

Memorandum



CITY OF DALLAS

DATE February 27, 2015

TO Honorable Mayor and Members of the City Council

SUBJECT **Proposed Amendments to Conservation District Regulations**

On Wednesday, March 4, 2015, the City Council will be briefed on the City Plan Commission recommended amendments to the Conservation District regulations of the Development Code.

Please feel free to contact me if you need additional information.

A handwritten signature in black ink, appearing to read 'Ry - S. E'.

Ryan S. Evans
First Assistant City Manager

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge

Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Joey Zapata, Assistant City Manager
Mark McDaniel, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer

Proposed Amendments to Conservation District Regulations

Dallas City Council Briefing
March 4, 2015



Purpose of Briefing

- To summarize and review the City Plan Commission recommended changes to conservation district regulations

Background

Zoning tools used to protect neighborhoods

	Purpose	What is Regulated	Type of Permit Review
Planned Development District	Encourages a unified development for an area that may or may not have a unique character	Setbacks, lot coverage, landscape and density	Permits are reviewed by building permit staff
Neighborhood Stabilization Overlay	To encourage compatible infill redevelopment	Front yard setbacks, side and corner yard setbacks, garage placement, and height	Permits are reviewed by building permit staff
Conservation District	To protect the unique physical attributes of an area or neighborhood	Regulations are determined by the neighborhood and must include minimum development and architectural standards.	A Work Review Form and plans are reviewed by staff, in addition to any required building permits (if necessary)
Historic District	To protect historic architecture and character	All exterior modifications	A Certificate of Appropriateness is reviewed by staff, the task force and the Landmark Commission

Background

17 Existing Conservation Districts

Kings Highway- CC Dist 1

Lakewood - CC Dist 9,14

Page Avenue– CC Dist 1

Greiner Area – CC Dist 1

**Hollywood Santa/Monica – CC
Dist 14**

Bishop/8th– CC Dist 1

North Cliff – CC Dist 1

M-Streets – CC Dist 14

Greenway Parks - CC Dist 13

M Streets East - CC Dist 14

Belmont Addition – CC Dist 14

Kessler Park – CC Dist 1

Edgemont Park – CC Dist 14

Vickery Place – CC Dist 14

Rawlins – CC Dist 14

Northern Hills – CC Dist 14

Stevens Park – CC Dist 1

Background

- ❑ December, 2009 - City Council requested that the City Manager brief the ***Economic Development Committee*** on existing processes to establish a Conservation District
- ❑ April 5, 2010 the ***Economic Development Committee*** was briefed on the existing process for establishing conservation districts
- ❑ March 25, 2013 the ***Quality of Life and Government Services Committee*** was briefed on possible amendments.

Background

Questions raised by City Council include:

- ❑ Effect of making some properties non-conforming
- ❑ Appropriate threshold of support to initiate
- ❑ How percentage of reply forms in support or opposition should be considered
 - ❑ Percent of all notified
 - ❑ Percent of those that responded
- ❑ Could a minimum threshold of reply forms in support be required to approve
- ❑ Could transparency of process be improved
 - ❑ Opponents frequently indicated they did not understand the initial petition could result in a zoning change with additional restrictions
- ❑ Should a cap be placed on the size of a Conservation District
- ❑ Distinction between initial study and zoning change
- ❑ Appropriate role of city staff and other stakeholders

Background

- ❑ The **Zoning Ordinance Committee (ZOC)** considered this issue at eight public meetings and recommended approval of the proposed ordinance on March 8, 2014.
- ❑ April 17, 2014 the **City Plan Commission (CPC)** held a public hearing to receive comments on the proposed amendments.
- ❑ May 8, 2014, **CPC** remanded the item to the **ZOC** to reconsider six items.
- ❑ **ZOC** reconsidered the issue at three public meetings and recommended approval of the ordinance on June 19, 2014.
- ❑ July 24, 2014, **CPC** modified a portion of **ZOC's** recommendation, prior to approving the proposed ordinance

Objectives of Proposed Amendments

- ❑ Create a clearer more transparent process for the adoption of Conservation Districts
- ❑ Better distinguish the use of Conservation Districts from Planned Developments, Neighborhood Stabilization Overlays and Historic District Overlays
- ❑ Define specific steps in the process as well as the roles and responsibilities of stakeholders (neighborhood and staff)
- ❑ Clarify that the petitions initiate a process that may result in a zoning change and not just a “feasibility study”
- ❑ Provide a distinct process for existing Conservation Districts to amend their regulations or expand, if they choose to do so.

Key CPC Recommended Amendments to the Process

- A **Neighborhood Committee** of at least 10 property owners
- Specific time frames for **staff** and **Neighborhood Committee** to act
- Clear separation between **Determination of Eligibility** and the preparation of a **CD ordinance**
- A minimum of two **Pre-application meetings** are required before petitions are prepared by **staff** and provided to **Neighborhood Committee**
- A **Neighborhood Meeting** to consider the proposed CD ordinance is required at least 30 days prior to the **CPC Public Hearing**

CPC Recommended Amendments

Purpose Statement of CD Provisions

Existing

- Provides a means of conserving an area's distinctive atmosphere or character by protecting or enhancing its significant architectural or cultural attributes

Proposed

- Protect the physical attributes of an area or neighborhood;
- Promote development or redevelopment that is compatible with an existing area or neighborhood;
- Promote economic revitalization;
- Enhance the livability of the city; and
- Ensure harmonious, orderly and efficient growth

Existing and CPC Recommended Process Comparison

Existing Process

- **Initiation/Application**
 - **Feasibility Study** to determine eligibility initiated by a **group** that collectively owns more than 50% of the land and more than 50% of the building sites with in the area of request – with fee
 - Practice has been if +/- 75% signatures in support, CPC or CC will authorize (no fee paid)
 - **Director** determines eligibility
- **Public Information Meeting**
- **Public Meetings** as necessary to develop
 - Conceptual Plan
 - CD ordinance
- **Neighborhood Meeting (practice)**
- **CPC public hearing**
- **CC public hearing**

Proposed Process

- **Initiation**
 - **Neighborhood Committee** submits a request for **Determination of Eligibility**
 - **Director** determines eligibility
 - **Pre-application Meetings** (minimum 2)
- **Application**
 - **Neighborhood Committee** submits application with petitions in support that represent at least 51% of the land or 51% of the lots – with fee
 - If petitions are signed by 75% or more, fee waived
- **Public Meetings** as necessary to develop
 - CD ordinance
- **Neighborhood Meeting**
- **CPC public hearing**
- **CC public hearing**

CPC Recommended Process to Establish a Conservation District

- Neighborhood Committee** submits a request for a **Determination of Eligibility**
- If the area is determined to be eligible, a minimum of two **Pre-application meetings** are held
- Petition forms are provided after the last **Pre-application meeting**
- Time frame for **Neighborhood Committee** to obtain signatures is based on the size of the proposed CD
 - < 200 lots, 12 months
 - 201 to 500 lots, 15 months
 - More than 500 lots, 18 months
- Application for a CD.**
 - Includes petitions with signatures representing at least 51 percent of the land or 51 percent of the lots within the proposed CD
 - 51 to 74 percent - Fee required
 - 75 percent or more - Fee waived
- Public meetings**
 - If application is deemed complete, **neighborhood meetings** are held to develop specific regulations

CPC Recommendation on Amending a CD Ordinance

- The proposed amendments includes four procedures to amend an established CD.
 - Expanding an established CD
 - Amending the regulations in an established CD
 - Creating or amending a subdistrict within an established CD
 - Removing property from an established CD

Recommendation on Reply Forms

Recommendation on Establishing Threshold for Reply Forms for CD Adoption

- CPC recommendation did not codify a specific threshold for approval
 - Approval of zoning is legislative and should not be delegated
 - Issue is addressed by:
 - Initiation Petition clarifies that a zoning change is being initiated
 - Required neighborhood meetings are part of proposal

Next Steps

- Receive input from City Council on CPC recommended amendments
- Schedule for City Council consideration

Appendix

Appendix

Items Referred Back To ZOC by CPC for Additional Consideration

- Whether the definition of Cultural Attributes should be removed;
- Whether the Neighborhood Committee's request for pre-application meetings should include architectural and development standards;
- Whether the petition should include standards the Neighborhood Committee is interested in adopting;
- The percentage of support required for the proposed petition;
- Whether the size of the Neighborhood Committee should be changed; and
- Whether the time limits on the Neighborhood Committee and the Director should be changed.

Appendix

Participants

All meetings were sent out to the Zoning Ordinance Committee distribution list

Association Participants

- Preservation Dallas
- Dallas Homeowner's League
- Dallas Builders Association
- Old Oak Cliff Conservation League

CD Participants

- Vickery Place CD
- M Streets CD
- Hollywood Santa Monica CD
- Rawlins CD
- East Kessler Park (Considering CD)
- Kessler Park CD
- Lakewood CD
- Kings Highway CD
- Belmont CD
- Greenway Parks CD

Appendix

CD Adoption Dates

CONSERVATION DISTRICT ADOPTION DATES (AND AMENDMENT DATES, IF ANY)				
Conservation District	Date of Adoption	Date of Amendments (if any)		
#1 - King's Highway	3/23/88 (Ord. no. 19910)	6/10/09 (Ord. no. 27560)	8/11/10 (Ord. no. 27945)	
#2 - Lakewood	7/12/88 (Ord. no. 200009)			
#3 - Page Avenue	5/24/89 (Ord. no. 20366)			
#4 - Greiner Area	5/24/89 (Ord. no. 20367)			
#6 - Hollywood/Santa Monica	3/9/93 (Ord. no. 21608)	8/7/07 (Ord. no. 26884)	12/10/07 (Ord. no. 27030)	12/10/08 (Ord. no. 27423)
#7 - Bishop/8th	1/21/92 (Ord. no. 21197)	2/13/01 (Ord. no. 24518)	11/12/02 (Ord. no. 25115)	8/11/10 (Ord. no. 27946)
#8 - North Cliff	8/28/96 (Ord. no. 22866)			
#9 - M-Streets	11/12/02 (Ord. no. 25116)	3/27/13 (Ord. no. 28946)		
#10 - Greenway Parks	5/28/03 (Ord. no. 25266)			
#11 - M Streets East	1/13/04 (Ord. no. 25474)			
#12 - Belmont Addition	3/23/04 (Ord. no. 25530)	1/5/04 (Ord. no. 25840)		
#13 - Kessler Park	5/25/05 (Ord. no. 25984)			
#14 - Edgemont Park	5/2/06 (Ord. no. 26343)			
#15 - Vickery Place	6/21/06 (Ord. no. 26391)	1/5/07 (Ord. no. 26549)	5/23/07 (Ord. no. 26744)	
#16 - Rawlins	6/11/07 (Ord. no. 26776)			
#17 - Northern Hills	12/9/09 (Ord. no. 27769)			
#20 - Stevens Park	9/28/11 (Ord. no. 28407)			

Appendix

Dates of Presentations

- ❑ City Council Economic Development Committee
 - December 5, 2010 - Tennell Atkins (Vice-Chair), Dwaine Caraway, Jerry Allen, Sheffield Kadane, Ann Margolin, Linda Koop, Steve Salazar
- ❑ City Council Quality of Life and Government Services Committee
 - March 25, 2013 – Angela Hunt (Chair), Sandy Greyson (Vice-Chair), Monica Alonzo, Dwaine Caraway, Carolyn Davis