

**The Arts District Garage  
Development Agreement  
item has been moved to the  
December 1, 2008 Economic  
Development Committee  
Meeting**



# Memorandum



CITY OF DALLAS

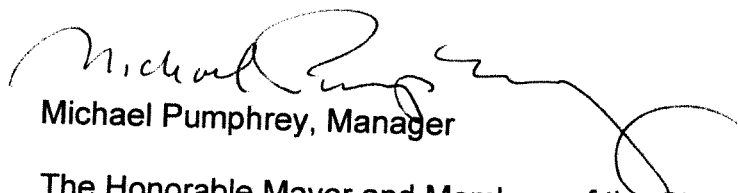
Date: November 17, 2008

To: Members of the Economic Development Committee: Ron Natinsky (Chair), Tennell Atkins (Vice Chair), Dwaine Caraway, Jerry R. Allen, Sheffie Kadane, Mitchell Rasansky, Linda Koop, Steve Salazar

Subject: **Changes to the Landmark Commission's Rules of Procedure and Appeals Provisions**

Copies of the proposed changes are attached for distribution to members of the committee. These copies were inadvertently left out of the Briefing Package for the November 17, 2008 Economic Development Committee meeting. These items will be discussed at the special called meeting Thursday, November 20, 2008.

If you need further information please call Theresa O'Donnell at 214-671-9293.

  
Michael Pumphrey, Manager

c: The Honorable Mayor and Members of the City Council  
Mary K. Suhm, City Manager  
Deborah Watkins, City Secretary  
Tom Perkins, City Attorney  
Craig Kinton, City Auditor  
Judge C. Victor Lander, Judiciary  
Ryan S. Evans, First Assistant City Manager  
Forest Turner, Interim Assistant City Manager  
Ramon Miguez, P.E., Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Dave Cook, Chief Financial Officer  
Jeanne Chipperfield, Director, Budget & Management Services  
Karl Zavitskovsky Director, Office of Economic Development  
Verna Martin, Assistant Director, Office of Economic Development  
Helena Steven-Thompson, Assistant to the City Manager



# **Rules of Procedures**



LANDMARK COMMISSION  
RULES OF PROCEDURE  
(Revised *Insert date of approval* [9-1-05])

SECTION 1. AUTHORITY.

The Dallas City Code provides that the Landmark Commission may adopt rules to govern its proceedings that are not inconsistent with Chapter 8 of that code or state law. These Rules of Procedure establish guidelines to be followed by all persons at a meeting of the Commission, including members of the Commission, administrative staff, news media, and visitors. [City Code, Ch. 51A, Sec. 51A-3.103(d)(4)].

SECTION 2. INTERPRETATION. Unless the context clearly indicates otherwise:

- (A) Words used in the present tense include the future tense.
- (B) Words in the singular include the plural, and words in the plural include the singular.
- (C) These rules apply to all task forces of the Commission.

SECTION 3. DEFINITIONS. Unless the context clearly indicates otherwise:

- (A) BRIEFING means a statement by city staff to the Commission during a meeting concerning a matter on the agenda.
- (B) COMMISSION means the Landmark Commission.
- (C) CHAIR means the presiding officer of the Commission.
- (D) MEETING means a regular, special, or called meeting of the Commission and includes all briefings and official inspection tours.
- (E) MEMBER means a duly appointed member of the Commission.
- (F) OFFICIAL INSPECTION TOUR means a scheduled site inspection on the Commission's meeting agenda.

SECTION 4. DUTIES OF THE CHAIR.

- (A) The chair, when present, shall preside at all meetings. In the absence of the chair, the vice-chair shall exercise the powers of the chair. In the absence of the chair and vice-chair, the Commission shall elect a temporary chair. If the presiding officer ceases to preside during a meeting, and no council-appointed vice-chair is present, the presiding officer may, subject to the approval of the Commission, appoint a temporary chair. The first adjournment puts an end to this appointment ~~[or election of a temporary chair does not survive the meeting in which it is made]~~. [[([City Code, Ch. 8, Sec. 8-9.])] ]

- (B) A temporary chair may be removed by a two-thirds vote of the Commission. If the temporary chair is removed, a new temporary chair must be elected. This election does not survive the meeting in which it was held.
- (C) The chair shall rule on points of order and procedures that are brought up in meetings; however, a member may appeal to the Commission from a ruling of the chair. If the appeal is seconded, the member making the appeal may briefly explain the reason for the appeal and the chair may briefly explain the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The chair shall then put the question "shall the decision of the chair be sustained?". If a majority of the members present vote "Aye," the ruling of the chair is sustained; otherwise it is overruled. [City Code, Ch. 8, Secs. 8-9(b) and 8-15.]
- (D) In debate, the chair shall be referred to by official title and shall be addressed by prefixing Mr. or Madam, as the case may be, to that title. [City Code, Ch. 8, Sec. 8-9(d).]
- (E) The chair shall conduct each vote in accordance with Section 11 of these rules.
- (F) The chair shall dispense the business of the Commission in a just and orderly manner, including signing the minutes of each meeting and each certificate of appropriateness in accordance with the decision of the Commission.

#### SECTION 5. MOTIONS.

- (A) Equal right to make motions. All members shall have an equal right to make a motion on any matter before the Commission.
- (B) Holding motions. When recognized by the chair, a member may state a readiness to make a motion. It is the privilege of the chair, if the chair thinks debate is not ended, to ask the member to hold the motion. The member may defer to the chair's request or make the motion at the member's option. If the recognized member defers to the request, the chair must return to that member prior to accepting a motion from any other member.
- (C) Reconsideration.
  - (1) Unless an item is referred back to the Commission by the City Plan Commission or City Council, a motion to reconsider is the exclusive method by which a matter can again be brought before the Commission after a final vote has been taken. A motion to reconsider any action of the Commission can be made not later than the next succeeding meeting. Such a motion can only be made by a member who voted with the prevailing side. It can be seconded by any member. No question shall be twice reconsidered, except by unanimous consent of the Commission.

- (2) In order to reconsider the action in the same meeting at which the motion to reconsider is made, the subject matter of the reconsideration must be on the agenda that is publicly posted in accordance with applicable laws. If the subject matter is not on the agenda when made, the motion to reconsider must include a date when reconsideration of the previous action is proposed to be placed on the agenda.
- (3) Once an action reaches the floor of the City Plan Commission or City Council, it cannot be changed by the Commission. Once an action can no longer be changed by the Commission, it may not be reconsidered. Once a certificate of appropriateness is approved by the Commission, it cannot be reconsidered after the meeting in which the certificate is approved.
- (4) After a matter has been finally voted on and all possibilities of reconsideration have been exhausted, the matter may not again be brought before the Commission until at least six months from the date it was last voted on.
- (5) An item referred back to the Commission by the City Plan Commission or City Council is a new item.

## SECTION 6. MEETINGS.

- (A) Calendar. The Commission shall adopt a calendar of meeting dates, times, places, and events on a regular basis, to be held at a location within a public building. This calendar should cover no less than a 90-day time period from the date it is adopted. The Commission shall meet at least once each month, with additional meetings upon the call of the chair or upon petition of a simple majority of the members. [City Code, Ch. 8, Sec. 8-2 and Ch. 51A, Sec. 51A-3.103(d)(1).]
- (B) Placement of items on the agenda. The agenda shall include any item that a member requests be brought before the Commission. The request to place an item on the agenda must be provided to city staff at least 100 [74] hours in advance of the day of the meeting at which the member wants the item considered unless the meeting is an emergency meeting, as described by state law, in which case the request to place an item on the agenda must be provided to city staff at least three hours in advance of the meeting. No person may remove an item from the agenda if a member has requested it in accordance with this paragraph.
- (C) Public notice. The agenda for all meetings shall be posted by the city secretary on the City's official bulletin board in accordance with the Texas Open Meetings Act and on the City's website. [Texas Government Code Sec. 551.043 and 551.050, and City Code, Ch. 8, Sec. 8-7.]
- (D) Quorum. A quorum exists when there are physically present a simple majority of the number of members officially appointed to the Commission, regardless of the total number of members actually provided for the Commission, except that a quorum may not be fewer than six members. [City Code Sec. 51A-3.103(b).]

- (E) Items taken in order. The items on the Commission agenda [~~docket~~] must be acted upon in the order in which they appear, unless, upon a majority vote, the Commission determines [~~finds~~] that:
- (1) the reordering of items will accommodate members of the public who have appeared to offer comment or testimony;
  - (2) the grouping of certain items [~~eases~~] together provides a more expeditious means to handle those items [~~eases~~];
  - (3[2]) the special nature of a particular item [~~ease~~] indicates that it should be acted upon earlier or later than the other items in the agenda [~~docket~~]; or
  - (4[3]) a hardship is shown.
- (F) Discussion.
- (1) A member who desires to speak must be recognized by the chair. No member shall address the chair or demand the floor while a vote is being taken. [[~~(C)~~City Code, Ch. 8, Sec. 8-13.]]
  - (2) All discussion must be limited to the question under consideration, and all discussion must be addressed to the chair [~~Commission~~] and not to individual members. [City Code, Ch. 8, Secs. 8-10, 8-22(b), and 8-22(e).]
  - (3) No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak on the subject shall have spoken, and no member shall speak more than twice upon any one subject, nor for a longer time than five minutes, without a two-thirds affirmative vote of the Commission. The five-minute limitation includes time expended by the member on discussion, debate, and asking questions. [City Code, Ch. 8, Sec. 8-16.]
  - (4) A member, once recognized, shall not be interrupted while speaking unless called to order by the chair, except when a point of order is raised by another member or the speaker chooses to yield to questions from another member. If a member is called to order while speaking, the member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or otherwise [~~shall alter the remarks so as to~~] comply with rules of the Commission. [City Code, Ch. 8, Sec. 8-22(c).]
  - (5) The right of a member to address the Commission on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are assailed, questioned, or impugned. [[~~(C)~~City Code, Ch. 8, Sec. 8-19.]]

- (6) A member stopped from voting on a matter for reasons of financial interest shall:
- (a) refrain from discussing the matter at any time with any other member of the Commission or any other body that will consider the matter;
  - (b) leave the room during the debate and hearing; and
  - (c) refrain from voting on the matter. [[({}City Code, Ch. 8, Sec. 8-14.{}]]
- (G) Required statement. Each person who speaks at a public hearing must state his or her name, address, and, if applicable, who he or she represents.
- (H) Hearings for Certificates of Appropriateness.
- (1) Applications. An application for a certificate of appropriateness must be submitted in writing to the director of development services on a form provided by the city. The application must include two copies of all plans and other documents related to the work. [[({}City Code, Ch. 51A, Sec. 51A-4.501.{}]]
  - (2) Consent and discussion agenda [docket]. The applications shall be divided into a consent agenda [docket] and a discussion agenda [docket]. The applications on the consent agenda [docket] shall be grouped together and the Commission shall take one vote on that entire agenda [docket]. Unless the Commission takes an application out of order in accordance with Section 6(E) of these rules, the Commission must vote on the consent agenda [docket] before voting on any application on the discussion agenda [docket]. Prior to the vote on the consent agenda [docket], any member or city staff may remove an application from that agenda [docket] and place it on the discussion agenda [docket]. The applications on the discussion agenda [docket] shall be grouped by historic district and the districts shall be taken in alphabetical order, unless the Commission takes an application out of order in accordance with Section 6(E) of these rules.
  - (3) Procedure. Each public hearing concerning an application for a certificate of appropriateness must be conducted in the following order:
    - (a) City staff shall give a briefing concerning the application, including the address of the property for which the application has been made and a summary of the proposed work.
    - (b) If applicable, city staff shall lead an official inspection tour of the property for which the application has been made.

- (c) City staff shall state the staff recommendation regarding the application.
  - (d) The chair, or [~~in the chair's absence,~~] a member selected by the chair [~~of the task force that reviewed the application~~], shall state the task force recommendation regarding the application.
  - (e) Each side of the issue shall have a maximum of 15 minutes to make a presentation, but no person may speak for more than five minutes. Those persons who want the Commission to approve the application shall speak first. The applicant has the right to be the first speaker. After each person has finished speaking, any member may question the speaker. The questions and answers shall not count against the time allocated to that side. All evidence presented to the Commission during this time shall be placed in an appropriate file by the Commission's secretary.
  - (f) After giving members an opportunity to ask questions, the chair shall close the public hearing. Each member may then address the Commission in accordance with Section 6(F) of these rules. After debate has been closed, the chair shall call for a motion regarding the application.
  - (g) The Commission may alter the time limits in this subsection by a majority vote.
- (I) Intermissions. Intermissions may be taken at regular intervals during meetings. The length of the intermission shall be announced by the chair, and members must return to their seats in the meeting room promptly at the conclusion of the intermissions.

## SECTION 7. CONDUCT OF MEMBERS.

- (A) While in the meeting room during a meeting, members shall comport themselves at all times in a manner consistent with the Code of Conduct contained in Article V of Chapter 8 of the Dallas City Code, as amended, and each member shall:
  - (1) not use the telephones in the meeting room;
  - (2) refrain from reading materials not pertinent to business of the Commission; [~~and~~]
  - (3) refrain from any other activity that could possibly divert their attention or that of other members from the matters properly before the Commission as a whole; and
  - (4) during Commission meetings, members shall preserve order and decorum and shall neither, by conversation or otherwise, delay or interrupt the

proceedings nor refuse to obey the orders of the chair or the rules of the Commission. All members shall accord the utmost courtesy to each other, to city employees, and to members of the public appearing before the Commission and shall refrain at all times from rude and derogatory remarks, reflection as to integrity, abusive comments, and statements as to motives and personalities. [City Code, Ch. 8, Sec. 8-22(a) and (d)]

- (B) A member temporarily absent from a meeting shall return to the meeting as soon as possible.

#### SECTION 8. CONDUCT OF CITIZENS AND OTHER VISITORS.

- (A) Citizens and other visitors are welcome to attend all public meetings of the Commission and will be admitted to the meeting room up to the fire safety capacity of the room. [City Code, Ch. 8, Sec. 8-25(a).]
- (B) Citizens and other visitors attending Commission meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members. Any person making personal, impertinent, profane, or slanderous remarks or who becomes boisterous while addressing the Commission or while attending a Commission meeting shall be removed from the room by the sergeant-at-arms if the chair so directs, and that person shall be barred from attending the remainder of that meeting. [City Code, Ch. 8, Sec. 8-25(b).]
- (C) Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the chair, who shall direct the sergeant-at-arms to remove offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the chair. If the chair fails to act, any member may move to require the chair to act to enforce the rules, and the affirmative vote of the majority of the Commission shall require the chair to act. [City Code, Ch. 8, Sec. 8-25(c).]

#### SECTION 9. EXECUTIVE SESSIONS.

- (A) The Commission may remove itself from an open meeting by moving to go into an executive session. Only matters allowed under the Texas Open Meetings Act ~~[by state law]~~ may be addressed in an executive session. All communication in an executive session is privileged information. The privilege can only be waived by a member by formal waiver. Members are cautioned that discussing the privileged communication with a member of the public, the media, or any other person not privy to the executive session may damage the privilege. Members shall not intentionally or knowingly disclose any confidential government information gained by reason of the member's position. [City Code, Ch. 12A, Sec. 12A-6(b).] The Commission may only ~~[shall not]~~ hold an executive session ~~[except]~~ when:
  - (1) seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the

Commission's attorney to his client under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act;

(2) deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person;

(3) deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person;

(4) deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing;

(5) deliberating the deployment, or specific occasions for implementation, of security personnel or devices; or

(6) discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Texas Government Code Chapter 551, Subchapter D] [it is considering the merits or deficiencies of an individual potential appointee to a task force, discussing complaints about or evaluations of individual staff members, or seeking the advice of its attorney on the following matters:

(1) pending or contemplated litigation;

(2) settlement offers;

(3) risk of liability of the Commission or individual members thereof for taking an action; or

(4) any matter where the duty of the Commission's counsel to his client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, conflicts with the Open Meetings Law.] (Texas Gov't Code §§551.071 et seq.)]

(B) A motion to go into an executive session must be seconded and requires a majority vote. If the motion passes, the Commission shall follow the following procedure:

- (1) The chair shall announce that the Commission is going into an executive session, identifying the section of the Texas Open Meetings Act under which the executive session is held.
  - (2) The chair shall announce the time.
  - (3) Members shall move quickly to the location of the executive session with no discussion among themselves or with members of the public or media.
  - (4) The chair shall announce the date and time at the beginning of the executive session.
  - (5) The executive session must be tape recorded.
  - (6) The chair shall announce the date and time at the end of the executive session.
  - (7) At the end of the executive session, members shall return quickly to the meeting room with no discussion among themselves or with members of the public or media.
  - (8[5]) The chair shall announce the date and time when the Commission resumes the open meeting. [Texas Government Code Chapter 551, Subchapter E; Dallas City Code §8-6(b)]
- (C) No formal vote shall be taken in an executive session on any matter under consideration, nor shall a member enter into a commitment with another member respecting a vote to be taken subsequently in a public meeting of the Commission.

#### SECTION 10. ATTENDANCE.

- (A) All regular members must comply with the attendance rules [~~set forth~~] in Chapter 8 of the Dallas City Code. No member shall be excused from attendance at a meeting unless for medical reasons certified to by a physician or unless excused by the Commission and the City Council. A member having three unexcused absences in succession shall forfeit membership on the Commission. A member who is absent from more than 25 percent of the regular meetings during any twelve month period, whether excused or not, shall forfeit membership on the Commission. Any office that has been forfeited under the provisions of this subsection shall be filled for the remainder of the term by appointment of the City Council. For purposes of this subsection, the record of a member's absences will begin with the first regular meeting after the 15th day from the date the member received notice of appointment. [Dallas City Charter Ch. XXIV, Sec. 17; Dallas City Code Ch. 8, Sec. 8-20]
- (B) A member may not leave a meeting without acknowledgment by the chair. A member who leaves a meeting after the Commission has been duly called to order and is absent for the remainder of the meeting without first obtaining the consent

of the chair shall be charged with an unexcused absence for that meeting. The consent of the chair may be given only in an emergency beyond the control of the member that requires the member to leave the meeting. [City Code, Ch. 8, Sec. 8-21.]

- (C) A member absent from the meeting room because of a conflict of interest is not absent for purposes of the attendance rules.
- (D) A member will be counted absent unless the member attends both the inspection trip and the meeting, or the member represents that a personal inspection has been made of each location visited by the inspection trip and attends the meeting. A member who certifies visiting one or more, but not all, of the scheduled sites visited by the inspection trip is absent for the purpose of the attendance rules. A member can certify inspection trip attendance by submitting a "Personal Inspection of Sites" form to the Commission secretary. [Dallas City Code §8-20.1]
- (E) A member who is not present for the briefing will be counted absent for the purpose of the attendance rules, but will be able to vote on items during the hearing.

#### SECTION 11. VOTING AND VOTING QUALIFICATIONS.

- (A) Every member present when a question is put shall vote either "yes" or "no," unless the member is prevented from voting because of conflict of interests. A member who is absent from the meeting during a vote and returns to or arrives at the meeting before adjournment shall, upon returning or arriving, vote on the question for the record unless prevented from voting by a conflict of interests. A member must be physically present in the meeting room to vote except that a member who is present during the meeting [in accordance with Section 10 of these rules] who does not vote and who is not prevented from voting by a conflict of interests shall be recorded as having voted in the affirmative, unless the member has obtained the consent of the chair to leave the meeting and is absent for the remainder of the meeting. [City Code, Ch. 8, Sec 8-17.]
- (B) The chair shall state~~[, or direct a member to state,]~~ each motion before it is submitted for a vote. The chair~~[, or a member of city staff as directed by the chair,]~~ shall then call for an affirmative and negative vote, and announce the result. [City Code, Ch. 8, Sec. 8-11.]
- (C) A roll call vote shall be taken upon the request of any member. [City Code, Ch. 8. Secs. 8-11 and 8-18.]
- (D) Once cast and called out, no vote may be changed except through a reconsideration in accordance with Section 5(C) of these rules. Votes called out in error must be corrected immediately on the public record. Votes registered improperly in the minutes may be corrected by following the procedure set forth in Section 12 of these rules.

## SECTION 12. MINUTES.

- (A) Within five ~~[working]~~ days after ~~[of]~~ any meeting, a list of members absent from the meeting, and a draft of the minutes from that meeting must be filed in the office of the city secretary (or the Commission secretary in the case of a task force or committee meeting). ~~[[{City Code, Sec. 8-8.}]]~~
- (B) The draft of the minutes shall be distributed to the Commission no later than the second official meeting after that meeting.
- (C) Corrections to the minutes may be submitted to the secretary of the Commission at any time up until the second official meeting after the meeting at which the draft was distributed.
- (D) Unless the corrections address changes in the registration of votes or changes in the wording of a motion, the secretary shall incorporate the changes.
- (E) If corrections address changes in the registration of votes or changes in the wording of a motion, the secretary shall prepare the portion of the official record relied on in the preparation of the draft and present it to the Commission. The Commission shall vote, after hearing the record, whether to accept the correction as submitted, modify the correction, or let the minutes stand.
- (F) The approved minutes shall be filed in the office of the city secretary within five ~~[working]~~ days after ~~[of]~~ the meeting at which the minutes were approved. [City Code, Sec. 8-8.]

## SECTION 13. ENFORCEMENT.

Members, citizens, and other visitors shall be removed from the meeting for failure to comply with decisions of the chair or continued violations of the rules of the Commission or the City Code. If the chair fails to act, any member may move to require the chair to enforce the rules, and the affirmative vote of a majority of the Commission shall require the chair to act. [City Code, Ch. 8, Sec. 8-22(f) and 8-25(c).]

## SECTION 14. TASK FORCES.

- (A) Purpose.
  - (1) Task forces provide technical expertise to property owners so that renovations, alterations, and new construction will be historically appropriate, consistent with the preservation criteria, and in keeping with the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties.
  - (2) Task forces make recommendations to the Commission on applications for predesignation certificates of appropriateness, certificates of

appropriateness (other than routine maintenance), and certificates for demolition or removal~~[, and certificates of eligibility]~~.

- (B) Creation. The Commission shall ~~[may]~~ create task forces as needed. All task forces must be listed on the Commission's website. The Commission may add or delete task forces from this list without the approval of City Council. Additional task forces subject to the rules in this section may be created and added to these lists without city council approval. Task forces may be deleted upon a two-thirds vote of the Commission. The task forces of the Commission as of *insert date of passage* are:

- (1) Central Business District, Harwood Street, West End, Deep Ellum, and Individual Landmarks.
- (2) Fair Park.
- (3) Peak's Suburban and LaVista Court.
- (4) Swiss Avenue and Munger Place.
- (5) South Boulevard-Park Row.
- (6) State Thomas and Wilson Block.
- (7) Wheatley Place and Tenth Street.
- (8) Winnetka Heights and Lake Cliff.
- (9) Junius Heights.
- (10) Cemeteries and Open Spaces.

- (C) Nominees.

- (1) The city staff will assemble a list of nominees to the task forces. Nominees will be solicited from, but not limited to, neighborhood associations, current task force members, the associations listed in Section 51A-3.103(a)(2) of the Dallas Development Code, and other community associations.
- (2) All nominees shall ~~[must]~~ submit an application to the Commission. Professional nominees shall ~~[must]~~ also submit a resume to the Commission. The resume, if required, and the application must be submitted to the Commission prior to appointment.

- (D) Qualifications. Regular and alternate members of task forces shall ~~[must]~~ meet the qualifications for service in Section 8-1.4(a)(4) (no litigation or claims against the city), (5) (no interest in litigation or claims against the city), (6) (not in arrears

on any city taxes, water service charges, or other obligations owed the city), and (7) (creditable record of service) of the Dallas City Code. Regular and alternate members of task forces shall [must] meet, at the time of appointment and during the entire period of service, all qualifications for appointment.

(E) Appointment.

- (1) All appointments to task forces, other than ex-officio members, must be approved by the Commission.
- (2) The Director of the Department of Development Services, with the assistance of the Director of the Department of Code Enforcement, will assign the ex-officio members to the task forces.
- (3) Any vacant position on a task force must be filled by the same process for original appointment, regardless of when the vacancy arises.

(F) Membership.

- (1) The membership of each task force is to be composed of seven regular members. ~~[must include:]~~

(a) All task forces other than the Fair Park task force and Cemeteries and Open Spaces task force shall consist of:~~[two residents or property owners from each historic district within the task force area (except]~~

(i) ~~four residents or property owners [for South Boulevard Park Row) (except four residents or property owners for Fair Park) (except four residents or property owners]~~ from the historic districts within the task force area ~~[collectively for the Central Business District, Harwood Street, West End, Deep Ellum, and Individual Landmarks task force)];~~

~~[(b)]~~ (ii) one architect; and

~~[(c)]~~ (iii) two professionals in the fields of history, art, architecture, architectural history, urban history, urban planning, urban design, historic real estate development, landscape architecture, real estate appraisal, archeology, or historic preservation.

(b) The Fair Park task force has unique constraints and requirements because Fair Park has a single owner, the City of Dallas; it is a national historic landmark; and it is a state archeological landmark. The Fair Park task force shall consist of:

(i) a representative of the State Fair of Texas,

- (ii) a representative of Friends of Fair Park,
  - (iii) a representative of one other stakeholder or tenant of Fair Park, and
  - (iv) four professionals with experience in historic preservation who practice in the fields of architecture, historic preservation, engineering, landscape architecture, architectural history, urban design and planning, archeology, or historic real estate development. Of the professional members, at least two must have architectural or engineering training and at least two must have demonstrated active professional historic preservation expertise. One professional member may satisfy more than one of the minimum requirements for professional members.
- (c) The Cemeteries and Open Spaces task force shall consist of:
- (i) a representative of the park and recreation department or a member of the park board;
  - (ii) two members who either own property adjacent to a cemetery or open space that has been designated a city historic district or that are associated with a cemetery or open space that has been designated a city historic district; and
  - (iii) four professionals with experience in historic preservation who practice in the fields of architecture, historic preservation, engineering, landscape architecture, architectural history, urban design and planning, archeology, or historic real estate development. Of the professional members, at least two must have architectural or engineering training and at least two must have demonstrated active professional historic preservation expertise. One professional member may satisfy more than one of the minimum requirements for professional members.
- (2) At least two of the architects or professionals, as listed above in Subsections (F)(1)(a)(ii[b]) and (iii[e]), must not be a resident or own property within the task force area.
- (3) In addition to the regular members, two alternate members may be appointed to serve in the absence of the regular members. Of the alternate members appointed to serve on the Fair Park task force, one must be a

representative of a stakeholder as described in Subsection (F)(1)(b)(i) and one must be a professional with experience in historic preservation in one of the fields listed in Subsection (F)(1)(b)(iv).

- (4) A code compliance officer and a member of city staff will serve as ex-officio members to each task force.
- (5) Members of the Commission may not serve on task forces.
- (6) A person may serve on more than one task force (provided the person meets the requirements for service).
- (7) Each task force member shall ~~[must]~~ provide a phone number that may be made available to the public.
- (8) For ~~[the Central Business District, Harwood Street, West End, Deep Ellum, and Individual Landmarks task force; the Fair Park task force; and the State Thomas and Wilson Block]~~ task forces~~;~~ for nonresidential districts, representatives from the entities that use or are located in these districts may also be considered "residents or property owners."

(G) Officers.

- (1) The task force chair shall ~~[must]~~ be elected by the regular members at the first meeting after appointment of the task force. If the task force fails to elect a task force chair, the chair of the Commission shall ~~[will]~~ select a task force chair.
- (2) The task force chair shall ~~[must]~~:
  - (a) enforce rules of order and decorum.
  - (b) encourage regular attendance by task force members, and ensure that attendance records are kept by city staff.
  - (c) sign the task force recommendation reports.
  - (d) ensure that meetings are recorded using audio cassettes or other appropriate electronic media or that ~~[the]~~ minutes of the task force meeting are kept by city staff.
  - (e) ensure that site visits are made when necessary.
- (3) The task force shall ~~[may]~~ elect a vice-chair ~~[and secretary]~~. In [The task force may assign appropriate duties to] the absence of the chair, the vice-chair shall exercise the powers of the chair ~~[and secretary]~~.

(H) Terms.

- (1) Appointments are approved for a two-year period running concurrently with the terms of the members of the Commission. Members of the task forces must reapply every two years concurrently with appointment of the Commission.
- (2) A member may remain on the task force until that member is reappointed or replaced. ~~[A person who has served as a regular task force member for four consecutive two-year terms is ineligible to serve on that same task force until at least one term has elapsed. In determining whether a full term has been served, the definition of "term" that applies to city council members in Chapter III, Section 3A(e) of the city charter, will apply to task force members.]~~
- (3) A task force member who fails to perform the duties required or fails to comply with the rules of conduct in Section 7 may be discharged at any time by a two-thirds vote of ~~[all members of]~~ the ~~[entire]~~ Commission.

(I) Quorum.

- (1) A quorum consists of a simple majority of the appointed task force members.
- (2) If the task force is unable to obtain a quorum, the task force chair may reschedule the meeting. If the meeting is not rescheduled, the task force members present shall ~~[must]~~ complete the task force recommendation report, noting that the task force was unable to obtain a quorum, and the individual task force members' comments may be forwarded to the Commission as comments only. Failure of a task force to obtain a quorum does not prevent the Commission from taking action on an application.

(J) Attendance.

- (1) The Commission may remove a task force member in accordance with Section 14(H)(3) for failure to perform his or her duties if the task force member is absent from an excessive number of task force meetings. ~~[A task force member who is absent from more than 25 percent of the regularly scheduled meetings in any 12 month period, whether excused or not, shall forfeit membership on the task force.]~~
- (2) If the Commission removes a task force member due to an excessive number of absences, the Commission shall fill the position for the remainder of the term by appointing a new task force member.
- (3) A member is counted as present if a regularly scheduled meeting is canceled.

- [~~(3)~~ ~~A position on a task force that has been forfeited due to insufficient attendance shall be filled for the remainder of the term by appointment of the Commission.~~]
- (2[4]) The record of a member's absences will begin with the first regular meeting after the 15th day from the date the member received notice of appointment.
- (5) ~~Attendance rules do not apply to alternate members. [If a task force schedules a site visit, a member will be counted absent unless the member attends both the site visit and the meeting, or the member represents that a personal inspection has been made of each location and attends the meeting.]~~

(K) Meetings.

- (1) Each task force shall [~~must~~] have a regularly scheduled monthly meeting, except that a task force need not meet if it has no business.
- (2) Each task force, after consultation with city staff, shall set a regular, fixed meeting date, time, and location.
- (3) Special meetings may be called by the task force chair when necessary.
- (4) All task force meetings (special and regular) are open to the public. All task force meetings (special and regular) must comply with the Texas Open Meetings Act.
- (5) City staff shall [~~must~~] notify any interested person or association of the date, time, and place of each task force regular and special meeting.
- (6) Task force meetings shall [~~must~~] be conducted in accordance with "Robert's Rules of Order." [~~All persons present at task force meetings must:~~
  - (a) ~~preserve order and decorum.~~
  - (b) ~~not delay or interrupt the proceedings.~~
  - (c) ~~obey the orders of the task force chair.~~
  - (d) ~~accord the utmost courtesy to each other, city employees, and the public.~~
  - (e) ~~refrain from rude and derogatory remarks, reflection as to integrity, abusive comments, and statements as to motives and personalities.]~~

(L) Agendas.

- (1) City staff shall ~~[must]~~ supply an agenda to the task force, the designated contact person for the appropriate neighborhood ~~[and/]~~ or neighborhood association, and any persons who request to receive task force agendas.
- (2) The task force, with the assistance of c[€]ity staff will identify the sections of the historic district ordinance and the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties relevant to each item at the meeting.
- (3) The task force agenda must be posted on a bulletin board at a place convenient to the public in the city hall in accordance with the Texas Open Meetings Act, and on the City's website.

(M) Task force recommendation reports and minutes.

- (1) Every task force member who is present at a meeting shall ~~[must]~~ vote, except that a task force member may not vote if the task force member would be prevented from voting by Section 12A-3, "Improper Economic Benefit," of the Dallas City Code if the task force member were considered as a "city official." Ownership of property in the historic district does not constitute a financial interest in the case, unless the property is the subject of the application being considered.
- (2) ~~[The task force recommendation must be made independently of the city staff recommendation. It is the city staff's role to provide technical information and analysis at the task force meeting.]~~
- (3) If a quorum is present, t[F]he task force chair shall ~~[must]~~ complete a written task force recommendation report on each application. The official task force recommendation report must indicate:
  - (a) The date, time, and location of the meeting.
  - (b) The task force members present.
  - (c) Whether a quorum was obtained.
  - (d) Whether a site visit was made.
  - (e) The votes of the members.
  - (f) The recommendation of the task force.
  - (g) The basis for the recommendation of the task force.
  - (h) Any dissenting opinions.

- (i) The name and address of any party who spoke in favor of, or in opposition to, any application.
  - (j) Task force members may attach individual comments to the task force recommendation report. An individual comment must be provided separately from the report, clearly indicating that it is an individual comment from the named member.
- (3) If a quorum is not present, the task force chair may reschedule the meeting. If the meeting is not rescheduled, the task force members present shall prepare comments. The lack of an official task force recommendation does not prevent the Commission from taking action on an application. The comments must indicate:
  - (a) The date, time, and location of the meeting.
  - (b) The task force members present.
  - (c) That an insufficient number of members were present to provide an official task force recommendation and that the report is only an informal recommendation.
  - (d) Whether a site visit was made.
  - (e) The comments of the task force members.
  - (f) The basis for the comments of the task force members.
  - (g) Any dissenting opinions.
  - (h) The name and address of any party who spoke in favor of, or in opposition to, each application.
  - (i) Task force members may attach individual comments to the comment report. An individual comment must be provided separately from the report, clearly indicating that it is an individual comment from the named member.
- (4) Each task force shall ~~[must]~~ keep minutes of its meetings or record its meetings using audio cassettes or other appropriate electronic media. ~~[City staff will prepare the minutes for each task force.]~~
- (5) All actions of the task force are public. Task ~~[and copies of the minutes and task]~~ force recommendation reports and comments must be made available by the city staff to the public upon request. Recordings of task force meetings, or meeting minutes, as applicable, must be available for public inspection and copying in compliance with the Texas Public

Information Act. At the earliest possible time, City staff shall ~~[must]~~ send a copy of the task force recommendation report and the city staff recommendation to the property owner and the designated contact person for the appropriate neighborhood ~~[and]~~ or neighborhood association.

- (6) Task forces are advisory to the Commission. As such, actions taken or recommendations made by a task force are not binding on the Commission.

(N) Training.

- (1) The Commission, with the assistance of preservation professionals and city staff, shall ~~[must]~~ provide training and reference notebooks to task force members at least once per term ~~[year]~~.
- (2) No person may serve on a task force until the person has received an initial briefing, directed to the level of expertise of the member on historic preservation, that includes at least the following topics: the city of Dallas historic district enabling ordinance, the historic district ordinance governing the task force's district, the Secretary of the Interior's Standards, the rules of procedure for the task force, and the Texas Open Meetings Act ~~[been supplied with appropriate materials for his or her education]~~. Staff shall provide an information packet for the briefing that includes copies of all of these regulations. The briefing may be provided by city staff or the chair of that task force.

- (O) Unfair advancement of private interests. A task force member may not use his or her position to unfairly advance or impede personal interests by granting or securing, or by attempting to grant or secure for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to every other person or organization.

SECTION 15. COMMITTEES.

- (A) Standing Committees. The designation committee is a standing committee~~[s of the Commission are:~~
  - (1) Designation.
  - (2) Endangered neighborhoods.
  - (3) Evaluation and research.
  - (4) Historic sites.
  - (5) Public information.
  - (6) Preservation incentives.

(7) ~~Publicly owned sites~~].

[(B) ~~Other committees. Committees other than standing~~] Other committees may be appointed from time to time by the Commission.

(B[~~C~~]) Committee rules.

- (1) Each committee shall determine its meeting times. The date, time, and place of each regular committee meeting must be published in the Commission's agenda. Special committee meetings must be posted on the city's bulletin board and on the city's website in accordance with the Texas Open Meetings Act.
- (2) All committee meetings (special and regular) are open to the public. All committee meetings (special and regular) must comply with the Texas Open Meetings Act.
- (3) Each committee must keep minutes of its meetings or record its meetings using audio cassettes or other appropriate electronic media.
- (4) All actions of a committee are public. Committee recommendation reports must be made available by the city staff to the public upon request. Recordings of committee meetings, or meeting minutes, as applicable, must be available for public inspection and copying in compliance with the Texas Public Information Act.
- (5) A committee may be discharged by a two-thirds vote of the entire Commission.
- (6[3]) Any item may be taken from a committee and considered by the Commission upon a majority vote of the Commission.
- (7[4]) A committee shall undertake its duties as directed by the Commission.
- (8[5]) Committees are advisory to the Commission. Actions taken or recommendations made by a committee are not binding on the Commission.

(C[~~D~~]) Committee Creation, Membership, and Appointment [of Committees].

- (1) All committees are created and appointments approved by the Commission.
- (2) Members of the Commission may serve as voting committee members.

- (3) Members and alternates of committees, and the chair of each, are appointed by the chair of the Commission subject to the approval of the Commission. A potential nominee to a committee ~~[föree]~~ must fill out the Commission-approved service form and these forms must be furnished to the Commission at the time of the nomination. ~~[Members of committees must be voted on, if at all, as a group and not individually. If no objection is raised within 30 days of the appointments, the]~~ A[a]ppointments are approved for a two-year period that runs concurrently with the terms of the members of the Commission. Any vacant position on a committee must be filled by this process, regardless of when the vacancy arises.
- (D) Attendance. The chair of the committee may ask the Commission for a committee member's removal for an excessive lack of attendance. The Commission may remove the committee member by a two-thirds vote.
- (E) Qualifications. Regular and alternate members of committees shall meet the qualifications for service in Section 8-1.4(a)(4) (no litigation or claims against the city), (5) (no interest in litigation or claims against the city), (6) (not in arrears on any city taxes, water service charges, or other obligations owed the city), and (7) (creditable record of service) of the Dallas City Code. Regular and alternate members of task forces shall meet, at the time of appointment and during the entire period of service, all qualifications for appointment.
- (F) Officers.
- (1) The chair of each committee shall:
- (a) enforce rules of order and decorum.
- (b) encourage regular attendance by committee members, and ensure that attendance records are kept by city staff.
- (c) ensure that committee meetings are recorded using audio cassettes or other appropriate electronic media or that minutes of each meeting are kept by city staff.
- (2) Each committee shall elect a vice-chair. In the absence of the chair, the vice-chair shall exercise the powers of the chair.
- (G) Quorum. A quorum exists when there are physically present a simple majority of the number of members officially appointed to a committee, regardless of the total number of members actually provided for the committee.
- (H) Agendas. The committee agenda must be posted on a bulletin board at a place convenient to the public in the city hall in accordance with the Texas Open Meetings Act and on the City's website.

SECTION 16. DESIGNATION COMMITTEE.

- (A) General. Except as modified in this section, the rules governing committees in Section 15 apply to the designation committee.
- (B) Purpose.
  - (1) The designation committee identifies historic properties and neighborhoods that merit designation as city historic districts.
  - (2) The designation committee provides guidance to property owners and neighborhood activists in the preparation of designation reports.
  - (3) The designation committee makes recommendations to the Commission concerning the establishment of city historic districts and their preservation criteria.
  - (4) The designation committee makes recommendations concerning changes to existing preservation criteria.
- (C) Meetings.
  - (1) The designation committee, after consultation with city staff, shall set a monthly meeting date, time, and location.
  - (2) Special meetings may be called by the designation committee chair when necessary.
- (D) Designation committee reports.
  - (1) Every designation committee member who is present at a meeting must vote, except that a committee member may not vote if the committee member lives within the notification area.
  - (2) The designation committee chair must complete a written designation committee recommendation report before an item is forwarded to the Commission. The designation committee recommendation report must indicate:
    - (a) the date, time, and location of the meeting;
    - (b) the members present;
    - (c) the votes of the members;
    - (d) the recommendation of the designation committee;
    - (e) the basis for the recommendation of the designation committee;

- (f) any dissenting opinions; and
- (g) the name and address of each party who spoke in favor of, or in opposition to, each recommendation.

SECTION 17. OTHER RULES OF PROCEDURE.

Unless otherwise specified in these rules, the proceedings of the Commission shall in all cases be governed by rules of order as set forth in the most recent edition of "Robert's Rules of Order."[-] [[{City Code, Ch. 8, Sec. 8-5.}]]

SECTION 18[7]. AMENDMENTS TO RULES OF PROCEDURE.

These rules may be amended, supplemented, or changed from time to time by a majority vote of the Commission in conformance with the Dallas City Code, as amended.

# **Appeals Procedures**



## CPC RECOMMENDATION

SECTION 1. That Paragraph (3), "Fee Schedule," of Subsection (k), "Fees for Miscellaneous Items," 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:

"(3) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Minor plan amendment	\$825.00	[200 feet. See also note below]
Detailed development plan when submitted after passage of an ordinance establishing a planned development district	\$600.00 for each submission	
Waiver of the two year waiting period under Section 51A-4.701(d)(3)	\$300.00	
Extension of the development schedule under Section 51A-4.702(g)(3)	\$75.00	
Waiver of requirement of proof that taxes, fees, fines, and penalties are not delinquent under Section 51A-1.104.1	\$200.00	
Appeal to the city council of a moratorium on a zoning or nonzoning matter handled by the department of development services	\$300.00	
Request for a letter from the department of development services explaining the availability of water services for a development site	\$150.00	

Request for a letter from the department of development services explaining the availability of wastewater services for a development site \$150.00

Request for performance of a wastewater capacity analysis on an existing wastewater line to determine its capacity for a proposed development or land use \$800.00

Appeal an apportionment determination to the city council \$600.00

Appeal a decision of the landmark commission to the city plan commission regarding a single family property. \$300.00

Appeal a decision of the landmark commission to the city plan commission regarding any property type other than single family. \$700.00

Note: The Director shall also send notification of minor plan amendments to the city plan commission members, any known neighborhood associations covering the property, and persons on the early notification list at least 10 days prior to the public hearing."

SECTION 2. That Paragraph (7), "Appeal," of Subsection (d), "Predesignation Certificate of Appropriateness," of Section 51A-4.501, "Historic Overlay District," of Division 51A-4.500, "Overlay and Conservation District Regulations," of Article VI, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(7) Appeal. If a predesignation certificate of appropriateness is denied, the chair of the landmark commission shall verbally inform the applicant of the right to appeal to the city plan commission. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. The applicant may appeal

the denial to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. The director shall forward to the city plan commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan commission shall review the landmark commission record ~~[hear and consider testimony and evidence concerning the previous recommendations and actions of the city staff and the landmark commission and its task forces]~~. The city plan commission may not hear new testimony or ~~[and]~~ consider new evidence that was not presented ~~[available]~~ at the time of the hearing before the landmark commission. In reviewing the landmark commission decision, the city plan commission shall use the substantial evidence standard in Section 51A-4.501(m). ~~The city plan commission [shall have the same authority as the landmark commission regarding the matter being appealed, and] may reverse or affirm, in whole or in part, [or] modify the decision of the landmark commission, or [; however, the city plan commission shall give deference to the decision of the landmark commission, considering the record made before the landmark commission. The city plan commission shall have the option to] remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy."~~

SECTION 3. That Subparagraph (E), "Appeal," of Paragraph (6), "Standard Certificate of Appropriateness Review Procedure," of Subsection (g), "Certificate of Appropriateness," of Section 51A-4.501, "Historic Overlay District," of Division 51A-4.500, "Overlay and Conservation District Regulations," of Article VI, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(E) Appeal. If a certificate of appropriateness is denied, the chair of the landmark commission shall verbally inform the applicant of the right to appeal to the city plan commission. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. The applicant may appeal the denial to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. The director shall forward to the city plan commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan commission shall review

~~the landmark commission record [hear and consider testimony and evidence concerning the previous recommendations and actions of the city staff and the landmark commission and its task forces]. The city plan commission may not hear new testimony or [and] consider new evidence that was not presented [available] at the time of the hearing before the landmark commission. In reviewing the landmark commission decision, the city plan commission shall use the substantial evidence standard in Section 51A-4.501(m). The city plan commission [shall have the same authority as the landmark commission regarding the matter being appealed, and] may reverse or affirm, in whole or in part, [or] modify the decision of the landmark commission, or [; however, the city plan commission shall give deference to the decision of the landmark commission, considering the record made before the landmark commission. The city plan commission shall have the option to] remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy."~~

SECTION 4. That Paragraph (5), "Appeal," of Subsection (h), "Certificate for Demolition or Removal," of Section 51A-4.501, "Historic Overlay District," of Division 51A-4.500, "Overlay and Conservation District Regulations," of Article VI, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(5) Appeal. The chair of the landmark commission shall give verbal notice of the right to appeal at the time a decision on the application is made. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. Any interested person may appeal the decision of the landmark commission to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. If no appeal is made of a decision to approve the certificate for demolition or removal within the 30-day period, the building official shall issue the permit to allow demolition or removal. If an appeal is filed, the city plan commission shall hear and decide the appeal within 65 days after the date of its filing. The director shall forward to the city plan commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan commission shall review the landmark commission record ~~[hear and consider testimony and evidence concerning the previous recommendations and actions of the city staff and the landmark commission and its task forces].~~ The city plan commission may not

hear new testimony or [and] consider new evidence that was not presented [available] at the time of the hearing before the landmark commission. In reviewing the landmark commission decision, the city plan commission shall use the substantial evidence standard in Section 51A-4.501(m). The city plan commission [~~shall have the same authority as the landmark commission regarding the matter being appealed, and~~] may reverse or affirm, in whole or in part, [~~or~~] modify the decision of the landmark commission, or [~~;- however, the city plan commission shall give deference to the decision of the landmark commission, considering the record made before the landmark commission. The city plan commission shall have the option to~~] remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy."

SECTION 5. That Section 51A-4.501, "Historic Overlay District," of Division 51A-4.500, "Overlay and Conservation District Regulations," of Article VI, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Subsection (m), "Substantial Evidence Standard of Review," to read as follows:

"(m) Substantial evidence standard of review for appeals. The city plan commission shall give deference to the landmark commission decision and may not substitute its judgment for the landmark commission's judgment. The city plan commission shall affirm the landmark commission decision unless it finds that it:

- (1) violates a statutory or ordinance provision;
- (2) exceeds the landmark commission's authority; or
- (3) was not reasonably supported by substantial evidence considering the evidence in the record."

SECTION 6. That Section 51A-4.501, "Historic Overlay District," of Division 51A-4.500, "Overlay and Conservation District Regulations," of Article VI, "Zoning Regulations," of Chapter 51A, "Dallas Development Code:

Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Subsection (n), "Judicial review of decisions," to read as follows:

"(n) Judicial review of decisions.

The final decision of the city planning commission regarding an appeal of a landmark commission decision may be appealed to a state district court. The appeal to the state district court must be filed within 30 days after the decision of the city planning commission. An appeal to the state district court is limited to a hearing under the substantial evidence rule."

SECTION 7. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 8. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. 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.