

Memorandum



Date: April 2, 2010

To: City Council Economic Development Committee:
Ron Natinsky (Chair), Tennell Atkins (Vice Chair), Jerry R. Allen, Dwaine Caraway, Sheffie Kadane, Linda Koop, Ann Margolin, Steve Salazar

Subject: Conservation District Process

On Monday, April 5, the Economic Development Committee will be briefed on the regulations and process for establishing Conservation Districts. The purpose of this briefing is to receive direction from the committee on the type and scope of revisions desired by the City Council. A copy of the briefing material is attached for your review. This item is intended as an initial dialog with the Committee, rather than a final resolution.

If you need further information please call Theresa O'Donnell at 214 670-4127.



A.C. Gonzalez
Assistant City Manager

- c: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah Watkins, City Secretary
Thomas Perkins, City Attorney
Craig Kinton, City Auditor
Judge C. Victor Lander, Judiciary
Ryan S. Evans, First Assistant City Manager
Forest Turner, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Theresa O'Donnell, Director Sustainable Development & Construction
Karl Zavitkovsky, Director, Office of Economic Development
Hammond Perot, Assistant Director, Office of Economic Development
Helena Stevens-Thompson, Assistant to the City Manager

Conservation District Process

Economic Development
Committee

April 5, 2010

Sustainable Development and Construction



Purpose

To brief the Economic Development Committee on:

- Current Conservation District regulations
- Current procedures for processing requests for Conservation Districts
- Receive committee input and direction on revising both regulations and processes to address Council and neighborhood concerns.

Purpose of Conservation Districts

Neighborhoods currently have five types of zoning tools to achieve the appropriate level of regulation desired by the neighborhood:

- Historic Districts
- **Conservation Districts**
- Neighborhood Stabilization Overlays
- Planned Development Districts
- Straight Zoning Districts

Conservation Districts

Conservation Districts offer a high level of regulation as a means of conserving an area's distinctive atmosphere or character. The purpose being to protect or enhance the neighborhood's significant architectural or cultural attributes.

Existing Conservation Districts

| | | | |
|-----|--|-------|----------------------------|
| CD1 | King's Highway (1988) | CD10 | Greenway Parks (2003) |
| CD2 | Lakewood (1988) | CD11 | M Streets East (2004) |
| CD3 | Page Avenue (1989) | CD12 | Belmont Addition (2004) |
| CD4 | Greiner Area (1989) | CD13 | Kessler Park (2005) |
| CD6 | Hollywood/Santa Monica (1989, 1993) | CD14 | Edgemont Park (2006) |
| CD7 | Bishop/8th (1992, 2001) | CD15 | Vickery Place (2006, 2007) |
| CD8 | North Oak Cliff (1996) | CD 16 | Rawlins (2007) |
| CD9 | M-Streets (2002) | CD 17 | Northern Hills (2009) |

Current Regulations and Procedures

Initiating Conservation Districts

- Ordinance requires a zoning fee and a petition signed by more than 50% of the owners of the land and more than 50% of the owners of the building sites.
- Plan Commission or City Council may authorize rezoning by calling a public hearing. Staff advises neighborhood leaders to obtain signatures of at least 75% of the property owners within the area of request.

Current Regulations and Procedures

CD Application

Must include:

- The application fee
- Maps 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
- A list of the names and addresses of all property owners and residents in the area of request
- A list of all neighborhood associations or other organizations representing the interests of property owners in the area of request
- Statement of justification

Current Regulations and Procedures

Statement of Justification

Must include:

- A description of the factors which render the area of request eligible for CD classification
- Detailed explanation of how and why such a classification would be in the best interest of the city as a whole
- A description of the prevalent architectural and cultural attributes of the area
- Any additional information that the Director determines to be necessary for the study

Current Regulations and Procedures

Determination of Eligibility

- The area must contain at least one blockface
- There is no maximum size
- The area must be either "stable" or "stabilizing" as those terms are defined in the ordinance
- The area must contain significant architectural or cultural attributes
- The area must have a distinctive atmosphere or character which can be conserved by protecting or enhancing its architectural or cultural attributes

Current Regulations and Procedures

Petitions

- Signatures must be on a City provided petition
- Conservation District process form left with owner
- Signing a petition indicates the interest of the signers in exploring the potential for a conservation district
- Petition includes the primary issues that are proposed to be addressed

Current Regulations and Procedures

CD Authorization

If fee is paid and required signatures collected, CD application becomes zoning case and may be started

If neighborhood wishes application to be authorized, staff presents to the CPC information summarizing:

- The petition signatures
- The inventory of properties
- The architectural merits of the area
- Photographs
- Proposed boundaries

CPC then makes a determination on whether to authorize the hearing. CPC has authorized hearings with 65% of affected property owners on a petition in support to authorize the application; however at least 75% has been the standard.

Current Regulations and Procedures

2-step process

- Conceptual plan formulation and review
- CD ordinance preparation and review
- Public hearings on conceptual plan and ordinance may be held concurrently

Current Regulations and Procedures

CD Boundaries

- Once boundaries are established through the application process, they may not be amended by staff
- During the public hearings, either Plan Commission or City Council may enlarge or reduce the area of coverage if, desired
- Altering the boundaries of a district under consideration has proven to be highly controversial

Current Regulations and Procedures Elements

Conservation Districts may include any of the following:

- Building Material
- Density
- Demolition
- Doors
- Driveways
- Fences/Walls
- Garages
- Glass Type
- Height
- Land Uses
- Landscaping
- Lot Coverage
- Lot Width
- Paint Color
- Parking
- Screening
- Sidewalks
- Siding
- Style
- Stories
- Windows
- Roof Styles
- Roof Materials
- Retaining Walls
- Structure Width
- Porches (enclosures)
- Front Yard Coverage
- Front Yards & Parkways
- Non-Conforming Uses
- FARs (floor area ratio)
- Paving (drives and walkways)
- Wrought Iron/Metal Elements

Processing

- A conservation district follows the same rezoning as a normal zoning case
- Public Hearing(s) are conducted at CPC
- Public Hearing(s) are conducted at city Council
- All mandated notifications, procedures and requirements are followed

Concerns and Issues

The following are concerns or issues that frequently occur during the processing of Conservation Districts:

- Roles and responsibilities of different stakeholders
- Conservation Study vs actual rezoning process
- Threshold of neighborhood support necessary to authorize a Conservation District
- Changing the boundary configuration
- Elements included for regulation
- Non-conforming elements
- Significance of voting

Roles and Responsibilities

Stake Holders

- Neighborhood leaders
- Entire neighborhood
- City Plan Commission members
- City Council members
- Staff

Questions

- Who owns the process?
- How should differences be resolved?
- What processing procedures should be formally adopted?
- How can an atmosphere of fairness, impartiality, and transparency be cultivated?

Study vs Rezoning

- Conservation District process is actually a two step process that can, and often does, get collapsed into one process
- The study typically involves a staff analysis of the architectural style and age of structures within the proposed area to determine eligibility
- Rezoning process can proceed concurrently
- Petition includes language that refers to the study. Neighbors often state the support the study, but not the rezoning.

Threshold to Authorize

- Current ordinance allows authorization of a Conservation District with a petition signed by 50% or more of property owners
- Current practice permits authorization of a Conservation District with a petition signed by a majority of property owners. Staff and CPC have traditionally suggested 75% or more; however CPC has authorized hearings with at least 65%.

Boundaries

- In the cases of authorized hearings, staff will work with neighborhood leaders/committee to draw an appropriate boundary for the Conservation District
- Once the authorization is made, no boundary changes will be made by staff
- CPC may recommend the Council approve a reduced boundary, but the entire area under authorization will go forward to City Council. CPC can “re-authorize” a different boundary if it so desires

Non-Conforming Elements

Non-Conforming Elements could be considered as 2 groups:

- Major elements

- Height
- Setbacks
- Lot coverage
- Architectural style
- Lot width
- FAR
- Impervious surface

- Minor elements

- Construction materials
- Fences and screening
- Walls and walks
- Landscaping
- Paint color
- Driveways/Paving
- Architectural features

Significance of Voting

- Voting by the neighborhood during the final meeting to determine the level of support for the ordinance provision
- CPC ballots
- City Council ballots

Significance of Voting

- City Council ballots have the “official” purpose of triggering a $\frac{3}{4}$ vote for approval
- CPC and City Council ballots are used for the practical purpose of gauging neighborhood support
- Is there an specific threshold that should be achieved and maintained?
- Should ballots “inside” the district be given more consideration than those within the 200ft radius?
- Should “for” and “against” ballots be weighed against the total number of ballots mailed or those returned?

Scope and Direction of Revisions

Is this a complete and representative list of issues that should be addressed in a comprehensive revision of the ordinance?

- Roles and responsibilities of different stakeholders
- Conservation Study vs actual rezoning process
- Threshold of neighborhood support necessary to authorize a Conservation District
- Changing the boundary configuration
- Elements included for regulation
- Non-conforming elements
- Significance of voting

Conservation District Process

Receive direction from Committee on ordinance revision or process improvement