

ORDINANCE NO. 26161

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 Section 51A-1.105 and adding new Sections 51-4.507 and 51A-4.507; creating 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 provisions of the Charter of the City of Dallas, the state law, and the applicable ordinances of the city, 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 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 amended by adding a new Section 51-4.507 to read as follows:

"SEC. 51-4.507. NEIGHBORHOOD STABILIZATION OVERLAY.

This section incorporates by reference the language of Section 51A-4.507 of Chapter 51A of the Dallas City Code, as amended."

SECTION 2. That Paragraph (4), “Fee Schedule,” of Subsection (a), “Fees for Zoning and SUP Amendments and Renewals,” of Section 51A-1.105, “Fees,” of Article I, “General Provisions,” of CHAPTER 51A, "DALLAS DEVELOPMENT CODE: ORDINANCE NO. 19455, AS AMENDED," of the Dallas City Code, is amended to read as follows:

“(4) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Amendment to planned development district or institutional overlay district site plan and/or conditions only	\$1,935.00	500 feet
All other applications relating to planned development districts or institutional overlay districts:		
0-5 acres	\$5,820.00	500 feet
over 5 acres	\$5,820.00 + \$113 per each acre over 5	500 feet
Maximum fee	\$30,000.00	
<u>All applications relating to neighborhood stabilization overlay districts:</u>		
<u>0-1 acre</u>	<u>\$500.00</u>	<u>200 feet</u>
<u>over 1 acre to 5 acres</u>	<u>\$1,200.00</u>	<u>300 feet</u>
<u>over 5 acres to 25 acres</u>	<u>\$2,400.00</u>	<u>400 feet</u>

<u>over 25 acres</u>	<u>\$2,400.00</u>	<u>500 feet</u>
----------------------	-------------------	-----------------

All applications relating to conservation districts:

0-1 acre	\$500.00	200 feet
over 1 acre to 5 acres	\$1,200.00	300 feet
over 5 acres to 25 acres	\$2,400.00	400 feet
over 25 acres	\$2,400.00	500 feet

Application for original SUP

0 to 1 acre	\$1,170.00	200 feet
over 1 acre to 5 acres	\$1,170.00	300 feet
over 5 acres to 25 acres	\$1,170.00	400 feet
over 25 acres	\$1,170.00	500 feet
pedestrian skybridge	\$10,000.00	See 51A-4.217(b)(12)

Application for SUP amendment or renewal:

0 to 1 acre	\$825.00*	200 feet
over 1 acre to 5 acres	\$825.00*	300 feet
over 5 acres to 25 acres	\$825.00*	400 feet
over 25 acres	\$825.00*	500 feet

*If an SUP is automatically renewed in accordance with the procedures outlined in Section 51A-4.219 and no public hearings are held in conjunction with its renewal, the applicant shall be entitled to a refund of \$350.00 as of the date of the renewal.

All other zoning applications:

0 to 1 acre	\$1,050.00	200 feet
over 1 acre to 5 acres	\$2,610.00	300 feet
over 5 acres to 15 acres	\$5,820.00	400 feet
over 15 acres to 25 acres	\$9,315.00	400 feet
over 25 acres	\$9,315.00 + \$113 per each acre over 25	500 feet

(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 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.

(5) INTERIOR SIDE YARD is a side yard not abutting a street.

(6) MEDIAN means the middle number in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median number of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For example, if the set of number is 1, 3, 4, 6, 8, and 9, then the median is the average of 4 and 6, or 5.

(7) NEIGHBORHOOD COMMITTEE means the owners of at least 10 properties within a proposed district.

(8) SINGLE FAMILY STRUCTURE means a main structure designed for a single family use, without regard to whether the structure is actually used for a single family use. For example, a house containing a child care facility is a single family structure, but an institutional building, such as a church or school, converted to a single family use is not.

(c) Petition, initiation, and process.

(1) Except as provided in this subsection, the procedures for zoning amendments contained in Section 51A-4.701, "Zoning Amendments," apply.

(2) A neighborhood stabilization overlay may only be placed on an area that is zoned as a single family residential district and developed primarily with single family structures. A neighborhood stabilization overlay may not be placed on a conservation district or a neighborhood with a historic overlay. A neighborhood stabilization overlay may be placed on an established neighborhood even though it contains vacant lots. A neighborhood stabilization overlay may not be placed on a new subdivision being developed on a tract of land.

(3) A district must contain at least 50 single family structures in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family structures. Boundary lines should be drawn to include blockfaces on both sides of a street, and 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. Boundary lines that split blockfaces in two should be avoided. The minimum area of a subdistrict within a district is one blockface.

(4) The neighborhood committee may request a petition form by submitting a request to the department on a form furnished by the department. The request must include the boundaries of the proposed district. The boundaries of the proposed district must comply with the requirements of this section.

(5) As soon as possible after the department provides the neighborhood committee with a petition form, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed district as evidenced by the last approved city tax roll at least 10 days prior to the neighborhood meeting.

(6) The petition must be on a form furnished by the department. The petition form must include a map of the boundaries of the proposed district, a list of the proposed regulations, the name and address of all property owners within the proposed district, and a statement that by signing the petition the signers are indicating their support of the district.

(7) The petition must be submitted with the following:

(A) The dated signatures of property owners within the proposed district in support of the proposed district.

(i) For a proposed district with 50 or fewer single family structures, the signatures on the petition must be dated within three months following the date of the neighborhood meeting.

(ii) For a proposed district with more than 50 single family structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.

(B) The application fee, if applicable.

(i) If a petition is signed by more than 50 percent but less than 75 percent of the lots within the proposed district, the application fee must be paid.

(ii) If a petition is signed by 75 percent or more of the lots within the proposed district, the application fee is waived.

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

(C) A map showing the boundaries of the proposed district.

(D) A list of any neighborhood associations that represent the interests of property owners within the proposed district.

(E) A list of the names and addresses of the neighborhood committee members.

(F) Any other information the director determines is necessary.

(8) A public hearing to create a district is initiated by submission of a complete petition or by authorization pursuant to Section 51A-4.701(a)(1).

(9) For purposes of Section 51A-4.701, “Zoning Amendments,” once a complete petition has been submitted to the director, the neighborhood stabilization overlay shall be treated as a city plan commission authorized public hearing. If the district is initiated by petition, the notice of authorization contained in Section 51A-4.701(a)(1) is not required.

(10) Along with any other required notice, at least 10 days prior to consideration by the city plan commission, the director shall mail a draft of the proposed neighborhood stabilization overlay ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed neighborhood stabilization overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition, and summarize any comments.

(e) Neighborhood stabilization overlay.

(1) In general.

(A) A neighborhood stabilization overlay is not required to specify standards for each category of yard, lot, and space regulation in this subsection, but if it does, the regulations must be selected from the options described in this subsection.

(B) The yard, lot, and space regulations of the neighborhood stabilization overlay must reflect the existing conditions within the neighborhood.

(C) Except as provided in the neighborhood stabilization overlay, the yard, lot, and space regulations of the underlying zoning remain in effect.

(D) The provisions of Section 51A-4.704(c), regarding renovation, remodeling, repair, rebuilding, or enlargement of nonconforming structures, remain in effect.

(E) The yard, lot, and space regulations of the neighborhood stabilization overlay apply only to single family structures.

(F) The yard, lot, and space regulations of the neighborhood stabilization overlay must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between the neighborhood stabilization overlay and Division 51A-4.400, the neighborhood stabilization overlay controls.

(2) Front yard setback. The minimum front yard setback must be within the range between the setback of the underlying zoning and the median front yard setback of single family structures within the district. This range may allow for a front yard setback that is greater or lesser than the front yard setback of the underlying zoning. For example, if the minimum front yard setback of the underlying zoning is 25 feet and the median front yard setback of single family structures within the district is 40 feet, the minimum front yard setback selected must be between 25 feet and 40 feet.

(3) Corner side yard setback. The minimum corner side yard setback must be within the range between the setback of the underlying zoning and the median corner side yard setback of single family structures within the district. This range may allow for a corner side yard setback that is greater or lesser than the corner side yard setback of the underlying zoning. For example, if the minimum corner side yard setback of the underlying zoning is five feet and the median corner side yard setback of single family structures within the district is 20 feet, the minimum corner side yard setback selected must be between five feet and 20 feet.

(4) Interior side yard setback. The minimum interior side yard setback must be within the range between the setback of the underlying zoning and the median interior side yard setback of single family structures within the district. This range may allow for an interior side yard setback that is greater or lesser than the interior side yard setback of the underlying zoning. For example, if the minimum interior side yard setback of the underlying zoning is five feet and the median interior side yard setback of single family structures within the district is 20 feet, the minimum interior side yard setback selected must be between five feet and 20 feet. The minimum side yard setback for each side yard may be separately established. For example, the minimum side yard on the west side may be five feet, and the minimum side yard on the east side may be 10 feet.

(5) Height.

(A) If the petition is signed by the owners of more than 50 percent but less than 60 percent of the lots within the district, height regulations may not be included in the overlay.

(B) If the petition is signed by the owners of 60 percent or more of the properties within the district, the maximum height selected must be selected from the following:

(i) If the median height of single family structures within the district is 20 feet or more, then the district height must be within the range between the median height of single family structures within the district and the maximum height of the underlying zoning.

(ii) If the median height of single family structures within the district is less than 20 feet, then the district height must be either the median height of single family structures within the district or within the range between 20 feet and the maximum height of the underlying zoning.

(C) If the district regulates height, single family structures 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."

(6) Garage access, connection, location. The garage access, connection, or location must be selected from one or more of the following options:

- (A) garage access of:
 - (i) front entry;
 - (ii) side entry; or
 - (iii) rear entry;
- (B) garage connection of:
 - (i) attached to the single family structure; or
 - (ii) detached from the single family structure; and
- (C) garage location:
 - (i) in front of the single family structure;
 - (ii) to the side of the single family structure; or
 - (iii) to the rear of the single family structure.

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 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 6. 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 7. That this ordinance shall take effect on December 12, 2005.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

ORDINANCE NO. _____

An ordinance amending Chapters 51 and 51A, "Dallas Development Code, as amended," of the Dallas City Code, by amending Sections 51-1.104.1, 51A-1.104.1 and 51A-1.105; exempting conservation districts and neighborhood stabilization overlays from submitting proof that property taxes and city fees, fines, or penalties are not delinquent; amending the notification area for conservation districts and neighborhood stabilization overlays; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council wishes to harmonize and clarify certain conservation district and neighborhood stabilization overlay regulations.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, has given the required notice and has held the required public hearing 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 51-104.1, "Applications," of Article I, "General Provisions," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"SEC. 51-1.104.1. APPLICATIONS.

"This section incorporates by reference the language of Section 51A-1.104.1 of Chapter 51A of the Dallas Development Code, as amended.

~~[(a) When submitting an application, the applicant must submit proof, such as a tax certificate, that property taxes and any city fees, fines, or penalties are not delinquent on the subject property. Unless such proof is submitted, the application will be considered incomplete and returned to the applicant. A waiver of this requirement may be granted by a two thirds vote of the city council if:~~

~~(1) a waiver will facilitate urban redevelopment, historic conservation, or an important planning objective;~~

~~(2) a pending sale of the property is contingent on the zoning application, and the applicant can supply evidence, such as a contract of sale, that the taxes and any city fees, fines, or penalties will be paid at closing; or~~

~~(3) the applicant can demonstrate financial hardship that makes payment of taxes impossible, and approval of a waiver will improve the applicant's ability to pay the taxes and any city fees, fines, or penalties.~~

~~(b) A waiver application form may be obtained from the department of development services. The waiver application form and waiver application fee must be filed with the city secretary.~~

~~(e) Consideration of a waiver application under this procedure is not a consideration of the merits of the zoning application, and does not imply that the zoning application will be approved or disapproved when considered on its merits.]”~~

SECTION 2. That Subsection (a) of Section 51A-1.104.1, “Applications,” of Article I, “General Provisions,” of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

“(a) Except conservation district applications and neighborhood stabilization overlay applications, w[W]hen submitting an application, the applicant must submit proof, such as a tax certificate, that property taxes and any city fees, fines, or penalties are not delinquent on the subject property. Unless such proof is submitted, the application will be considered incomplete and returned to the applicant. A waiver of this requirement may be granted by a two-thirds vote of the city council if:

(1) a waiver will facilitate urban redevelopment, historic conservation, or an important planning objective;

(2) a pending sale of the property is contingent on the zoning application, and the applicant can supply evidence, such as a contract of sale, that the taxes and any city fees, fines, or penalties will be paid at closing; or

(3) the applicant can demonstrate financial hardship that makes payment of taxes impossible, and approval of a waiver will improve the applicant's ability to pay the taxes and any city fees, fines, or penalties.”

SECTION 3. That Paragraph (4), “Fee Schedule,” of Subsection (a), “Fees for Zoning and SUP Amendments and Renewals,” of Section 51A-1.105, “Fees,” of Article I, “General Provisions,” of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

“(4) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Amendment to planned development district or institutional overlay district site plan and/or conditions only	\$1,935.00	500 feet
All other applications relating to planned development districts or institutional overlay districts:		
0-5 acres	\$5,820.00	500 feet
over 5 acres	\$5,820.00 + \$113 per each acre over 5	500 feet
Maximum fee	\$30,000.00	
All applications relating to neighborhood stabilization overlay districts:		
0-1 acre	\$500.00	200 feet
over 1 acre to 5 acres	\$1,200.00	<u>200</u> [300] feet
over 5 acres to 25 acres	\$2,400.00	<u>200</u> [400] feet
over 25 acres	\$2,400.00	<u>200</u> [500] feet
All applications relating to conservation districts:		
0-1 acre	\$500.00	200 feet

over 1 acre to 5 acres	\$1,200.00	<u>200</u> [300] feet
over 5 acres to 25 acres	\$2,400.00	<u>200</u> [400] feet
over 25 acres	\$2,400.00	<u>200</u> [500] feet

Application for original SUP

0 to 1 acre	\$1,170.00	200 feet
over 1 acre to 5 acres	\$1,170.00	300 feet
over 5 acres to 25 acres	\$1,170.00	400 feet
over 25 acres	\$1,170.00	500 feet
pedestrian skybridge	\$10,000.00	See 51A-4.217(b)(12)

Application for SUP amendment or renewal:

0 to 1 acre	\$825.00*	200 feet
over 1 acre to 5 acres	\$825.00*	300 feet
over 5 acres to 25 acres	\$825.00*	400 feet
over 25 acres	\$825.00*	500 feet

*If an SUP is automatically renewed in accordance with the procedures outlined in Section 51A-4.219 and no public hearings are held in conjunction with its renewal, the applicant shall be entitled to a refund of \$350.00 as of the date of the renewal.

All other zoning applications:

0 to 1 acre	\$1,1050.00	200 feet
over 1 acre to 5 acres	\$2,610.00	300 feet
over 5 acres to 15 acres	\$5,820.00	400 feet
over 15 acres to 25 acres	\$9,315.00	400 feet

over 25 acres	\$9,315.00 + \$113 per each acre over 25	500 feet
Maximum fee	\$37,500.00”	

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 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 6. 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 7. 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:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____