

MAYOR
Will C. Beecherl
MAYOR PRO TEM
Craig Penfold
TOWN ADMINISTRATOR
Tobin E. Maples, AICP



TOWN COUNCIL
MEMBERS
Marc Myers
Lydia Novakov
Don Snell
Leland White

September 20, 2023

BOARD OF ADJUSTMENT MEMBERS

Chuck Reeder, Chairman
Stacey Furst
Joan Clark
Alison Hunsicker
Robert McCulloch
Nancy Rogers, Alternate Member
Jim Yoder, Alternate Member

Dear Board Members,

The Board of Adjustment will conduct a public hearing at 8:30 a.m. on Wednesday, September 27, 2023, to consider a variance from Sections 10-101 and 8-601 (1) to construct a new home that will exceed the maximum height for the C zoning district as well as within 40 feet of the rear property line on a lot located at 4501 Highland Drive. Section 10-101 of the Zoning Ordinance states the maximum height for the C zoning district is two (2) stories not to exceed 35 feet measured to the roof ridge. Section 8-601 (1) states that structures in the rear 40 feet of the lot shall be limited to 25 feet measured to the roof ridge. Height, in the C, D, E and F zoning districts, is the vertical distance of a building as measured from the average established grade at the street line or the natural front yard ground level at the building setback whichever is higher to the roof ridge. The existing topography drops in elevation approximately 7 feet from the northwest corner to the southeast corner of the property. The property owner and builder are requesting an additional 4 feet 6 inches of allowable height due to the topography of the property to construct a new single-family home.

The agenda, application, and meeting details are available on the Town's website www.hptx.org by clicking on the "Board of Adjustment" webpage.

Enclosed is a copy of: (i.) the application to the Board, (ii) email correspondence (iii.) the site plan, (iv.) building elevations, (v) site topography drawing, (vi) the public hearing notice map, and (vii.) a location map of the property.

Feel free to contact me at your convenience if you have any questions.

Sincerely,
Hugh Pender
Director of Development Services
hpender@hptx.org

cc: Will Beecherl, Mayor, via e-mail
Tobin Maples, Town Administrator, via e-mail
Matthew C.G. Boyle, Town Attorney, via e-mail
Steve Alexander, Chief Financial Officer, via e-mail
Joanna Mekeal, Town Secretary, via e-mail

APPEAL TO THE BOARD OF ADJUSTMENT
TOWN OF HIGHLAND PARK

(Please Type or Print)

ADDRESS 4501 Highland Dr Owner's Name Mrs. Hanna Cutshall

LEGAL DESCRIPTION: Lot(s) 7 Block 30 Addition Highland Park NO.2

Mailing Address 3419 Westminster #247

City Dallas State TX Zip Code 75205

1. Request: We are requesting a variance to section 8-601 of the Town's zoning ordinance. Given the significant natural fall of the subject lot from the west to the east, as well as from the North to the South we believe this lot should qualify for a property hardship as it relates to "How average natural grade should be measured." (Please reference attached emails from Mr. Hugh Pender dated 3/28 + 5/1)

2. Jurisdiction: [Applicant has reviewed Section 17-200 a,b, and c of the Highland Park Zoning Ordinance (copy attached) and is of the opinion that the Board of Adjustment has jurisdiction for the following reason(s)]

17-200 b : Permit such modifications of height, yard, fence location and fence height, coverage, easement obstruction regulations and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.

Additional information submitted by applicant _____

Fee Paid \$204 Date 5/18/23 Phone 214-537-3339

3. Signature of Owner _____

(To be completed by Building Inspection Department)

Reason for denial: Section 10-101 and 8-601

Explanation:
Section 10-101 of the Zoning Ordinance states the maximum height for the C zoning district is two (2) stories not to exceed 35 feet measured to the roof ridge.
Section 8-601 (1) states that structures in the rear 40 feet of the lot shall be limited to 25 feet measured to the roof ridge.
Height, in the C, D, E and F zoning districts, is the vertical distance of a building as measured from the average established grade at the street line or the natural front yard ground level at the building setback whichever is higher to the roof ridge.

Hugh Pender June 15, 2023
Building Inspector Date

Rusty Goff

From: Hannah Cutshall <hanncuts@me.com>
Sent: Thursday, May 18, 2023 12:19 PM
To: Rusty Goff
Cc: Dawn Hennig
Subject: Signed Variance request

**APPEAL TO THE BOARD OF ADJUSTMENT
TOWN OF HIGHLAND PARK**

(Please Type or Print)

ADDRESS 4501 Highland Dr Owner's Name Mrs. Hanna Cutshall

LEGAL DESCRIPTION: Lots 7 Block 30 Address Highland Park NO.2

Mailing Address 3419 Westminster #247

City Dallas State TX Zip Code 75205

1. Request: We are requesting a variance to section 8-601 of the Town's zoning ordinance. Given the significant natural fall of the subject lot from the west to the east, as well as from the North to the South we believe this lot should qualify for a property hardship as it relates to "How average natural grade should be measured."
(Please refer to attached emails from Mr. Hugh Linder dated 2/18/23)

2. Jurisdiction: (Applicant has reviewed Section 17-200 a, b, and c of the Highland Park Zoning Ordinance (copy attached) and is of the opinion that the Board of Adjustment has jurisdiction for the following reason(s))

17-200 b: Permit such modifications of height, yard, fence location and fence height, coverage, easement, obstruction, regulations and parking regulations as may be necessary to allow appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.
Additional information submitted by applicant:

Fee Paid \$204 Date 5/18/23 Phone 214-537-3339

3. Signature of Owner Hanna Cutshall

Reason for denial: Section _____
Explanation: _____

Building Inspector _____ Date _____

Sent from my iPhone

Rusty Goff

From: Hugh Pender <hpender@hptx.org>
Sent: Monday, May 1, 2023 10:31 AM
To: Rusty Goff
Cc: rmeadows@hptexas.org; John Reynolds
Subject: RE: 4501 Highland Drive

Rusty,

It appears that there is a grade change of at least 4 feet from the front build line to the rear of the property. With this topographic condition it seems like a classic case for the Board of Adjustment. I am generally available this week with the exception of Tuesday morning.

Hugh Pender | Director of Development Services | Town of Highland Park

4700 Drexel Drive
Highland Park, Texas 75205
hpender@hptx.org
Direct: 214.559.9408



From: Rusty Goff <Rusty@goffcustomhomes.com>
Sent: Friday, April 28, 2023 4:48 PM
To: Hugh Pender <hpender@hptx.org>
Cc: rmeadows@hptexas.org; John Reynolds <John@goffcustomhomes.com>
Subject: 4501 Highland Drive

Huge,
Attached, please find a Preliminary Site Plan for our upcoming project located at 4501 Highland Drive in Highland Park. Given the recent change in ordinance interpretation concerning structures in the rear 40' of the Lot, I would like to discuss this project with you. Our desire is to build a three car Garage structure in the rear 40' of the Lot, but given the natural grades on this Lot, and my understanding of how natural grade is going to be measured, I am not sure how this can be done? We are approaching completion of our Architectural and Structural Plans for this project, and prior to going much further with our efforts, I would like to meet with you and discuss the possibilities given the specific Lot characteristics? Please let me know when you might be available? Thanks and I look forward to hearing back from you?

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

To: 'kienast5@yahoo.com'; 'g.rankin@att.net'; 'dc@venturacustomhomes.com';
'ejwilliams076@gmail.com'; 'erik@barrowbg.com'; 'lboerder@lebarchitects.com';
'clow4us@sbcglobal.net'; 'Slprenovation@gmail.com'; 'lucy@level5retail.com';
'blake@knox-built.com'; 'taylor@starkcustomhomes.com'; 'joe@veritasdevelopers.com';
'BT@AVANDON.COM'; 'robby@sleepyhollowhomes.com';
'joe@newportgroupconstruction.com'; 'wwbenchmark@gmail.com'; 'Grant@lloydcc.net';
'invoices@sebastiancg.com'; 'arahad@msn.com'; 'smokate@scottand Reid.com';
'j_colbycraig@yahoo.com'; 'ashley@oleniohomes.com';
'sheri@barringercustomhomes.com'; 'accounting@homesmithcustombuilders.com';
'Josh@joshzielkehomes.com'; 'tim@islerhomes.com'; 'patrick@mccowen-sainton.com';
'david@onedmac.com'; 'mendozabrother13@gmail.com'; 'claysnelling@me.com';
'diane@dianefewisdesign.com'; 'kyle@hermandarden.com'; 'cyrusbarcus@gmail.com';
'mason@roberthopsongroup.com'; 'ben@danescustomhomes.com';
'mikew@doubledoorproperties.com'; 'coreyford@tommyford.net'; 'Blake@hudcg.com';
'newellcustomhomes@gmail.com'; 'crystal@redhousesolutions.net';
'godwinsanchez@ymail.com'; 'chris@blacklinerenovations.com'; 'chrisj@hw homes.com';
'office@underwoodch.com'; 'nelson@devega.com'; 'accounts@ellengrasso.com';
'admin@rwagc.com'; 'barry@bufordhawthorne.com'; 'mark@markcliftonhomes.com';
'brent@haroldleidner.com'; 'dennis@MullinixCustomHomes.com';
'LINDAMARQUART@ROCKETMAIL.COM'; 'smcilyar@att.net'; 'rhi700@aol.com';
'info@keiserelectric.com'; 'ben@rhclark.com'; 'joulia@proushomes.com';
'ben@coatshomes.com'; 'Neal@markmolthan.com'; 'aaron@tatumbrown.com';
'oates@oatesco.net'; 'heidi@mckinleybuilt.com'; 'mark@barrybullballas.com'
Cc: Jennifer Deaver; Randy Meadows; Serena Palomino; Dexter Davis
Subject: Building Heights

Good afternoon Builders,

Recently, staff has come across several scenarios where structures in the rear 40 foot portion of the lot have been constructed taller than the maximum allowance of 25 feet. I felt like this was an opportunity to provide some clarity surrounding the zoning regulations for structures located in the rear 40 foot portion of lots and where height is measured from on each lot for all structures (main and detached structures). Section 8-601 (1) of the Town's zoning ordinance states:

...In the B, C, D, E, and F Districts, any structure, or portion thereof, located within forty feet (40') of the rear property line, shall not exceed twenty-five feet (25') in height, nor have a plate height exceeding twelve feet, six inches (12' 6"). Roof height shall be measured to the roof ridge, or projected roof ridge, whichever is higher, and the slope shall not exceed twelve (12) vertical units in twelve (12) horizontal units (12:12 pitch maximum)...

Those requirements are fairly straightforward, however what most builders may not be aware of is where the datum (elevation) point to measure the height is set. While finished floor elevations seem to be the industry standard for the reference datum point on projects, many city zoning ordinances use average grade. The Town's is no different using a term of "average natural grade" as its point of reference for where heights are measured from. I have included an excerpt from the Town's zoning ordinance definitions: (Note: I have highlighted the portion where the reference datum is established)

In Districts C, D, E, and F, height is the vertical distance of a building as measured from the average established grade at the street line or from the average natural front yard ground level at the front building setback, whichever is higher to: (1) the highest point of the roof's surface if a flat roof, as defined in Section 10 "Height Regulations"; (2) to the deck line of mansard roofs; or (3) to the roof ridge or projected roof ridge,

whichever is higher, of a pitched roof, as defined in Section 10 "Height Regulations." (Note: for A and B districts number (3) is changed to: the mean height level between eaves and ridge line.)

The typical lot in Highland Park slopes down from the rear of the lot toward the front street, this is very important to consider since the datum point for measuring height is located at one of the lower portions of the lot (especially when considering the rear 40 foot regulations). It is also worth noting, the definition of height spelling out where the datum reference where height is measured from has been in the Town's zoning ordinance since its original codification date of November 3rd, 1965.

Staff has started asking for lot elevations at the street curb (where the projected side property line would intersect), at the side property lines in line with the front building setback and at the rear property pins in an effort to get out in front of this issue.

Please feel free to share this email with your architects, engineers and surveyors as you design your future projects to ensure all involved in the design process understand how the Town of Highland Park measures height.

Hugh Pender | Director of Development Services | Town of Highland Park

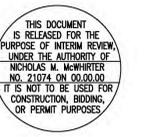
4700 Drexel Drive

Highland Park, Texas 75205

hpende@hptx.org

Direct: 214.559.9408





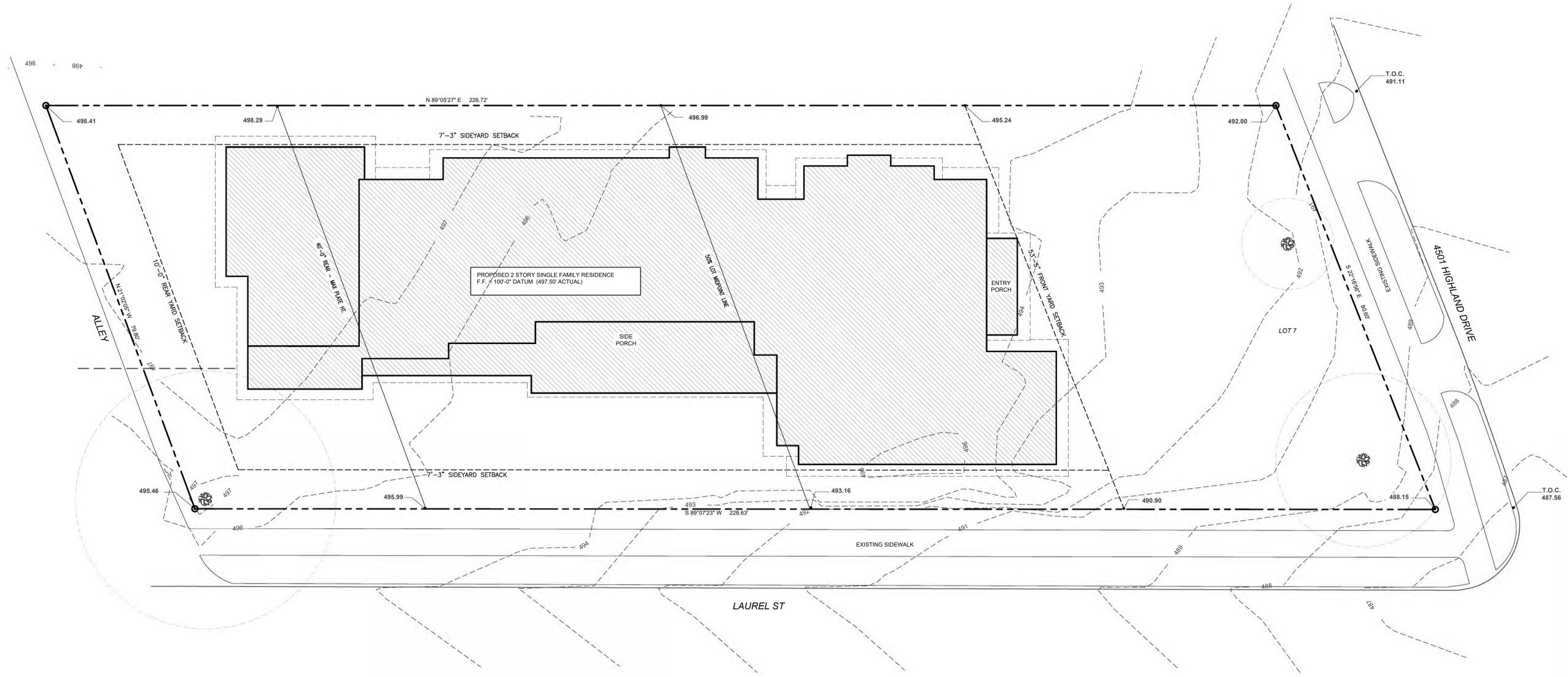
CUTSHALL RESIDENCE
 HIGHLAND PARK, TX
 Construction Document NOT FOR CONSTRUCTION

SHM PROJECT #
21-060

ISSUE DATE
JUNE 01, 2023

SITE PLAN

A1.03



- SITE PLAN NOTES**
1. REFERENCE LANDSCAPE ARCHITECT FOR SITE DRAINAGE
 2. REFERENCE LANDSCAPE ARCHITECT FOR SITE IMPROVEMENTS
 3. 70% OF NON-ROOF AREA TO BE VEGETATION, PERMEABLE PAVING, OR IMPERMEABLE PAVING WITH WATER RUNOFF
 4. DRIP EMITTERS TO BE INSTALLED AT ALL BEDDING AREAS
 5. WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY
 6. ALL CURB AND GUTTER TO BE REPLACED PER TOWN SPECS.



shm ARCHITECTS
 4514 Travis Street, Suite 302, Dallas, Texas 75205
 214.252.3800 • 214.252.3840 Fax • shmarchitects.com

CUTSHALL RESIDENCE
 HIGHLAND PARK, TX

Construction Document NOT FOR CONSTRUCTION

SHM PROJECT #
 21-060

ISSUE DATE
 JUNE 01, 2023

MOCK WALL

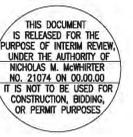
A3.00



02 WEST ELEVATION
 SCALE: 3/8" = 1'-0"



01 SOUTH ELEVATION
 SCALE: 3/8" = 1'-0"



shmm ARCHITECTS
4514 Travis Street, Suite 302, Dallas, Texas 75205
214.252.3830 • 214.252.3840 Fax • shmmarchitects.com

CUTSHALL RESIDENCE
HIGHLAND PARK, TX

Construction Document NOT FOR CONSTRUCTION

SHM PROJECT #
21-060

ISSUE DATE
JUNE 01, 2023

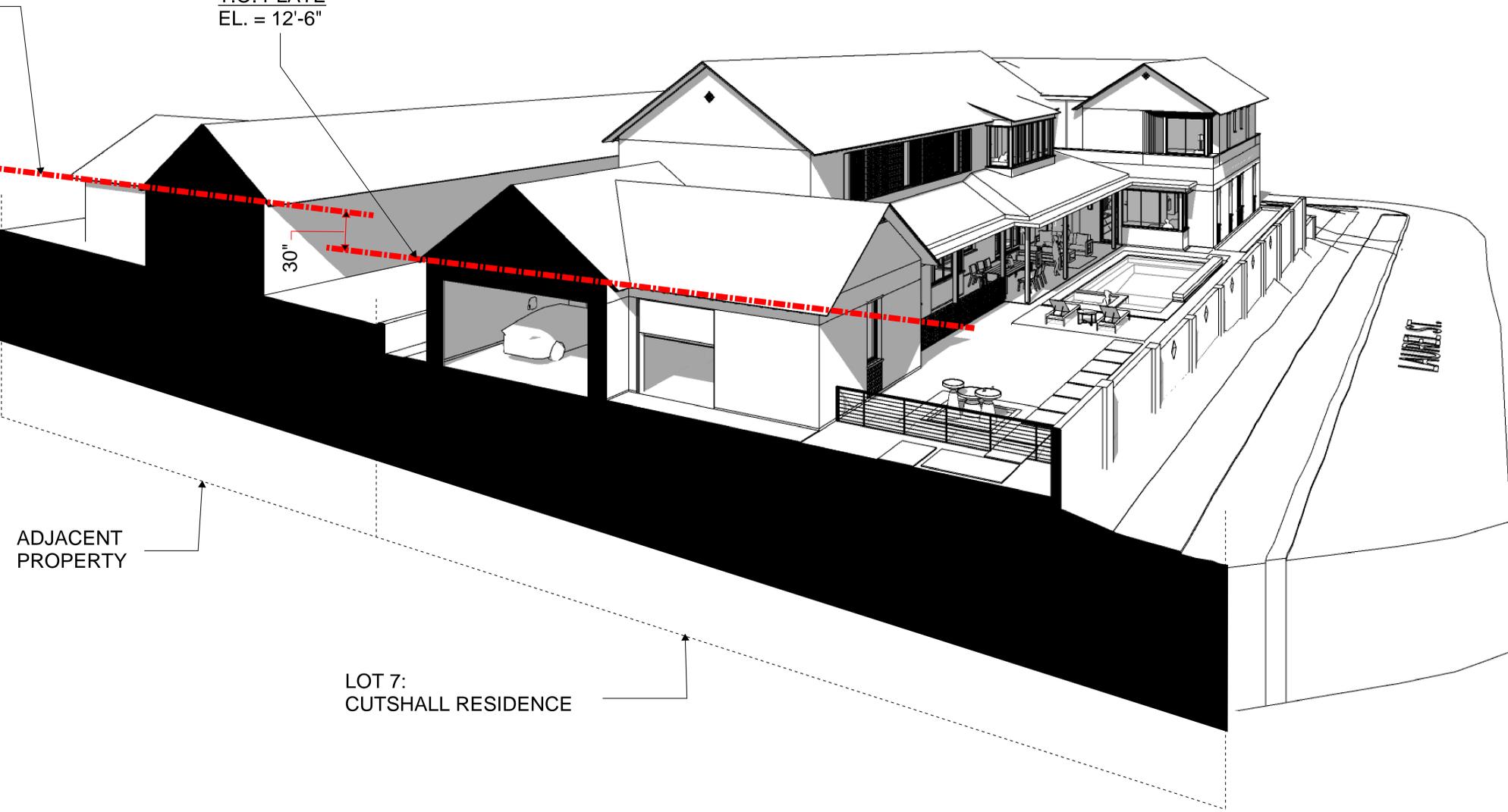
SITE SECTION
PERSPECTIVE

A4.00

T.O. PLATE
EL. = 12'-6"

T.O. PLATE
EL. = 12'-6"

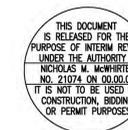
30"



ADJACENT
PROPERTY

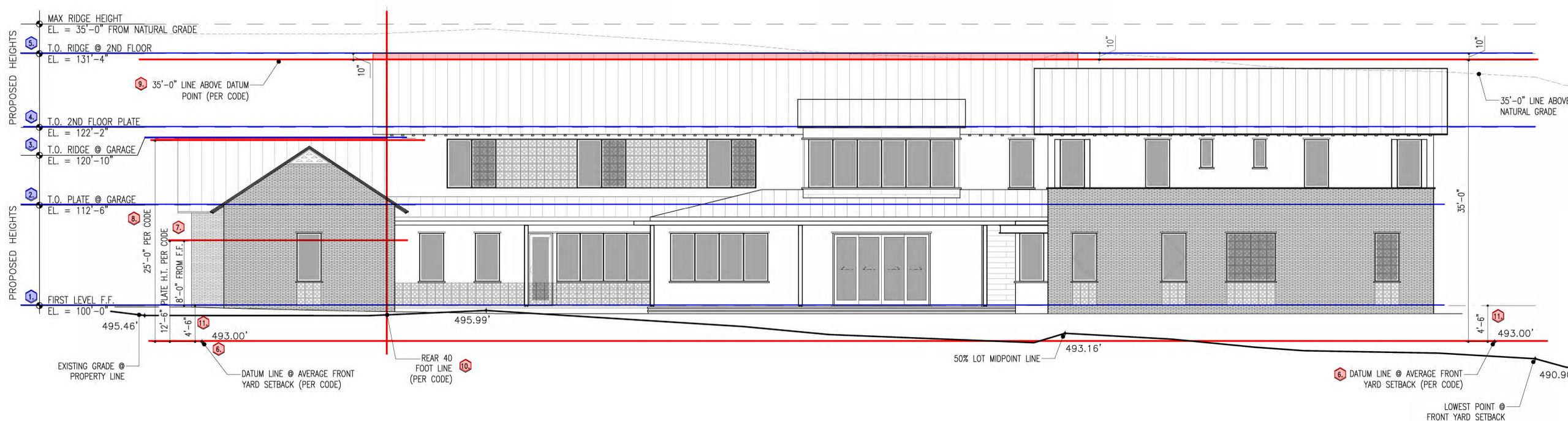
LOT 7:
CUTSHALL RESIDENCE

01 SITE SECTION
SCALE: NTS



NOTES

1. PROPOSED ESTIMATED GRADE LINE = 1ST LEVEL F.F.
2. PROPOSED GARAGE PLATE LINE FROM ESTIMATED GRADE
3. PROPOSED GARAGE RIDGE LINE FROM ESTIMATED GRADE
4. PROPOSED 2ND FLOOR PLATE LINE FROM ESTIMATED GRADE
5. PROPOSED 2ND FLOOR RIDGE LINE FROM ESTIMATED GRADE
6. DATUM LINE @ AVERAGE FRONT YARD SETBACK PER CODE
7. 12'-6" PLATE LINE PER CODE
8. 25'-0" MAX. RIDGE LINE AT REAR 40 PER CODE
9. 35'-0" MAX. RIDGE LINE PER CODE
10. REAR 40 FOOT LINE
11. 4'-6" DIFFERENCE BETWEEN DATUM LINE AND ESTIMATED GRADE LINE



CUTSHALL RESIDENCE
 HIGHLAND PARK, TX

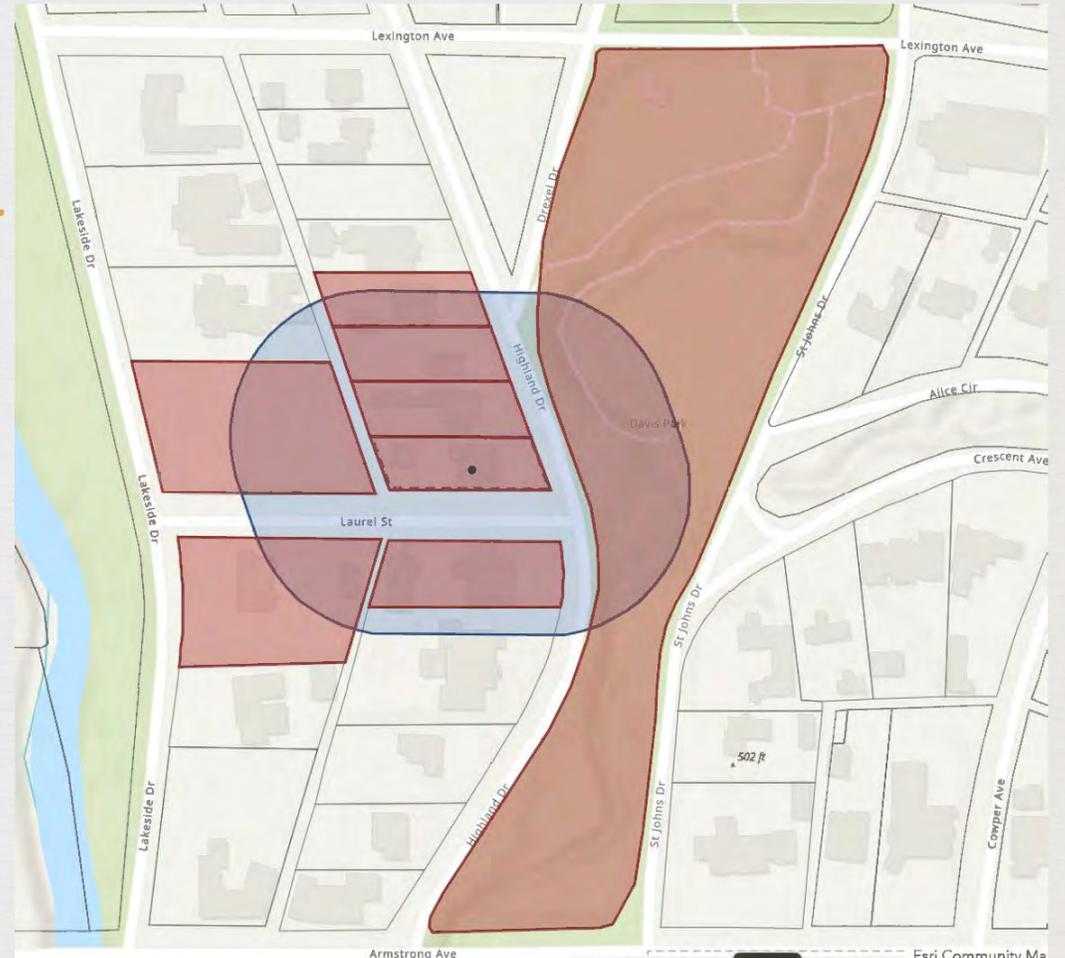
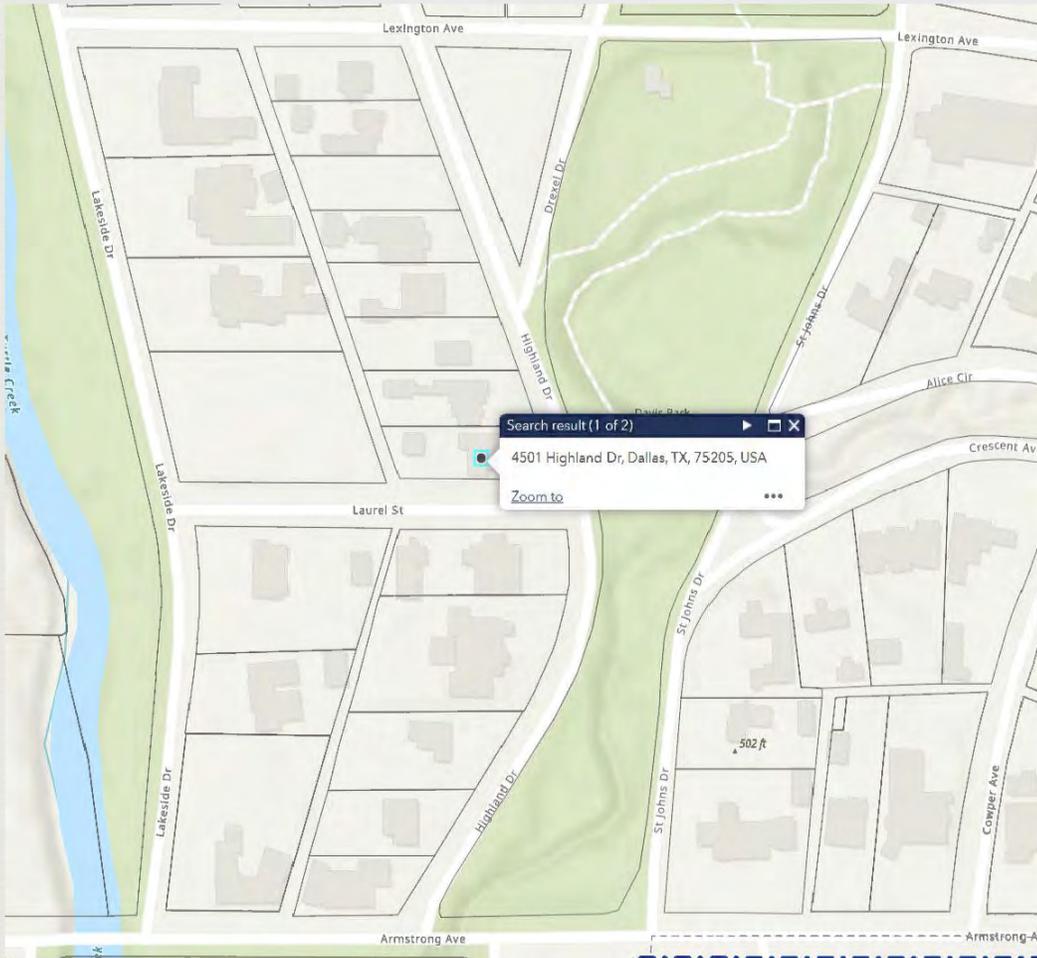
Construction Document NOT FOR CONSTRUCTION

SHM PROJECT #
 21-060

ISSUE DATE
 JUNE 21, 2023

MOCK WALL

A3.00



MAYOR
Will C. Beecherl

MAYOR PRO TEM
Craig Penfold

TOWN ADMINISTRATOR
Tobin E. Maples, AICP



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September 20, 2023

BOARD OF ADJUSTMENT MEMBERS

Chuck Reeder, Chairman
Stacey Furst
Joan Clark
Alison Hunsicker
Robert McCulloch
Nancy Rogers, Alternate Member
Jim Yoder, Alternate Member

Dear Board Members,

The Board of Adjustment will conduct a public hearing at 8:30 a.m. on Wednesday, September 27, 2023, to consider a variance from Section [15-101](#) of the Zoning Ordinance which states no fence or wall may be erected or placed in front of the required front yard line. The property owners of 4009 Armstrong Avenue wish to re-construct the masonry wall in the front of the property which is located in front of the required front yard line.

The agenda, application, and meeting details are available on the Town's website www.hptx.org by clicking on the "Board of Adjustment" webpage.

Enclosed is a copy of: (i.) the application to the Board, (ii) property survey, (iii) the site plan, (iv.) exterior wall elevations/plan, (v) site existing conditions photos, (vi) simulated conditions of proposed wall, (vii) the public hearing notice map, and (viii.) a location map of the property.

Feel free to contact me at your convenience if you have any questions.

Sincerely,
Hugh Pender
Director of Development Services
hpender@hptx.org

cc: Will Beecherl, Mayor, via e-mail
Tobin Maples, Town Administrator, via e-mail
Matthew C.G. Boyle, Town Attorney, via e-mail
Steve Alexander, Chief Financial Officer, via e-mail
Joanna Mekeal, Town Secretary, via e-mail

**APPEAL TO THE BOARD OF ADJUSTMENT
TOWN OF HIGHLAND PARK**

(Please Type or Print)

ADDRESS 4009 ARMSTRONG Owner's Name JOHN & YUKO CURTICE

LEGAL DESCRIPTION: Lot(s) 1.616 ACRES Block Addition

Mailing Address 4009 ARMSTRONG AVE.

City HIGHLAND PARK State TX Zip Code 75205

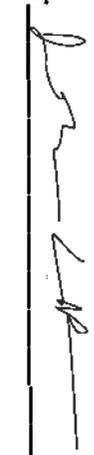
1. Request:

REMOVE EXISTING FRONT MASONRY SITE WALL DUE TO STRUCTURAL INSTABILITY BEYOND REPAIR AND REPLACE WITH MASONRY SITE WALL IN SAME LOCATION AND SAME HEIGHT. OWNERS CONCERNED WITH HEALTH, SAFETY AND WELFARE FOR PEDESTRIANS ALONG PUBLIC SIDEWALK AND VEHICLES ALONG THE STREET.

2. Jurisdiction: [Applicant has reviewed Section 17-200 a,b, and c of the Highland Park Zoning Ordinance (copy attached) and is of the opinion that the Board of Adjustment has jurisdiction for the following reason(s)]

Additional information submitted by applicant REFER TO EXHIBITS

Fee Paid Date 7/25/2023 Phone 586-489-8441

3. Signature of Owner  

(To be completed by Building Inspection Department)

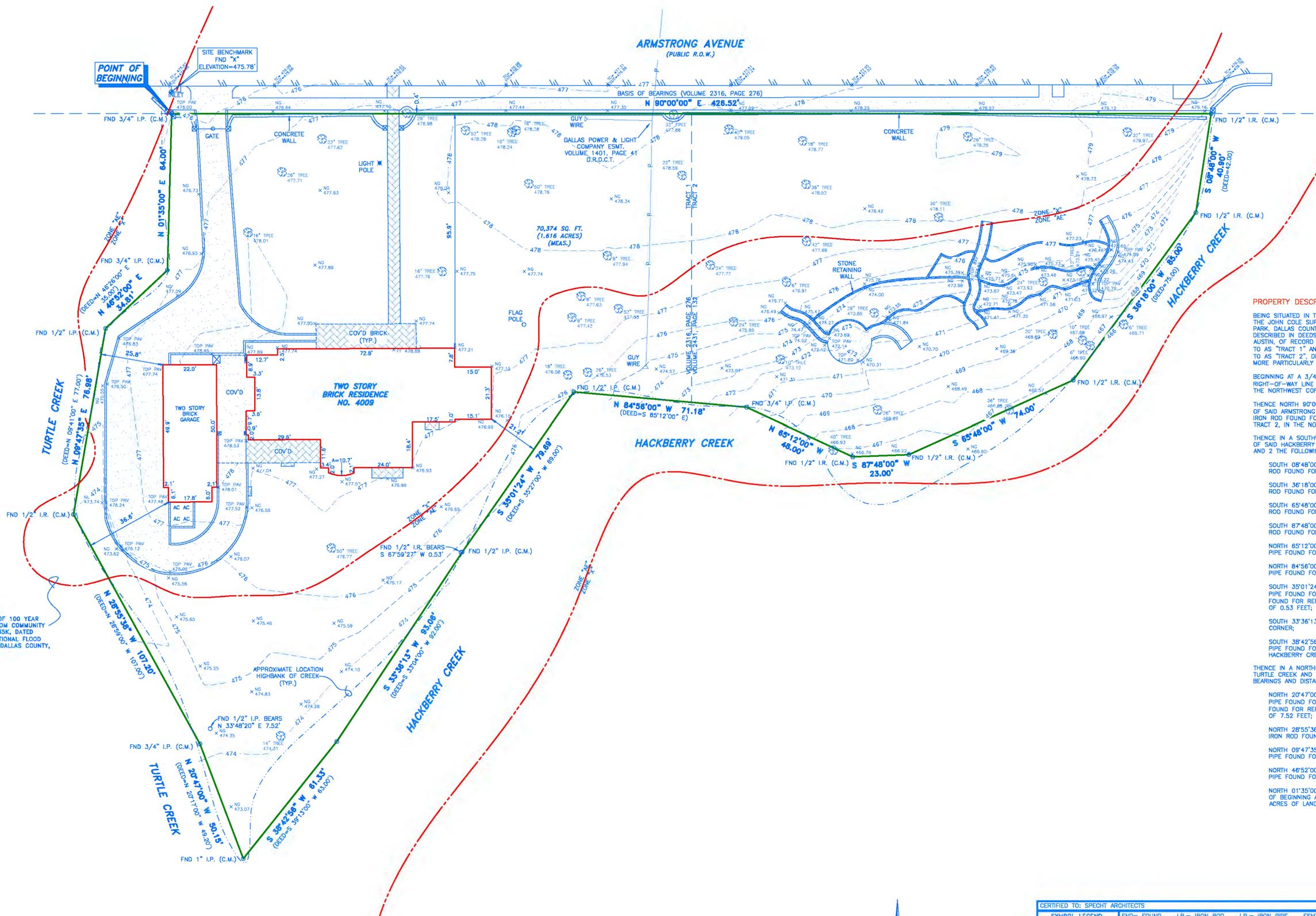
Reason for denial: Section 15-101

Explanation: Section 15-101 of the Zoning Ordinance which states no fence or wall may be erected or placed in front of the required front yard line.

Hugh Pender 9/20/2023

Building Inspector Date

'SURVEY PLAT'



PROPERTY DESCRIPTION:

BEING SITUATED IN THE WILLIAM GRIGSBY SURVEY, ABSTRACT NO. 501 AND THE JOHN COLE SURVEY, ABSTRACT NO. 285, IN THE CITY OF HIGHLAND PARK, DALLAS COUNTY, TEXAS, AND BEING ALL OF TWO TRACTS OF LAND DESCRIBED IN DEEDS TO FRANK E. AUSTIN JR. AND WIFE, HELEN JANE AUSTIN, OF RECORD IN VOLUME 2317, PAGE 276 HERINAFTER REFERRED TO AS "TRACT 1" AND VOLUME 2431, PAGE 132, HERINAFTER REFERRED TO AS "TRACT 2", DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/4" IRON PIPE FOUND FOR CORNER IN THE SOUTH RIGHT-OF-WAY LINE OF ARMSTRONG AVENUE (54' RIGHT-OF-WAY), AT THE NORTHWEST CORNER OF SAID TRACT 1;

THENCE NORTH 90°00'00" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID ARMSTRONG AVENUE, A DISTANCE OF 426.52 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE NORTHEAST CORNER OF SAID TRACT 2, IN THE NORTHWESTERLY LINE OF SAID TRACT 2;

THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE NORTHWESTERLY LINE OF SAID HACKBERRY CREEK AND THE SOUTHEAST LINE OF SAID TRACTS 1 AND 2 THE FOLLOWING BEARINGS AND DISTANCES:

SOUTH 08°48'00" WEST, A DISTANCE OF 40.90 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

SOUTH 36°18'00" WEST, A DISTANCE OF 85.00 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

SOUTH 65°48'00" WEST, A DISTANCE OF 74.00 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

SOUTH 87°48'00" WEST, A DISTANCE OF 23.00 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

NORTH 85°12'00" WEST, A DISTANCE OF 48.00 FEET TO A 3/4" IRON PIPE FOUND FOR CORNER;

NORTH 84°56'00" WEST, A DISTANCE OF 71.18 FEET TO A 1/2" IRON PIPE FOUND FOR CORNER;

SOUTH 35°01'24" WEST, A DISTANCE OF 79.69 FEET TO A 1/2" IRON PIPE FOUND FOR CORNER, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS SOUTH 67°59'27" WEST, A DISTANCE OF 0.53 FEET;

SOUTH 33°36'13" WEST, A DISTANCE OF 93.06 FEET TO A POINT FOR CORNER;

SOUTH 38°42'56" WEST, A DISTANCE OF 61.33 FEET TO A 1" IRON PIPE FOUND FOR CORNER AT THE INTERSECTION OF SAID HACKBERRY CREEK AND TURTLE CREEK;

THENCE IN A NORTHERLY DIRECTION ALONG THE EAST LINE OF SAID TURTLE CREEK AND THE WESTERLY LINE OF SAID TRACT 1 THE FOLLOWING BEARINGS AND DISTANCES:

NORTH 20°47'00" WEST, A DISTANCE OF 50.15 FEET TO A 3/4" IRON PIPE FOUND FOR CORNER, FROM WHICH A 1/2" IRON PIPE FOUND FOR REFERENCE BEARS NORTH 33°48'20" EAST, A DISTANCE OF 7.52 FEET;

NORTH 28°55'38" WEST, A DISTANCE OF 107.20 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

NORTH 09°47'35" EAST, A DISTANCE OF 76.98 FEET TO A 1/2" IRON PIPE FOUND FOR CORNER;

NORTH 46°52'00" EAST, A DISTANCE OF 34.81 FEET TO A 3/4" IRON PIPE FOUND FOR CORNER;

NORTH 01°35'00" EAST, A DISTANCE OF 64.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 70,374 SQUARE FEET OR 1.616 ACRES OF LAND.

APPROXIMATE LOCATION OF 100 YEAR FLOODPLAIN AS SCALED FROM COMMUNITY PANEL NO. 480178 0335K, DATED 07/07/2014, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR DALLAS COUNTY, TEXAS.

APPROXIMATE LOCATION HIGHBANK OF CREEK (TYP.)

BENCHMARK NOTE:

3-1/2" ALUMINUM DISC SET IN CONCRETE CURB ON NORTH SIDE OF BEVERLY DRIVE BRIDGE OVER CREEK, WEST OF LAKESIDE DRIVE AT DALLAS COUNTRY CLUB. ELEVATION=502.61'

ADDRESS: 4009 ARMSTRONG AVENUE

NOTES:

1) ALL CORNERS LABELED HEREIN AS "SET 5/8" I.P." HAVE A YELLOW CAP STAMPED "RPLS 5587"

2) (P.P.) INDICATES BUILDING LINES, BASEMENTS, R.O.W.'S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.

FLOOD STATEMENT:

ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 480178 0335K, DATED 07/07/2014, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR DALLAS COUNTY, TEXAS, THE SUBJECT PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE "X" & ZONE "AE" AND A FLOODPLAIN IS SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.



CERTIFIED TO: SPECHT ARCHITECTS		DATE: 09/03/2021 JOB NO.: 21-08-014	
SYMBOL LEGEND	FND= FOUND	I.R.= IRON ROD	I.P.= IRON PIPE
---//--- WOOD FENCE	ESMT.= EASEMENT	B.L.= BUILDING LINE	(C.M.)= CONTROL MONUMENT
--- CHAIN LINK FENCE			
--- WIRE FENCE			
--- WROUGHT IRON FENCE			
--- COLUMN			
--- POWER POLE			
--- WATER METER			
--- POWERLINE			
--- OVERHEAD SERVICE LINE			
--- TRANSFORMER AND PAD			
--- GAS METER			
--- ASPHALT SURFACE			
--- CONCRETE			

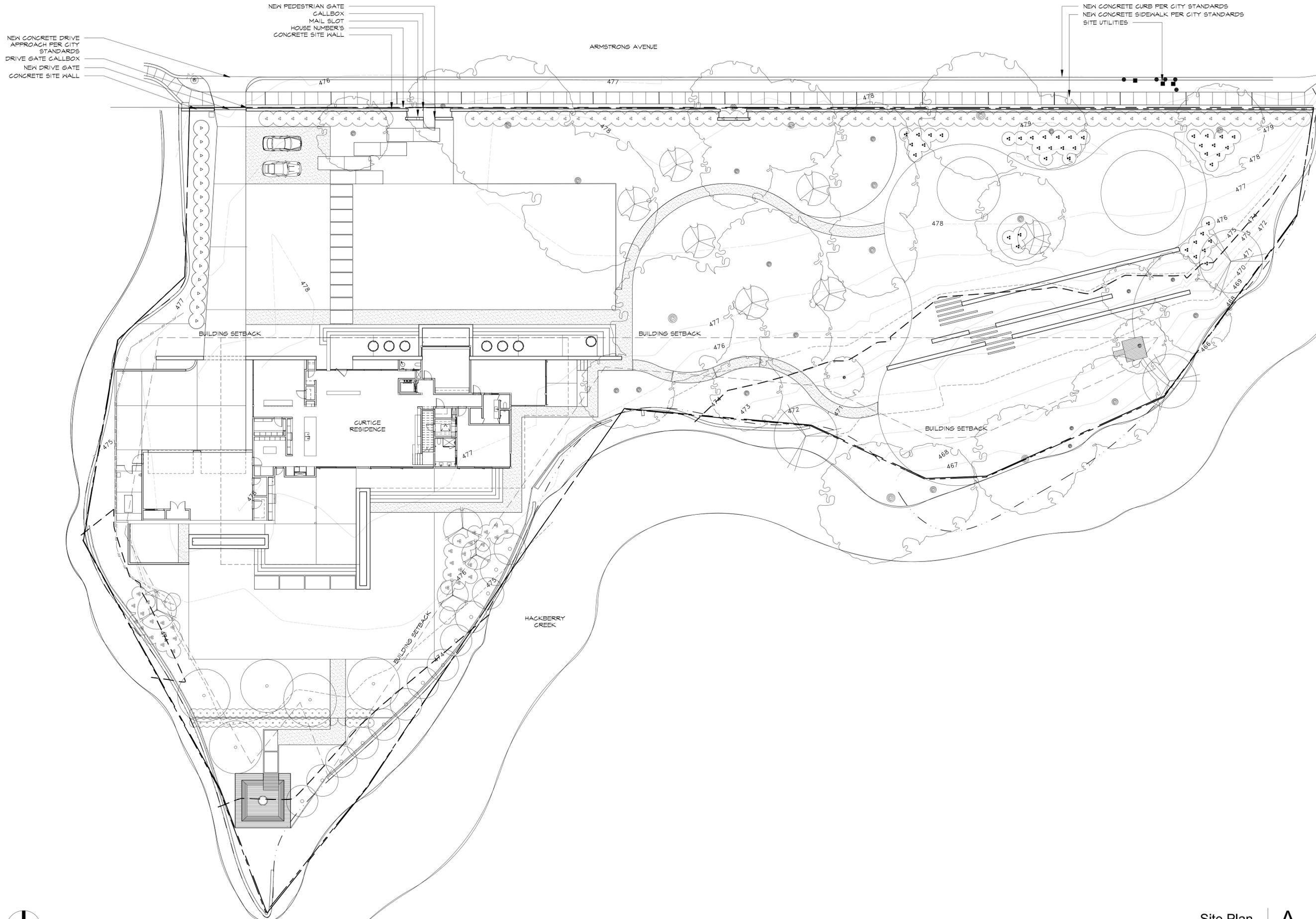
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT; THEREFORE, NO SEARCH OF RECORD EASEMENTS WAS PERFORMED ON THE SUBJECT PROPERTY. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED TO THE SURVEYOR. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED TO THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.

JASON L. MORGAN
REGISTERED PROFESSIONAL LAND SURVEYOR
5587

Jason L. Morgan
JASON L. MORGAN TXRPLS 5587

Global Land Surveying, Inc.
SERVING COLLIN, DALLAS AND DENTON COUNTIES SINCE 2002

GLOBAL LAND SURVEYING, INC.
P.O. BOX 260369
PLANO, TEXAS 75026
PHONE: (972) 881-1700
JMORGAN@GLS-INC.COM
TBPELS FIRM NO. 10016300



CURTICE RESIDENCE

4009 Armstrong Ave, Dallas TX 75205

CD SET

Issue	
Permit Set	03/24/2022
CD Set	03/07/2023
ASI-05	04/12/2023
ASI-08	07/19/2023

Legend

Date: 03/07/2022
Scale:

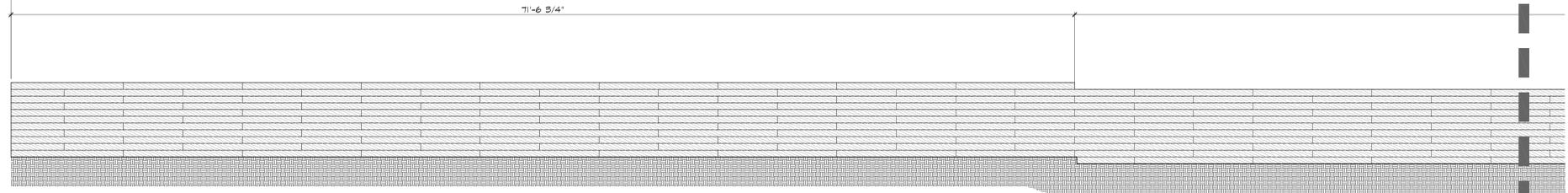
Title: SITE PLAN

Sheet: L2.01



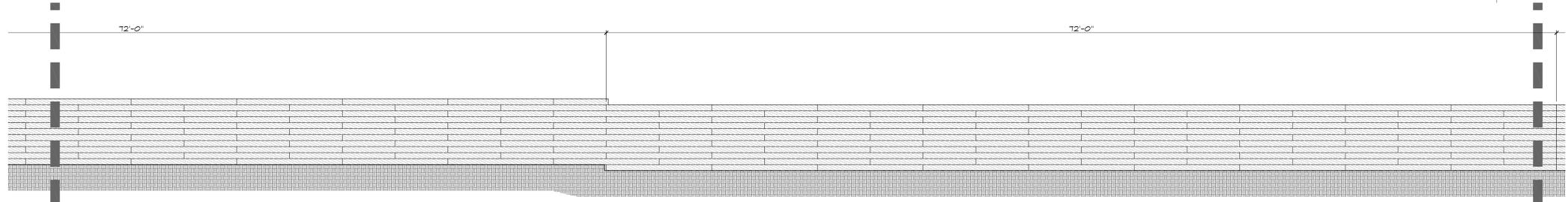
Site Plan A

Scale: 1/16" = 1'-0"



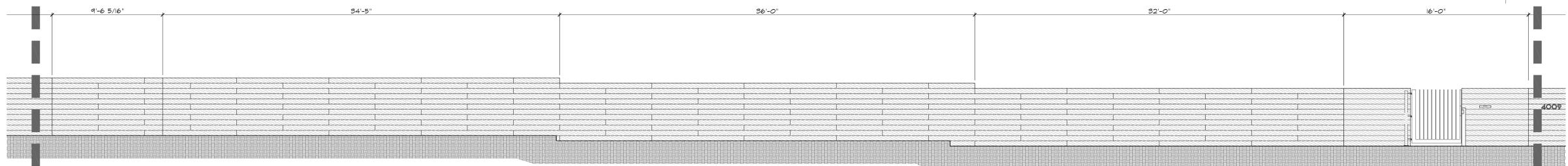
Exterior Wall Elevation **F**

Scale: 1/4" = 1'-0"



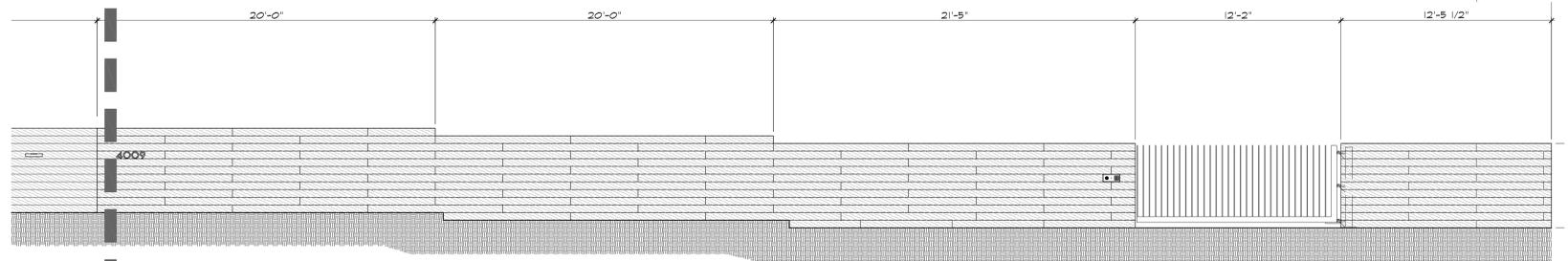
Exterior Wall Elevation **E**

Scale: 1/4" = 1'-0"



Exterior Wall Elevation **D**

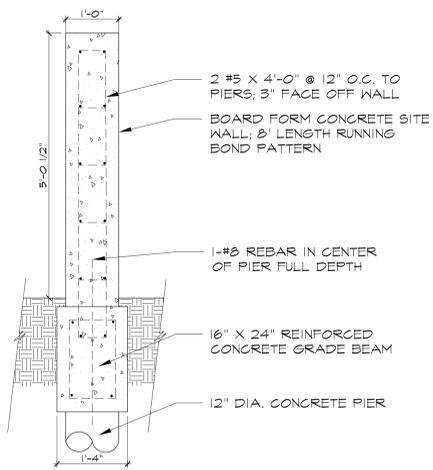
Scale: 1/4" = 1'-0"



Exterior Wall Elevation **C**

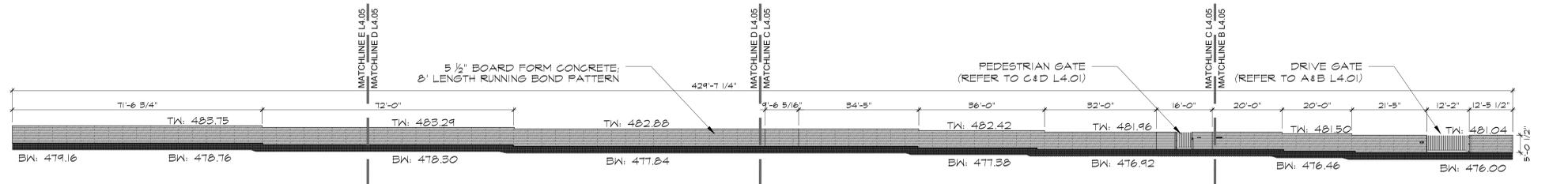
Scale: 1/4" = 1'-0"

NOTE:
SEE STRUCTURAL DRAWINGS FOR ALL FOUNDATION, PIER, CONCRETE SIZING, REINFORCEMENT, AND STEEL MEMBER SIZING.



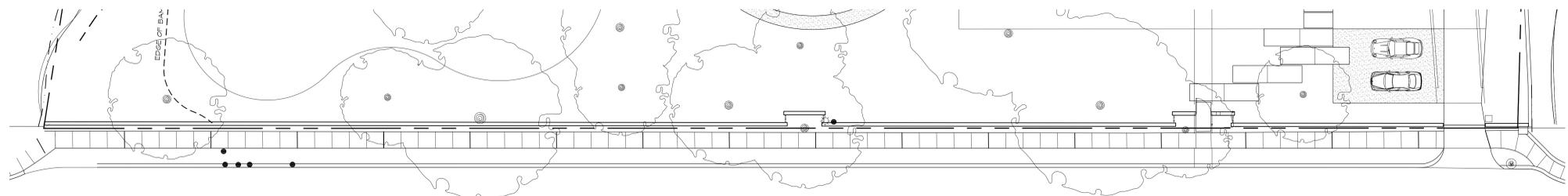
Exterior Wall Section **G**

Scale: 1/16" = 1'-0"



Exterior Wall Elevation **B**

Scale: 1/16" = 1'-0"



Exterior Wall Plan **A**

Scale: 1/16" = 1'-0"

Std

CD SET

Permit Set	03/24/2022
CD Set	03/07/2023
AS1-05	04/12/2023
AS1-08	07/18/2023

Legend

Date: 03/07/2022
Scale:

DETAILS

Sheet **L4.05**

© 2021 Specht Architects

EXTERIOR VIEWS:



INTERIOR VIEWS:



4009 ARMSTRONG AVENUE EXISTING SITE WALL

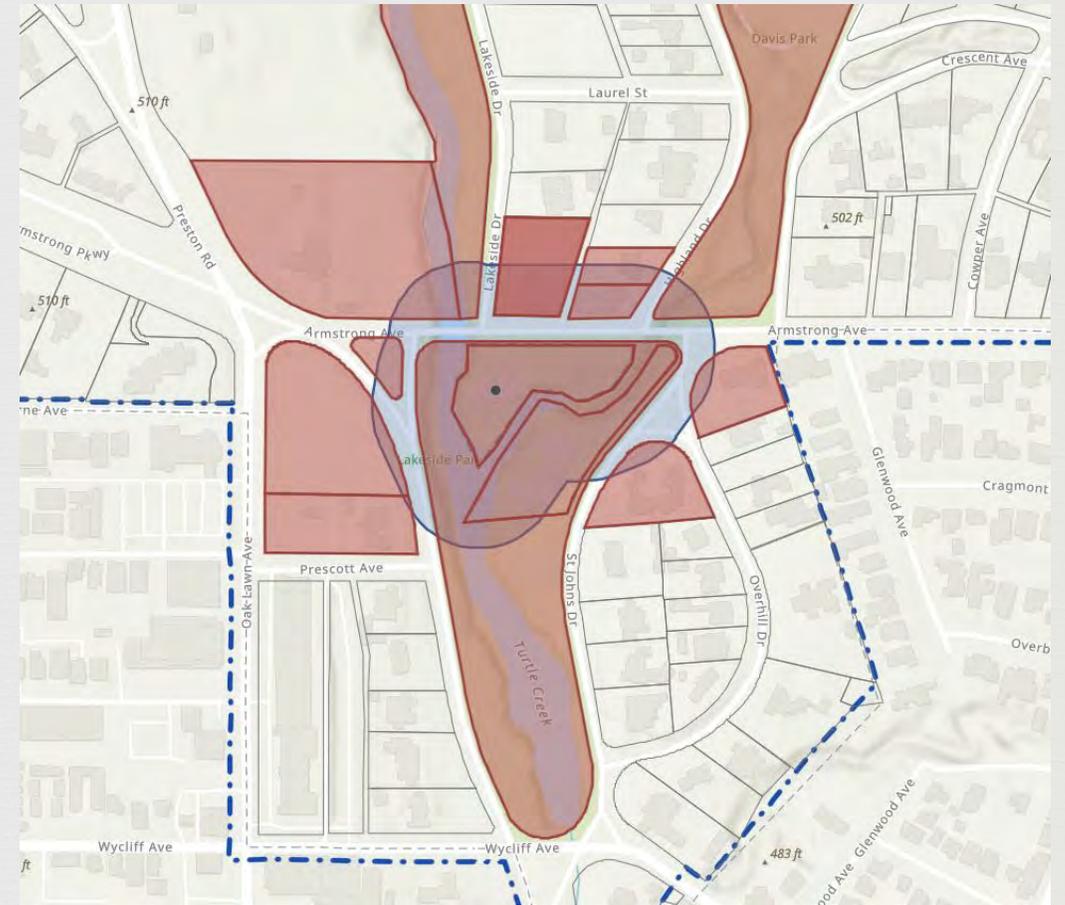
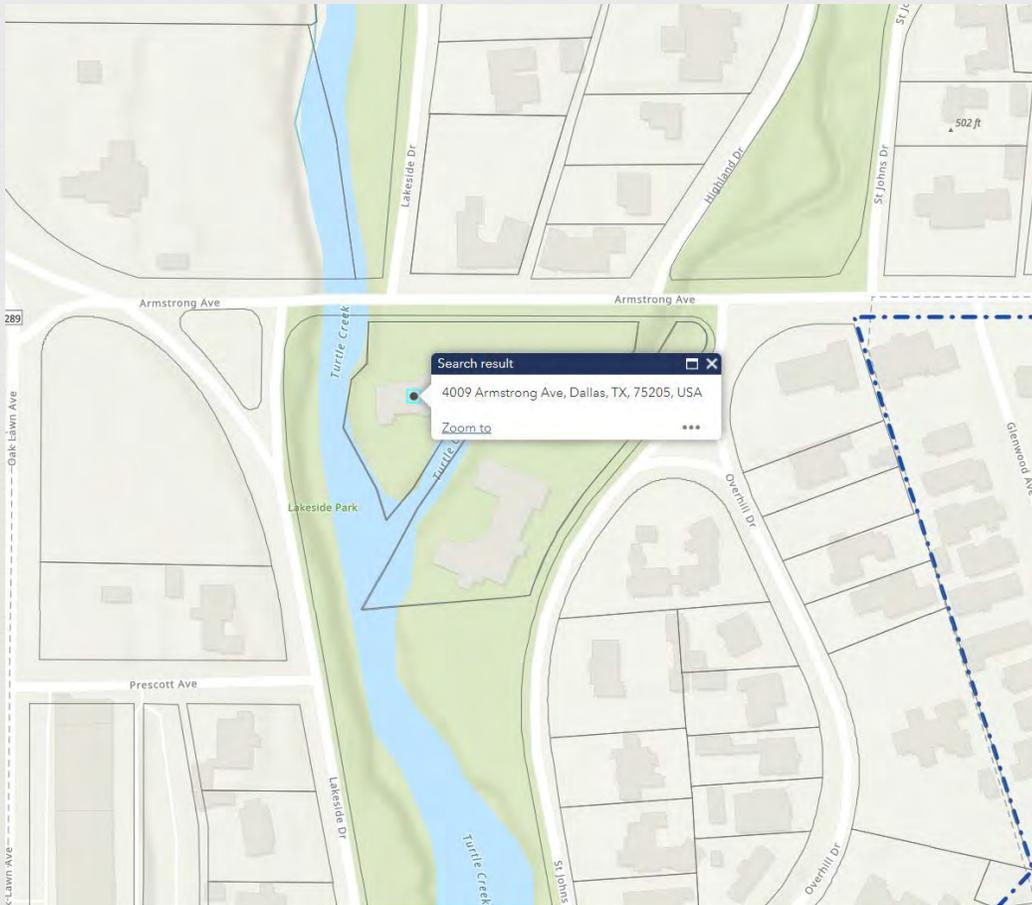
EXTERIOR VIEWS:



INTERIOR VIEW:



4009 ARMSTRONG AVENUE PROPOSED SITE WALL



MAYOR
Will C. Beecherl

MAYOR PRO TEM
Craig Penfold

TOWN ADMINISTRATOR
Tobin E. Maples, AICP



TOWN COUNCIL
MEMBERS

Marc Myers

Lydia Novakov

Don Snell

Leland White

September 20, 2023

BOARD OF ADJUSTMENT MEMBERS

Chuck Reeder, Chairman
Stacey Furst
Joan Clark
Alison Hunsicker
Robert McCulloch
Nancy Rogers, Alternate Member
Jim Yoder, Alternate Member

Dear Board Members,

The Board of Adjustment will conduct a public hearing at 8:30 a.m. on Wednesday, September 27, 2023, to consider a variance from Section [17-102](#) which states appeals to the Board of Adjustment can be taken by any person aggrieved or by an officer, department or board of the municipality affected by any decision of the Administrative Officer. The applicant for a property at 4511 Highland Drive is appealing the decision of the Administrative Officer with respect to the definition of *cellar* which states a building story (consisting of not more than one level) with more than half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height. The property owners wish to construct a new single-family residence at 4511 Highland Drive with a one-story cellar below grade, containing two different elevations. One elevation will be 12-ft below the finished first floor and the second adjacent space will be 18-ft below, or six (6) feet deeper.

The agenda, application, and meeting details are available on the Town's website www.hptx.org by clicking on the "Board of Adjustment" webpage.

Enclosed is a copy of: (i.) the application to the Board, (ii) email correspondence (iii.) the site plan, (iv.) building section, (v) zoning ordinance excerpt, (vi) the public hearing notice map, and (vii.) a location map of the property.

Feel free to contact me at your convenience if you have any questions.

Sincerely,
Hugh Pender
Director of Development Services
hpender@hptx.org

cc: Will Beecherl, Mayor, via e-mail
Tobin Maples, Town Administrator, via e-mail
Matthew C.G. Boyle, Town Attorney, via e-mail
Steve Alexander, Chief Financial Officer, via e-mail
Joanna Mekeal, Town Secretary, via e-mail

APPEAL TO THE BOARD OF ADJUSTMENT
TOWN OF HIGHLAND PARK

RECEIVED
AUG 02 2023

(Please Type or Print)

4511 Highland HFL Family Investments LLC BY: S.P.
ADDRESS _____ Owner's Name _____

9 30 Highland Park 2nd Inst
LEGAL DESCRIPTION: Lot(s) _____ Block _____ Addition _____
1275 Valley View Lane

Mailing Address _____
Irving TX 75061-3609
City _____ State _____ Zip Code _____

1. **Request:** Construct a single family residence with a one-story cellar below grade, containingting of two different elevations. One elevation will be 12-ft below the finished first floor and the second adjacent space will be 18-ft below, or six (6) feet deeper.

2. **Jurisdiction:** [Applicant has reviewed Section 17-200 a,b, and c of the Highland Park Zoning Ordinance (copy attached) and is of the opinion that the Board of Adjustment has jurisdiction for the following reason(s)]

We are appealing the decision of the building official in this request for a variance due to his strict interpretation of the defined terms "cellar" and "basement" in the zoning ordinance. We are seeking a decision from the Board on the intent and application of these defined terms in the ordinance and the application of such terms to our project.

Additional information submitted by applicant See HP correspondence, plans , excerpt from 1965 Zoning Ordinance and Ordinance No. 1780 amending Zoning Ordinance in 2009.

Fee Paid \$200.00 Date 8/04/2023 Phone _____

3. **Signature of Owner** Ray Waddell

(To be completed by Building Inspection Department)
Reason for denial: Section 22 General definitions no. 13

Explanation: 22 General definitions no. 13 **Cellar:** A building story (consisting of not more than one level) with more than half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.
Story: (zoning ord.) The height between the successive floors of a building or from the top floor to the roof.
Story: (bldg. code) That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Staff contends the proposed cellar is in fact one story but believe it consists of more than one level.

Hugh Pender 9/20/2023
Building Inspector Date

Kirk L. Smith
981 CR 4918
Trenton, TX 75490

August 10, 2023
4511 Highland Avenue
Highland Park, TX 75205

Honorable Chuck Reeder, Chairman & Board Members,

My clients, Ray and Angelique Waddell, are requesting a variance/clarification on the definition of Cellar and Basement within the Town's Zoning Ordinance. The Waddells purchased the property at 4511 Highland Avenue in June 2022. They demolished the home and improvements in July 2022 and since designed and obtained a permit for their new home. During the plan review phase with the Town's Building Inspections Department, they received a review comment rejecting the design of their Cellar because it provides two different finished floor elevations below the first floor of the house. The main portion of the cellar provides a 12-foot depth below the first floor and a small portion under the garage is 18 feet deep. The purpose of the deepened area is to accommodate a basketball goal and related exercise area, separate but complementary to the remainder of the underground structure which provides additional living space.

You may ask why I am using the term "Cellar" and not "Basement?" In the Waddell's house design, the underground structure is entirely below ground and therefore does not count as a story in the measured height of the building. The term Basement is commonly used in layman's terms for a house in Highland Park that has a finished floor below ground. Due to the Zoning Ordinance Definitions that follow, the term Cellar will be used throughout this letter.

Section 22-100 Definitions of the Zoning Ordinance states:

- (5) Basement—A building story (consisting of not more than one level), which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.
- (13) Cellar—A building story (consisting of not more than one level) with more than half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

The Zoning Ordinance was amended in 2009 to provide many enhancements to the single family zoning districts throughout the Town. One of those amendments provided new setbacks for underground structures on single family building sites, where previously none existed. The regulation amended the front, side, and rear sections of the Zoning Ordinance stating that a structure below ground must observe the same required setbacks as the structure above ground. Prior to this amendment, property owners were allowed to build to the property lines, below ground. In order to provide adequate working area around the underground structure during construction, and to prevent any unintended undermining of the neighboring public or private properties, Town staff with the assistance of Dan Sefko the Town's zoning consultant, recommended these new underground setbacks for structures. Furthermore to prevent an unintended consequence of building a deeper, multi-storied structure below ground, the definitions of both Cellar and Basement were amended to add a parenthetical restriction of "consisting of not more than one level." It was not the Town's intention to prohibit a split-leveled

structure; only to be “consisting of not more than one **story**.” The amended definitions were meant to show that the basement and/or cellar shall not exceed a maximum of one story below the main dwelling. As such, the Zoning Commission reported favorable findings to the Town Council, which were accepted and adopted.

Following the retirement of my career with the Town in October 2020, Mr. Hugh Pender assumed my duties in the operation of the Building and Zoning Department. On several occasions I welcomed, and continue to welcome, his correspondence in assisting with the institutional knowledge that I obtained during my 27 years with the Town. Shortly after my departure, I mentioned to him to be on the lookout for what was reported in the media as “a giant 35,000 square foot home planned on the lot, with 3 levels of basements and 3 levels above ground.” This was dealing with a particular property slated for demolition and reconstruction on Beverly Drive. We briefly discussed the zoning ordinance definitions pertaining to that subject.

Since the applicant received the unfortunate news from the Building Department rejecting the two proposed cellar floor elevations in their house design, their contractor reached out to Hugh Pender. Mr. Pender agreed with the interpretation stating that the two different floor depths did not technically meet the Zoning Ordinance definition of “not more than one level.” He was provided with other locations in the Town where the differing floor elevations were allowed in cellar construction, to which he responded that he was not aware how the department staff prior to his employment allowed such design(s). Mr. Pender suggested alternative design options for this project. One such design included arranging the lower cellar area to be completely independent from the main cellar. Another option was to design the house to accommodate the additional ceiling height of the exercise area into the upper floor of the dwelling. And a final design consideration would be to excavate the entire cellar structure to have the 18-foot ceiling heights. While all of these alternatives met Mr. Pender’s interpretation of the Zoning Ordinance, none were acceptable to the Waddells for many reasons. Ultimately, if they were to keep the project on schedule, they would have to modify their plans to forgo the basketball exercise area with the deepened floor level.

The Waddell’s approached me to ask for assistance in addressing the Building Department’s interpretation of cellar depth within the Town. I corresponded via email with Hugh Pender on July 26, 2023 asking him to reconsider his interpretation and rejection of the Waddells’ cellar design. I provided him with my expanded explanation of why the terms Basement and Cellar were further defined in the ordinance in 2009. You will find a copy of this email within the BOA application packet. It is important to note that I referenced the term “level” being the same as “stories” in my email to Hugh concerning the news article I mentioned earlier. I never received Hugh’s response, probably due to the property owner’s decision to modify the plans in order to keep the project moving forward, which resulted in their obtaining the new residence permit on July 27, 2023.

No harm or adverse effect will be experienced by the partially increased depth of this cellar. It is simply a missed interpretation by the Building Department, of which I am hoping you will understand my point of view as mentioned above, including my email with Hugh Pender.

In final thoughts, we would sincerely appreciate the Board's consideration of reversing the decision of the Building Department to allow my clients the ability to construct their dream home on the property as originally intended. Should your decision be favorable for the Waddells, then the original construction plans and deepened cellar area can be implemented to the project already under way. Plus, your decision will provide direction to Hugh in his future administration of the Zoning Ordinance. I look forward to presenting this case to you in the coming weeks and I hope to provide additional supportive information by that time.

Very truly yours,



Kirk Smith
972-951-9106
klsmith5252@gmail.com

cc: Ray and Angelique Waddell, Property Owners
Mark Danuser, Tatum Brown Custom Homes

Kirk L. Smith
981 CR 4918
Trenton, TX 75490

August 15, 2023
4511 Highland Avenue
Highland Park, TX 75205

My name is Kirk Smith, and I am assisting your new neighbors Ray and Angelique Waddell with a zoning variance they have filed with the Town of Highland Park. The Waddell's are currently constructing a new residence at 4511 Highland Drive. Their house design is for a two-story residence to include a full basement/cellar below providing additional living and mechanical space. The original design included a deepened area below the three-car garage at the rear of the property for the purposes of accommodating an exercise area with basketball goal. The Town of Highland Park Zoning Ordinance allows a basement and cellar with not more than one level allowed below a single-family residence. Due to the additional depth needed for the exercise area in their cellar, the Building Inspection Department has interpreted the design as having more than one level. Their case should be heard on September 13 at 8:30AM in the Town Council Chamber. You will receive notice of this meeting from the Town in the coming days.

For additional clarification, I retired in October 2020 from the Building Inspection Department after my 27-year career with the Town of Highland Park. The Building Department was instrumental in enforcing and following the Town Council's direction in modifying the Zoning Ordinance in 2009 to meet the current needs of the Town. The team that I was part of included Paul Vermeer, Don Young, and Mary Kuebler, some with whom you may be familiar. My team has now been completely replaced with the current new staff led by Mr. Hugh Pender.

As previously mentioned, the Zoning Ordinance was modified in 2009. Part of the changes included extra wording in the definitions of basements and cellars of "not more than one level" because those underground structures were being further restricted for the first time in HP history to follow the same setbacks as what is required for the above ground structures. The intent of the additional wording was placed there to prevent the possibility of building two stories, or more, below the ground floor. Mr. Pender has offered an option to my clients of designing the entire cellar at the proposed deeper elevation to meet his interpretation of the ordinance. My clients are not interested in this option because of increased cost and the additional length of construction time that would be needed to complete the residence.

The Waddell's are seeking relief from the Board of Adjustment on the Building Department's misinterpretation in the Zoning Ordinance definitions of basement and cellar. The exterior of the house will NOT be affected by this decision. We would greatly appreciate any support you may offer in their request with the Town's Board of Adjustment. Please feel free to send me, and/or Mr. Hugh Pender, Director of Development Services, with the Town of Highland Park an email or letter of your opinion.

Warmest regards,



Kirk Smith
972-951-9106
klsmith5252@gmail.com

cc: Hugh Pender, Director of Development Services, hpender@hptx.org 214-521-4161

----- Forwarded message -----

From: **KIRK SMITH** <klsmith5252@gmail.com>

Date: Wed, Jul 26, 2023 at 9:30 AM

Subject: 4511 Highland - Cellar

To: Hugh Pender <hpender@hptx.org>

Good morning Hugh,

Tatum Brown has asked me about the history of cellar/basements in Highland Park as it relates to depths of construction. I understand that they have applied for a permit to construct a new house that has a "cellar" by definition of story in computing the height of the house. The plans show a deepened area by approximately 6-feet to allow for the installation of a basketball goal below the garage floor and adjacent to the remainder of the habitable cellar below the balance of the first floor. They have informed me that you are using the zoning ordinance definition of "cellar" where it states in parenthesis "(not more than one level)" to deny the permit.

I understand your literal interpretation of that definition, but would like to offer you the background on why it was added in the 2009 zoning ordinance amendments. The parenthetical statement was added to the definition to further explain that basements and cellars could not be "multi-storied" levels below a house. Further background is such that it was meant to be there because we (staff and the Town's zoning consultant, Dan Sefko of Freese & Nichols) were also restricting in the 2009 zoning amendments that underground structures had to observe the same setbacks as the above ground structures. And because that being a new limitation in the zoning ordinance, the Town did not want architects to start designing structures below with more living/usable space, such as a two story deep basement/cellars. Therefore, we added the wording of "one level" to further define a story into those respective definitions. I have included an excerpt from the original Zoning Ordinance as passed in 1965 showing the definitions without the added wording, if that helps. You should have on your bookshelf a 5x8-1/2 pamphlet (with tabbed index by me) of the Town's zoning ordinance that was effective from 1983 up until the zoning amendments in 2009, should you want to read some of the original wording pre-2009 without doing a Laserfiche search.

This is how we have approved other locations within the Town to have varying degrees of "multi-level" cellar below the first floor on new residences. The same principle applies when you have a stair landing or lifted floor to the habitable living space within a cellar when it exists elevated adjacent to the finished floor above the garage floor, for purposes of not being on the same flood level as the garage floor storm drains; or when a lowered elevator pit exists below the finished floor of the basement/cellar; or when a lowered mechanical room floor in the cellar/basement is installed for drainage concerns. In all these cases, the intent of the additional parenthetical wording was to further define the fact that a basement or cellar could not be stacked as multiple stories below the adjacent grade so that houses could continue to grow in square footage, and added construction time.

Without getting into all of this detail, you asked me about this back in November 2021 when the media ran an article that 3800 Beverly would be torn down and replaced with a 3-levels of house and 3-levels of basement ...

On Nov 14, 2021, at 6:38 PM, Hugh Pender <hpender@hptx.org> wrote:

Kirk,

What was your interpretation of how many levels a basement can be, Kamil seems to not know?

Hugh Pender, CBO
Director of Development Services
Town of Highland Park
4700 Drexel Drive
Highland Park, Texas 75205
214.559.9408

The NBC article <https://www.nbcdfw.com/news/local/replacement-of-historic-highland-park-mansion-worries-neighbors/2813760/> said... ***"An online post from his firm, shared by neighbors, said a giant 35,000 square foot home is planned on the lot, with 3 levels of basements and 3 levels above ground."***

You can see that even then the public viewed "levels" and "stories" synonymously. I am still willing and able to offer you the history of HP when it becomes a question if you will allow me.

Let me know if you understand and agree with my added background, and allow the house with the "split-level", "single-story" cellar to be built. I look forward to continued communication with you and your department in the time-to-come.

Best regards,

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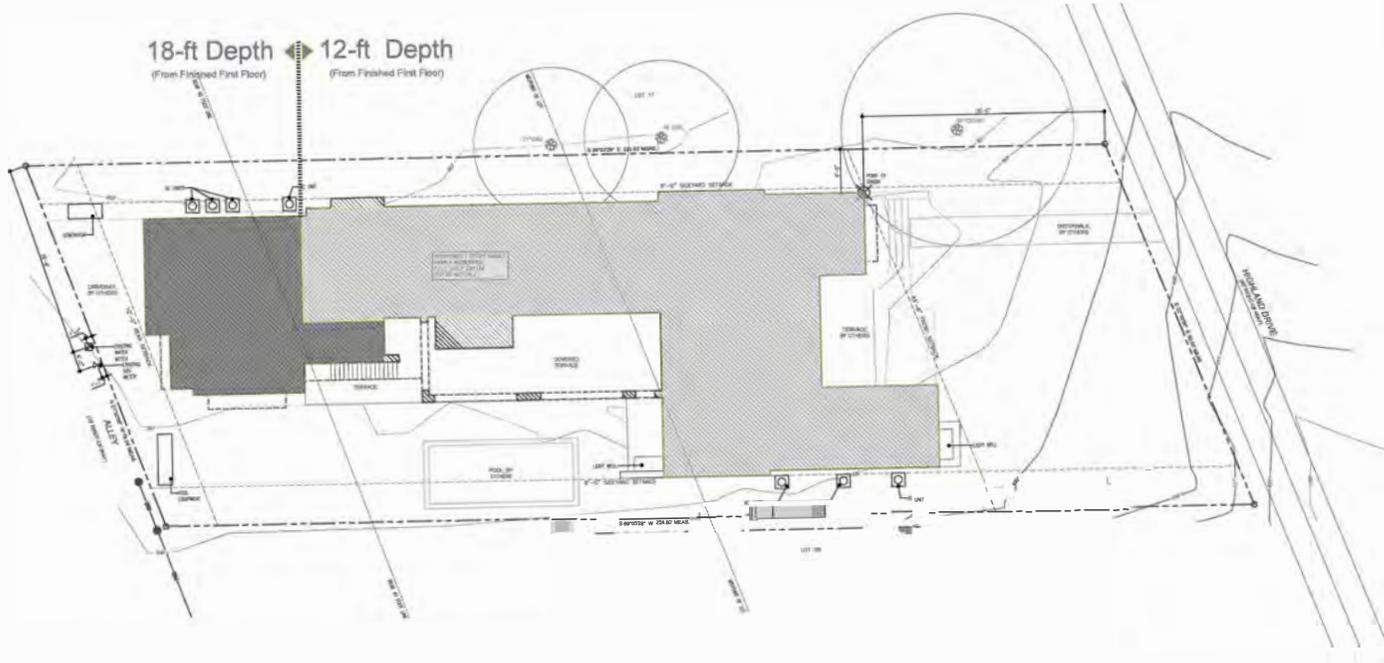
Kirk Smith

972-951-9106



shm ARCHITECTS
 4511 Highland Drive, Suite 302 • Dallas, Texas 75205
 214.520.2802 • 214.520.2840 fax • info@shmarch.com

shm
ARCHITECTS



- SITE PLAN NOTES**
1. REFERENCE LANDSCAPE ARCHITECT FOR SITE DRAINAGE.
 2. REFERENCE LANDSCAPE ARCHITECT FOR JET SPRINKLERS.
 3. SWP PARTIAL TO BE REFILLED AT ALL BEARING AREAS.
 4. WATER DRAINAGE TO BE REFLECTED TO OWN OWN NEAREST PRIVATE PROPERTY.



01 SITE PLAN
 DATE: 06/08/2025

4511 HIGHLAND DRIVE
 HIGHLAND PARK, TEXAS

SH22-068

ISSUE DATE
 JUNE 08, 2025

SITE PLAN

A1.02



06.23.23

shm ARCHITECTS
 4514 Travis Street, Suite 302 - Dallas, Texas 75205
 214.252.3800 • 214.252.3840 fax • shmarchitects.com

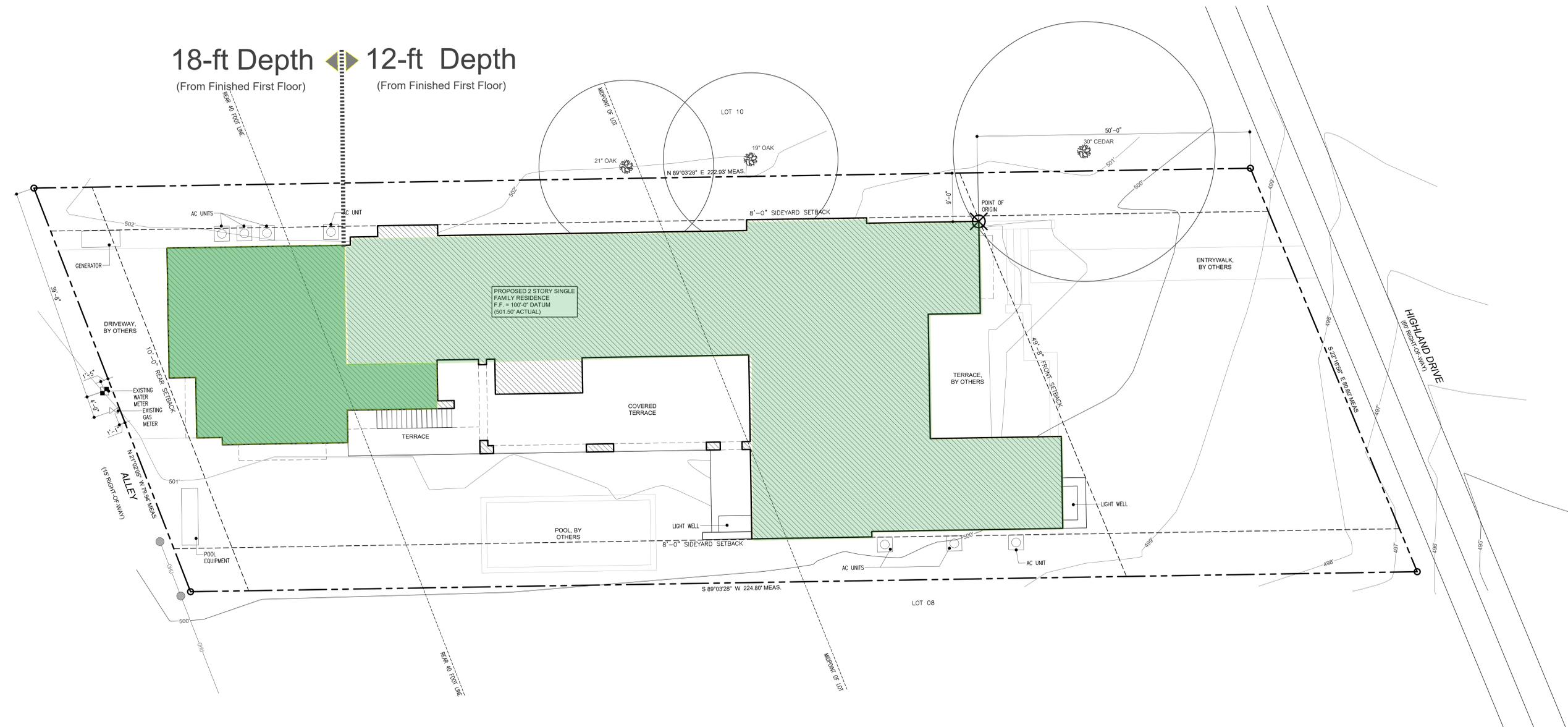
4511 HIGHLAND DRIVE
 HIGHLAND PARK, TEXAS

SHM PROJECT #
22-068

ISSUE DATE
JUNE 23, 2023

SITE PLAN

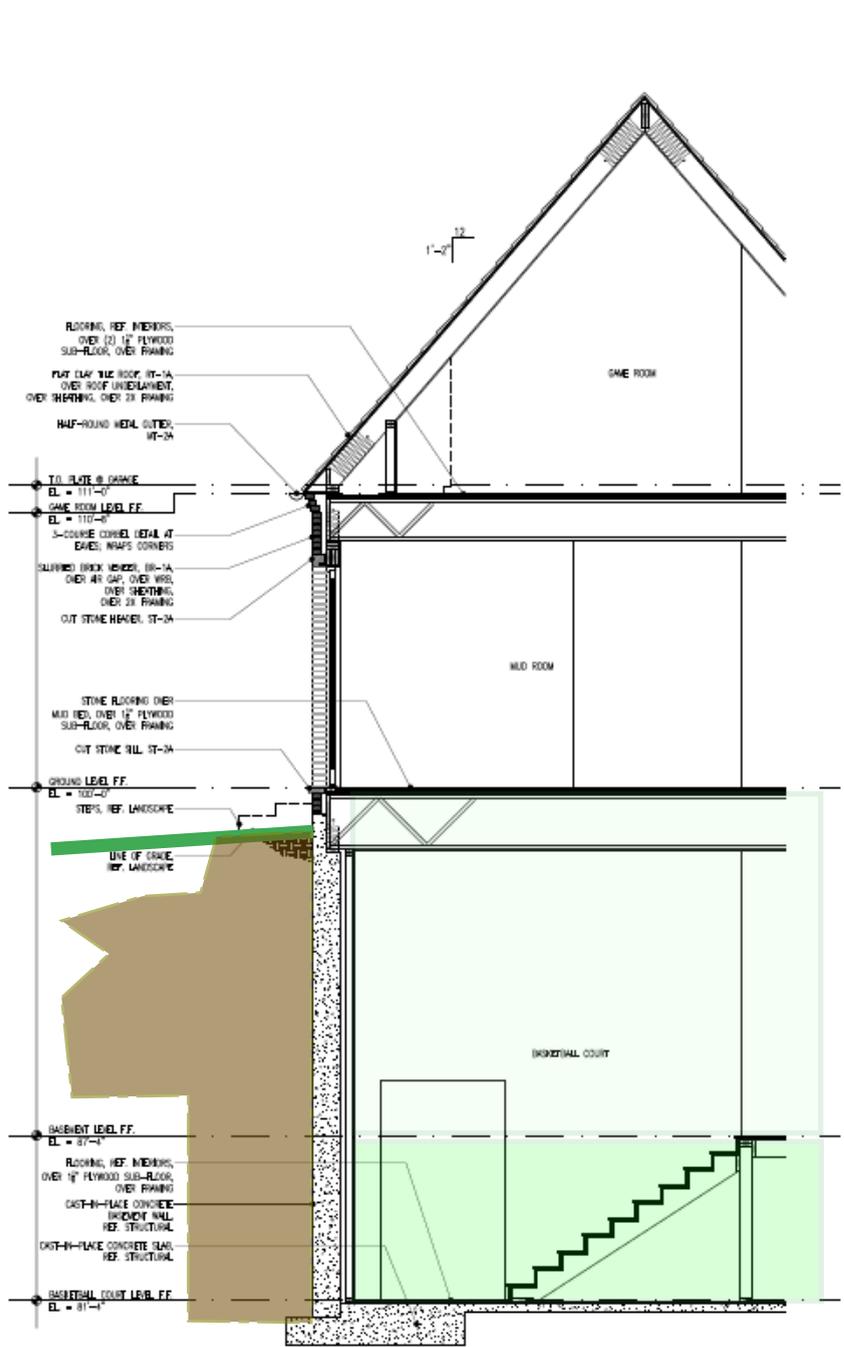
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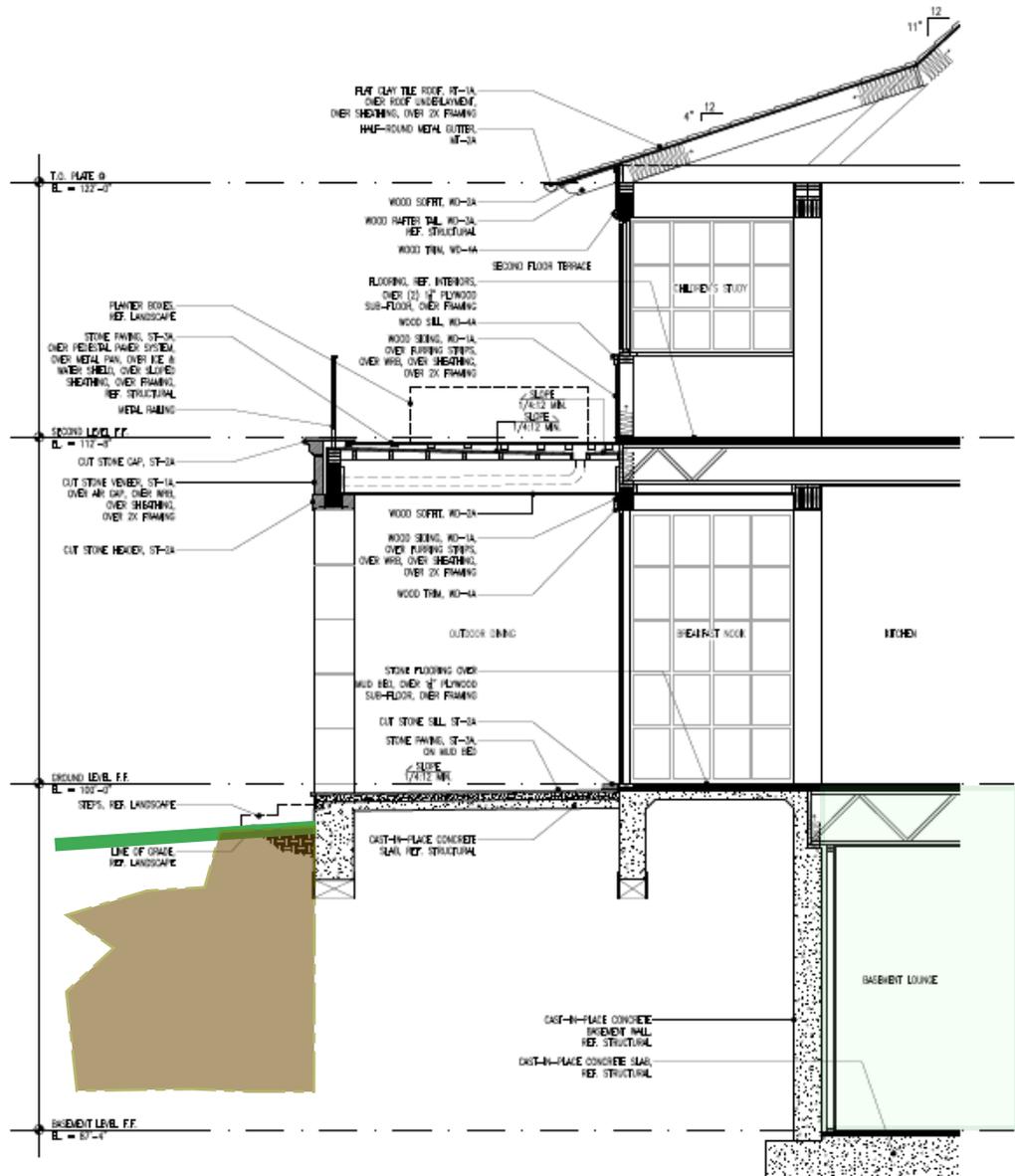
18-ft Depth (From Finished First Floor)
12-ft Depth (From Finished First Floor)

- SITE PLAN NOTES**
1. REFERENCE LANDSCAPE ARCHITECT FOR SITE DRAINAGE
 2. REFERENCE LANDSCAPE ARCHITECT FOR SITE IMPROVEMENTS
 3. REFER TO LIAISON SHEET FOR SITE IMPROVEMENTS
 4. DRIP EMITTERS TO BE INSTALLED AT ALL BEDDING AREAS
 5. WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY

TRUE NORTH
 PLAN NORTH
01 SITE PLAN
 SCALE: 1/8" = 1'-0"



02 BUILDING SECTION
34-74



01 BUILDING SECTION
34-74

ORDINANCE NO. 676

AN ORDINANCE TO AMEND ORDINANCE NO. 293, KNOWN AS THE ZONING ORDINANCE OF THE TOWN OF HIGHLAND PARK, TEXAS, PASSED BY THE TOWN COUNCIL ON THE 3RD DAY OF JULY, 1929, ENTITLED: "AN ORDINANCE OF THE TOWN OF HIGHLAND PARK, TEXAS, ESTABLISHING A ZONE PLAN DIVIDING THE TOWN OF HIGHLAND PARK INTO DISTRICTS FOR THE PURPOSE OF REGULATING THE LOCATION OF TRADES, AND OF BUILDINGS AND STRUCTURES, DESIGNS FOR DWELLINGS, APARTMENT HOUSES, AND OTHER SPECIFIED PURPOSES; REGULATING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND THE ALIGNMENT THEREOF ON STREET FRONTAGES; REGULATING THE AREAS AND DIMENSIONS OF YARDS, COURTS AND OPEN SPACES SURROUNDING BUILDINGS AND STRUCTURES; CREATING A BOARD OF ADJUSTMENT TO HEAR APPEALS ON ADMINISTRATION OF THE ORDINANCES, AND PRESCRIBING A PENALTY FOR THE VIOLATION OF THE ORDINANCE", AS AMENDED BY ORDINANCE NO. 377, ADOPTED THE 5TH DAY OF OCTOBER 1936; ORDINANCE NO. 463, ADOPTED THE 6TH DAY OF AUGUST, 1945; ORDINANCE NO. 558, ADOPTED THE 10TH DAY OF JANUARY, 1955; ORDINANCE NO. 560, ADOPTED THE 9TH DAY OF MAY, 1955; ORDINANCE NO. 570, ADOPTED THE 7TH DAY OF MAY, 1956; ORDINANCE NO. 578, ADOPTED THE 3RD DAY OF DECEMBER, 1956; ORDINANCE NO. 594, ADOPTED THE 8TH DAY OF JULY, 1958; AND ORDINANCE NO. 595, ADOPTED THE 8TH DAY OF JULY, 1958; ADOPTING A ZONING DISTRICT MAP, AND ZONING STANDARDS; AND PROVIDING PENALTIES FOR VIOLATION; AND DECLARING AN EMERGENCY.

WHEREAS, the Town of Highland Park is a mature and completely developed residential community consisting primarily of single-family residences, and

WHEREAS, the Town Council of Highland Park determined that the Zoning Ordinance as enacted on the 3rd day of July, 1929, with all amendments thereto, no longer afforded full protection to properties as developed and did not fully encourage the most appropriate use of the land.

WHEREAS, the Town Council did, by resolution passed on January 14, 1965, provide the Town Zoning Commission with technical assistance and directed that a study of the needed zoning revisions be made.

WHEREAS, the Town Zoning Commission did, after eight months of study, recommend to the Town Council the revisions recommended in the Zoning Ordinance and requested that a date for a public hearing be set.

WHEREAS, the Town Council and Town Zoning Commission did, on the 4th day of October, 1965, conduct a joint public hearing, after giving due notice to all owners of real property in writing, and at which all property owners and interested persons desiring to be heard concerning any provision of the proposed Ordinance revisions were afforded an opportunity to be heard, and

WHEREAS, the Town Zoning Commission after the conclusion of the hearing considered each and all requests and comments and did, on the 14th day of October, 1965, make a final report to the Town Council recommending that the Zoning Ordinance and Zoning District Map in the revised form be adopted.

WHEREAS, the Town Council after considering the final report of the Town Zoning Commission was of the opinion that the Zoning Ordinance and the Zoning District Map in its revised form should be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, DALLAS COUNTY, TEXAS:

This Ordinance shall be known as and referred to as the Zoning Ordinance of the Town of Highland Park, Texas.

- 20-101** The Town Council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established as provided by the statutes of the State of Texas.
- 20-102** Before taking action on any proposed amendment, supplement or change, the governing body shall submit the same to the Town Zoning Commission for its recommendation and report.
- 20-103** The Town Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and report to the Town Council. Written notice of all public hearings before the Town Zoning Commission on a proposed amendment or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice properly addressed and postage-paid to each taxpayer as the ownership appears on the last approved Town tax roll.
- 20-104** A public hearing shall be held by the governing body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in the official publication of the Town of Highland Park stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication.
- 20-105** If a protest against a proposed amendment, supplement or change has been filed with the Town Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof extending two hundred (200) feet therefrom or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by a three-fourths vote of the governing body.

SECTION 21

GENERAL DEFINITIONS

- 21-100** CERTAIN WORDS IN THIS ORDINANCE NOT HERETOFORE DEFINED ARE DEFINED AS FOLLOWS:

WORDS USED IN THE PRESENT TENSE INCLUDE THE FUTURE; WORDS IN THE SINGULAR NUMBER INCLUDE THE PLURAL NUMBER AND WORDS IN THE PLURAL NUMBER INCLUDE THE SINGULAR NUMBER; THE WORD "BUILDING" INCLUDES THE WORD "STRUCTURE"; THE WORD "LOT" INCLUDES THE WORDS "PLOT" OR "TRACT"; THE WORD "SHALL" IS MANDATORY AND NOT DISCRETIONARY.

- (1) Alley - A public space or thoroughfare which affords only secondary means of access to property abutting thereon.
- (2) Apartment - A room or suite of rooms in a multi-family dwelling or apartment house arranged, designed or occupied as a place of residence by a single family, individual or group of individuals.
- (3) Apartment House - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.
- (4) Area of the Lot - The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.
- (5) Basement - A building story which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.
- (6) Block - An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on the said side.
- (7) Board - The Zoning Board of Adjustment as established in Section 16
- (8) Building - Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.
- (9) Town Council - The governing body of the Town of Highland Park, Texas.
- (10) Building Line - A line parallel or approximately parallel to the street line at a specific distance therefrom marking the minimum distance from the street line that a building may be erected.
- (11) Cellar - A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.
- (12) Certificate of Occupancy or Compliance - An official certificate issued by the Town through the enforcing official which indicates conformance with or approved conditional waiver from the Zoning Regulations and authorizes legal use of the premises for which it is issued.

- (13) Town Zoning Commission - The agency appointed by the Town Council as an advisory body to it and which is authorized to recommend changes in the zoning in conformance with State Laws.
- (14) Court - An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.
- (15) Depth of Lot - The mean horizontal distance between the front and rear lot lines.
- (16) District - A section of the Town of Highland Park for which the regulations governing the area, height or use of the land and buildings are uniform.
- (17) Dwelling, One-Family - A detached building having accommodations for and occupied by not more than one family.
- (18) Dwelling, Two-Family - A detached building having separate accommodations for and occupied by not more than two families.
- (19) Dwelling, Multiple-Family - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.
- (20) Dwelling Unit - A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters of a family and including facilities for food preparation and sleeping.
- (21) Family - Any number of individuals living together as a single house-keeping unit, in which not more than two (2) individuals are unrelated by blood, marriage or adoption.
- (22) Floor Area - The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports or garages.
- (23) Floor Area Ratio (FAR) - An indicated ratio between the number of square feet of total floor area in the main building(s) on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building floor area by the lot area.

- (24) Height - The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof's surface if a flat surface, (2) to the deck line of mansard roofs, or (3) to the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten(10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.
- (25) Living Unit - The room or rooms occupied by a family and must include cooking facilities.
- (26) Lodging House - A building where lodging for three (3) or more persons is provided for compensation.
- (27) Lot - Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.
- (28) Lot Coverage - The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.
- (29) Lot Lines - The lines bounding a lot as defined herein.
- (30) Lot of Record - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Dallas County.
- (31) Lot Width - The width of a lot at the front building line.
- (32) Main Building - The building or buildings on a lot which are occupied by the primary use.
- (33) Nonconforming Use - A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.
- (34) Occupancy - The use or intended use of the land or buildings by proprietors or tenants.

- (35) Open Space - Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.
- (36) Parking Space, Off-Street - An enclosed or unenclosed all-weather surfaced area of not less than one hundred eighty (180) square feet (measuring approximately 9 feet by 20 feet) not on a public street or alley, together with an all-weather surfaced driveway connecting the area with a street or alley permitting free ingress and egress without encroachment on the street or alley. Any parking adjacent to a public street wherein the maneuvering is done on the public street shall not be classified as off-street parking in computing the parking area requirements for any use.
- (37) Premises - Land together with any buildings or structures occupying it.
- (38) Private Garage - An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage garage.
- (39) Residence - Same as a dwelling; also when used with District, an area of residential regulations.
- (40) Rooming House - (See Lodging House).
- (41) Story - The height between the successive floors of a building or from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.
- (42) Street - Any thoroughfare or public driveway, other than an alley, and more than forty (40) feet in width, which has been dedicated or deeded to the public for public use.
- (43) Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street.
- (44) Structural Alterations - Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.
- (45) Structure - (Same as building)
- (46) Yard - An open space other than a court, on the lot in which a building is situated and which is not obstructed from a point thirty (30) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special features.

- (47) Yard, Front - An open, unoccupied space on a lot facing a street extending across the front of the lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.
- (48) Yard, Rear - An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.
- (49) Yard, Side - An open, unoccupied space or spaces on one or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or a front line shall be deemed a side line.
- (50) Zoning District Map - The official certified map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance.

SECTION 22

PENALTY FOR VIOLATIONS

- 22-100 Any person or corporation violating any of the provisions of this ordinance, shall upon conviction, be fined any sum not exceeding two hundred dollars (\$200.00); and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded by a violation of the terms of the ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

SECTION 23

PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

- 23-100 By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no

liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the existing zoning ordinance was repealed and this zoning ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

SECTION 24
VALIDITY

24-100 If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

SECTION 25

LIST OF SPECIFIC USE PERMITS AND PLANNED DEVELOPMENT

25-100 The following listed Specific Use Permits and Planned Development existing in the Town of Highland Park are adopted as part of this ordinance and are referenced on the Zoning District Map.

PD 1 Shopping Center - Bounded by Mockingbird Lane, Preston Road, Livingston and Douglas Avenues

SP 1 Parking Lot - Ordinance Number 595

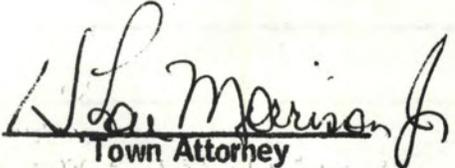
SP 2 Municipal Garage and Maintenance Center

SECTION 26
EFFECTIVE

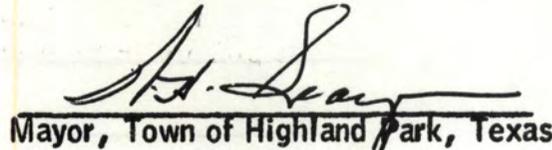
26-100 The fact that the present zoning regulations are inadequate to properly safeguard the general public welfare, health, peace and safety, creates an urgency and an emergency, and requires that this ordinance become effective immediately upon its passage, and it is accordingly so ordained.

APPROVED AS TO FORM

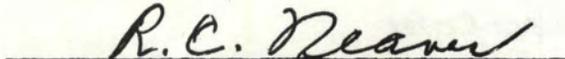
PASSED AND APPROVED


Town Attorney

3rd day of November, 1965


Mayor, Town of Highland Park, Texas

ATTEST:


Town Secretary
Town of Highland Park, Texas

ORDINANCE NO. 1780

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS ("TOWN") AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK, **CHAPTER 14: ZONING, ARTICLE 14.02 ZONING ORDINANCE, EXHIBIT A, ZONING ORDINANCE AS HERETOFORE AMENDED**, BY AMENDING:

- (1) **SECTION 8. AREA REGULATIONS, SECTION 8-400 FRONT YARD**, AFFECTING THE C, D, E, F, AND G ZONING DISTRICTS, BY ADDING A NEW SUBSECTION (11) TO **SECTION 8-402 AND CHANGING THE SETBACK STANDARDS FOR BASEMENTS AND CELLARS**; **SECTION 8-500 SIDE YARD**, AFFECTING THE C, D, E, F, AND G ZONING DISTRICTS, BY ADDING A NEW SUBSECTION (13) TO **SECTION 8-502 AND CHANGING THE SETBACK STANDARDS FOR BASEMENT AND CELLARS**; **SECTION 8-600 REAR YARD**, AFFECTING THE C, D, E, AND F ZONING DISTRICTS, BY AMENDING SUBSECTION (1) AND ADDING SUBSECTIONS (7) – (10) TO **SECTION 8-601 AND CHANGING THE CHANGING THE MAXIMUM HEIGHT AND OTHER STANDARDS FOR BUILDNGS, BASEMENTS, CELLARS, STRUCTURES, WINDOWS, DOORS, DORMERS AND SKYLIGHTS IN THE REAR YARD**;
- (2) **SECTION 9. OFF-STREET PARKING AND LOADING SPACE REGULATIONS, SECTION 9-101**, AFFECTING THE C, D, E, AND F ZONING DISTRICTS BY AMENDING SUBSECTION (1) TO **SECTION 9-101 AND CHANGING THE REQUIRED, MINIMUM OFF-STREET PARKING SPACES**; **SECTION 9. OFF-STREET PARKING AND LOADING SPACE REGULATIONS**, AFFECTING THE C, D, E, F AND G ZONING DISTRICTS BY ADDING A NEW SUBSECTION (5) TO **SECTION 9-103 AND CHANGING THE STANDARDS FOR GARAGE ENTRY DRIVEWAYS**;
- (3) **SECTION 10. HEIGHT REGULATIONS**, AFFECTING THE C, D, E, F, AND G ZONING DISTRICTS, BY AMENDING **SECTION 10-101(4), 10-102(2), 10-102(12) AND 10-102(13)** AND CHANGING THE MAXIMUM HEIGHT AND OTHER STANDARDS FOR BUILDNGS, STRUCTURES, WINDOWS, DOORS, DORMERS AND SKYLIGHTS;
- (4) **SECTION 12. ACCESSORY BUILDING REGULATIONS**, AFFECTING A, B, C, D, E, F, G, AND H ZONING DISTRICTS BY AMENDING SUBSECTION (3) TO **SECTION 12-101 AND CHANGING THE COVERAGE AND SETBACK STANDARDS FOR BUILDINGS IN THE REAR YARD**; AND
- (5) **SECTION 22. GENERAL DEFINITIONS, SECTION 22-100 DEFINITIONS**, BY ADDING DEFINITIONS FOR "DECK," "DECK, ROOFED," AND "GABLE;" AND BY **AMENDING DEFINITIONS FOR "BASEMENT," "CELLAR," AND "HEIGHT"**;

PROVIDING NON-CONFORMING STATUS TO CERTAIN STRUCTURES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES THAT CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 3, 1965, the Town Council of the Town of Highland Park, Texas enacted Ordinance No. 676 known as the Comprehensive Zoning Ordinance, which has been amended from time to time; and

WHEREAS, the Town Council finds that **CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, EXHIBIT A ZONING ORDINANCE AS HERETOFORE AMENDED**, should be amended to provide different area and parking regulations for certain residential zoning districts; and

WHEREAS, the Town retained a planning consultant for the purpose of recommending changes to the area and parking regulations for residential zoning districts; and

WHEREAS, the Town's Zoning Commission conducted a public hearing on June 4, 2008, and upon the recommendation of the planning consultant, reported to the Town Council concerning amendments to the Zoning Ordinance; and

WHEREAS, the Town Council conducted a public hearing on November 12, 2008, and thereafter held public workshops concerning amendments to the Zoning Ordinance; and

WHEREAS, the Town Council finds that amendment of the area and parking regulations for certain residential zoning districts, as hereinafter specified, substantially furthers the public health, safety and general welfare of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. That, **CHAPTER 14 ZONING**, of the Code of Ordinances of the Town of Highland Park is hereby supplemented and/or amended as set forth in the following sections.

SECTION 2. That **SECTION 8. AREA REGULATIONS, Section 8-402, SPECIAL FRONT YARD REGULATIONS**, is supplemented by adding a new subsection (11), to read as follows:

- (11) In the C, D, E, F and G Districts, all basements and cellars shall observe the same front yard setback standards applicable to the primary structure.

SECTION 3. That **SECTION 8. AREA REGULATIONS, Section 8-502, SPECIAL SIDE YARD REGULATIONS** is supplemented by adding a new subsection (13), to read as follows:

- (13) In the C, D, E, F and G Districts, all basements and cellars shall observe the same side yard setback standards applicable to the primary structure. No openings shall be allowed from the basement or the cellar to the side yard, except for vehicular access to authorized underground parking.

SECTION 4. That SECTION 8. AREA REGULATIONS, Section 8-601 regarding rear yard standards is amended and/or supplemented as follows:

(a) Subsection (1) is amended in its entirety and shall hereinafter read as follows:

- (1) In all districts permitting residential structures, no main residential building, including any basement or cellar, may be constructed nearer than ten (10) feet to the rear property line. In the C, D, E and F Districts, any structure, or portion thereof, located within forty (40) feet of the rear property line shall not exceed twenty-five (25) feet in height, nor have a plate height exceeding twelve (12) feet six (6) inches. Roof height shall be measured to the roof ridge, or projected roof ridge, whichever is higher, and the slope shall not exceed twelve vertical units in twelve horizontal units (12:12 pitch maximum). In all districts permitting residential structures, a main residential building shall not cover more than fifty (50) percent of that portion of the lot lying to the rear of a line erected joining the midpoint on one side lot line with the midpoint of the opposite side lot line. For accessory buildings, see Section 12. (See Appendix Illustration 3.)

(b) Subsections (7) through (10) are added to read as follows:

- (7) In the C, D, E and F Districts, gables, dormers, windows or doors located above the 12' 6" plate line and within forty (40) feet of the rear property line, shall not face the side yards, unless located a minimum distance of twenty (20) feet as measured horizontally from the side property line; except dormers or windows facing a side street on a corner lot shall be permitted. Dormers and windows cannot exceed four (4) feet in width, must be separated by a minimum of four (4) feet, and must be set back a minimum of thirty (30) inches from the top plate.
- (8) In the C, D, E and F Districts, windows above the twelve (12) feet six (6) inch plate line facing and within twenty (20) feet of the rear property line, shall be fixed and opaque.
- (9) In the C, D, E and F Districts, a deck and/or porch more than thirty (30) inches above grade and a roof terrace and/or balcony shall not be located within forty (40) feet of the rear property line.
- (10) In the C, D, E and F Districts, fixed skylights that are flush-mounted with the roof are allowed above the twelve (12) feet six (6) inch top plate line of the first floor within forty (40) feet of the rear property line. The lowest portion of such skylight shall be a minimum of six (6) feet high, measured vertically from the finished floor above the top plate.

SECTION 5. That **SECTION 9. OFF-STREET PARKING AND LOADING SPACE REGULATIONS, Section 9-101(1)** regarding minimum off-street parking standards, is amended in its entirety and shall hereinafter read as follows:

- (1) A and B, One-Family Residence Two (2) spaces for each dwelling unit.
Districts:
- C, D and E, One-Family Three (3) spaces for each dwelling unit. Two
Residence Districts: parking spaces shall be enclosed and shall be
located behind the front building line.
- F, Two-Family Residence Three (3) spaces for each dwelling unit. Two
Districts: parking spaces shall be enclosed and shall be
located behind the front building line.
- G and H, Multi-Family Two (2) spaces for each dwelling unit.
Residence Districts

SECTION 6. That **SECTION 9. OFF-STREET PARKING AND LOADING SPACE REGULATIONS, Section 9-103 SPECIAL OFF-STREET PARKING REGULATIONS** is supplemented by adding a new subsection (5), to read as follows:

- (5) In the C, D, E, F, and G Districts, a garage facing a side property line with a front or rear entry driveway shall provide a minimum distance from the face of the garage to the side property line of twenty-three (23) feet. The minimum turning radius shall be fifteen (15) feet.

SECTION 7. That **SECTION 10, HEIGHT REGULATIONS, Section 10-101(4)** regarding maximum height of buildings and structures, is amended in its entirety and shall hereinafter read as follows:

- (4) G, Multifamily Residence A. Three (3) stories not to exceed forty-
Districts three (43) feet to the roof ridge or
projected roof ridge and thirty-five (35)
feet to the top of the top plate.
- B. On fifty (50) feet wide building sites,
height is limited to thirty-five (35) feet
for mansard roofs or roofs with a flat
surface, except as noted in 10-102
following.

SECTION 8. That **SECTION 10 HEIGHT REGULATIONS, Section 10-102 SPECIAL HEIGHT REGULATIONS** is amended as follows:

(a) **Section 10-102 SPECIAL HEIGHT REGULATIONS (2)** is amended in its entirety and shall hereinafter read as follows:

(2) In C, D, E and F Districts, the height to the top of the top plate shall be a maximum of twenty-six (26) feet, except as limited by Section 8-601.

(b) **Section 10-102 SPECIAL HEIGHT REGULATIONS (12)** is amended in its entirety and shall hereinafter read as follows:

(12) In G Multifamily Districts:

A. Windows shall not be permitted on the third story facing the rear yard adjacent to a residential zoning district.

B. On fifty-(50) feet wide building sites, doors shall not be permitted on the on the third floor facing the alley.

(c) **Section 10-102 SPECIAL HEIGHT REGULATIONS** is supplemented by adding a new subsection (13), to read as follows:

(13) In the C, E, E and F Districts, windows or dormers above the second floor top plate line shall face a front street. Fixed skylights that are flush-mounted with the roof shall be allowed above the top plate line of the second story, provided that the skylight at its lowest elevation is a minimum of six (6) feet measured vertically above the finished floor.

SECTION 9. That **SECTION 12 ACCESSORY BUILDING REGULATIONS, Section 12-101(3)** regarding area regulations for accessory buildings, is amended in its entirety and shall hereinafter read as follows:

(3) Rear Yard. There shall be a rear yard for any accessory building of not less than (3) feet from the rear property lot line, alley line or easement line, except that if no alley exists the rear yard shall not be less than eight (8) feet as measured from the rear property line. In A, B, G and H Districts, the main dwelling and all accessory buildings shall not cover more than sixty (60) percent of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line. In C, D, E and F Districts, coverage for the main building and all accessory buildings is limited to not more than fifty (50) percent. Carports, garages or other detached accessory buildings located within the rear portion of the lot as heretofore described shall not be located closer than ten (10) feet to the main building nor nearer than three (3) feet to any side lot line, except that a breezeway not exceeding fifteen

(15) feet in height shall be permitted connecting the dwelling structure to an accessory building, provided it is open on all sides from the eaves of the roof to the ground. Carports and garages which open directly to and are entered from an alley shall not be located nearer than ten (10) feet to the rear lot line. Maximum overhang for roofs of accessory buildings into the required rear yard is eighteen (18) inches.

SECTION 10. That, **SECTION 22. GENERAL DEFINITIONS, Section 22-100** regarding certain words not heretofore defined, shall be amended as follows:

- (a) **Section 22-100** is supplemented by adding the following definitions, and renumbering subsections to follow alphabetical order, to read as follows:

Deck—A flat, floored area, attached to a building, or a free-standing structure, without a roof or walls other than the side(s) of a building when attached.

Deck, Roofed—Any deck that is completely or partially covered, including but not limited to, open beams or lattice work, that meets regulations for accessory buildings.

Gable—The triangular area above the top plate formed by two sloping planes supported at their ends by a wall below.

- b. **Section 22-100 (5) Basement** is amended in its entirety and shall hereinafter read as follows:

(5) Basement—A building story (consisting of not more than one level), which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

- c. **Section 22-100 (13) Cellar** is amended in its entirety and shall hereinafter read as follows:

(13) Cellar—A building story (consisting of not more than one level) with more than half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

- d. **Section 22-100 (30) Height**, Subsection 1.(3) is amended in its entirety and shall hereinafter read as follows:

(3) the mean height level between the eaves and ridge line except in G Districts, which shall be as provided in section 10-101(4)A.

SECTION 11. That all structures constructed or prospective structures for which building permits were issued prior to the effective date of this ordinance, and which do not conform to the regulations in this ordinance, are provided nonconforming status, as prescribed in **SECTION 16, NONCONFORMING USES AND STRUCTURES**; provided, however, that it is the intent of the Town Council to apply these regulations following their effective date as strictly as allowed by law.

SECTION 12. Validity. That all ordinances of the Town of Highland Park in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other provisions of the ordinances of the Town of Highland Park not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 13. Severability. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid, and the same shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 14. Penalty. That any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Comprehensive Zoning Ordinance, as amended hereby, shall be subject to the penalty provisions of Section 1.01.009 of the Code of Ordinances of the Town of Highland Park, Texas, as amended.

SECTION 15. Incorporation. That this ordinance shall be deemed to be incorporated into the Code of Ordinances of the Town of Highland Park, Texas

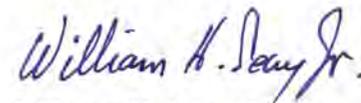
SECTION 16. That this ordinance shall take effect on March 1, 2009, from and after its passage, approval and publication as the law and charter provide in such cases.

PASSED AND APPROVED on this the 26th day of January, 2009.

APPROVED AS TO FORM:

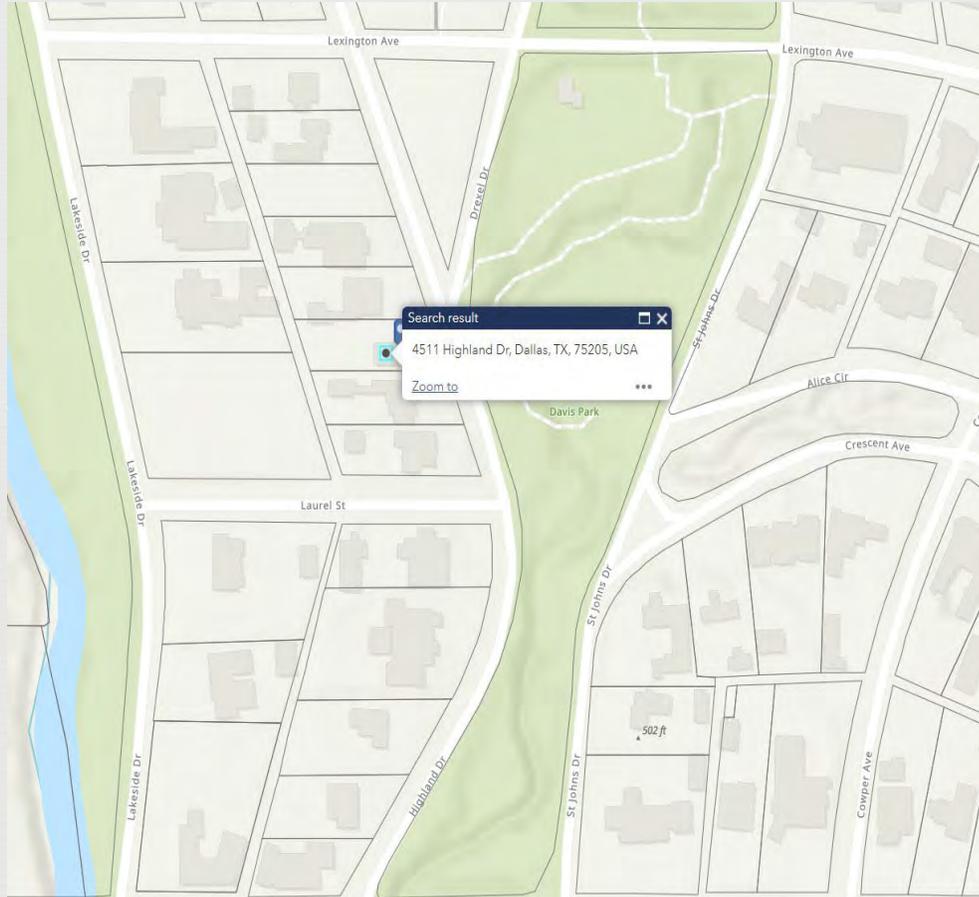

Albert D. Hammack
Town Attorney

APPROVED:


William H. Seay, Jr.
Mayor

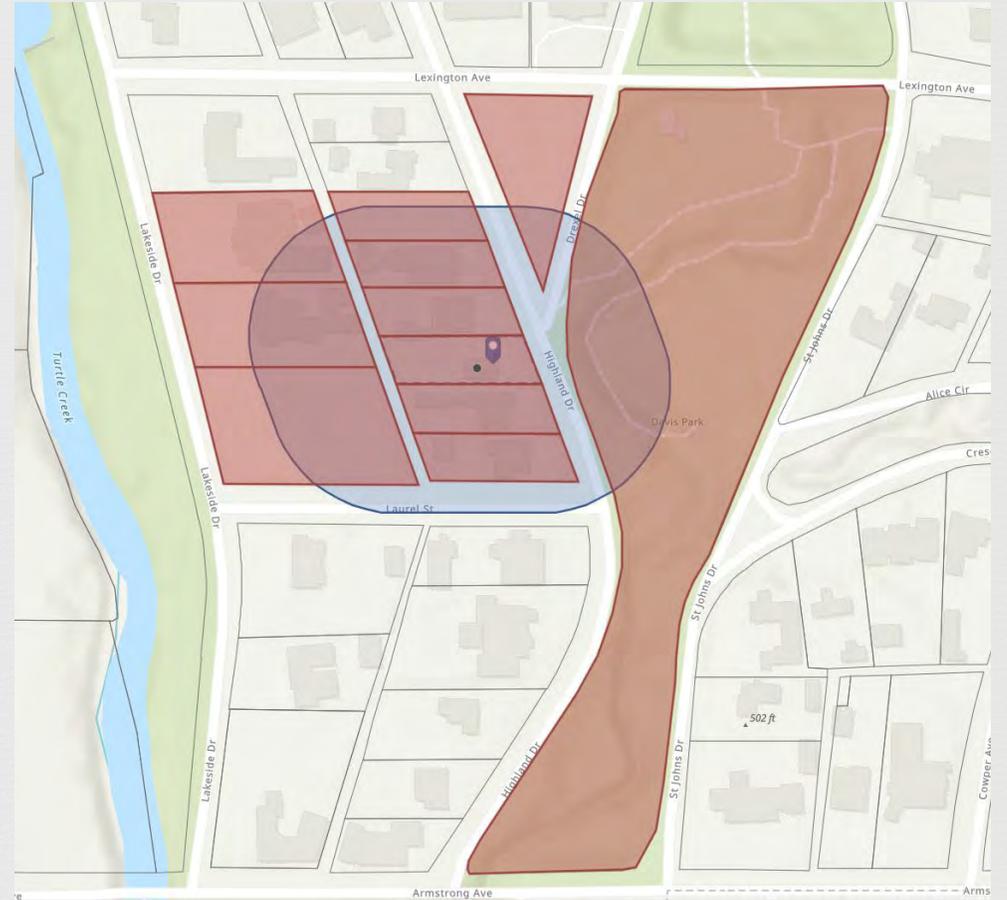
ATTEST:


James Fisher
Town Secretary



THE TOWN OF
Highland Park

Area map



200' notification map

