

# Memorandum



CITY OF DALLAS

DATE December 8, 2023

TO Honorable Mayor and Members of the City Council

SUBJECT **Code Amendment: Neighborhood Stabilization Overlay**

## Summary

On December 13, 2023, City Council will consider the following agenda item: **DCA223-007**: Consideration of amendments to the Dallas Development Code to consider clarifications related to height in Neighborhood Stabilization Overlay regulations.

The proposed code amendments are intended to provide clarity to the Neighborhood Stabilization Overlay ordinance as it relates to height, height plane, and allowable height exceptions, to better reflect the intent and purpose of the overlay.

## Background

On November 9, 2005, the Dallas City Council adopted Ordinance No. 26161 which established the Neighborhood Stabilization Overlay (NSO) for single family neighborhoods. Since establishing the ordinance, thirteen neighborhoods have adopted overlays, eight of which include height regulations more restrictive than allowed by the base zoning district. Over the past couple of years, several examples have been brought to the City's attention, primarily in the La Bajada neighborhood, where approved development did not appear to align with NSO intent and regulations. This code amendment was initiated by Planning and Urban Design (P+UD) staff to provide clarity to a section of the code that has resulted in both staff and community confusion about how height is measured and applied in NSOs. On October 19, 2023, the City Plan Commission was briefed, held a public hearing, and recommended approval of the proposed amendments.

## Proposed Amendments

- **Issue 1: From where height is measured**

In NSOs, height is measured by utilizing a Height Plane, which the ordinance defines as “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 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 standard interpretation of building line has been synonymous with minimum setback line, and the building line and placement of the front building facade have largely been one in the same--- most structures are placed at the minimum front setback line. However, recent new developments demonstrated that if a structure is pushed back far enough from the front building line (minimum front setback), it can be moved out of the height plane completely and not have to comply with the NSO requirements. To address this issue, the proposed minor adjustment to the height plane definition is to clarify that the **vertical plane** is measured from where the **front façade** of the structure (rather than the building line) is placed on the site, making it more difficult to push the building, at least entirely, out of the

NSO height plane measurement. In short, the amendment would set the front façade of the building as the vertical measurement, not the minimum front setback.

- **Issue 2: Exceptions**

When the NSO ordinance was adopted in 2005, nearly 20 years ago, certain building designs, and their popularity, were not anticipated. Specifically, the three- and four-story flat roof homes, many with elevators, currently being built throughout Dallas. As such, some of the default sections, specifically 51A-4.507(e)(5)(C), applicable to the citywide Dallas Development Code were carried forward to application in the NSOs which allows mechanical rooms and elevator penthouses, for example, to project a maximum of 12 feet above the maximum structure height, and parapet walls, up to 4 feet above the maximum structure height. In neighborhoods where the median building height is often under 20 feet, these projections, in addition to the higher heights of a flat roof home, can have a significant impact on the feel and context of an established neighborhood.

To better reflect the original intent of the NSO for established neighborhoods seeking to maintain a certain level of compatibility with existing structures, staff proposes striking the exception language in Section 51A-4.507(e)(5)(C) to require that any such projections, with the exceptions of chimneys, be required to comply with the NSO height plane.

This code amendment would address some of the immediate issues related to height that have surfaced over the past year. A more comprehensive review and potential amendments to the NSO ordinance will begin in the next fiscal year.

Should you have any questions, please contact Andrea Gilles, Director(i) of the Department of Planning and Urban Design, at (469) 918-4026 or [andrea.gilles@dallas.gov](mailto:andrea.gilles@dallas.gov).



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