

Conservation District Overview

City of Dallas

What is a Conservation District?

A conservation district is a change in zoning that preserves an area's sense of place through architectural guidelines, development standards, and special zoning provisions. Each conservation district ordinance is unique to the neighborhood. The ordinance can be as rigorous as preserving specific elements such as stained glass windows, or it can just simply define the setbacks and height for new construction.



House located in the M Streets East District

There are currently 15 conservation districts in the City of Dallas, such as King's Highway, Hollywood Heights/ Santa Monica, North Cliff, Bishop/ 8th Street, M Streets, Greenway Parks, and Vickery Place.

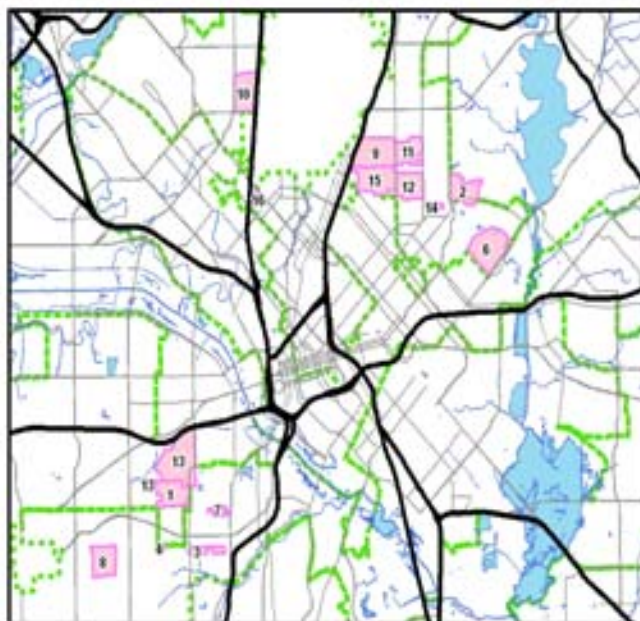
Residents of Conservation Districts must submit a review form for changes to the exterior of their home, demolition, and new construction. All review of work is completed by Development Services Department staff, in partnership with the applicant, ensuring that all plans are consistent with the governing ordinance.

A Conservation District:

- * Is a complete change of zoning.
- * is designed to conserve and enhance the existing architectural and cultural identity of a neighborhood.
- * Requires a Work Review Form for any work done on the exterior of a residence; Work Review Forms are processed by city staff to insure the work is done in accordance with provisions of the ordinance.

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Existing Conservation Districts



- C.D. #1 - King's Highway
- C.D. #2 - Lakewood
- C.D. #3 - Page Avenue
- C.D. #4 - Greiner Area
- C.D. #5 - (was incorporated into the Lake Cliff Historic District)
- C.D. #6 - Hollywood/Santa Monica
- C.D. #7 - Bishop/8th
- C.D. #8 - North Cliff
- C.D. #9 - M-Streets
- C.D. #10 - Greenway Parks
- C.D. #11 - M Streets East
- C.D. #12 - Belmont Addition
- C.D. #13 - Kessler Park
- C.D. #14 - Edgemont Park
- C.D. #15 - Vickery Place
- C.D. #16 - Rawlins

Comparing Conservation Districts, Neighborhood Stabilization Overlays, & Historic Districts

Issue	Conservation Districts	NSOs	Historic Districts
Purpose	To conserve an area's distinctive atmosphere or character by protecting or enhancing its significant architectural or cultural attributes	To provide neighborhoods or groups with a tool to conserve the building form of their neighborhoods and to encourage quality infill and redevelopment	To protect, enhance and perpetuate places and areas which represent distinctive and important elements of the city's historical, cultural, social, economic ... and architectural history
Designation Process	Application by neighborhood representatives, steering committee meeting process, review by staff, City Plan Commission, and City Council	Application by neighborhood representatives, a community meeting, review by staff, City Plan Commission, and City Council	Application by neighborhood, Designation Committee review and recommendation, review by staff, Landmark Commission, City Plan Commission and City Council
Petition Signatures Required	Owners of more than 50 percent of land and more than 50 percent of building sites (will be authorized without a fee if there is 75% support from property owners)	A Group of ten individuals sign a form to initiate the process; petitions with at least 75% are must be presented to proceed	Not required by ordinance, but petitions are recommended to demonstrate neighborhood support
Review Process for Exterior Modifications	Staff only; requires up to 30 days for processing	Staff only	Staff only for routine maintenance; Landmark Commission review is required for major alterations, new construction and demolition
Complexity of Regulations	Less restrictive than a Historic District, but guidelines vary by district.	Only front yard setbacks, side and corner yard setbacks, garage placement, and height plane may be regulated	Standards are typically more thorough and more restrictive than those in conservation districts
Time Required for Permit Review	Routine Work: typically, 2-3 days Major Work: up to 30 days	Only the regular building permit process	Less than one day for routine work; usually less than 30 days for major work
Demolition Regulation	Yes	No	Yes
Tax Abatement Incentives Available	No	No	Yes

This chart has been developed for general comparison purposes only. For details on historic districts, their designation and administration, please consult the Dallas Development Code, Section 51A-4.501. For additional information on conservation districts, please consult the Dallas Development Code, Section 51A-4.505.

Frequently Asked Questions



Residence in the Edgemont Park Neighborhood

Could becoming a conservation district help my neighborhood?

A conservation district can help stabilize a neighborhood by preserving its architectural features. Stability and predictability in a neighborhood often result in increased property values.

What is the conservation district process?

Typically, a neighborhood association will present a petition to the City indicating the level of property owner and resident support. This petition, along with other documentation supporting the request, will be assigned to staff for study. If the staff's feasibility study verifies the neighborhood is eligible to be a Conservation District, a steering committee will be established to develop a proposed ordinance. The proposed ordinance is presented to the City Plan Commission and the City Council for final adoption. The process takes at least one year to complete.

Specifically, what changes could I expect if my neighborhood was to become a conservation district?

The review process for building permits will be expanded to ensure exterior alterations and new construction that are in strict accordance with provisions of the governing ordinance.

Would becoming a conservation district result in the City telling me what to do and what not to do?

All property in the city of Dallas is subject to zoning regulations. As a part of becoming a conservation district, additional regulations come into play, as governed by the ordinance covering the neighborhood.

How are non-contributing structures treated in conservation districts?

Different districts treat non-contributing structure differently.

How will I be notified about this process?

Ten days prior to every community-wide meeting, the residents of the proposed district will receive a notice of the meeting. Prior to the last community meeting, staff will send the proposed ordinance to all of the property owners. In addition, ten days prior to both the City Plan Commission and City Council meetings, residents as well as a buffer area around the district will receive ballots in the mail, which they can return to the city to indicate whether they are in favor or in opposition to the proposed rezoning.

Can I opt out of the district?

No, if the City Council adopts the rezoning as codified in the ordinance, you cannot opt out.

How are new construction projects treated?

New construction requirements depend on the district. In some districts, new construction requirements are very specific, in others there are very few regulations.

How are the conservation district guidelines enforced?

For alterations to a property, owners must obtain a Work Review Form (WRF). Once a WRF is approved by staff, it must be placed in the window of the property. This allows city code inspectors to see that the owner have obtained approval from the conservation district staff. If work is being done without a WRF or city building permit, the code inspectors will cite the owner and issue a stop work order.



Tudor house in the Vickery Place District

Frequently Asked Questions (cont.)

What is the permit review process for properties in a conservation district?

Compliance with Conservation District ordinance regulations is required regardless of whether a permit is required.

1. Applicant or contractor must obtain a work review form (WRF) prior to making application for building permit.
2. Application process can be handled by fax or email unless proposal is particularly complicated, e.g.: new construction, major remodel, or questions as to whether proposal meets ordinance criteria. If this is the case, then, applicants bring WRF to City Hall to discuss changes with city staff member and receive approval or instructions on what needs to be corrected.
3. A WRF for a conservation district t will be completed as expeditiously as possible. Those for new construction or major remodel may take up to 30 days due to the more complex nature of the project.
4. After a WRF has been completed, the applicant can obtain building permits, if necessary, and proceed with the work to be done in the conservation district.

What if once we are a conservation district, I do not agree with staff's interpretation of the ordinance?

You can appeal to the Board of Adjustments for cases where you feel staff has misinterpreted the ordinance.



Prairie house in the Vickery Place Neighborhood



Tudor house in the M Streets Neighborhood



Residence in the Kessler Park District

Features a Conservation District Can *Choose* to Regulate:

- Lot Coverage
- Density
- Setbacks
- Height
- Stories
- Floor Area Ratio
- Structure Width
- Land Uses
- Lot Width
- Demolition
- Non-Conforming Uses
- Building Materials
- Glass Types
- Accessory Structures
- Sidewalks
- Front Yard & Parkway
- Fences, Walls, and Retaining Walls
- Landscaping
- Driveways and Parking
- Screening
- Paving
- Compatibility of Style
- Doors and Windows
- Roof Materials and Style
- Porch Enclosures
- Wrought Iron and Metal Elements

Conservation District Process

STEP 1 -- INFORMATION MEETING

Once neighborhood representatives approach city staff about the possibility of becoming a Conservation, staff will arrange a neighborhood-wide meeting to educate residents on the differences between Conservation Districts, Neighborhood Stabilization Overlays and Historic Districts, to help residents decide which planning tool best suits their objectives.



STEP 2 – INITIATION

A CD feasibility study may be initiated by:

1. A complete application, including an application fee, from persons who collectively own more than 50 percent of the land and the building sites within the requested area, or
2. By a City Plan commissioner, or
3. Or by City Council Member.



STEP 3 - FEASIBILITY STUDY /DETERMINATION OF ELIGIBILITY

When a CD feasibility study is initiated, the director determines eligibility of the area for a CD classification based on four criteria. The area must:

1. contain at least one block face;
2. be either stable or stabilizing;
3. contain significant architectural or cultural attributes; and
4. have a distinctive atmosphere or character that may be conserved by protecting or enhancing its architectural or cultural attributes



STEP 4 - ESTABLISHMENT OF A STEERING COMMITTEE

If the Neighborhood meets the requirements for becoming a Conservation District, then it will need to establish a steering committee to meet with city staff and develop a proposed ordinance to govern the zoning change. Generally, this committee will meet with staff about four times. Communication with the greater community about the direction the committee is imperative.



STEP 5 – COMMUNITY MEETINGS

Once the steering committee, with the assistance of city staff, has developed a proposed ordinance, staff will arrange at least one (usually more) community-wide meeting in which the provisions of the proposed ordinance will be discussed in detail. Residents will have an opportunity to let staff know their thoughts through the use of comment sheets.



STEP 6 - CD ORDINANCE AND CONCEPTUAL PLAN

Based on the committee and community meetings, two documents are prepared:

1. The CD ordinance, prepared by the city attorney, contains the conservation district regulations.
2. The conceptual plan, prepared by staff, explains how the regulations were determined and illustrates the regulations.

STEP 7 - PUBLIC HEARING

After preparation of the CD ordinance and conceptual plan:

1. Ten days prior to the city plan commission public hearing, property owners within the proposed district and 200 feet surrounding the proposed district will be mailed an **official ballot** to vote in favor or in opposition to the proposed district
2. The city plan commission holds a public hearing to allow citizens to present their views (the CD ordinance and the conceptual plan may be heard on the same day). Anyone attend and speak at the hearing.
3. Fifteen days prior to the city council public hearing, property owners within the proposed district and 200 feet surrounding the proposed district will be mailed an **official ballot** to vote in favor or in opposition to the proposed district.
4. The city council holds a public hearing to allow citizens to present their views (the CD ordinance and the conceptual plan may be heard on the same day). Any-

Planning Process

To be done by neighborhood:

- Develop petition for signatures to determine level of support for a conservation district.
- Conduct a survey of the area to determine what needs to be addressed in a possible conservation district.
- Complete an application for a conservation district and submit to the city.
- Photograph each home and submit to the city at least two weeks prior to first community meeting.
- Request the City Plan Commission or City Council authorize a hearing
- Establish a steering committee

To be done by City Staff:

- Conduct a study of the area and determine if it meets the qualifications for becoming a conservation district.
- Conduct several community meetings to address concerns of the area.
- Report findings to the community and determine if a conservation district is still desired.
- Draft a conceptual plan and ordinance.
- Present application to the City Plan Commission for a recommendation.



Prairie house in the Vickery Place Neighborhood



Craftsman Bungalow in the Belmont Addition Conservation District

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Conservation District Feasibility Study Application

1-A. Application Fee. There is no fee if the City Plan Commission or City Council request an authorization hearing

1-B. Existing Land Use Map. The map should be of the proposed conservation district, within 200 feet, and depict at least one block face of the surrounding area. The scale of the map should be 1 inch equals 400 feet. The following colors should be used: single family (light yellow); duplexes (rich yellow); multi-family (brown); retail (red); office (pink); vacant (white); recreational parks (grass green); streets/alley (light grey)

1-C. Proposed Boundaries. (Indicate if one side of street or to middle alley area)

North: _____ East: _____

South: _____ West: _____

1-D. Existing Zoning Map. The map should be of the proposed conservation district, within 200 feet and depict at least one block face of the surrounding area. The scale of the map should be 1 inch equals 400 feet.

1-E. Contact Information for the key district representatives (including name, addresses, phone numbers and email addresses).

2. Name and Addresses of all property owners in the district.

3. List of Neighborhood Association(s), information about the officers (addresses, phone numbers and email addresses), and the number of members

4. Statement of Justification. This statement should explain why the neighborhood should be considered for Conservation District status.

5. Description of prevalent architectural and cultural attributes.

6. Digital photographs of each home in the proposed district.

7. Any additional information to be necessary for the study.

City of Dallas - Department of Development Services Conservation District Enabling Ordinance

SEC. 51A-4.505. CONSERVATION DISTRICTS.

(a) **Definitions.** In this section:

(1) **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 lots on one side of a block.

(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.

(6) **CD ORDINANCE** means the ordinance establishing 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.

(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) **Purpose.** Article 1011a, Vernon's Texas Civil Statutes, authorizes the city of Dallas to regulate and restrict 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 conservation district is established to provide a means of conserving an area's distinctive atmosphere or character by protecting or enhancing its significant architectural or cultural attributes.

(c) **General provisions.**

(1) Each 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) 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/she 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 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) **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

City of Dallas - Department of Development Services Conservation District Enabling Ordinance

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) 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/she shall notify the applicant of this fact in writing. Notice is given by de-

positing 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/her 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/her 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/she 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) 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.

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(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) 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.

(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. (Ord. Nos. 19455; 19930; 20037; 20308)