

Memorandum



CITY OF DALLAS

DATE March 22, 2013

TO Honorable Members of the Quality of Life and Government Services Committee:
Angela Hunt (Chair), Sandy Greyson (Vice Chair), Monica Alonzo, Dwaine Caraway
and Caroline R. Davis

SUBJECT **Proposed Changes to Conservation District Regulations**

On Monday, March 25, 2013, the Quality of Life and Government Services Committee will be briefed on a proposed development code amendment 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 'Ryan S. Evans'.

Ryan S. Evans
Assistant City Manager

cc: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel Solis, Administrative Judge

A.C. Gonzalez, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Stephanie Cooper, Assistant to the City Manager

Proposed Changes to Conservation District Regulations

Quality of Life Committee
March 25, 2013



Purpose

- ❑ To discuss aspects of the current Conservation District ordinance that need improvement
- ❑ To summarize and review the proposed changes to the ordinance

Summary of zoning tools

	Purpose	What is Regulated	Type of Regulation
Planned Development District	Encourages a unified development for an area that does not have distinctive character	Setbacks, lot coverage, and density	Zoning regulations are reviewed by building permit staff
Neighborhood Stabilization Overlay	To encourage quality infill and redevelopment	Front yard setbacks, side and corner yard setbacks, garage placement, and height plane	NSO regulations are reviewed by building permit staff
Conservation District	To protect certain characteristics that define a neighborhood	Regulations determined by the neighborhood and can include any of the following: setbacks, height, architectural style, fences, stories, building materials, accessory structures, fenestration, driveways, porches, and landscaping	A Work Review Form is only reviewed by staff
Historic District	To protect historic architecture and character	All exterior modifications	A Certificate of Appropriateness is reviewed by staff, the neighborhood and the Landmark Commission

Background

- Conservation District ordinance was adopted in February 1986
 - Purpose was:
 - to establish a “means of conserving an area’s distinctive atmosphere or character by protecting or enhancing its significant architectural or cultural attributes”

Background

- Things that may be regulated are:
 - Land uses
 - Density/lot coverage
 - Height/stories
 - Setbacks
 - Accessory structures
 - Fences and landscaping
 - Driveways and parking
 - Architectural features, including building materials

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**
 - C.D. #17 – Northern Hills***
 - C.D. #20 – Stevens Park**
- * #18 and #19 skipped**

Issue

- ❑ More clearly distinguish the establishment of Conservation Districts from NSO's and Historical Districts
- ❑ Simplify the process so there is a distinct difference between a determination of "eligibility" (study phase) and the creation of an actual zoning ordinance
- ❑ Create distinct criteria to determine eligibility
- ❑ Clarify the process to include specific requirements for development standards and limit "interpretation"
- ❑ Clarify and ensure that the City controls the process rather than the neighborhood
- ❑ Provide a demolition clause
- ❑ Formally institute a "XX%" support rule in ordinance

Issue

- More clearly distinguish the establishment of Conservation Districts from NSO's and Historical Districts:
 - The Dallas Development Code states that the purpose of a Conservation District is to provide a means of conserving an area's distinctive character by protecting or enhancing its architectural significance

Proposed change

- Clarify the purpose of a Conservation District is to:
 - protect the architectural significance of an area or neighborhood;
 - discourage incompatible development and promote development or redevelopment that is compatible with an existing area or neighborhood;
 - provide residents and property owners with a planning tool for future infill or redevelopment of an area or neighborhood;
 - promote economic revitalization;
 - ensure harmonious, orderly and efficient growth of the City

Proposed change

- (cont'd) Include provision to specify where a Conservation District may not be placed:
 - A new subdivision being developed on a tract of land
 - On a neighborhood with an existing Historic District overlay or on a neighborhood with an existing Neighborhood Stabilization Overlay since they are already protected by an overlay ordinance

Issue

- Simplify the process so there is a distinct difference between a determination of “eligibility” (“feasibility study” phase) and the creation of an actual zoning ordinance:
 - Currently, the criteria for determining eligibility requirements are difficult to apply. The “feasibility study” and ordinance are intertwined.
 - The procedure for processing an application for a conservation district is not clearly defined.

Issue

- ❑ Currently, the criteria for establishing eligibility requirements are difficult to apply:
 - ❑ Must be either “stable” or “stabilizing” (the area is expected to remain substantially the same or become stable over the next 20 years with continued maintenance)
 - ❑ Must contain significant architectural or cultural attributes
 - ❑ Must have a “distinctive atmosphere or character” that may be conserved by protecting or enhancing its architectural or cultural attributes

Issue

- The procedure for processing an application for a conservation district is not clearly defined:
 - The process can be confusing for residents. A neighborhood often gets into the details of creating zoning regulations before there is a real consensus of the residents desires on what to regulate.

Proposed Changes

- A process with 3 distinct steps is proposed:
 - Determination of Eligibility with distinct criteria that must be met
 - Pre-Application Meeting
 - Initiation of Conservation District Rezoning

Proposed Changes

- New criteria to determination eligibility:
 - Establishment of a Neighborhood Committee (owners of at least 10 properties or 10% of land area);
 - Area must contain a minimum of one block face (all the lots on one side of a block);
 - At least 75% of the lots are developed with buildings that are at least 25 years old; and
 - Area must have architectural significance and must have two or more of the following distinctive features:
 - Distinctive scale, size, type or materials of construction;
 - Distinctive spatial relationship between buildings;
 - Distinctive lot layouts, setbacks, street layouts, alleys or sidewalks;
 - Distinctive natural or streetscape characteristics, such as creek beds, parks, greenbelts, gardens or street landscaping; or
 - Distinctive land use patterns

Proposed Changes

- Pre-application meeting:
 - If the Director determines that the proposed area meets the eligibility criteria, a pre-application meeting will be set up.
 - The purpose of the pre-application meeting is to inform the Neighborhood Committee, residents and property owners of the purpose of the Conservation District designation, the process, and determine whether a Conservation District is a desirable option for the neighborhood.

Proposed Changes

- Initiation of Conservation District rezoning:
 - After the pre-application meeting, an application for a Conservation District may be submitted by the Neighborhood Committee.
 - The application must be on a form provided by the Department and must indicate signatures from at least XX% of the property owners or land area within the proposed Conservation District.
 - The City will guide the neighborhood through the process of creating Development Standards to address what they would like to conserve.

Issue

- Clarify the process of creating Development Standards for specific features that the neighborhood would like to preserve

Proposed Change

- Must include Design Standards for new construction and rehabilitation to any portion of any building

- Design Standards must include (or note the inapplicability), the following elements governing the physical characteristics and features of all property (public or private) within the proposed Conservation District:
 - Permitted uses;
 - Non-conforming uses;
 - Lot size;
 - Density;
 - Floor area ratio;
 - Lot coverage;
 - Building size;
 - Yard setbacks;
 - Building and structure height;
 - Number of stories;
 - Off-street parking or loading requirements;
 - The elements of architectural significance:
 - Architectural style;
 - Building materials;
 - Principal elevation features;
 - Roof line or pitch

Proposed Change

- Design Standards may also include the following elements as they relate to architectural significance:
 - Building orientation;
 - General site planning (primary and/or accessory structures);
 - Signage;
 - Garage entrance and location;
 - Window/dormer size and location;
 - Landscaping;
 - Fences and walls;
 - Entrance lighting;
 - Driveways, curbs and sidewalks;
 - Utility boxes, trash receptacles;
 - Street furniture;
 - Solar systems, components;
 - Building relocation; or
 - Right-of-way

Issue

- Concern regarding existing main structures in a Conservation District that are proposed to be demolished:
 - Protection must be included so that existing structures cannot indiscriminately be demolished if it is financially feasible to keep them and renovate instead.
 - This will encourage retaining structures that contribute to the existing character of a neighborhood.

Proposed Change

- Providing a demolition clause that states:
 - A main structure within a Conservation District adopted after (adoption of CD ordinance) may be demolished only if the cost of bringing the main structure into compliance with Chapter 27, Dallas City Code, using materials similar to the original materials is greater than 80 percent of the structure's value (excluding land) according to the Dallas Central Appraisal District.

Issue

- Requiring a clear majority of neighborhood support for the establishment of a Conservation District:
 - In the past, the City Council has typically approved Conservation Districts only if there was 70%+ approval from the property owners, yet this requirement was not in the ordinance.
 - There has been a desire expressed to officially place a threshold number in the ordinance.

Proposed Change

- Adding a “XX%” rule or suitable threshold that states:
 - In order for the Conservation District to receive final approval from the City Council, there must be reply forms indicating support for the proposed Conservation District that represent at least XX% of the property owners or XX% of the land area within the proposed Conservation District.
 - If 60% approval is required to submit an application, that number must increase to XX% to receive final approval.

Issue

- There is currently no formal procedure to either amend or expand a Conservation District.

Proposed Change

- Criteria will be added to allow for a Conservation District to be amended or expanded.

Next Steps

- Questions and answers
- Committee guidance is requested on proposed changes to the current regulations.