

ORDINANCE NO. _____

An ordinance changing the zoning classification on the following property:

BEING all of Blocks 2022/1, 2022/2, and 2022/4, and Lot 1A, Lots 2 through 14, and Lot 15B in Block 2022/3, generally bounded by Edgewater Street on the south, the rear lot lines of the lots west of Glenwood Avenue on the west, Armstrong Avenue on the north, and Abbott Avenue on the east, and containing approximately 20.39 acres,

from Planned Development District No. 193 (the Oak Lawn Special Purpose District) to Conservation District No. ____ (the Northern Hills Conservation District); amending Article 193, "PD 193," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code to reflect the contraction of Planned Development District No. 193; approving the conceptual plan for this conservation district; providing a purpose statement; providing regulations and procedures for this conservation district; providing a district map; amending Article 193, "PD 193," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code to reflect the contraction of Planned Development District No. 193; providing a new Exhibit A to Ordinance No. 21859, as amended, to reflect this change in zoning; 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 of the City of Dallas find that the property described in Section 1 of this ordinance is an area of cultural and architectural importance and significance to the citizens of the city; and

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 the rezoning of the property hereinafter described; and

WHEREAS, the city council finds that it is in the public interest to establish this conservation district, amend Article 193, and amend Ordinance No. 21859 as specified in this ordinance; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. Creation of the conservation district. That the zoning classification is changed from Planned Development District No. 193 (the Oak Lawn Special Purpose District) to Conservation District No. _____ (the Northern Hills Conservation District) on the following property:

BEING all of Blocks 2022/1, 2022/2, and 2022/4, and Lot 1A, Lots 2 through 14, and Lot 15B in Block 2022/3, generally bounded by Edgewater Street on the south, the rear lot lines of the lots west of Glenwood Avenue on the west, Armstrong Avenue on the north, and Abbott Avenue on the east, and containing approximately 20.39 acres.

SECTION 2. Approval of the conceptual plan. That the conceptual plan for the Northern Hills Conservation District, attached to and made a part of this ordinance as Exhibit B, is approved.

SECTION 3. Purpose. That this conservation district is established to conserve the Northern Hills neighborhood and to protect and enhance its significant architectural and cultural attributes. The conservation district regulations ensure that new construction, renovation, and remodeling are done in a manner that is compatible with the architectural and cultural attributes of the conservation district. The conservation district regulations also address the landscaping within the district. The conservation district regulations are attached to and made a part of this ordinance as Exhibit A.

SECTION 4. District map. A district map is attached to and made a part of this ordinance as Exhibit C. If there is a conflict between the property description in Section 1 and Exhibit C, the property description controls.

SECTION 5. Compliance required. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 6. Zoning district maps. That the director of the department of development services shall correct Zoning District Map No. H-7 in the offices of the city secretary, the building official, and the department of development services to reflect the changes in zoning made by this ordinance.

SECTION 7. Amendment to Article 193. That Section 51P-193.102, “Property Location and Size,” of Article 193, “PD 193,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-193.102. PROPERTY LOCATION AND SIZE.

PD 193 is established on property generally bounded by Woodall Rodgers Freeway, North Central Expressway, the Missouri, Kansas, and Texas Railroad, the city limits of the City of Highland Park, Bordeaux Avenue, Inwood Road, Denton Drive Cut-off, Maple Avenue, Cedar Springs Branch Creek, Harry Hines Boulevard, Oak Lawn Avenue, and Stemmons Freeway but excluding existing PD’s and conservation districts within those boundaries. The size of PD 193 is approximately 2,572.778 [~~2,593.168~~] acres.”

SECTION 8. Amend PD 193 property description. That the Exhibit A attached to Ordinance No. 21859, as amended, is replaced with the Exhibit A attached to this ordinance.

SECTION 9. Penalty clause. That a person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$2,000.

SECTION 10. Saving clause. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 11. Severability clause. 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 12. Effective date. 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 _____

EXHIBIT A

NORTHERN HILLS CONSERVATION DISTRICT REGULATIONS

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(1) Interpretations and definitions.

- (a) Unless otherwise stated, all references to articles, divisions, or sections in this ordinance are to articles, divisions, or sections in Chapter 51A, as amended.
- (b) Unless otherwise stated, the definitions in Chapter 51A, as amended, apply to this ordinance. In this ordinance:
- (1) ATTIC STORY means that portion of a building between the top floor and the ceiling above it that is located within a roof structure.
 - (2) CIRCULAR DRIVEWAY means a non-permeable or permeable surface located in a front yard or cornerside yard used for or to access off-street parking that has two curb cuts onto the same street or perpendicular streets.
 - (3) CORNER LOT means a lot that has frontage on two intersecting streets.
 - (4) CORNERSIDE LOT LINE means the lot line that abuts a side street.
 - (5) CORNERSIDE YARD means a side yard that abuts a street.
 - (6) DISTRICT means the Northern Hills Conservation District.
 - (7) EAVE means the lowest border of a roof, including any overhang.
 - (8) EXISTING means a main building that existed on _____, 2009 (the date of creation of this conservation district).
 - (9) FENCE means a structure that provides a physical barrier, including a fence gate.
 - (10) FRONT FACADE means the main structure elevation facing the front yard.
 - (11) HEDGEROW means a fence that provides a physical barrier by a row of closely planted shrubs or bushes.
 - (12) HEIGHT means the vertical distance measured from grade to the lowest eave, the highest peak of a sloped roof, or the top of a flat roof (except as applied to trees, retaining walls, and fences).
 - (13) LARGE CANOPY TREE means a tree of a species that normally:
 - (A) reaches a height of 30 feet or more upon maturity, and

- (B) bears crown foliage no lower than six feet above ground upon maturity.
- (14) LOT COVERAGE means the total square footage of ground surface covered by a roofed structure, including an accessory building more than 200 square feet in area, breezeway, covered deck, covered patio, covered porch, garage, main structure, or porte cochere, measured to the outside faces of the exterior walls or to the omitted wall lines, whichever produces the larger area, but excluding the following:
- (A) Window boxes less than 12 inches deep.
 - (B) Bay windows less than 12 inches deep.
 - (C) Building eaves less than 36 inches deep.
 - (D) Private balconies (not accessible to the public).
 - (E) Breezeways, covered decks, covered patios, covered porches, and porte cocheres that have no habitable space above them, do not exceed one story, and are not enclosed except for screening.
- (15) MAIN STRUCTURE means the building on a lot intended for occupancy as the main use.
- (16) NEW MAIN STRUCTURE means a main structure that does not incorporate the front facade and at least 50 percent of the side facades of an existing main structure.
- (17) PROTECTED TREE means any tree with a caliper greater than 10 inches and not one of the trees listed in Section 51A-10.101(22)(A), as amended.
- (18) REAR YARD means:
- (A) for lots that are not corner lots, that portion of the lot between two side lot lines that does not abut a street and that extends across the width of the lot between the rear setback line and the rear lot line.
 - (B) for corner lots, that portion of the lot between the interior side lot line and the cornerside lot line that extends across the width of the lot, between the rear set back line and the rear lot line.
- (19) REMODEL means alterations, improvements, or repairs that change the appearance of the structure or replace materials of the structure with another material. In the case of a main structure, remodel means

alterations, improvements, or repairs that change the appearance of the main structure or replace materials of the main structure with another material to an extent less than what would constitute a new main structure.

- (20) RETAINING WALL means a wall used to prevent the erosion of land.
 - (21) SIDE FACADE means the main structure elevation facing a side yard.
 - (22) SIDE STREET means Abbott Avenue and Glenwood Avenue.
 - (23) UNDERGROUND GARAGE means a garage structure that is at least 90 percent below grade.
 - (24) WRAP-AROUND means that portion of a side facade of a main structure 25 feet behind the corner of the front facade, excluding the front porch.
 - (25) YARD, LOT, AND SPACE REGULATIONS means regulations related to front, side, and rear yard setbacks, density, height, lot coverage, lot size, lot width, and number of stories.
- (c) This district is considered to be a residential zoning district.
- (2) Conceptual plan. The Northern Hills Conservation District Conceptual Plan is attached to and made a part of this ordinance as Exhibit B. If there is a conflict between Exhibit A (the district regulations) and Exhibit B (the conceptual plan), Exhibit A controls.
 - (3) Nonconforming structures. Section 51A-4.704(c), “Nonconforming Structures,” as amended, applies, except that if the degree of nonconformity is voluntarily reduced, all rights to the previous degree of nonconformity are lost.
 - (4) Development standards.
 - (a) In general.
 - (1) Except as provided in this Exhibit A, the development standards of the R-7.5(A) Single Family District apply.
 - (2) The yard, lot, and space regulations in this Exhibit A must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this Exhibit A and Division 51A-4.400, this Exhibit A controls.

(b) Accessory structures, carports, garages, and porte cocheres.

(1) Accessory structures.

(A) Location.

- (i) Accessory structures must be located in the rear 50 percent of the lot. On corner lots, accessory structures may not be located closer to the cornerside lot line than the main structure.
- (ii) Except as provided in this Subparagraph (A), minimum side yard setback and rear yard setback for accessory structures is three feet.
- (iii) Except as provided in this Subparagraph (A), for accessory structures with an eave height of more than 10 feet, minimum side yard setback and rear yard setback is five feet.
- (iv) Except as provided in Subparagraph (A)(i), for properties located on the west side of Glenwood Avenue and the south side of Overbrook Drive, no minimum rear yard setback is required.

(B) Roof slope. If an accessory structure is visible from a street, the roof slope must match either the roof slope of the main structure or the roof slope of the accessory structure existing as of (passage of this ordinance).

(C) Style and materials. If an accessory structure is visible from a street, the architectural style, facade materials, and roof materials must be the same as the main structure.

(2) Carports. Carports may not be visible from the street.

(3) Garages.

(A) Aboveground garage entrances facing the street, whether attached or detached, must be located a minimum of 25 feet behind the front facade of the main structure.

(B) Underground parking must:

- (i) comply with the minimum front yard setback; and

- (ii) have a minimum side yard and rear yard setback of five feet.
- (C) Ingress and egress for underground parking is permitted only from the side or rear yard.
- (4) Porte cocheres.
 - (A) For a porte cochere with no habitable space above it, no side yard setback is required.
 - (B) For a porte cochere with habitable space above it, the main structure setback requirements apply.
- (c) Driveways.
 - (1) Circular driveways are permitted only along Armstrong Avenue.
 - (2) For driveways located in a front or side yard, maximum driveway width is 19 percent of the property's street frontage. Notwithstanding the maximum driveway width, an 11-foot wide driveway is permitted in the front or side yard.
 - (3) For driveways located in a rear yard, no maximum driveway width is required.
 - (4) Driveways may not be constructed of asphalt or other similar materials.
 - (5) Except on a driveway, off-street parking is not permitted in the front yard.
- (d) Fences.
 - (1) Fences and hedgerows are not allowed in the front yard.
 - (2) Fences in the side yard must be set back a minimum of two feet behind the front facade of the main structure, excluding porches.
 - (3) Chain link fences may not be visible from a street.
- (e) Height.
 - (1) Except as provided in this paragraph, for main structures with sloped roofs, maximum eave height is 24 feet, and maximum height to the peak of the roof is 32 feet. In the rear 40 feet of the lot, maximum eave height is 12 feet.

- (2) For main structures with flat roofs, maximum height is 15 feet. The purpose of this provision is to prevent looming and to encourage sloped roofs.
 - (3) For accessory structures with sloped roofs, maximum eave height is 12 feet.
 - (4) For accessory structures with flat roofs, maximum height is 15 feet.
- (f) Landscaping and tree preservation.
- (1) In general. Except as provided in this subsection, the Article X landscaping requirements for single family uses apply. The landscape and tree preservation regulations in this Exhibit A must be read together with the landscape and tree preservation regulations in Article X. If there is a conflict between this Exhibit A and Article X, this Exhibit A controls.
 - (2) Landscaping. For a new main structure, one large canopy tree must be planted in the front yard before the final inspection of that new main structure, unless the building official determines that planting a new large canopy tree would interfere with the growth of a mature large canopy tree.
 - (3) Tree mitigation.
 - (A) This Paragraph (3) applies only to the parkway and the front and side yards.
 - (B) A tree removal application must be approved by the building official before a protected tree is removed or seriously injured.
 - (C) If a tree removal application is approved, replacement trees must be planted in accordance with the following requirements:
 - (i) The total caliper of replacement trees must equal or exceed one-half of the total caliper of the protected trees removed or seriously injured.
 - (ii) A replacement tree must have a caliper of at least three inches.
 - (iii) At least one replacement tree must be a large canopy tree.

(D) If the building official approves a tree removal application because the protected tree is diseased, unworthy of preservation, or has a short life expectancy, no replacement tree is required.

(E) The board of adjustment may grant a special exception to the requirement in Subparagraph (C) using the standard in Section 51A-10.110, as amended.

(g) Lot coverage.

(1) For lots with existing main structures, maximum lot coverage is 50 percent. For lots with new main structures, maximum lot coverage is 45 percent. The purpose of this provision is to encourage retention of existing main structures.

(2) If a new main structure has a front porch that is a minimum of 25 percent of street-level facade width and a minimum of six feet in depth, measured from inside the columns of the porch to the front facade, maximum lot coverage is increased by 2 percent. The purpose of this provision is to encourage large porches.

(3) Aboveground structures are included in lot coverage calculations; Underground parking structures and basements are not.

(h) Lot size. Minimum lot size is 7,500 square feet.

(i) Paint color. Florescent paint is not permitted.

(j) Retaining walls. Retaining walls may not exceed 42 inches in height, measured from the sidewalk, or six inches above the soil it is retaining, whichever is less.

(k) Setbacks.

(1) In general.

(A) Required front yards must be open and unobstructed.

(B) Required side and rear yards must be open and unobstructed except for fences.

(C) Ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required front or side yard. Cantilevered balconies and roof overhangs may not project more than five feet into the required front or side yard.

(D) One-story front porches that are open-air on all three sides may project up to three feet into the required front yard.

(E) In the rear 40 feet of a lot, transparent windows must be set back a minimum of 20 feet from an abutting side or rear yard property line if:

(i) the transparent window is facing an abutting side or rear yard; and

(ii) any portion of the sill of the transparent window is more than 10 feet in height above the first finished floor elevation.

(2) Front yard.

(A) For lots that are not corner lots, the minimum front yard is the average of the front yards of the two adjacent properties.

(B) For corner lots, the minimum front yard is the average of the closest two front yards on the same blockface.

(3) Side yard.

(A) Except as provided in Subparagraph (B), the minimum side yard for main structures is five feet on one side and 10 feet on the other.

(B) Side and rear additions to an existing main structure that do not increase the structure's height may maintain their existing side yards.

(4) Rear yard. For main structures, minimum rear yard is 10 feet.

(l) Signs. Signs must comply with the provisions for non-business zoning districts in Article VII.

(m) Stories.

(1) Except as provided in this subsection, the maximum number of stories is two plus an attic story. Dormers may be used in the attic story, but the partial-height walls may not be used to raise the ceiling height.

(2) For lots abutting the south side of Overbrook Drive that slope away from the street, the maximum number of stories is three.

(3) For structures with flat roofs, the maximum number of stories is one.

- (4) For accessory structures, the maximum number of stories is one.
- (5) Underground parking structures and basements are not counted as a story.
- (n) Uses. These uses are the only main uses permitted:
 - Single family.
 - Handicapped group dwelling unit. *[SUP required if the spacing component of Section 51A-4.209(b)(3.1) is not met.]*
 - Local utilities. *[SUP may be required. See Section 51A-4.212(4)(B).]*
- (5) Architectural standards.
 - (a) Remodels and additions. Remodels or additions to the front facade and the wrap-around of existing structures must have details and materials, including texture, color, pattern, grain, and module size, that:
 - (1) are similar in appearance to the existing structure, or
 - (2) restore the existing structure's appearance.
 - (b) Porches. Front porches may not be enclosed or screened in.
 - (c) Materials. Metal (except zinc and copper), plywood, and vinyl are not allowed as siding.
 - (d) Roofs.
 - (1) Sloped roofs on the main structure must have a slope of 4/12 or greater. Where the existing roof is nonconforming, additions and remodels may maintain the nonconforming roof slope.
 - (2) Corrugated plastic, membrane roofing, rolled roofing, and tar and gravel are not allowed as roofing materials when visible from the street.
 - (3) For main structures with sloped roofs, flat roofs are permitted only on the rear 50 percent of a lot.
- (6) Procedures.
 - (a) Review form applications. A review form application must be submitted to the Director for any work covered by the standards contained in this ordinance.
 - (b) Work requiring a building permit.

- (1) Upon receipt of a review form application for work requiring a building permit, the building official shall refer it to the Director to determine whether the work meets the standards of this ordinance. The Director shall make this determination within 30 days after submission of a complete application.
 - (2) If the Director determines that the work complies with the standards of this ordinance, the Director shall approve the application and send it back to the building official, who shall issue the building permit if all requirements of the construction codes and other applicable ordinances have been met.
 - (3) If the Director determines that the work does not comply with the standards of this ordinance, the Director shall state in writing the specific requirements to be met before issuance of a building permit and send it back to the building official, who shall deny the building permit. The Director shall give written notice to the applicant stating the reasons for the denial. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice to the applicant must be sent to the address given on the application.
- (c) Work not requiring a building permit.
- (1) Upon receipt of a review form application for work not requiring a building permit, the building official shall refer it to the Director to determine whether the work meets the standards of this ordinance. The Director shall make this determination within 10 days after submission of a complete application.
 - (2) If the Director determines that the work complies with the standards of this ordinance, the Director shall approve the application and give written notice to the applicant.
 - (3) If the Director determines that the work does not comply with the standards of this ordinance, the Director shall state in writing the specific requirements to be met before an approval can be granted. The Director shall give written notice to the applicant stating the reasons for denial. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice to the applicant must be sent to the address given on the application.
- (d) Appeals.
- (1) An applicant may appeal any decision made by the Director to the board of adjustment by filing a written appeal with the Director within 10 days after notice is given to the applicant of the Director's decision.

- (2) The Director shall send written notice of the appeal to the applicant, the neighborhood association, and all owners of real property located within 200 feet, including streets and alleys, of the boundary of the area for which the application was made. The notice must be given not less than 10 days before the day 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.
- (3) The board of adjustment shall hold a public hearing on all appeals.
- (4) In considering the appeal, the sole issue before the board of adjustment shall be whether the Director erred in the decision, and the board shall consider the same standards that were required to be considered by the Director.
- (5) Appeals to the board of adjustment are the final administrative remedy.

DRAFT