide the diagram for publication in the Dallas Development Code.

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 7. 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 8. 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:

TAMMY L. PALOMINO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_