

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME I

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(1) Section 11.61(b)(1), (6), (7), (8), (9), (10), (11), (13), (14), or (20); or

(2) Section 61.71(a)(5), (6), (7), (8), (11), (12), (14), (17), (18), (22), or (24).

(e) On the sale or transfer of the business in which a new original license or permit is required, the business will be deemed to satisfy the distance requirements as if the issuance of the new original permit or license were a renewal of a previously held permit or license. This subsection does not apply to the satisfaction of the distance requirement prescribed by Subsection (a)(2) of this section for a public school, except that on the death of a permit or license holder or a person having an interest in a permit or license, this subsection does apply to the holder's surviving spouse or child of the holder or person if the spouse or child qualifies as a successor in interest to the permit or license.

~~—(f) This section does not apply to:~~

~~—(1) the area bounded by the south side of Woodall Rodgers Freeway, the east side of Stemmons Freeway (I-35E), the north side of R. L. Thornton Freeway (I-30), and the west side of Central Expressway (U.S. 75); or~~

~~—(2) Planned Development District No. 269 (the Deep Ellum/Near East Side District).~~

(f) This section does not apply to:

(1) the area bounded by the south side of Woodall Rodgers Freeway, the east side of Stemmons Freeway (I-35E), the north side of R.L. Thornton Freeway (I-30), and the west side of Central Expressway (U.S. 75);

(2) Planned Development District No. 269 (the Deep Ellum/Near East Side District); or

(3) the area bounded by Lemmon Avenue East, McKinney Avenue, Blackburn Street, and Cole Avenue (West Village).

(g) Variances. Pursuant to Section 109.33(e) of the Texas Alcoholic Beverage Code, a variance to the distance requirements prescribed by Subsection (a) may be requested and granted in accordance with the following procedures.

(1) Application. An applicant for a variance shall submit the following information to the director of the department of sustainable development and construction:

(v) a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code;

(vi) a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate;

(vii) a manufacturer's license pursuant to Chapter 62 of the Texas Alcoholic Beverage Code;

(B) the application is for one of the following uses as defined in the Dallas Development Code:

(i) general merchandise or food store with 10,000 square feet or more of floor area;

(ii) restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;

(iii) alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery; or

(iv) alcoholic beverage manufacturing;

(C) alcoholic beverages will not be sold by drive-in or drive-through service; and

(D) enforcement of the spacing requirements in this particular instance:

(i) is not in the best interest of the public;

(ii) constitutes waste or inefficient use of land or other resources;

(iii) creates an undue hardship on an applicant for an alcohol permit;

(iv) does not serve its intended purpose;

(v) is not effective or necessary; or

(vi) for any other reason that the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

(6) Conditions. City council may impose reasonable conditions on the granting of a variance and may require development pursuant to a site plan.

(7) Renewal and transfer. A variance granted pursuant to this subsection is valid for subsequent renewals of the alcohol permit. A variance granted pursuant to this subsection may not be transferred to another location or to another alcohol permit holder. (Ord. Nos. 8096; 13172; 15669; 21735; 22537; 25174; 25465; 27747; 28444; 28565; 28799; 29208; 29261; 31143)

SEC. 6-5. PUBLIC SCHOOL ACTIVITIES.

A person commits an offense if he possesses, transports, or consumes any alcoholic beverage, at any high school athletic contest, at any school-sponsored dance, party or other social gathering, or on the grounds or in the buildings of any public school. Any police officer is authorized to seize and confiscate such alcoholic beverages. (Ord. Nos. 4175; 21735)

SEC. 6-6. RESERVED. (Ord. 21735)

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ARTICLE I.**FAIR HOUSING****SEC. 20A-1. SHORT TITLE.**

This chapter may be cited as the Dallas Fair Housing ordinance. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-2. DECLARATION OF POLICY.

It is the policy of the city of Dallas, through fair, orderly, and lawful procedures, to promote the opportunity for each person to obtain housing without regard to race, color, sex, religion, handicap, familial

(3) fails to design or construct a covered multi-family dwelling, for first occupancy after March 13, 1991, to have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or

(4) fails to design and construct a covered multi-family dwelling, for first occupancy after March 13, 1991, that has a building entrance on an accessible route in such a manner that:

(A) the public and common use areas of the dwelling are readily accessible to and usable by a handicapped person;

(B) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by a handicapped person in a wheelchair; and

(C) all premises within a dwelling unit contain the following features of adaptive design:

(i) an accessible route into and through the dwelling unit;

(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in the bathroom walls to allow later installation of grab bars; and

(iv) usable kitchens and bathrooms that allow a person in a wheelchair to maneuver about the space.

(g) A person commits an offense if he coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(h) A person commits an offense if he retaliates against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under this chapter. (Ord. Nos. 13456; 14809; 20652; 20780; 21055; 30246)

SEC. 20A-4.1. HOUSING VOUCHER INCENTIVES.

In accordance with Section 250.007(c) of the Texas Local Government Code, as amended, the city hereby creates and implements the following voluntary program to encourage acceptance of housing vouchers, including vouchers directly or indirectly funded by the federal government.

(a) Subsidy. All housing accommodations that benefit from a subsidy approved by the city council on or after the effective date of this ordinance shall not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government.

(b) Financial award. Multifamily housing accommodations that benefit from a financial award approved by the city council on or after the effective date of this ordinance shall set aside at least 10 percent of the dwelling units and solely lease those dwelling units to holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, for a minimum of 15 years from the date of the initial issuance of the housing accommodation's certificate of ~~occupancy~~ **occupancy**. Multifamily has the meaning assigned in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended. (Ord. 30246)

SEC. 20A-5. DEFENSES TO CRIMINAL PROSECUTION AND CIVIL ACTION.

(a) It is a defense to criminal prosecution or civil action under Section 20A-4 that:

(1) the housing accommodation is owned, controlled, or managed by:

(2) involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the filing of a complaint under this chapter or a civil action under Section 20A-17. (Ord. 20780)

SEC. 20A-17. SERVICE OF NOTICE AND COMPUTATION OF TIME.

(a) For purposes of this chapter, any notice, paper, or document required to be served on any person under this chapter may be served in person or by United States mail to the person's last known address.

(b) When service is by mail, three days will be added to the prescribed time period allowed under this chapter for timely filing.

(c) Service is complete and time periods begin to run at the time the required notice, paper, or document is delivered in person or deposited in a United States postal receptacle. (Ord. 20780)

SEC. 20A-18. ADDITIONAL REMEDIES.

The procedures prescribed by this chapter do not constitute an administrative prerequisite to another action or remedy available to the city or to an aggrieved person under federal or state law. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-19. EDUCATION AND PUBLIC INFORMATION.

The administrator may conduct educational and public information activities that are designed to promote the policy of this chapter. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-20. EFFECT ON OTHER LAW.

This ordinance does not affect any local, state, or federal restriction:

(1) on the maximum number of occupants permitted to occupy a dwelling unit; or

(2) relating to health or safety standards. (Ord. 20780)

SEC. 20A-21. CRIMINAL PENALTIES FOR VIOLATION.

(a) A person who violates a provision of Section 20A-4 or 20A-11 of this chapter commits a criminal offense. A person is guilty of a separate criminal offense for each day or part of a day during which a violation is committed, continued, or permitted.

(b) A criminal offense under this chapter is punishable in municipal court by a fine of not less than \$250 nor more than \$500. (Ord. Nos. 20652; 20780)

ARTICLE II.

MIXED-INCOME HOUSING.

SEC. 20A-22. PURPOSE.

This article is adopted to implement the provisions and goals of the comprehensive housing policy, affirmatively further fair housing, create and maintain available and affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty. (Ord. 31142)

SEC. 20A-23. APPLICABILITY.

This article applies to developments seeking a development bonus under Division 51A-4.1100 and other properties enrolled in a mixed-income housing program. (Ord. 31142)

SEC. 20A-24. DEFINITIONS AND

INTERPRETATIONS.

(a) Definitions. In this article:

(1) **ADJUSTED INCOME** has the definition assigned to that term in 24 CFR §5.611, as amended.

(2) **AFFIRMATIVE FAIR HOUSING MARKETING PLAN** means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, religion, sex, disability, familial status, or national origin.

(3) **AFFORDABLE RENT** means: (i) a monthly rental housing payment, less an allowance for utilities, that does not exceed 30 percent of an eligible household's adjusted income divided by 12, or (ii) the voucher payment standard.

(4) **ANNUAL INCOME** has the definition assigned to that term in 24 CFR §5.609, as amended.

(5) **APPLICANT** means a household applying to lease a reserved dwelling unit.

(6) **AREA MEDIAN FAMILY INCOME** ("AMFI") means the median income for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.

(7) **DEPARTMENT** means the department of housing and neighborhood revitalization.

(8) **DEVELOPMENT** means the structure or structures located on the Property receiving a development bonus.

(9) **DEVELOPMENT BONUS** means yard, lot, and space bonuses that can be obtained by meeting the requirements in this division and Chapter 51A.

(10) **DEVELOPMENT BONUS RESTRICTIVE COVENANT** means a covenant running with the land that meets the requirements of this chapter.

(11) **DIRECTOR** means the director of the department of housing and neighborhood revitalization and includes representatives, agents, or department employees designated by the director.

(12) **ELIGIBLE HOUSEHOLDS** means households with an adjusted income within the required income band or voucher holders regardless of

income.

(13) **FAMILY** means family as defined in 24 CFR §5.403, as amended.

(14) **HANDBOOK** means the HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, as periodically revised and published by HUD.

(15) **HUD** means the United States Department of Housing and Urban Development.

(16) **INCOME** means income as defined by 24 CFR §5.609.

(17) **INCOME BAND** means the range of household adjusted incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size.

(18) **MARKET VALUE ANALYSIS** ("MVA") means the most recent official study that was commissioned by and prepared for the city to assist residents and policy-makers to understand the elements of their local residential real estate markets.

(19) **MIXED-INCOME HOUSING PROGRAM** means a program administered by the department in which each owner using a development bonus participates.

(20) **MIXED-INCOME HOUSING RESTRICTIVE COVENANT** means the instrument securing the terms and enforcement of this division.

(21) **OPTIONAL AMENITIES** means services or features that are not included in the monthly rent, including access to premium parking and concierge services, among other services.

(22) **OWNER** means the entity or person who owns the development or Property during the rental affordability period, including the owner's employees, agents, or contractors.

(23) **PROPERTY** means the land and all improvements as more particularly described in the mixed-income restrictive covenant.

(24) **RENTAL AFFORDABILITY PERIOD** means the period that the reserved dwelling units may only be leased to and occupied by eligible households.

(25) RESERVED DWELLING UNIT means the rental units in a development available to be leased to and occupied by eligible households, or which are currently leased to and occupied by eligible households and are leased at affordable rental rates.

(26) UNIT TYPE means the kind of unit broken out by number of bedrooms in the unit, or, if the unit is a specialty unit, a description of the type of specialty unit, such as efficiency, one bedroom, two bedroom, loft, penthouse, etc.

(27) UTILITY ALLOWANCE means the reasonable allowance for tenant-furnished utilities and other services as published annually by the Dallas Housing Authority.

(28) VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal, state, or local government.

(29) VOUCHER PAYMENT STANDARD means the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

(b) Interpretations. For uses or terms found in Chapter 51, the regulations in Section 51A-4.702(a)(6)(C) apply in this division. (Ord. 31142)

SEC. 20A-25. MARKET VALUE ANALYSIS CATEGORY AND RESERVED DWELLING UNIT VERIFICATIONS.

(a) In general. An owner shall obtain a market value analysis ("MVA") category verification and shall sign a form provided by the department acknowledging receipt of information regarding the minimum and maximum percentage of reserved dwelling units for that category, if applicable, as a precondition to participating in the mixed-income housing program.

(b) Reserved dwelling unit verification. A development using a mixed-income development bonus in Division 51A-4.1100 may reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of Area Median Family Income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the Department of Housing and

Neighborhood Revitalization and authorized by the city council that furthers the public purposes of the city's housing policy and affirmatively furthers fair housing.

(c) Procedure for obtaining a market value analysis category and reserved dwelling unit verification.

(1) An owner shall attend an in-person meeting with the director to review the terms of the mixed-income housing program, including the MVA category and reserved dwelling unit verification.

(2) Before the meeting, the owner shall disclose the following information on a form provided by the director:

(A) the legal description and address of the property;

(B) any restrictive covenants or contracts that will require the owner to lease dwelling units at a specific rent for a specific term of years, along with the number of units; and

(C) any other information determined by the director to be necessary to aid in the determination of whether the owner is eligible to participate in the mixed-income housing program.

(3) At the close of the meeting, the director shall sign and date the MVA category verification and the owner shall sign and date the reserved dwelling unit verification for the Property. Copies of the signed verifications will be provided to the owner.

(d) Expiration of market value analysis category and reserved dwelling unit verifications. MVA category and reserved dwelling unit verifications expire one year after the date of issuance if the owner has not filed a mixed-income restrictive covenant in the real property records related to the property for which the MVA category and reserved dwelling unit verifications were issued and made reasonable progress, as defined in Section 311.3 of Chapter 52 of the Dallas City Code, on the Property that will be subject to the mixed-income restrictive covenant. (Ord. 31142)

SEC. 20A-26. MIXED-INCOME RESTRICTIVE COVENANT.

(a) In general. A mixed-income restrictive covenant must be executed and recorded in accordance with this section on a form provided by the city. The instrument must:

- (1) be signed by all owners of the Property;
- (2) be signed by all lienholders, other than taxing entities, having an interest in the Property;
- (3) contain a legal description of the Property;
- (4) specify the number of any required reserved dwelling units and the income band applicable to each unit;
- (5) be a covenant running with the land;
- (6) be for a term of 20 years with five-year auto renewals unless terminated by a subsequent written instrument;
- (7) state that all signatories agree to defend, indemnify, and hold harmless the City of Dallas from and against all claims or liabilities arising out of or in connection with the instrument;
- (8) state that it may only be amended or terminated by a subsequent written instrument that is:
 - (A) signed by all owners of the Property and all lienholders, other than taxing entities;
 - (B) approved by the director;
 - (C) approved as to form by the city attorney; and
 - (D) recorded and made a part of the deed records of the county or counties in which the Property is located;
- (9) state that the owner agrees to comply with all the requirements of this article, including the submission of quarterly unit status reports, maintaining the development in compliance with the city's health and safety ordinances, full cooperation with any audits and inspections conducted pursuant to the mixed-income housing program including providing access to all records required to be maintained in accordance with this article and allowing the physical inspection of the property, compliance with the city's Mixed-Income Housing Program Manual maintained by the

Department of Housing and Neighborhood Revitalization, and continued compliance with maintenance of the physical attributes of the property in accordance with this article;

- (10) state that the owner agrees to maintain the property in compliance with all federal, state, and local health and safety regulations;
- (11) state that the owner agrees to notify the city within 30 days of any change in ownership, default, foreclosure, or bankruptcy;
- (12) state that it may be enforced by the City of Dallas;
- (13) state that it shall be governed by the laws of the State of Texas; and
- (14) be approved by the director and be approved as to form by city attorney.

(b) Commencement and termination of rental affordability period. The rental affordability period begins on the date the first reserved dwelling unit is occupied by an eligible household and continues until the expiration of the term of years stated in the mixed-income restrictive covenant, unless the term has been tolled and extended due to the owner's substantial noncompliance with the mixed-income housing program.

(c) Instrument to be recorded. A true and correct copy of the fully executed mixed-income restrictive covenant must be recorded in the deed records of the county or counties in which the property is located. The instrument will not be considered effective until it is recorded in the deed records in accordance with this article and a recorded copy of the instrument is filed with the director.

(d) Amendment of instrument. A recorded mixed-income restrictive covenant may be amended to adjust the number of reserved dwelling units in a development. (Ord. 31142)

SEC. 20A-27. ADMINISTRATION OF THE MIXED-INCOME HOUSING PROGRAM.

(a) Compliance with the handbook. Except as provided in this subsection, the intent of the mixed-income housing program is that the owner shall

conduct eligibility determinations in accordance with the handbook.

(b) **Exceptions.** The following mandatory items in the handbook do not apply to the mixed-income housing program:

(1) inquiries regarding or documentation of the immigration status of an applicant or eligible household;

(2) use of HUD forms, unless specifically required in this division;

(3) compliance with HUD requirements that are specific to a HUD program and are not generally-applicable; and

(4) use of the Enterprise Income Verification (EIV) system.

(c) **Eligibility determinations in general.** An owner shall determine whether an applicant is eligible to lease and occupy a reserved dwelling unit before approving the applicant for tenancy and thereafter on an annual basis.

(d) **Eligibility determination prior to approving an applicant for tenancy.** An owner shall determine:

(1) family size in accordance with the handbook;

(2) annual income and adjusted income in accordance with the handbook and 24 CFR Part 5;

(3) whether the applicant's adjusted income is within the income bands applicable to the reserved dwelling units in the property; and

(4) if the applicant's adjusted income is within the income bands applicable to the reserved dwelling units in the property, whether there are any reserved units at the property that are currently available for lease to and occupancy by an applicant and are dwelling units of adequate size, per the owner's general occupancy standards that must:

(A) take into account all persons residing in the household and follow the guidelines set forth in the handbook and in accordance with the Fair Housing Act;

(B) prevent both over-occupancy and

under-occupancy of units. In general, a two-person per bedroom standard is appropriate; and

(C) take into account the specific size of bedrooms and units, configuration of the unit, and age of children who may be occupying the unit (if any), among other factors.

(e) **Determination of family size.** An owner shall use the broad definition of family as defined in 24 CFR §5.403 and may not engage in any discriminatory housing practices as defined in Section 20A-4 of this chapter.

(f) **Income limits.** The department will annually publish income limits to be used in determining an applicant's eligibility to lease a reserved dwelling unit or a household's eligibility to renew the lease on a reserved dwelling unit. The department shall use the income limits published annually by HUD for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as the basis for the department's income limits.

(g) **Income bands.** An owner shall ensure that reserved dwelling units are only leased to and occupied by eligible households in accordance with the development bonus restrictive covenant. For the mixed-income housing program, units must be reserved for families with adjusted annual incomes within the following bands, except that voucher holders may be selected to occupy any reserved dwelling unit:

(1) Income band 1: 81-100 percent of AMFI;

(2) Income band 2: 61-80 percent of AMFI;

and

(3) Income band 3: 51-60 percent of AMFI.

Eligible households making less than the minimum AMFI for a particular income band may be counted as a higher income band provided that they are charged an affordable rent.

(h) **Affordable rents.**

(1) An owner shall ensure that an affordable rent is charged to eligible households occupying reserved dwelling units.

(2) An owner is responsible for calculating the affordable rent before approving the applicant for

tenancy and on an annual basis based on the eligible household's adjusted income reported during the annual certification.

(A) After completing the annual eligibility certification process, the owner shall adjust the rent upwards or downwards so that it remains an affordable rent.

(B) An owner shall provide a minimum of 30 days written notice to the eligible household before a rent change. The notice must include a summary of how the change was calculated.

(3) The calculated rent must include all monthly charges or fees that are mandatory for all tenants but does not need to include charges or fees for optional amenities. The owner may not impose expenses or fees that are applicable only to reserved dwelling units.

(i) Annual certification of eligibility. An owner shall conduct an annual certification of household income and composition for each eligible household as follows:

(1) Except as provided in Paragraph (2), eligible households leasing reserved dwelling units may satisfy the annual certification process by self-certifying their eligibility using a form provided by the director. For reserved dwelling units subject to Subsection (i)(2), this paragraph does not apply.

(2) Every six years during the property's affordability period, the owner shall conduct the annual certification of each eligible household leasing a reserved dwelling unit in accordance with Subsection (d), regardless of the number of years the eligible household has leased a reserved dwelling unit.

(3) Annual certification must be completed at least 30 days before the annual anniversary of the initial lease date.

(4) An owner shall send at least one written notice to the eligible household at least 90 days in advance of the annual anniversary of the initial lease date requesting all information needed to conduct the annual certification in compliance with this division.

(5) An owner shall not conduct a certification on less than an annual basis unless requested to do so by an eligible household. An owner shall conduct the interim certification in the same

manner as conducting an annual certification. An owner may charge a reasonable fee to cover the administrative costs associated with conducting an interim certification.

(6) If an owner fails to complete the annual certification within 120 days of the lease anniversary date, the reserved dwelling unit will be considered out of compliance and the mixed-income restrictive covenant term will be extended for the period of non-compliance. The non-compliance can be cured by completing the annual certification or designating another unit as a reserved dwelling unit and leasing it to an eligible household.

(j) Over- and under-income eligible households. This subsection is intended to provide a reasonable time period for eligible households and owners to respond to an eligible household's changing economic circumstances.

(1) If an eligible household's adjusted income at the annual certification exceeds the highest income for which the unit is reserved, the unit remains in compliance until the next annual certification so long as the owner continues to charge an affordable rent.

(2) If an eligible household's adjusted income at the annual certification falls below the lowest income for which the unit is reserved, an owner shall provide written notice to the director so that the director can determine whether the eligible household is eligible for any available subsidies. The unit remains in compliance until the next annual certification so long as the owner continues to charge a rent amount that does not exceed the prior year's affordable rent.

(3) If an eligible household's adjusted income either exceeds the highest income for which the reserved dwelling unit is reserved or falls below the lowest income for which the reserved dwelling unit is reserved at a consecutive annual recertification:

(A) the owner may begin charging the household market rate rents and the unit is no longer a reserved dwelling unit. The next comparably sized unit to become available will be deemed a reserved dwelling unit; or

(B) if the owner is required to provide reserved dwelling units to more than one income band and the eligible household's adjusted income falls

within the income band for an alternative reserved dwelling unit, the owner may allow the household to lease an alternative reserved dwelling unit, if available or the owner may re-designate the eligible household's current reserved dwelling unit to the appropriate income band.

(k) Additional requirements and prohibitions.

(1) The reserved dwelling unit for which an applicant is applying to lease, or for which an eligible household leases, must be the applicant's or eligible household's only residence.

(2) An owner may not allow an eligible household to sublease or otherwise accept compensation for allowing a person or persons who are not documented members of the eligible household, pursuant to the owner's lease agreement with the eligible household, to occupy a reserved dwelling unit, regardless of the terms or length of the occupancy.

(3) Any financial assistance that a student receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education that is in excess of the amounts received for tuition shall be included in annual income, except if the student will live with his or her parents and his or her parents are voucher holders. (Ord. 31142)

SEC. 20A-28. TENANT SELECTION AND OTHER WRITTEN POLICIES.

(a) Tenant selection and other policies should:

(1) be reasonably related to the mixed-income housing program eligibility criteria and the applicant's ability to perform the obligations of the lease;

(2) provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable;

(3) give prompt written notification to any rejected applicant stating the grounds for the rejection; and

(4) be consistent with this article.

(b) Owners shall create the following written policies and retain written records related to the following policies:

(1) reasonable accommodations;

(2) affirmative marketing;

(3) applicant screening criteria;

(4) tenant selection criteria;

(5) policies for opening and closing the waiting list;

(6) waiting list preferences, if any;

(7) procedures for rejecting ineligible tenants;

(8) occupancy standards;

(9) non-renewal and termination notices; and

(10) unit transfers. (Ord. 31142)

SEC. 20A-29. APPLICANT AND ELIGIBLE HOUSEHOLD RESPONSIBILITIES.

(a) Applicants and eligible households who lease a reserved dwelling unit shall timely provide the owner all documents and information required by this article to be used to determine income, adjusted income, and family size.

(b) An eligible household who is leasing a reserved dwelling unit at the time the director conducts an audit, upon written request by the director, shall timely provide the director with all documents and information required by this article to be used to determine annual income, adjusted income, and family size.

(c) An eligible household's failure to timely provide requested information and documents to the owner or director upon written request does not constitute an offense. However, if the director is unable to verify that the household is an eligible household, the reserved dwelling unit may be deemed non-compliant and the owner is no longer required by this ordinance to charge an affordable rent. The non-compliance can be cured by completing and providing any required documentation to the director. (Ord. 31142)

SEC. 20A-30. NON-DISCRIMINATION.

(a) Except as provided in this section, an owner receiving a mixed income development bonus under Division 51A-4.1100 shall not discriminate against holders of housing vouchers, including vouchers directly or indirectly funded by the federal government.

(b) It is a defense to criminal prosecution or civil action under this section that at least the minimum required percentage of reserved units are leased to eligible households. (Ord. 31142)

SEC. 20A-31. COMPLIANCE, REPORTING, AND RECORDKEEPING.

(a) In general. An owner must comply with the city's mixed-income housing program during the term of the mixed-income restrictive covenant.

(b) Use of forms. If the director publishes mandatory forms to be used in the mixed-income housing program, which may be amended from time to time, the owner shall use those forms. The director may also publish non-mandatory forms that an owner may use.

(c) Management policies. An owner is responsible for ensuring that his or her employees and agents, including third-party management companies, are aware of and comply with the development bonus restrictive covenant and the mixed-income housing program.

(d) Recordkeeping.

(1) An owner shall maintain documentation including, but not limited to, applications, waitlists, first-hand or third-party verification of income and assets, leases for reserved dwelling units, and rents and any fees charged for reserved dwelling units.

(2) An owner shall maintain all required documentation in the eligible household's file at the development or maintain the documentation in an electronic format as long as the documentation can be accessed by onsite employees and provided in a timely fashion to the director upon request.

(3) An owner shall maintain documentation of all income verification efforts and household composition reviews throughout the term of each

eligible household's tenancy and for at least three years after the eligible household moves out.

(e) Quarterly status reports. An owner shall submit quarterly status reports on a form provided by the director, as described below, in January, April, July, and October on or before the 10th day of the month. The report must include:

(1) the total number of dwelling units on the property;

(2) the total number of reserved dwelling units on the property;

(3) a list of all reserved dwelling units on the property, identified by unit number and unit type;

(4) for each reserved dwelling unit:

(A) the applicable income bands;

(B) the current affordable rent, utility allowance, and any fees charged;

(C) the occupancy status as of the last day of the previous month for the reporting period. For example, the report due October 10th should report occupancy as of September 30th of the same year;

(D) the adjusted income of the eligible household leasing and occupying the unit; and

(E) the most recent eligibility date for the eligible household leasing and occupying the unit;

(5) a signed statement by the owner acknowledging compliance with this division; and

(6) any other information requested by the director that is reasonably related to the mixed-income housing program.

(f) First and final quarterly status reports. An owner shall submit:

(1) the first quarterly status report before the 10th day of the month following the end of the first quarter in which the affordability period began; and

(2) the final quarterly status report on the 20th anniversary of the beginning of the rental affordability period, or a date determined by the

director due to the tolling of and extension of the rental affordability period. The director shall verify that the owner has completed all applicable requirements of this division. If all requirements are completed the director shall sign the submitted final quarterly status report before it is filed with the building official.

(g) **Affirmative fair housing marketing plan.**

(1) Before an eligible household leases and occupies a reserved dwelling unit, an owner shall create an affirmative fair housing marketing plan and shall follow the affirmative fair housing marketing plan at all times during the rental affordability period.

(2) The affirmative fair housing marketing plan shall be in writing and shall be submitted to and receive written approval from the director at least 30 days before an owner starts marketing a unit in the property for initial occupancy.

(3) The affirmative fair housing marketing plan must describe the advertising, outreach, community contacts, and other marketing activities that inform potential renters of the existence of the reserved dwelling units.

(4) The director shall approve or deny the affirmative fair housing marketing plan within 60 days after a complete plan is submitted to the director.

(A) **Approval.** The director shall approve the affirmative fair housing marketing plan if it complies with the requirements of this division.

(B) **Denial.** The director shall deny the affirmative fair housing marketing plan if it does not comply with this division. If the director denies the affirmative fair housing marketing plan, he or she shall state in writing the specific reasons for denial. If denied, the owner shall immediately submit a new affirmative fair housing marketing plan.

(h) **Audit and inspection.**

(1) Any report, policy, or procedure that is required to be created and maintained by this article may be reviewed and audited by the director. An owner shall provide the director with all documentation necessary for the director to verify the accuracy of the information included in the report, policy, or procedure.

(2) The director may also randomly,

regularly, and periodically select a sample of tenants occupying reserved dwelling units for the purpose of income verification. Any information received pursuant to this subsection is confidential and may only be used for the purpose of verifying income to determine eligibility for occupancy of the reserved dwelling units.

(i) **Consent to substitute.**

(1) For properties with three-bedroom or larger dwelling units, if an owner cannot locate eligible households to lease three-bedroom or larger dwelling units, and if the director is satisfied that the owner has made best efforts to lease the three bedroom or larger dwelling units, if applicable, including full compliance with the affirmative fair housing marketing plan, with written consent from the director, an owner may from time to time substitute on a two-for-one basis additional two bedroom dwelling units and/or on a three-to-one basis additional one bedroom dwelling units to meet the pro rata distribution requirements described in Section 51A-4.1106(f).

(2) Before granting written consent, the director shall review and approve an amended affirmative fair housing marketing plan detailing how the owner will target marketing to larger households who could qualify to lease the three-bedroom dwelling units (and larger dwelling units, if applicable). The director's written consent must include a time period during which the agreed-upon substitutions satisfy the pro rata distribution requirements. (Ord. 31142)

SEC. 20A-32. VIOLATIONS, CORRECTIVE ACTION PERIOD, AND PENALTY.

(a) In general. An owner who fails to take an action required by this article or who takes an action prohibited by this division commits an offense.

(b) **Form of notice.** The director shall give an owner written notice any time the director determines that an owner is not in compliance with the mixed-income housing program or the mixed-income restrictive covenants.

(c) **Corrective action period and extensions of mixed-income restrictive covenants.**

(1) For a violation other than a violation that poses an imminent hazard or threat to health and safety, the director shall provide written notice of a

30-day corrective action period for failure to file a quarterly unit status report and a 90-day corrective action period for other violations.

(2) During the corrective action period, an owner will have the opportunity to show that either the owner or the property was never in noncompliance or that the event of noncompliance has been corrected. Sufficient documentation of correction must be received by the director during the corrective action period for an event to be considered corrected during the corrective action period.

(3) For a violation other than a violation that poses an imminent hazard or threat to health and safety, and only for good cause, the director may extend the corrective action period for up to three months from the date of the notice to the owner.

(4) If an owner fails to resolve all violations of this article during the corrective action period, the director may issue citations, seek relief provided in the deed restrictions, extend the mixed-income restrictive covenants term for the period equal to a term of non-compliance, and take any other actions allowed by law. (Ord. 31142)

SEC. 20A-33. FEES.

Program Requirement	Fee
Pre-application meeting	\$92.00
Initial first year activities (including receiving a development bonus, filing the mixed-income restrictive covenant, and initial leasing.)	\$625.00
Compliance monitoring during affordability period	\$3,736.00

(Ord. 31142)

CHAPTER 29A**NEIGHBORHOOD FARMERS MARKETS**

(Ch. 29A repealed, effective 6-1-19, by Ord. 31144)

ARTICLE I.**GENERAL PROVISIONS.**

- Sec. 29A-1. Purpose.
- Sec. 29A-2. Definitions.
- Sec. 29A-3. General authority and duty of director.
- Sec. 29A-4. Chapter cumulative.

ARTICLE II.**NEIGHBORHOOD FARMERS MARKET PERMITS.**

- Sec. 29A-5. Application; issuance.
- Sec. 29A-6. Fees.
- Sec. 29A-7. Indemnification.
- Sec. 29A-8. Denial or revocation.
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ARTICLE III.**MISCELLANEOUS PROVISIONS.**

- Sec. 29A-10. Location of a neighborhood farmers market.
- Sec. 29A-11. Operation of a neighborhood farmers market.
- Sec. 29A-12. Products at a neighborhood farmers market.
- Sec. 29A-13. Vendor's statement.

ARTICLE IV.**ENFORCEMENT.**

- Sec. 29A-14. Offenses.
- Sec. 29A-15. Penalty.

ARTICLE I.**GENERAL PROVISIONS.****SEC. 29A-1. PURPOSE.**

The purpose of this chapter is to facilitate the promotion of neighborhood farmers markets within the city to support the local economy, to encourage sustainable living, and to create a more positive image of the city. (Ord. Nos. 28046; 29016)

SEC. 29A-2. DEFINITIONS.

In this chapter:

(1) **APPLICANT** means a person who has filed a written application for a neighborhood farmers market permit.

(2) **CENTRAL BUSINESS DISTRICT** means the area bounded by Woodall Rogers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.

(3) **CITY** means the city of Dallas, Texas.

(4) **DALLAS FARMERS MARKET** means a permanent, indoor and outdoor marketplace on public and private property where produce, merchandise, food, or other products are distributed, offered for sale, or sold to consumers and that is:

(A) bounded by Marilla Street on the north, northbound Cesar Chavez Boulevard on the east, Interstate Highway 30 on the south, and Harwood Street on the west; and

(B) described in and subject to a master agreement with the city adopted on February 27, 2013 by Resolution No. 13-0447 and the operating covenants

(iv) any compound, salt, derivative, mixture, or preparation of the plant, its seeds, or its extracts, including Salvinorin A;

(B) 2-[(1R,3S)-3-hydroxycyclo-hexyl]-5-(2-methyloctan-2-yl)phenol (also known as CP47, 497) and homologues;

(C) [(6aS,10aS)-9-(hydroxy-methyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7,10,10a-tetrahydrobenzo[c]chromen-1-ol] (also known as HU-211 or Dexanabinol);

(D) 1-pentyl-3-(1-naphthoyl)indole (also known as JWH-018);

(E) 1-butyl-3-(1-naphthoyl)indole (also known as JWH-073); or

(F) 1-pentyl-3-(4-methoxynaphthyl)indole (also known as JWH-081).

(b) A person commits an offense if, in the city, he:

(1) possesses, buys, sells, offers for sale, delivers, or transfers any illegal smoking product;

(2) causes any illegal smoking product to be sold, delivered, or transferred to another person;

(3) uses, inhales, ingests, or otherwise introduces into his body any illegal smoking product; or

(4) uses or possesses with the intent to use any illegal smoking paraphernalia to inhale, ingest, or otherwise introduce into his body any illegal smoking product.

(c) It is a defense to prosecution under this section that an illegal smoking product or illegal smoking paraphernalia was:

(1) in the possession of a peace officer, or a person acting under the authority of a peace officer, acting in the performance of official duties;

(2) in the possession of or being used by a governmental entity for a health, research, education, or similar program;

(3) in the possession of or being used by a medical, educational, or research institute operating in compliance with all applicable city ordinances and state and federal laws;

(4) possessed or used by a person under a prescription issued by a licensed physician or dentist authorized to prescribe controlled substances in the State of Texas; or

(5) possessed or used by a person as part of a bona fide religious ritual or ceremony.

(d) A person violating a provision of this section is, upon conviction, punishable by a fine not to exceed \$2,000. A person commits a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(e) The culpable mental state required for the commission of an offense under this section is governed by Section 1-5.1 of this code. (Ord. 27960)

SEC. 31-33. CURFEW HOURS FOR MINORS.

~~—(a) Definitions. In this section:~~

~~—(1) CURFEW HOURS means:~~

~~—(A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day;~~

~~—(B) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; and~~

~~—(C) 9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday.~~

~~—(2) EMERGENCY means an unforeseen combination of circumstances or the resulting state~~

that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

————— (3) ~~ESTABLISHMENT~~ means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

————— (4) ~~GUARDIAN~~ means:

————— (A) a person who, under court order, is the guardian of the person of a minor; or

————— (B) a public or private agency with whom a minor has been placed by a court.

————— (5) ~~IN SESSION~~ means the status of a school during the fall or spring term when students are required to attend the school. A school is not in session during its summer break or during any holiday or other scheduled general student vacation day or part of a day observed by the school.

————— (6) ~~MINOR~~ means any person under 17 years of age.

————— (7) ~~OPERATOR~~ means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

————— (8) ~~PARENT~~ means a person who is:

————— (A) a natural parent, adoptive parent, or step-parent of another person; or

————— (B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

————— (9) ~~PUBLIC PLACE~~ means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets,

highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

————— (10) ~~REMAIN~~ means to:

————— (A) linger or stay; or

————— (B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

————— (11) ~~SERIOUS BODILY INJURY~~ means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(a) Definitions. In this section:

(1) **CURFEW HOURS** means:

(A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day;

(B) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; and

(C) 9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday.

(2) **EMERGENCY** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) **ESTABLISHMENT** means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(4) **GUARDIAN** means:

(A) a person who, under court order, is the guardian of the person of a minor; or

(B) a public or private agency with whom a minor has been placed by a court.

(5) IN SESSION means the status of a school during the fall or spring term when students are required to attend the school. A school is not in session during its summer break or during any holiday or other scheduled general student vacation day or part of a day observed by the school.

(6) MINOR means any person under 17 years of age.

(7) OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(8) PARENT means a person who is:

(A) a natural parent, adoptive parent, or step-parent of another person; or

(B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(9) PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(10) REMAIN means to:

(A) linger or stay; or

(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(11) SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

~~—(b) Offenses:~~

~~—(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.~~

~~—(2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient~~

~~control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.~~

~~—(3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.~~

(b) Offenses.

(1) A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if the parent or guardian knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if the owner, operator, or employee knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

~~—(c) Defenses:~~

~~—(1) It is a defense to prosecution under Subsection (b) that the minor was:~~

~~—(A) accompanied by the minor's parent or guardian;~~

~~—(B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;~~

_____ (C) in a motor vehicle involved in interstate travel;

_____ (D) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

_____ (E) involved in an emergency;

_____ (F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence, except that this defense does not apply to a violation of the curfew hours described in Subsection (a)(1)(C) of this section;

_____ (G) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor;

_____ (H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

_____ (I) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

_____ (2) It is a defense to prosecution under Subsection (b)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

_____ (3) It is a defense to prosecution under Subsection (b) of this section for a violation of the curfew hours described in Subsection (a)(1)(C) that:

_____ (A) the school in which the minor was enrolled or otherwise required to attend was not in session;

_____ (B) the minor was on the premises of the school in which the minor was enrolled or otherwise required to attend;

_____ (C) the minor was participating in a school-approved work study program, or was going to the work study program or returning to home or school from the work study program without any detour or stop;

_____ (D) the minor was on a lunch break from a school that permits an open campus lunch and was qualified to participate in the open campus lunch program;

_____ (E) the minor was on an excused absence from the school in which the minor was enrolled or otherwise required to attend and had permission from a school official, or, in the case of a home-schooled minor, from the minor's parent or guardian; or

_____ (F) the minor was a high school graduate or had received a high school equivalency certificate.

(c) Defenses.

(l) It is a defense to prosecution under Subsection (b) that the minor was:

(A) accompanied by the minor's parent or guardian;

(B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;

(C) in a motor vehicle involved in interstate travel;

(D) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(E) involved in an emergency;

(F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence, except that this defense does not apply to a violation of the curfew hours described in Subsection (a)(1)(C) of this section;

(G) attending an official school, religious, community engagement, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, community engagement, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor;

(H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(I) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(2) It is a defense to prosecution under Subsection (b)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(3) It is a defense to prosecution under Subsection (b) of this section for a violation of the curfew hours described in Subsection (a)(1)(C) that:

(A) the school in which the minor was enrolled or otherwise required to attend was not in session;

(B) the minor was on the premises of the school in which the minor was enrolled or otherwise required to attend;

(C) the minor was participating in a school-approved work study program, or was going to the work study program or returning to home or school from the work study program without any detour or stop;

(D) the minor was on a lunch break from

a school that permits an open campus lunch and was qualified to participate in the open campus lunch program;

(E) the minor was on an excused absence from the school in which the minor was enrolled or otherwise required to attend and had permission from a school official, or, in the case of a home-schooled minor, from the minor's parent or guardian; or

(F) the minor was a high school graduate or had received a high school equivalency certificate.

~~—(d) Enforcement.~~

~~—(1) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (c) is present.~~

~~—(2) A police officer shall not issue a citation to or arrest a parent or guardian of a minor for a violation of Subsection (b)(2) of this section relating to the curfew hours described in Subsection (a)(1)(C), unless the parent or guardian has, within the same~~

calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(2) relating to the curfew hours described in Subsection (a)(1)(C). In calculating the number of warnings received by a parent or guardian in a calendar year, all warnings issued to the parent or guardian will be counted, regardless of whether the warnings relate to the same minor.

— (3) A police officer shall not issue a citation to or arrest an owner, operator, or employee of an establishment for a violation of Subsection (b)(3) of this section relating to the curfew hours described in Subsection (a)(1)(C), unless the establishment has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(3) relating to the curfew hours described in Subsection (a)(1)(C). In calculating the number of warnings received by an establishment in a calendar year, all warnings issued to any owner, operator, or employee of the establishment will be counted, regardless of whether the warnings relate to the same minor.

(d) Enforcement.

(1) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall provide two verbal warnings in advisement of the juvenile curfew upon the first contact with a minor. The officer shall then attempt to contact the minor's parent or guardian. The officer then may transport the minor home without taking enforcement action. If a minor has been previously contacted on a violation of Subsection (b)(1), the officer shall only issue a citation for an appearance in community court. The officer shall not issue a citation under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (c) is present.

(2) A police officer shall not issue a citation to a parent or guardian of a minor for a violation of Subsection (b)(2) of this section, unless the parent or guardian has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(2) that are documented in an incident report. In calculating the number of warnings received by a parent or guardian in a calendar year, all warnings issued to the parent or guardian that

are documented in an incident report will be counted, regardless of whether the warnings relate to the same minor. If, within the same calendar year, the parent or guardian has received two written warnings from a police officer for a violation of Subsection (b)(2) that are documented in an incident report, the officer may only issue a citation for an appearance in community court.

(3) A police officer shall not issue a citation to or arrest an owner, operator, or employee of an establishment for a violation of Subsection (b)(3) of this section, unless the owner, operator, or employee of the establishment has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(3). In calculating the number of warnings received by an owner, operator, or employee of an establishment in a calendar year, all warnings issued to the same individual will be counted, regardless of whether the warnings relate to the same minor.

— (e) Penalties.

— (1) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.

— (2) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Subsection (b)(1) of this section and shall refer the minor to juvenile court.

— (f) Expiration. This section expires on January 18, 2019, unless sooner terminated or extended by city council ordinance.

(e) Penalties.

(1) A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$50.

(2) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court

shall waive original jurisdiction over a minor who violates Subsection (b)(1) of this section and shall refer the minor to juvenile court.

(f) Expiration. This section expires on March 4, 2022, unless sooner modified, terminated, or extended by city council ordinance. (Ord. Nos. 20966; 21309; 23079; 24235; 25231; 26336; 27527; 27538; 28639; 29985; 31135)

SEC. 31-34. PICKETING IN RESIDENTIAL AREAS.

(a) In this section:

(1) DIRECTED OR FOCUSED AT means that a particular residence or any of its occupants has been made the object of picketing.

(2) PICKET means to station or post one or more persons to apprise the public vocally or by standing or marching with signs, banners, or other means, of an opinion or a message.

(3) RESIDENCE means a single-family, duplex, or multi-family dwelling.

(b) A person commits an offense if he pickets within the city on any public street, sidewalk, alley, or other public property within 200 feet of the property line of the premises of a residence when the picketing is directed or focused at that particular residence or any of its occupants.

(c) Before a person may be arrested or issued a citation for a violation of Subsection (b), the person must have been ordered to move, disperse, or otherwise remedy the violation by:

(1) a peace officer;

(2) a member of the fire department;

(3) a person with authority to control the use of the residence being picketed; or

(4) any other person directly affected by the violation.

(d) It is a defense to prosecution under Subsection (b) that the person:

(1) was not given an order as required by Subsection (c);

CHAPTER 42A**SPECIAL EVENTS**

(effective thru 5-31-19, per Ord. 31144)

ARTICLE I.**GENERAL PROVISIONS.**

- Sec. 42A-1. Purpose.
- Sec. 42A-2. Definitions.
- Sec. 42A-3. General authority and duty of special event manager.
- Sec. 42A-4. Chapter cumulative.
- Sec. 42A-5. Exemptions.
- Sec. 42A-6. Vendors at a special event.

ARTICLE II.**SPECIAL EVENT PERMITS.**

- Sec. 42A-7. Application; issuance.
- Sec. 42A-8. Fees.
- Sec. 42A-9. Notice.
- Sec. 42A-10. Insurance.
- Sec. 42A-11. Indemnification.
- Sec. 42A-11.1. Emergency medical services.
- Sec. 42A-12. Security; crowd control; and traffic control.
- Sec. 42A-12.1. Portable restroom requirements.
- Sec. 42A-13. Denial or revocation.
- Sec. 42A-14. Appeal from denial or revocation of a special event permit.

ARTICLE III.**ENFORCEMENT.**

- Sec. 42A-15. Offenses.
- Sec. 42A-16. Penalty.

ARTICLE I.**GENERAL PROVISIONS.****SEC. 42A-1. PURPOSE.**

The purpose of this chapter is to facilitate the promotion of events and activities within the city, especially within the central business district, to create a more positive image of the city and to stimulate significant economic growth in the city. To this end, it is the city's intent to encourage and give high priority to established special events that have a record of significantly benefiting the city and to special events that promote commercial film development in the city. (Ord. 21934)

SEC. 42A-2. DEFINITIONS.

In this chapter:

(1) **APPLICANT** means a person who has filed a written application for a special event permit.

(2) **CITY** means the city of Dallas, Texas.

(3) **CITY-LICENSED VENDOR** means any person licensed or permitted under this code or another city ordinance to sell or offer for sale food, beverages, goods, or services at or within a specific location or area in the city.

(4) **CITY-SPONSORED SPECIAL EVENT** means a special event that the city council, by resolution, has:

(A) determined to be directly related to a recognized function of city government;

(B) declared the city a cosponsor of the event; and

CHAPTER 42A**SPECIAL EVENTS; NEIGHBORHOOD MARKETS;
DALLAS FARMERS MARKET FARMERS MARKET;
STREETLIGHT POLE BANNERS**

(effective 6-1-19, per Ord. 31144)

ARTICLE I.**GENERAL PROVISIONS.**

Sec. 42A-1.	Purpose.
Sec. 42A-2.	Definitions.
Sec. 42A-3.	General authority and duty of director.
Sec. 42A-4.	Chapter cumulative.
Sec. 42A-5.	Exemptions.
Sec. 42A-6.	Fees.
Sec. 42A-7.	Indemnification.
Sec. 42A-8.	Appeal from denial or revocation of a permit.
Sec. 42A-9.	Amplified outdoor sound and lighting.
Sec. 42A-10.	High impact areas.
Sec. 42A-11.	Clean zone.

ARTICLE II.**SPECIAL EVENT PERMITS.**

Sec. 42A-12.	Application; issuance.
Sec. 42A-13.	Security; crowd control; and traffic control.
Sec. 42A-14.	Emergency medical services.
Sec. 42A-15.	Insurance.
Sec. 42A-16.	Street closures.
Sec. 42A-17.	Parking.
Sec. 42A-18.	Notice.
Sec. 42A-19.	Portable restroom and trash receptacle requirements.
Sec. 42A-20.	Denial or revocation.

ARTICLE III.**NEIGHBORHOOD MARKET.**

Sec. 42A-21.	Application; issuance.
Sec. 42A-22.	Location of a neighborhood market.
Sec. 42A-23.	Operation of a neighborhood market.
Sec. 42A-24.	Street closures.
Sec. 42A-25.	Parking.

Sec. 42A-26.	Products at a neighborhood market.
Sec. 42A-27.	Vendor's statement.
Sec. 42A-28.	Denial or revocation.

ARTICLE IV.**RESERVED.****ARTICLE V.****DALLAS FARMERS MARKET FARMERS
MARKET.**

Sec. 42A-29.	Application; issuance.
Sec. 42A-30.	Street closures.
Sec. 42A-31.	Parking.
Sec. 42A-32.	Operations of Dallas Farmers Market farmers market.
Sec. 42A-33.	Products at Dallas Farmers Market.
Sec. 42A-34.	Denial or revocation.

ARTICLE VI.**STREETLIGHT POLE BANNERS.**

Sec. 42A-35.	Application; issuance.
Sec. 42A-36.	Permit extension.
Sec. 42A-37.	Insurance.
Sec. 42A-38.	Streetlight pole banner regulations.
Sec. 42A-39.	Denial or revocation.

ARTICLE VII.**ENFORCEMENT.**

Sec. 42A-40.	Offenses.
Sec. 42A-41.	Penalty.

ARTICLE I.**GENERAL PROVISIONS.****SEC. 42A-1. PURPOSE.**

The purpose of this chapter is to facilitate the promotion of temporary outdoor activities including special events, neighborhood markets, the Dallas Farmers Market farmers market, and streetlight pole banners within the city,

as defined in this chapter. The city's overall goal is to encourage activities that benefit the city, stimulate economic growth, and provide a vibrant, active community for all citizens. The city gives priority to established special events. (Ord. Nos. 21934; 31144)

SEC. 42A-2. DEFINITIONS.

In this chapter:

(1) **AMPLIFIED SOUND** means any sound projected or transmitted by artificial means, including but not limited to, loudspeakers, amplifiers, powered megaphones, or similar devices.

(2) **APPLICANT** means a person who has submitted an application for a permit under this chapter. This term includes the person submitting the application, the secondary person listed on the application, and any person or organization that an applicant applies for a permit on behalf of, as well as any third party providing contracted functions to an activity permitted under this chapter, and the owner or property manager of the property or venue where a permitted activity will occur if a lease or contract has been executed, or will be executed, or if the property owner has provided written approval for the proposed permitted activity, and the property owner or manager is providing services to the event.

(3) **APPLICATION PROCESSING FEE** means a non-refundable fee required at the time of application submission.

(4) **CENTRAL BUSINESS DISTRICT** means the area bounded by Woodall Rodgers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.

(5) **CITY** means the city of Dallas, Texas.

(6) **CITY-SPONSORED ACTIVITY** means a temporary outdoor activity that the city council, by resolution, or the city manager, by written notice, has:

(A) determined to be directly related to a recognized function of city government;

(B) declared the city a cosponsor of the event; and

(C) committed the city to

significantly sharing in initiating, financing, supporting, and conducting the event.

(7) **CLEAN ZONE** means a geographically defined area surrounding a permitted activity footprint or event host venues, where temporary restrictions are enforced related to temporary advertising, signage, structures, transient merchants, vendors, or otherwise licensed activities.

(8) **DALLAS FARMERS MARKET** means a permanent, indoor and outdoor market on public and private property where produce, merchandise, food, or other products are distributed, offered for sale, or sold and that is:

(A) bounded by Marilla Street on the north, northbound Cesar Chavez Boulevard on the east, Interstate Highway 30 on the south, and Harwood Street on the west; and

(B) described in and subject to a master agreement with the city adopted on February 27, 2013 by Resolution No. 13-0447 and the operating covenants with the city contained in lease and deed documents authorized on March 27, 2013 by Resolution Nos. 13-0535, 13-0536, 13-0537, 13-0538, and 13-0539, inclusive of future agreements and leases executed between the city and the Dallas Farmers Market and amendments to existing agreements and leases.

(9) **DIRECTOR** means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the director.

(10) **DISTRICT IDENTIFICATION BANNER** means a long-term banner that identifies a geographic location or place of interest with defined perimeters.

(11) **ESTABLISHED SPECIAL EVENT** means an event or activity that:

(A) occurs at least once a year;

(B) has an average expected attendance exceeding 1,000 for each day of the event or activity;

(C) contributes to positive advertising and economic growth of the city; and

(D) is open to the public, with or without an entry fee.

(12) EXPECTED TOTAL ATTENDANCE means the estimated attendance at a permitted activity as estimated by the applicant on an application. Expected total attendance includes all event staff, vendors, spectators, participants, and attendees.

(13) FIRST AMENDMENT ACTIVITY means all expressive personal religious or political beliefs and associative activity on the public right-of-way that is protected by the United States and Texas constitutions, including freedom of speech, freedom of the press, freedom of assembly, and the right to petition.

(14) HIGH IMPACT AREA means an area included on the list published annually in accordance with Section 42A-10.

(15) MAJOR CHANGE means any change to an application that requires subsequent public safety or departmental review. Examples include, but are not limited to, route changes, location or venue changes, date changes, changes in expected total attendance, adding alcohol distribution, and changes to complex scenes.

(16) MOVING EVENT means an event that is not confined to a fixed location.

(17) NEIGHBORHOOD MARKET means a temporary outdoor marketplace, outside of the central business district, on private property, or on city property with approval of the department controlling the property, where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products.

(18) PERMIT means an official document authorizing the activation of an approved activity granted by the director as required under this chapter.

(19) PERMIT HOLDER means a person issued a permit under this chapter. This term includes the applicant and any person or organization on behalf of which an applicant applies for a permit on behalf of, as well as the owner or manager of property where a permitted activity will occur.

(20) PERSON means an individual, firm, partnership, corporation, association, or other legal entity.

(21) PRELIMINARY LETTER means a document sent by the director to the applicant outlining all requirements that must be met prior to permit issuance.

(22) SPECIAL EVENT means a temporary outdoor gathering, with an expected total attendance greater than 100, which involves one or more of the following on private or public property where otherwise prohibited by ordinance:

(A) closing or restricting of a public street lane, alley, or sidewalk;

(B) restricting access to public property;

(C) sale of merchandise, food, alcohol, or other beverages where otherwise not permitted as a neighborhood market or by an annual Dallas Farmers Market farmers market permit;

(D) erection of a tent larger than 399 square feet in area or erection of multiple tents with a cumulative area of over 399 square feet;

(E) installation of a temporary stage, bandshell, outdoor projection technology, trailer, van, grandstand, bleachers, or portable toilets for public use;

(F) use of city hall plaza;

(G) a run, walk, ride, or special event parade;

(H) placement of temporary no parking, directional, oversized, or identification signs or banners in connection with an event that are placed in or over a public right-of-way, or on private property where otherwise prohibited by ordinance; or

(I) clean zone enforcement.

(23) SPECIAL EVENT PARADE means the assembly of 100 or more persons whose gathering is for the common design of traveling or marching in procession from one location to another location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.

(24) STREET CLOSURE means any lane or street closure that impacts or disrupts the flow of

traffic, unless the closure is intermittent.

(25) **STREETLIGHT POLE BANNER** means a temporary sign suspended between brackets and attached to utility or streetlight poles in city right-of-way, designed for an approved activity, an historical or commemorative event within the city, or identification of a public improvement district.

(26) **TENT** means any structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material.

(27) **TRAFFIC CONTROL PLAN** means a plan designed for the purpose of safely and efficiently managing traffic or arranging for DART detours associated with an activity permitted under this chapter. (Ord. Nos. 18702; 19869; 21934; 29016; 31144)

SEC. 42A-3. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

(a) The director shall implement, administer, and enforce the provisions of this chapter.

(b) The director has authority to issue a permit that authorizes one or more of the activities described in this chapter when requirements of this chapter have been met.

(c) The director, police chief, and fire chief may require public safety measures that exceed the minimum standards set forth in this chapter based on specific event risk and threat factors identified by the appropriate city departments.

(d) The director may impose additional permit requirements upon the applicant or permit holder for any activity as required in this chapter if the total attendance is expected to exceed the applicant's expected total attendance, if the activity is held in a high impact area, or there will be an impact to residents and businesses.

(e) The director may decline or propose alternate dates, times, street closures, venues, or routes, or impose additional requirements upon a permit holder based on public safety or impact on local residents and businesses. (Ord. Nos. 18702; 21934; 29016; 31144)

SEC. 42A-4. CHAPTER CUMULATIVE.

(a) The provisions of this chapter are

cumulative of all city ordinances. Except as provided in Subsection (c), all other permits and licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the activities permitted under this chapter must be applied for separately, in accordance with the applicable ordinance or law.

(b) Application for a permit under this chapter authorizes appropriate city departments to issue permits for the activities authorized by this chapter with office of special events approval.

(c) A license for the use of the public right-of-way required by Article VI of Chapter 43 of this code, and any fees applicable to obtaining the license, is not required for a special event, neighborhood market, or Dallas Farmers Market farmers market conducted in compliance with this chapter and the terms of a valid permit issued under this chapter. (Ord. Nos. 18702; 21934; 29016; 31144)

SEC. 42A-5. EXEMPTIONS.

The provisions of this chapter do not apply to:

(1) a special event conducted entirely on:

(A) property under the control of the park and recreation board;

(B) the "convention center" as defined in Section 43-127 of this code; or

(C) public property managed by an organization with a lease or operating agreement with the city that details special event permit exemptions.

(2) a funeral procession;

(3) First Amendment activities, except that a special event permit must be secured for any activity that triggers a special event permit as detailed in Section 42A-2(22) of this chapter that is activated in conjunction with the First Amendment activity. All applicable fees will apply;

(4) a neighborhood block party that is conducted on a single block and is expected to have fewer than 200 attendees;

(5) escort vehicles;

(6) moving a structure in accordance with the Dallas Building Code; or

(7) the regular indoor permanent daily operations of the Dallas Farmers Market. (Ord. Nos. 18702; 19869; 21934; 26136; 28046; 29016; 31144)

SEC. 42A-6. FEES.

(a) Special event permit. An applicant for a special event permit shall pay the following application processing fees:

Special Event Application Processing Fees*	
Base Application Fee Based On Expected Total Attendance	
<200	\$50
201 - 400	\$80
401 - 800	\$100
801 - 1000	\$150
1,001 - 2,000	\$200
2,001 - 4,000	\$300
4,001 - 8,000	\$400
8,001 - 12,000	\$500
12,001 - 20,000	\$600
20,001+	\$700
In addition, select the applicable street closure fee:	
No Street Closure - An event with no street closures.	\$0
Static Street Closure Event (Simple) - An event with a set footprint that is limited to one block on residential/neighborhood streets and does not involve the closure of any intersections.	\$50
Static Street Closure Event (Moderate) - An event with a set footprint that includes the closure of one to three street blocks or intersections.	\$100
Static Street Closure Event (Complex) - An event with a set footprint that includes the closure of four or more street blocks or intersections, or any closure in a high impact area.	\$200
Moving Event (Simple) - A moving event that is limited to trails and residential or neighborhood streets.	\$75
Moving Event (Moderate) - A moving event on city streets other than residential/neighborhood streets and outside of a high impact area.	\$150
Moving Event (Complex) - A moving event of which any part moves through a high impact area.	\$300

* No application processing fees for a special event that is open to the public and being conducted at the Dallas Farmers Market as produced by the Dallas Farmers Market in compliance with the market's agreements and covenants with the city.

(b) Neighborhood market. An applicant for a neighborhood market permit shall pay the following application processing fees:

NEIGHBORHOOD MARKET ANNUAL APPLICATION PROCESSING FEES	
Base Application Fee	\$100

Per every 10 vendors	\$25
Street Closure Fee - Simple (1 block, no intersections)	\$50

(c) Streetlight pole banners. An applicant for a streetlight pole banner shall pay the following application processing fees:

STREET POLE BANNER APPLICATION PROCESSING FEES	
Base Application Fee	\$100
Per Pole Fee	\$20
Permitted event - First 5 poles at no charge, additional poles will be invoiced at full price (banners must be related to permitted event).	5 poles at no charge
District Identification Banners - District identification banners do not include short-term event banners designed to promote events, festivals, major sporting events, or tourism programs with specific dates or time periods.	No charge

(d) Dallas Farmers Market. An applicant for a Dallas Farmers Market farmers market permit shall pay an annual application processing fee of \$400.

(e) Additional application processing fees for all permit types.

(1) A late application processing fee of \$40 per day is required, in addition to the applicable application processing fees required by Subsections (a), (b), (c), (d), and (e) of this section, if the application is filed with the director less than the minimum number calendar days required by Sections 42A-12, 42A-21, 42A-29, or 42A-35 before the scheduled activity is to begin. This fee is limited to five days.

(2) An application processing fee of \$50 per minor change to an application requested by the applicant.

(3) An application processing fee of \$5,000 for a full or half street closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(4) An application processing fee of \$2,000 for a partial lane closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(5) An application processing fee of \$500 for a clean zone.

(6) An application processing fee of \$50 if alcohol will be provided at a permitted activity.

(7) An application processing fee of \$150 if alcohol will be sold at a permitted activity.

(f) Additional city department related fees when applicable.

(1) A fee of \$1,500 for the required activation of the office of emergency management for a planned permitted activity where the expected attendance is 30,000 or more.

(2) A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for a planned permitted activity.

(3) A rental fee for city equipment and property used by the applicant for a planned permitted activity.

(4) A fee for the number of Dallas police officers, Dallas fire-rescue officers, or vehicles required by Sections 42A-13 and 42A-14 to provide security, crowd control, and traffic control at a permitted activity.

(5) A fee to reimburse the city for direct costs incurred by the city in providing services at a permitted activity; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, public safety, oversight of city facilities and equipment, electrical services, construction, placement and retrieval of city equipment, and other related services beyond what the city would provide to the general public in the ordinary course of its daily operations.

(6) Fee for all other required permits and licenses must be paid.

(g) Non-profit applicants. The base application fee for all application types will be reduced by 50 percent for

a certified 501(c)(3) non-profit applicant.

(h) **List of charges.** A current list of charges for the items, services, and personnel described in Subsections (g)(3), (4), and (5) and in Subsection (j), and for any other items, services, or personnel that may be required under this chapter, must be maintained by the director and published annually to the office of special events website. The chiefs of the police department and fire-rescue department shall provide to the director the current schedule of charges for the personnel and vehicles described in Subsection (g)(5).

(i) **Security deposit.** Not less than 10 days before the date of the planned permitted activity, the applicant shall deposit with the appropriate city department an amount equal to a security deposit for any city equipment or property rented under Subsection (g)(3), to be refunded to the applicant if the equipment or property is returned undamaged to the city.

(j) **Police and fire-rescue fees.** The applicant shall pay any remaining fees owed for all public safety expenses incurred by a special event, neighborhood market, or Dallas Farmers Market farmers market within 15 business days after receipt of an invoice from the city.

(k) **Waiver.** All or part of the application processing fees required by this section to be paid to the city for a city-sponsored activity may be waived by approval of the city manager or by city council resolution.

(l) **Fee credit.** If an application or permit is cancelled due to an Act of God and the permitted activity is rescheduled for an available date within 60 days from the original event date, any previously paid application processing fees will be credited toward the rescheduled date. (Ord. Nos. 21934; 31144)

SEC. 42A-7. INDEMNIFICATION.

An applicant for a permit issued under this chapter shall execute an agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the permitted activity. (Ord. 31144)

SEC. 42A-8. APPEAL FROM DENIAL OR REVOCATION OF A PERMIT.

(a) If the director denies the issuance of a permit or revokes a permit, after three attempts to contact by phone or email, the director shall send the applicant or permit

holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right of appeal. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

(b) The applicant or permit holder may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code. (Ord. 31144)

SEC. 42A-9. AMPLIFIED OUTDOOR SOUND AND LIGHTING.

(a) Except as provided in this section, amplified outdoor sound and lighting is allowed in conjunction with a permit issued under this chapter only between the hours of 8:00 a.m. and 10:00 p.m.

(b) The director may grant a variance to Subsection (a) if he determines that allowing outdoor amplified sound or lighting during additional hours will not result in an excessive negative impact on the quality of life of surrounding residences and businesses. (Ord. 31144)

SEC. 42A-10. HIGH IMPACT AREAS.

(a) The director shall publish a list of high impact areas on the office of special events website annually.

(b) A committee shall meet at least once annually to determine the list of high impact areas. The committee must be comprised of the office of special events and representatives of at least five city departments and partner agencies.

(c) The committee shall consider the following factors in determining which areas to designate as high impact areas:

(1) Construction in the area.

(2) Complaints received by the director.

(3) Input from citizens.

(4) Historical event and location knowledge of committee members. (Ord. 31144)

SEC. 42A-11. CLEAN ZONE.

(a) The operational restrictions within a clean zone are imposed to negate the impact of a planned permitted activity on neighboring businesses and residents and to protect the integrity of the host and sponsors of the permitted activity. A clean zone does not affect any existing operations, signage, or permitted activity associated with a business's typical operations.

(b) The director may designate the duration and geographic boundaries of a clean zone following consultation with the chief of police and all applicable departments.

(c) The boundaries of a clean zone, as well as any requirements and restrictions for the clean zone, must be in writing and included in the terms of the permit.

(d) If a clean zone is approved, the applicant shall deliver notice a minimum of seven days before the permitted activity begins, at the applicant's expense, to all registered homeowners' associations, religious institutions, schools, and owners or occupants of real property within the boundaries of the area of the clean zone. Notice must include, but not be limited to, the location, boundaries, effective dates and times, and the requirements and restrictions of the clean zone. Complete documentation of this effort must be submitted to the director and approved prior to permit issuance. (Ord. 31144)

ARTICLE II.

SPECIAL EVENT PERMITS.

SEC. 42A-12. APPLICATION; ISSUANCE.

(a) A person desiring to hold a special event shall submit an online application with the office of special events. An application must be filed not less than the number of calendar days indicated in the following table before the special event is to begin. The director may waive the filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar days indicated on the chart, taking into consideration the number and types of additional licenses and permits that may be required to be issued in conjunction with the special event permit and the extent of public safety, department, or agency review required based on the scope of the event.

APPLICATION SUBMISSION DUE DEADLINES	
No Street Closures	30 calendar days
Static Street Closures	60 calendar days
Moving Events	120 calendar days

(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a special event permit will be issued. All requirements must be met prior to permit issuance.

(c) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(d) If the proposed scheduled activity will be held on private property and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the scheduled activity on the property with the authorization including the date and time of the scheduled activity. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request.

(e) The director may cancel a special event permit application if:

(1) a special event permit has been granted or is in the review process for another special event at the same or a nearby place and the same time;

(2) an established special event is

customarily held at the same or a nearby place and the same time as the proposed special event;

(3) the proposed special event will occupy any part of a freeway, expressway, or tollway;

(4) the proposed special event will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(5) the proposed special event cannot comply with high impact area parameters;

(6) the applicant makes a false statement of material fact on an application for a special event permit or fails to properly complete an application for a special event permit;

(7) the applicant received within the preceding 14 months, two or more notices of violation or citations related to a provision of a special event permit or this chapter;

(8) the applicant has conducted or sponsored one or more special events within the city on at least 60 days of the same calendar year during which the proposed special event is to be held; or

(9) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(f) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, after the five-month courtesy review, this will result in the original permit application being deemed incomplete and cancelled. A

revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing and confirming all permit requirements have been met, the director shall issue the special event permit unless denial or revocation is required by Section 42A-20. Except as provided in this subsection, a special event permit will be issued for a period not to exceed 10 consecutive days. A special event permit for a city-sponsored event on city hall plaza will be issued for a period not to exceed 30 consecutive days. A special event permit may be extended for additional consecutive 10-day periods not to exceed 60 days in a calendar year. All applicable fees must be paid for any permit extension.

(k) In granting a permit, the city may provide city services and equipment for city-sponsored activities and other events in accordance with the city's special event in-kind sponsorship guidelines and subject to approval of the city manager. (Ord. Nos. 18702; 19312; 19869; 20612; 21934; 22026; 23694; 24554; 26136; 27697; 28126; 28424; 30239; 30654; 31144)

SEC. 42A-13. SECURITY; CROWD CONTROL; AND TRAFFIC CONTROL.

(a) An applicant for a special event permit shall provide police officers for security, crowd control, and traffic control at the special event in accordance with Subsection (b) and the following schedule:

Number of Participants and Spectators at Special Event	Minimum Number of Police Officers Required*
0 to 250	0 or 2
251 to 1,500	2 - 4
1,501 to 3,000	4 - 6
3,001 to 5,000	6 - 15
over 5,000	15 plus 1 police officer for every 1,000 participants and spectators over 5,000 at the special event

* The minimum number of officers in the above table may vary depending on the scope of the event, the sale or service of alcohol, on-stage talent, event geography, historical knowledge of the event, police intelligence, and any other factor that is determined to impact public safety.

(b) The director, upon recommendation from the chief of the Dallas police department, may require a

number of police officers, in addition to those required in Subsection (a), if:

(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;

(2) special needs for increased security, crowd control, or traffic control are created by:

(A) the topography or size of the special event location;

(B) weather conditions at the special event; or

(C) the time of day during which the special event is conducted;

(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic; or

(4) the history of the particular special event indicates that a greater number of police officers are required to protect the public health, safety, and welfare.

(c) The police officers required to be provided at a special event by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a special event applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police officers will be available for a particular special event. Off-duty jobs for Dallas police officers at a special event must comply with the Dallas Police Department General Orders and Code of Conduct.

(d) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the event, as well as at the special event site the day of the special event, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the special event site within one hour of being contacted by telephone or email.

(e) If the police department requires a traffic control plan in conjunction with a special event, the plan must be submitted in the standard format approved by the director.

(f) A traffic control plan required by Subsection (e) must receive approval from applicable city departments. (Ord. 31144)

SEC. 42A-14. EMERGENCY MEDICAL SERVICES.

(a) An applicant for a special event permit shall provide, in accordance with Subsection (b) and the following schedule, emergency medical personnel and emergency medical vehicles to perform first aid and emergency medical services at the special event as required in the preliminary letter:

NUMBER OF EMERGENCY MEDICAL PERSONNEL/VEHICLES REQUIRED (based on estimated total attendance and scope of the special event)					
Type of Emergency Medical Personnel or Vehicle Required	1 - 100 participants/spectators	101 - 3,000 participants/spectators	3,001 - 5,000 participants/spectators	5,001 - 25,000 participants/spectators	Over 25,000 participants/spectators
Paramedics	0	2	6	8	14
EMS Supervisors	0	1	1	3	5
Emergency Medical Vehicles	0	1	1	4	7

The fire chief may determine, based on the event scope, special needs, or risks, that emergency medical services will be provided via the 911 emergency response system.

(b) The director, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, in addition to those required in Subsection (a), if:

(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;

(2) special needs for increased emergency medical services are created by:

(A) the topography or size of the special event location;

(B) weather conditions at the special event; or

(C) the time of day during which the special event is conducted;

(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the special event;

(4) the special event involves specific activities that create a higher risk of illness or injury to persons participating in or attending the event, including but not limited to rodeos, sporting or athletic events, events involving motor vehicles, or marathons; or

(5) the history of the particular special event indicates that a greater number of emergency medical personnel or emergency medical vehicles are required to protect the public health, safety, and welfare.

(c) The emergency medical personnel required to be provided at a special event by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire-rescue department may authorize a special event applicant or permit holder to provide emergency

medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular special event. Off-duty jobs for Dallas fire-rescue officers at a special event must comply with the Dallas Fire-Rescue Rules and Regulations. (Ord. 31144)

SEC. 42A-15. INSURANCE.

(a) An applicant for a permit to hold a special event in which the estimated number of participants and spectators exceeds 2,500 for any day of the event shall procure and keep in full force and effect for the duration of the event insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the special event by the applicant.

(b) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than:

(A) \$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) \$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(2) If a special event includes vehicles, aircraft, or other equipment, devices, or activities that are excluded from coverage in the commercial general liability insurance policy required in Paragraph (1) of this subsection, then separate additional liability insurance coverage for the applicable exclusion must be provided by the applicant or the aircraft provider with combined single limits of liability for bodily injury and property damage of not less than:

(A) \$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) \$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(3) If any alcoholic beverage is sold, served, or otherwise made available at the special event, then separate additional liquor liability insurance must be provided by the alcoholic beverage license holder in an amount of not less than \$1,000,000 for each claim.

(4) If any fireworks, pyrotechnics, explosives, or other special effects are displayed at the special event, then separate additional general liability insurance must be provided by the pyrotechnics company in an amount of not less than \$3,000,000 for each claim.

(5) If security guards (other than Dallas police officers or city staff) are used at the special event, then separate additional security guard liability insurance must be provided by the security guard company in an amount of not less than \$1,000,000 for each claim.

(6) If emergency response or first aid stations (other than stations staffed by only Dallas fire-rescue officers or city staff) are provided at the special event, then separate additional medical liability insurance must be provided by the applicant in an amount of not less than \$1,000,000 for each claim, and if ambulance service (other than service provided by Dallas fire-rescue officers and vehicles) is provided, then separate additional automobile liability insurance must be provided by the emergency response or ambulance provider in an amount of not less than \$1,000,000 combined single limit for each claim.

(7) If amusement rides are provided at the special event, proof of separate additional general liability insurance meeting the state liability and coverage requirements for each particular ride must be provided by the applicant or the amusement ride provider, along with a current certificate of inspection for each ride.

(8) If animals are part of the special event, then separate additional general liability insurance covering any bodily injury and property damage caused by animals must be provided by the applicant or the animal provider in an amount of not less than \$500,000 for each claim.

(9) If the special event is conducted at a city-owned facility, general liability insurance must be provided by the applicant in an amount of not less than \$500,000 for each claim.

(c) In addition to the insurance requirements of Subsection (b) of this section, the director may require additional insurance for a special event if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(d) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the special event at the facility or property.

(e) An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the director at least 15 days before the special event begins.

(f) A special event permit will not be issued until the insurance requirements have been verified by the city's third-party provider. (Ord. 31144)

SEC. 42A-16. STREET CLOSURES.

(a) Street closures require approval from applicable partner agencies and city departments.

(b) A permit holder must provide notice of street closures in accordance with Section 42A-18.

(c) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow the standard format approved by the director and be approved by the city prior to permit issuance.

(d) All traffic apparatus required to fulfil a

traffic control plan must be acquired at the applicant's expense.

(e) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship. (Ord. 31144)

SEC. 42A-17. PARKING.

(a) A complete parking plan must be submitted with each special event application. The director may waive this requirement for special events with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a special event permit.

(d) Meter hooding and no parking zones in connection with a special event must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the special event and follow a standard format approved by the director.

(e) When the main use of the property is open for business and the designated parking is to be activated as part of the event space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the event space.

(f) When activating an event in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(g) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking. (Ord. 31144)

SEC. 42A-18. NOTICE.

(a) An applicant for a permit under this chapter shall deliver notice at the applicant's expense. The director will determine the most appropriate method of notification according to the following table:

NOTIFICATION REQUIREMENTS							
COMMUNICATION TYPES	NO STREET CLOSURE	STATIC CLOSURE EVENTS			MOVING EVENTS		
Notifications are NOT required for outdoor events with an expected attendance of 250 or fewer people and with no street/lane closures.	X	Simple	Moderate	Complex	Simple	Moderate	Complex
Neighborhood/Residential based events: notify all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date utilizing a minimum of two of the following communication methods: email distribution; electronic notification through web app. e.g. NextDoor; yard signs along the event footprint; posting in a neighborhood association/PTA/PTO newsletter and/or social media page; hand delivered; or mailed.		X	X	X	X	X	X
Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 30 days prior to the event date (mail, hand delivered, or door hanger).				X			X
Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date (mail, hand delivered, or door hanger). Zone specific communication pieces apply.		X	X	X	X	X	X
Direct communication and notification is required via in-person or phone and a follow-up email to all major employers; multi-family housing; places of worship; and neighborhood associations abutting the event area and all those impacted by the event.			X	X	X	X	X
Contact Waze, Google etc. to request street closures be posted.				X		X	X
Council members are encouraged to post district specific event details to social media.	X	X	X	X	X	X	X
Council members are encouraged to distribute district specific street closure details to stakeholders from OSE weekly report.		X	X	X	X	X	X
Develop targeted (zone specific) communication. Utilize digital neighborhood based platforms and available databases to communicate street closures specific to neighborhoods and business zones impacted.					X	X	X
Develop targeted (zone specific) communication. Provide OSE a final communication piece to distribute to community stakeholders through the City Council Office and OSE (available database).				X	X	X	X
OSE to create and distribute a Traffic Advisory.				X			X
OSE to create and distribute a City Hall Announcement for all City Hall Plaza permitted events and all events that impact city hall garage access.	X			X			X
OSE to post event to web calendar with hyperlink to event website for maps, street closures, rerouting information etc.	X	X	X	X	X	X	X
Provide communication piece to be distributed by OSE through OSE email database (to be developed).		X	X	X	X	X	X

The director will determine the specific notification requirements based on a variety of factors including but not limited to: event size, dates, times, footprint, anticipated impact, and historical knowledge of the event.

(b) Notice must include any information that is required to be provided in the template approved by the director prior to distribution. (Ord. Nos. 18702; 19869; 21934; 31144)

SEC. 42A-19. PORTABLE RESTROOM AND TRASH RECEPTACLE REQUIREMENTS.

(a) An applicant for a special event permit shall provide portable restrooms and trash receptacles at the special event in accordance with Subsection (b) and the following table:

MINIMUM NUMBER OF RESTROOM UNITS AND TRASH RECEPTACLES REQUIRED										
EXPECTED ATTENDANCE	HOURS OF EVENT									
	1	2	3	4	5	6	7	8	9	10
500 - 599	2	4	4	5	6	7	9	9	10	12
600 - 699	2	4	5	6	7	7	9	10	11	12
700 - 799	3	5	6	6	7	8	10	10	11	12
800 - 899	3	5	6	7	8	8	10	11	12	13
900 - 999	4	6	7	7	8	9	11	11	12	13
1,000 - 1,999	4	6	8	8	9	9	11	12	13	13
2,000 - 2,999	5	6	9	12	14	16	18	20	23	25
3,000 - 3,999	6	9	12	16	20	24	26	30	34	38
4,000 - 4,999	8	13	16	22	25	30	35	40	45	50
5,000 - 5,999	12	15	20	25	31	38	44	50	56	63
6,000 - 6,999	13	17	24	30	37	45	53	60	67	75
7,000 - 7,999	13	19	27	35	44	53	62	70	79	88
8,000 - 8,999	14	21	31	40	50	60	70	80	90	100
9,000 - 9,999	14	23	34	45	57	68	79	90	102	113
10,000 - 14,999	15	25	38	50	63	75	88	100	113	125
15,000 - 19,999	20	38	56	75	94	113	131	150	169	188
20,000 - 24,999	25	50	75	100	125	150	175	200	225	250
25,000 - 29,999	38	69	99	130	160	191	221	252	282	313
30,000 - 34,999	46	82	119	156	192	229	266	302	339	376
35,000 - 39,999	53	96	139	181	224	267	310	352	395	438
40,000 - 44,999	61	109	158	207	256	305	354	403	452	501
45,000 - 49,999	68	123	178	233	288	343	398	453	508	563
50,000 - 54,999	76	137	198	259	320	381	442	503	564	626
55,000 - 59,999	83	150	217	285	352	419	486	554	621	688
60,000 - 64,999	91	164	237	311	384	457	531	604	677	751
65,000 - 69,999	98	177	257	336	416	495	575	654	734	813
70,000 - 74,999	106	191	277	362	448	533	619	704	790	876
75,000 - 79,999	113	205	296	388	480	571	663	755	846	938
80,000 - 84,999	121	218	316	414	512	609	707	805	903	1001
85,000 - 89,999	128	232	336	440	544	647	751	855	959	1063
90,000 - 94,999	136	246	356	466	576	686	796	906	1016	1126
95,000 - 99,999	143	259	375	491	607	724	840	956	1072	1188
100,000 or more	151	273	395	517	639	762	884	1006	1128	1251

(b) The director may require additional restroom units if:

(1) the estimated number of participants and spectators exceeds 100,000 during any day

of the special event;

(2) the estimated duration of the special event exceeds 10 hours on any day of the event;

(3) any alcoholic beverage is sold, served, or otherwise made available at the special event; or

(4) the history of the particular special event indicates that a greater number of portable restroom units are required for the public health, safety, and welfare.

(c) At least five percent of the portable restrooms required by this section must comply with the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12101, et seq.

(d) The director may reduce restroom requirements with written confirmation that restrooms will be serviced during the permitted event. (Ord. Nos. 26136; 31144)

SEC. 42A-20. DENIAL OR REVOCATION.

(a) The director shall deny a special event permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;

(2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the special event;

(3) the applicant has had a special event permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violation or citations related to a provision of a special event permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the special event would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or

penalties assessed against or imposed upon the applicant or other person;

(7) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

(8) the director is notified of any code violation on the property where the special event will be held; or

(9) an event will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director shall revoke a special event permit if:

(1) the applicant fails to comply with or the special event is in violation of any provision of the special event permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a special event permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the special event poses a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the special event location;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed special event or for a past special event;

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(7) the director is notified of any code violations on the property where the special event will be held. (Ord. 31144)

ARTICLE III.

NEIGHBORHOOD MARKET.

SEC. 42A-21. APPLICATION; ISSUANCE.

(a) A person desiring to hold a neighborhood market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the neighborhood market is to begin. The director may waive the filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar days required, taking into consideration the number and types of additional licenses and permits that may be required to be issued in conjunction with the neighborhood market permit and the extent of public safety, department, or agency review required based on the scope of the market. An activity that qualifies for a neighborhood market permit under this article is not required to obtain a special event permit under Article II of this chapter.

(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a neighborhood market permit will be issued. All requirements must be met prior to permit issuance.

(c) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(d) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. If no response is received, the director may proceed with permitting; however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(e) If the proposed neighborhood market will be held on private property and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the neighborhood market on the property with the authorization including the dates and times of the neighborhood market. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request.

(f) The director shall cancel a neighborhood market permit application if:

(1) a neighborhood market permit has been granted or is in the review process for another neighborhood market at the same or a nearby place and the same time.

(2) an established neighborhood market is customarily held at the same or a nearby place and the same time as the proposed neighborhood market.

(3) the proposed neighborhood market will occupy any part of a freeway, expressway, or tollway.

(4) the proposed neighborhood market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.

(5) the proposed neighborhood market cannot comply with high impact parameters.

(6) the applicant makes a false statement of material fact on an application for a neighborhood market permit or fails to properly complete an application for a neighborhood market permit.

(7) the applicant had a neighborhood market permit revoked within the preceding 14 months.

(8) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter.

(9) the applicant has a history of conducting or sponsoring neighborhood markets in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or

a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, this will result in the original permit application being cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing the application and confirming all permit requirements have been met, the director shall issue the permit unless denial is required by Section 42A-35. A neighborhood market permit expires one year after issuance and may only be issued for 46 nonconsecutive days in a year. (Ord. 31144)

SEC. 42A-22. LOCATION OF A NEIGHBORHOOD MARKET.

A neighborhood market may not be conducted:

- (1) in the central business district;
- (2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code;
- (3) within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;
- (4) at any location where one or more neighborhood markets have already been conducted a total of 28 days during the particular calendar year;
- (5) at any location other than the one listed in the permit application;
- (6) at a public park; or
- (7) on a sidewalk.

(Ord. 31144)

SEC. 42A-23. OPERATION OF A NEIGHBORHOOD MARKET.

(a) A neighborhood market must operate a minimum of 12 days in a calendar year at the same location, but may not be operated more than 46 days at the same location in a calendar year and may not be operated on consecutive days.

(b) A neighborhood market may only be operated between the hours of 8 a.m. and 10 p.m. on any day of the week.

(c) The neighborhood market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. An amendment request and the required change fee must be received by the director at least 15 days before implementing any changes. Date changes do not constitute a major change.

(d) Except as provided in this subsection, no more than 75 vendors may participate in a neighborhood market. Two of the 46 market days may be designated as holiday or specialty markets, and as such, will be allowed up to 100 vendors. A current vendor list must be on file with the office of special events. Changes or additions to this vendor list may be made throughout the year. Current vendor fees will be assessed with each submission. No change fees will apply.

(e) Each stall area used by a vendor may not exceed 10 feet by 15 feet.

(f) All litter, tents, stalls, food, merchandise, and other evidence of the neighborhood market must be removed from the premises at the end of each market day.

(g) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the neighborhood market, as well as at the neighborhood market site the day of the neighborhood market, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the neighborhood market site within one hour of being contacted by telephone or email. (Ord. 31144)

SEC. 42A-24. STREET CLOSURES.

(a) Street closures are limited to one block with no intersections.

(b) Street closures require approval from applicable partner agencies and city departments.

(c) A permit holder must provide notice of street closures in accordance with Section 42A-18.

(d) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow the standard format approved by the director and be approved by the city prior to permit issuance.

(e) All traffic apparatus required to fulfill a traffic control plan must be acquired at the applicant's expense.

(f) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship. (Ord. 31144)

SEC. 42A-25. PARKING.

(a) A complete parking plan must be submitted with each neighborhood market application. The director may waive this requirement for neighborhood markets with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a neighborhood market permit.

(d) Meter hooding and no parking zones in connection with a neighborhood market must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the neighborhood market and follow a standard format approved by the director.

(e) When the main use of the property is open for business and the designated parking is to be activated as part of the neighborhood market space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the neighborhood market space.

(f) When activating neighborhood market in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the

shared available parking may be activated for the permitted activity. (Ord. 31144)

SEC. 42A-26. PRODUCTS AT A NEIGHBORHOOD MARKET.

(a) Products that may be sold at a neighborhood market include, but are not limited to, the following:

(1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.

(2) Meats.

(3) Dairy products.

(4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.

(5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.

(6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 30 percent of the vendors participating in a neighborhood market must sell produce or other food items.

(c) All products distributed, offered for sale, or sold at a neighborhood market must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area.

(d) No products may be offered for resale.

(e) Live animals may not be distributed, offered for sale, or sold at a neighborhood market. (Ord. 31144)

SEC. 42A-27. VENDOR'S STATEMENT.

(a) Each calendar year before vending at a neighborhood market, a vendor shall sign and provide the permit holder with a written statement that:

(1) all products to be distributed, offered for sale, or sold at the neighborhood market have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area; and

(2) no product is being offered for resale.

(b) The permit holder shall maintain a vendor statement for each vendor operating at the neighborhood market and shall present the vendors' statements to the director or any peace officer upon request. (Ord. 31144)

SEC. 42A-28. DENIAL OR REVOCATION.

(a) The director shall deny a neighborhood market permit if:

(1) the proposed neighborhood market will be located within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;

(2) the proposed neighborhood market will unreasonably disrupt the surrounding areas or the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(3) the applicant fails to adequately provide for:

(A) the protection of the vendors and attendees at the neighborhood market;

(B) maintenance of public order in and around the neighborhood market location;

(C) crowd security, taking into consideration the size of the neighborhood market; or

(D) emergency vehicle access.

(4) the applicant fails to comply with or the proposed neighborhood market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this article;

(5) the applicant makes a false statement of material fact on an application for a

neighborhood market permit or fails to properly complete an application for a neighborhood market permit;

(6) the applicant has had a neighborhood market permit revoked within the preceding 14 months;

(7) the applicant or a vendor at the applicant's neighborhood market has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter;

(8) a neighborhood market has been conducted at the location of the proposed neighborhood market on at least 40 days during the same calendar year in which the proposed neighborhood market is to be conducted;

(9) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market would pose a serious threat to the public health, safety, or welfare;

(10) the applicant or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person or the applicant fails to pay any outstanding fees assessed under Section 42A-6 for the proposed neighborhood market or for a past neighborhood market; or

(11) the applicant has a history of conducting or sponsoring a neighborhood market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(b) The director shall revoke a neighborhood market permit if:

(1) the permit holder failed to comply with or the neighborhood market is in violation of any provision of the neighborhood market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement of material fact on an application for a neighborhood market permit or failed to properly complete an application for a neighborhood market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed neighborhood market or for a past neighborhood market;

(5) the permit holder or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person;

(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood market; or

(7) the director is notified of any code violations on the property where the neighborhood market will be held. (Ord. 31144)

ARTICLE IV.

RESERVED.

ARTICLE V.

DALLAS FARMERS MARKET FARMERS MARKET.

SEC. 42A-29. APPLICATION; ISSUANCE.

(a) This article only applies to the leased premises as defined in the Dallas Farmers Market Shed 1 lease.

(b) The Dallas Farmers Market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the Dallas Farmers Market farmers market is to begin.

(c) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a permit will be issued. All requirements must be met prior to permit issuance.

(d) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the

application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(e) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by city departments and partner agencies. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. Each review phase is allowed 10 business days. Review phases run sequentially with public safety review getting the first 10 business days and department and partner agency review getting the second 10 business days. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the event request, or a resolution cannot be reached, a permit will be denied.

(f) The director shall cancel a Dallas Farmers Market farmers market permit application if:

(1) the proposed Dallas Farmers Market farmers market will occupy any part of a freeway, expressway, or tollway.

(2) the proposed Dallas Farmers Market farmers market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.

(3) the proposed Dallas Farmers Market farmers market cannot comply with high impact parameters.

(4) the applicant makes a false statement of material fact on an application for a Dallas Farmers Market farmers market permit or fails to properly complete an application for Dallas Farmers Market farmers market permit.

(5) the applicant had a Dallas Farmers Market farmers market permit revoked within the preceding 14 months.

(6) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a Dallas Farmers Market

farmers market permit or this chapter.

(7) the applicant has a history of conducting or sponsoring a Dallas Farmers Market farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(g) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of the Dallas Farmers Market farmers market to be incorporated into the permit before issuance.

(h) Major changes to the original submission of an application require the submission of a new permit application along with new application processing fees. The original permit application will be deemed incomplete and cancelled.

(i) After reviewing and confirming all permit requirements have been met, the director shall issue a Dallas Farmers Market farmers market permit unless denial is required by Section 42A-34. A Dallas Farmers Market farmers market permit expires one year after issuance. (Ord. 31144)

SEC. 42A-30. STREET CLOSURES.

(a) Street closures shall require approval from applicable partner agencies and city departments.

(b) An applicant must provide notice of street closures in accordance with Section 42A-18.

(c) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow a standard format approved by the director and be approved by the applicable departments prior to permit issuance.

(d) All traffic apparatus required to fulfil a traffic control plan must be acquired at the applicant's expense.

(e) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship. (Ord. 31144)

SEC. 42A-31. PARKING.

(a) A complete parking plan must be submitted with each application. The director may waive this requirement for markets with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a permit.

(d) Meter hooding and no parking zones in connection with a market must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the market and follow a standard format approved by the director.

(e) When the main use of the property is open for business and the designated parking is to be activated as part of the market space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the event space.

(f) When activating a market in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(g) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking. (Ord. 31144)

SEC. 42A-32. OPERATIONS OF DALLAS FARMERS MARKET FARMERS MARKET.

(a) A Dallas Farmers Market farmers market may only be operated between the hours of 8:00 a.m. and 10:00 p.m. on any day of the week.

(b) A Dallas Farmers Market farmers market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. The request and the required change fee must be received by the director in writing at least 15 days before implementing any changes.

(c) A permit holder must provide the name,

phone number, and email address of an individual who will be available following submission of an application through the end of the Dallas Farmers Market farmers market, as well as at the Dallas Farmers Market site the day of the permitted activity, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the Dallas Farmers Market site within one hour of being contacted by telephone or email. (Ord. 31144)

SEC. 42A-33. PRODUCTS AT DALLAS FARMERS MARKET.

(a) Products that may be sold at the Dallas Farmers Market farmers market include, but are not limited to, the following:

(1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.

(2) Meats.

(3) Dairy products.

(4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.

(5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.

(6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 40 percent of the vendors participating in the Dallas Farmers Market farmers market must sell produce or other food items.

(c) Live animals may not be distributed, offered for sale, or sold at the Dallas Farmers Market farmers market. (Ord. 31144)

SEC. 42A-34. DENIAL OR REVOCATION.

(a) The director shall deny a Dallas Farmers Market farmers market permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;

(2) the applicant fails to provide proof

that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of a Dallas Farmers Market farmers market;

(3) the applicant has had a Dallas Farmers Market farmers market permit revoked within the preceding 14 months;

(4) the applicant has received within the preceding 14 months, two or more notices of violations or citations related to a provision of a Dallas Farmers Market farmers market permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the Dallas Farmers Market farmers market would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the conduct or sponsorship of a Dallas Farmers Market farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(7) the applicant has a history of conducting or sponsoring a Dallas Farmers Market farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

(8) the director is notified of any code violation on the property where the Dallas Farmers Market farmers market will be held; or

(9) the Dallas Farmers Market farmers market will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director shall revoke a Dallas Farmers Market farmers market permit if:

(1) the applicant fails to comply with or the Dallas Farmers Market farmers market is in violation of any provision of the Dallas Farmers Market farmers market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for the Dallas Farmers Market farmers market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director

determines that the Dallas Farmers Market farmers market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the market location;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 for the market or for a past market;

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(7) the director is notified of any code violations on the property. (Ord. 31144)

ARTICLE VI.

STREETLIGHT POLE BANNERS.

SEC. 42A-35. APPLICATION; ISSUANCE.

(a) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, an application for a streetlight pole banner permit must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(b) The application for a permit authorizing the placement of streetlight pole banners must be submitted online to the office of special events at least 30 business days prior to the proposed streetlight pole banner installation date.

(c) The director shall respond in writing by email to the applicant within three business days of receipt of the application acknowledging receipt of the application.

(d) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review of city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages

or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(e) An application must be completed in full before it can be invoiced. An application will not be processed, and the streetlight poles will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a permit will be issued. All requirements must be met prior to permit issuance.

(f) The director shall review the application to determine whether the requested streetlight poles are available for the erection of streetlight pole banners. If the requested streetlight poles are not available, the applicant must resubmit an alternate list of requested streetlight poles within 48 hours of receiving the preliminary letter. If alternate streetlight poles are not submitted within 48 hours of receiving the preliminary letter, the process will continue with only the available poles.

(g) The director shall provide the applicant with a preliminary letter containing the requirements for permit issuance upon completion of departmental and partner agency review.

(h) The director may cancel an application for a streetlight pole banner permit if:

(1) a streetlight pole banner permit has been granted or is in the review process for another streetlight pole banner permit with the same poles and during the same time period;

(2) the applicant makes a false statement of material fact on an application for a streetlight pole banner permit or fails to properly complete an application for a streetlight pole banner permit;

(3) the applicant had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a streetlight pole banner permit or this chapter; or

(5) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(i) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(j) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed installation of the streetlight pole banners, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(k) If the applicant makes major changes to the original submission of an application after the preliminary letter has been issued, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(l) An application that has been cancelled cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(m) An applicant may not hold more than one streetlight pole banner permit application at a time.

(n) A streetlight pole banner permit application may not be submitted more than one year prior to the banner installation date.

(o) Applications for streetlight pole banners in the arts district must be from cultural institutions located in the arts district. The Arts District Foundation shall provide the office of special events a map with pole assignments for each cultural institution each calendar year.

(p) Applications for streetlight pole banners for pre-determined signature events within the downtown area including, but not limited to, Main Street, Commerce Street, and Elm Street, have a right of first refusal. All other permit applications will be processed on a first-come, first-serve basis.

(q) After reviewing and confirming all permit

requirements have been met, the director shall issue the streetlight pole banner permit unless denial or revocation is required by Section 42A-31. Except as provided in this subsection, a streetlight pole banner permit will be issued for a period of 60 consecutive days. A streetlight pole banner permit may be extended for additional consecutive 60-day periods not to exceed a year. All applicable fees must be paid for any permit extension. A streetlight pole banner permit for a public improvement district will be issued for a period of one calendar year. (Ord. 31144)

SEC. 42A-36. PERMIT EXTENSION.

(a) An applicant may not submit a request to extend a streetlight pole banner permit earlier than two weeks prior to the expiration of an existing streetlight pole banner permit.

(b) A streetlight pole banner permit may be extended in additional 60-day increments based upon availability of the streetlight poles.

(c) Streetlight pole banner permits may be extended for a maximum of one year.

(d) The director shall assess all applicable streetlight pole banner fees in 60-day increments.

(e) This section does not apply to a public improvement district annual streetlight pole banner permit. (Ord. 31144)

SEC. 42A-37. INSURANCE.

(a) A person installing a streetlight pole banner shall procure and keep in full force and effect insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the installation of the streetlight pole banner by the applicant.

(b) Insurance required under this article must include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy or before making a reduction in coverage.

(c) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence with a \$2,000,000 annual aggregate.

(2) Business automotive liability insurance covering owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$1,000,000 per occurrence.

(3) Worker's compensation insurance with statutory limits.

(4) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, \$1,000,000 per each accident; and

(B) disease, \$1,000,000 per employee with a per policy aggregate of \$1,000,000.

(5) Umbrella liability insurance following the form of the primary liability coverage described in Subsection (a) and providing coverage with minimum combined bodily injury (including death) and property damage limit of \$1,000,000 per occurrence and \$1,000,000 annual aggregate.

(d) In addition to the insurance requirements of Subsection (c) of this section, the director may require additional insurance for a streetlight pole banner if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(e) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to erect a streetlight pole banner at the facility or property.

(f) A streetlight pole banner permit will not be issued until the insurance requirements have been verified by the city's designated third-party provider. (Ord. 31144)

SEC. 42A-38. STREETLIGHT POLE BANNER REGULATIONS.

(a) In general.

(1) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, streetlight pole banners must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(2) A streetlight pole banner must be in general compliance with the streetlight pole design manual published by the office of special events.

(3) The sign hardware for a streetlight pole banner may be left in place between displays of a banner.

(4) A streetlight pole banner and its sign hardware must:

(A) be mounted on a streetlight pole;

(B) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;

(C) be made out of weather resistant and rust proof material especially designed for outdoor use;

(D) be printed on both sides of material;

(E) not be illuminated;

(F) not project more than three feet from the pole onto which it is mounted;

(G) not exceed 25 square feet in effective area;

(H) not obstruct the view of traffic or any traffic control devices or impede or endanger the flow of traffic; and

(I) not interfere with emergency equipment, including fire, police, medical, electrical, commercial vehicles and trucks, or bus transportation.

(5) The maximum number of streetlight pole banners is two per pole, with each banner on one opposite side of the pole.

(b) Public improvement districts.

(1) This section applies only to public improvement district management corporations.

(2) District identification banners are defined as long-term banners that identify a geographic location or place of interest. Streetlight poles must be located within the defined geographic boundaries of the public improvement district.

(3) Streetlight pole banner permits granted to a public improvement district management corporation must comply with the standards in this subsection and will be issued on an annual basis.

(4) District identification banners are excluded from all permit application processing fees.

(5) Public improvement districts have first right-of-refusal for streetlight poles previously permitted to a public improvement district before being reissued to an applicant other than that of the public improvement district management corporation; however, an active permit must be maintained by the public improvement management corporation to prevent poles from being reissued to another entity. (Ord. 31144)

SEC. 42A-39. DENIAL OR REVOCATION.

(a) The director shall deny a streetlight pole banner permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;

(2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the installation, maintenance, or removal of the streetlight pole banners;

(3) the applicant has had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or

citations related to a provision of a streetlight pole banner permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person; or

(7) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(b) The director shall revoke a streetlight pole banner permit if:

(1) the applicant fails to comply with, or the streetlight pole banners are in violation of any provision of the streetlight pole banner permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a streetlight pole banner permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners pose a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the installation, maintenance, or removal of the streetlight pole banners;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the installation, maintenance, or removal of the streetlight pole banners; or

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person. (Ord. 31144)

ARTICLE VII.

ENFORCEMENT.

(2) \$500 for all other violations of this chapter or requirements of a permit issued under this chapter. (Ord. Nos. 18702; 19869; 21934; 31144)

SEC. 42A-40. OFFENSES.

(a) A person commits an offense if he commences set up or conducts a special event, or neighborhood market, or erects a streetlight pole banner:

(1) without a permit issued under this chapter or, for a streetlight pole banner in a special provision sign district, a sign permit issued under Chapter 51A of this code; or

(2) in violation of any provision of a permit issued under this chapter, this chapter, or any other city ordinance or applicable law.

(b) A person commits an offense if he is the individual named by the permit holder as the contact person for the event and he fails to meet police officers or code enforcement officers at the site of the special event, or neighborhood market within one hour of being contacted by a police officer or code enforcement officer by telephone or email.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) This chapter may be enforced by the director of the office of special events, the director of code compliance, the chief of police, the fire chief, or their designated representatives. (Ord. Nos. 18702; 19869; 21934; 31144)

SEC. 42A-41. PENALTY.

(a) A person who violates a provision of this chapter or a requirement of a permit issued under this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.

(b) Each offense is punishable by a fine not to exceed:

(1) \$2,000 for a violation of a provision of this chapter or a requirement of a permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or

Code Comparative Table

<u>Ordinance Number</u>	<u>Specified Passage Date</u>	<u>Effective Date</u>	<u>Ordinance Section</u>	<u>City Code Section</u>
30993 (Cont'd)			17	Amends 49-18.4(e)
			18	Amends 49-18.4(f)
			19	Amends 49-18.5(a)
			20	Amends 49-18.5(b)
			21	Amends 49-18.5(c)
			22	Amends 49-18.7(a)
			23	Amends 49-18.7(b)
30994	9-18-18		1	Amends Ch. 2, Art. V-a, 2-43 thru 2-44
			2	Amends 2-51
			3	Adds Ch. 2, Art. V-f, 2-54 thru 2-55
			4	Amends Ch. 2, Art. VII-b, 2-75 thru 2-75.1
			5	Amends Ch. 9B, Art. II, 9B-6 thru 9B-9
			6	Amends 13-8(a)
			7	Amends 19-113(a)
			8	Amends 49-18.5(c)
			9	Amends 49-18.5(d)
31048	11-28-18		1	Amends 28-41.1
			2	Amends 28-41.1.1(e)
31049	11-28-18		1	Adds 2-30(d)(8)
			2	Amends 2-37.12(a)
			3	Amends 2-37.12(b)
			4	Amends 2-37.12(i)
			5	Amends 2-47
			6	Amends Ch. 2, Art. VIII, 2-76 thru 2-80
			7	Amends 2-102
			8	Amends 2-105
			9	Retitles Ch. 2, Art. XXVI
			10	Amends 2-161
			11	Amends 2-162
			12	Amends 2-162.2
			13	Adds 2-162.3
			14	Adds 2-162.4
31135	2-27-19	3-4-19	1	Readopts with amendments 31-33
31142	3-27-19		1	Retitles Ch. 20A
			2	Classifies 20A-1 thru 20A-21 as Art. I
			3	Adds Ch. 20A, Art. II, 20A-22 thru 20A-33
31143	3-27-19		1	Amends 6-4(f)
31144	3-27-19	6-1-19	1	Repeals and reserves Ch. 29A
			2	Amends Ch. 42A, 42A-1 thru 42A-41

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CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME III

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AMERICAN LEGAL PUBLISHING CORPORATION

One West Fourth Street, 3rd Floor Cincinnati, Ohio 45202 (513) 421-4248

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(A) The following accessory uses are not permitted in this district:

- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste

incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

- Accessory medical/ infectious waste incinerator. [See Section 51A-4.217(3.1).]

~~(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)~~

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

~~(A) Front yard. Minimum front yard is 15 feet.~~

~~(B) Side and rear yard.~~

~~(i) No minimum side and rear yard for single family structures.~~

~~(ii) Minimum side yard for duplex structures is five feet.~~

~~(iii) Minimum side yard for other permitted structures is 10 feet.~~

~~(iv) Minimum rear yard for duplex structures is 10 feet.~~

~~_____ (v) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.~~

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard.

(i) No minimum side and rear yard for single family structures.

(ii) Minimum side yard for duplex structures is five feet.

(iii) Minimum side yard for other permitted structures is 10 feet.

(iv) Minimum rear yard for duplex structures is 10 feet.

(v) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.

~~_____ (C) Dwelling unit density.~~

~~_____ (i) MF-1(A) district. No maximum dwelling unit density.~~

~~_____ (ii) MF-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:~~

(C) Dwelling unit density.

(i) MF-1(A) district. No maximum dwelling unit density.

(ii) MF-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:

MAXIMUM DWELLING UNIT DENSITY
(dwelling units per net acre)

Percentage of SAH Units Provided	Dwelling Units Permitted
0%	15
5%	16
10%	17
15%	20
20%	30

~~_____ (D) Floor area ratio. No maximum floor area ratio.~~

~~_____ (E) Height.~~

~~_____ (i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.~~

(D) Floor area ratio. No maximum floor area ratio.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

~~_____ (ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.~~

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

~~_____ (F) Lot coverage.~~

~~_____ (i) Maximum lot coverage is:~~

~~_____ (aa) 60 percent for residential structures; and~~

~~_____ (bb) 25 percent for nonresidential structures.~~

~~_____ (ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.~~

~~_____ (G) Lot size.~~

~~_____ (i) Minimum lot area per dwelling unit is as follows:~~

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 60 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. Minimum lot area per dwelling unit is as follows:

TYPE OF STRUCTURE

MINIMUM LOT AREA
PER DWELLING UNIT

Single family

3,000 sq. ft.

Duplex

3,000 sq. ft.

Multifamily:

No separate bedroom 1,000 sq. ft.

One bedroom 1,400 sq. ft.

Two bedrooms 1,800 sq. ft.

More than two bedrooms 200 sq. ft.
(Add this amount for each
bedroom over two)

~~_____ (ii) Repealed by Ord. 20441.~~

~~_____ (iii) Repealed by Ord. 20441.~~

~~_____ (H) Stories. No maximum number of stories.~~

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed-income housing. In an MF-1(A) district, lot coverage, lot size, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage. Except as provided in this paragraph, the following increased height and lot coverage requirements apply:

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Maximum Height	Maximum Lot coverage (residential)
MVA Categories A, B, C	5% at Income band 3;	51 ft.	80%
	5% at Income band 3; and	66 ft.	80%
	5% at Income band 2		
	5% at Income band 3;	85 ft.	85%
	5% at Income band 2; and		
MVA Categories D, E, F	5% at Income band 1		
	5% at Income band 2;	51 ft.	80%
	10% at Income band 2	66 ft.	80%
	10% at Income band 2; and	85 ft.	85%
	5% at Income band 1		
MVA Categories G, H, I	5% at Income band 1	85 ft.	85%

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408 (a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments.

(iv) Developments with transit proximity. For a development with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.

(v) Urban form setback. An additional 10-foot front yard setback is required for that portion of a structure above 45 feet in height.

(vi) Retirement housing. The density limits in Section 51A-4.209(b)(5.2)(E)(ii) do not apply.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

(b) MF-2(A) and MF-2(SAH) districts.

(1) Purpose. The MF-2(A) and MF-2(SAH) districts are composed mainly of areas containing mixtures of single family, duplex, and multifamily dwellings and certain uniformly developed multifamily dwelling sections. These districts are medium density districts and are located in certain areas close into the center of the city and at various outlying locations. The area regulations are designed to protect the residential character and to prevent the overcrowding of the land by providing minimum standards for building spacing, yards, off-street parking, and coverage. All commercial and office uses are prohibited. It is anticipated that additional areas may be designated in the MF-2(A) or MF-2(SAH) district from time to time in the future where the change is appropriate and access and utility services can reasonably accommodate these medium density dwellings. Additionally, the MF-2(SAH)

- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station. *[SUP]*
- Radio, television, or microwave tower. *[SUP]*
- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1).]*
- Utility or government installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

- Recycling drop-off container. *[See Section 51A-4.213 (11.2).]*
- Recycling drop-off for special occasion collection. *[See Section 51A-4.213 (11.3).]*

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste

incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

- Accessory medical/infectious waste incinerator. *[See Section 51A-4.217(3.1).]*

~~(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)~~

~~(A) Front yard. Minimum front yard is 15 feet.~~

~~(B) Side and rear yard.~~

~~(i) No minimum side and rear yard for single family structures.~~

~~(ii) Minimum side yard for duplex structures is five feet.~~

~~(iii) Minimum side yard for other permitted structures is 10 feet.~~

~~(iv) Minimum rear yard for duplex structures is 10 feet.~~

~~(v) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.~~

~~(C) Dwelling unit density.~~

~~(i) MF-2(A) district. No maximum dwelling unit density.~~

~~(ii) MF-2(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:~~

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the

event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard.

(i) No minimum side and rear yard for single family structures.

(ii) Minimum side yard for duplex structures is five feet.

(iii) Minimum side yard for other permitted structures is 10 feet.

(iv) Minimum rear yard for duplex structures is 10 feet.

(v) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.

(C) Dwelling unit density.

(i) MF-2(A) district. No maximum dwelling unit density.

(ii) MF-2(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:

MAXIMUM DWELLING UNIT DENSITY
(dwelling units per net acre)

Percentage of SAH Units Provided	Dwelling Units Permitted
0%	20
5%	22
10%	24
15%	30
20%	40

~~(D) Floor area ratio. No maximum floor area ratio.~~

~~(E) Height.~~

~~(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.~~

~~(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.~~

~~(F) Lot coverage.~~

~~(i) Maximum lot coverage is:~~

~~(aa) 60 percent for residential structures; and~~

~~(bb) 50 percent for nonresidential structures.~~

~~(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.~~

~~(G) Lot size.~~

~~(i) Minimum lot area per dwelling unit is as follows:~~

~~(D) Floor area ratio. No maximum floor area ratio.~~

~~(E) Height.~~

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 60 percent for residential structures; and

(bb) 50 percent for nonresidential structures.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. Minimum lot area per dwelling unit is as follows:

TYPE OF STRUCTURE	MINIMUM LOT AREA PER DWELLING UNIT
Single family	1,000 sq. ft.
Duplex	3,000 sq. ft.

Multifamily:

No separate bedroom	800 sq. ft.
One bedroom	1,000 sq. ft.
Two bedrooms	1,200 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	150 sq. ft.

~~(ii) Repealed by Ord. 20441.~~

~~(iii) Repealed by Ord. 20441.~~

~~(H) Stories. No maximum number of stories.~~

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed-income housing. In an MF-2(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage.

Except as provided in this paragraph, the following increased height and lot coverage requirements apply:

	<u>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</u>	<u>Maximum Height</u>	<u>Maximum Lot coverage (residential)</u>
<u>MVA Categories A, B, C</u>	<u>5% at Income band 3</u>	<u>51 ft.</u>	<u>80%</u>
	<u>5% at Income band 3; and</u>	<u>66 ft.</u>	<u>80%</u>
	<u>5% at Income band 2</u>		
	<u>5% at Income band 3;</u>	<u>85 ft.</u>	<u>85%</u>
<u>MVA Categories D, E, F</u>	<u>5% at Income band 2; and</u>		
	<u>5% at Income band 1</u>		
	<u>5% at Income band 2</u>	<u>51 ft.</u>	<u>80%</u>
	<u>10% at Income band 2</u>	<u>66 ft.</u>	<u>80%</u>
<u>MVA Categories G, H, I</u>	<u>10% at Income band 2; and</u>	<u>85 ft.</u>	<u>85%</u>
	<u>5% at Income band 1</u>		
	<u>5% at Income band 1</u>	<u>85 ft.</u>	<u>85%</u>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408 (a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit

is required for qualifying developments,

(iv) Developments with transit proximity. For a development with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.

(v) Urban form setback. An additional 10-foot front yard setback is required for that portion of a structure above 45 feet in height.

(vi) Retirement housing. The density limits in Section 51A-4.209(b)(5.2)(E)(ii) do not apply.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

- General merchandise or food store 3,500 square feet or less. [L]
- Motor vehicle fueling station. [SUP]
- Personal service uses. [L]

(K) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
- Police or fire station. [SUP]
- Post office. [SUP]
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

- Accessory helistop.
- Amateur communication tower.

(C) In this district, an SUP may be required for the following accessory uses:

- Accessory medical/infectious waste incinerator. [See Section 51A-4.217(3.1).]

~~————— (4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)~~

~~————— (A) Front yard.~~

~~————— (i) Minimum front yard is 15 feet.~~

~~————— (ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 45 feet in height.~~

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front

yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 45 feet in height.

~~_____ (B) Side and rear yard.~~

~~_____ (i) Minimum side and rear yard is:~~

~~_____ (aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A),~~

TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; and

_____ (bb) 10 feet in all other cases.

_____ (ii) ~~Tower spacing.~~ An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(B) Side and rear yard.

(i) **In general.** Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; and

(bb) 10 feet in all other cases.

(ii) **Tower spacing.** An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

_____ (C) ~~Dwelling unit density.~~ Maximum dwelling unit density is 90 dwelling units per net acre.

_____ (D) ~~Floor area ratio.~~ Maximum floor area ratio is 2.0.

_____ (E) ~~Height.~~

_____ (i) ~~Residential proximity slope.~~ If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) ~~Exception:~~ Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. ~~Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.~~

_____ (ii) ~~Maximum height.~~ Unless further restricted under Subparagraph (i), maximum structure height is 90 feet.

_____ (F) ~~Lot coverage.~~ Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

_____ (G) ~~Lot size.~~

_____ (i) ~~Minimum lot size for residential use is 6,000 square feet.~~

~~Minimum lot area per dwelling unit is as follows:~~

(C) Dwelling unit density. Maximum dwelling unit density is 90 dwelling units per net acre.

(D) Floor area ratio. Maximum floor area ratio is 2.0.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 90 feet.

(F) Lot coverage. Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot size for residential use is 6,000 square feet.

(ii) Minimum lot area per dwelling unit is as follows:

<u>TYPE OF STRUCTURE</u>	<u>MINIMUM LOT AREA PER DWELLING UNIT</u>
Multifamily:	
No separate bedroom	450 sq. ft.
One bedroom	500 sq. ft.
Two bedrooms	550 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	50 sq. ft.

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed-income housing. In an MF-3(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage. Except as provided in this paragraph, the following increased height and lot coverage requirements apply:

~~(H) Stories. No maximum number of stories.~~

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Maximum Unit Density per Acre	Maximum Height	Maximum Lot coverage (residential)
MVA Categories A, B, C	5% at Income band 3	100	90 ft.	80%
	5% at Income band 3 and 5% at Income band 2	120	105 ft.	80%
	5% at Income band 3 and 5% at Income band 2 and 5% at Income band 1	150	120 ft.	85%
MVA Categories D, E, F	5% at Income band 2	100	90 ft.	80%
	10% at Income band 2	120	105 ft.	80%
	10% at Income band 2 and 5% at Income band 1	150	120 ft.	85%
MVA Categories G, H, I	5% at Income band 1	150	120 ft.	85%

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408 (a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments.

(iv) Floor area ratio. Maximum floor area ratio includes non-residential uses only.

(v) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.

(vi) Retirement housing. The density limits in Section 51A-4.209(b)(5.2)(E)(ii) do not apply.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations

(Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions. None.

(d) MF-4(A) district.

(1) Purpose. To provide for the development and protection of highrise, high density multifamily residential dwellings built on one lot. This district is not intended to be located in areas of low and medium density residential development.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; and

(bb) 10 feet in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density. Maximum dwelling unit density is 160 dwelling units per net acre.

(D) Floor area ratio. Maximum floor area ratio is 4.0.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 240 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot size is 6,000 square feet.

(ii) Minimum lot area per dwelling unit is as follows:

<u>TYPE OF STRUCTURE</u>	<u>MINIMUM LOT AREA PER DWELLING UNIT</u>
Multifamily:	
No separate bedroom	225 sq. ft.
One bedroom	275 sq. ft.
Two bedrooms	325 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	50 sq. ft.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions. None. (Ord. Nos. 19455; 19786; 19808; 19912; 19913; 20384; 20441; 20625; 20920; 20950; 21002; 21044; 31314; 21663; 21735; 22139; 22531; 22782; 24543; 26920; 31152)

SEC. 51A-4.117. MANUFACTURED HOME [MH(A)] DISTRICT.

(1) Purpose. The manufactured home is recognized as a specific form of housing for which accommodations should be provided. To provide appropriate standards for density, spacing, and use, a separate district is created and designated for the specific purpose of providing at appropriate locations, area for the development of manufactured home parks, courts, or subdivisions. In certain commercial

- Utility or government installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

- Mini-warehouse. *[SUP]*
- Recycling buy-back center *[See Section 51A-4.213 (11).]*
- Recycling collection center. *[See Section 51A-4.213 (11.1).]*
- Recycling drop-off container. *[See Section 51A-4.213 (11.2).]*
- Recycling drop-off for special occasion collection. *[See Section 51A-4.213 (11.3).]*

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

- Private stable.

(B) In this district, the following accessory use is permitted by SUP only:

- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

- Accessory medical/infectious waste incinerator. *[See Section 51A-4.217 (3.1).]*

~~(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space~~

~~regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)~~

~~(A) Front yard.~~

- ~~(i) Minimum front yard is 15 feet.~~

~~(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.~~

~~(B) Side and rear yard.~~

- ~~(i) Minimum side and rear yard is:~~

~~(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and~~

~~(bb) no minimum in all other cases.~~

~~(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.~~

~~(C) Dwelling unit density.~~

~~(i) MU-1 district. Maximum dwelling unit density varies depending on whether the development is a "mixed use project" as follows:~~

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

- (i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-1 district. Maximum dwelling unit density varies depending on whether the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY
(dwelling units per net acre)

Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
15	20	25

~~(ii) MU-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance~~

~~with Division 51A-4.900 and the development is a "mixed use project" as follows:~~

(ii) MU-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY
(dwelling units per net acre)

Percentage of SAH Units Provided	Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
0%	10	15	20
20%	15	20	25

~~(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a "mixed use project" as follows:~~

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]

Use Categories	Base (no MUP)	MUP=2 (no Res)	MUP=2 (with Res)	MUP=3 (no Res)	MUP=3 (with Res)
Lodging	0.8	0.85	0.9	0.85	0.95
Office	0.8	0.85	0.9	0.85	0.95
Residential	0.8	---	0.95	---	0.95
Retail and personal service	0.4	0.5	0.5	0.6	0.6
TOTAL DEVELOPMENT	0.8	0.9	1.0	1.0	1.1

~~(E) Height.~~

~~(i) Residential proximity slope.~~

~~If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project~~

~~through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.~~

~~(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height varies depending on whether the development is a "mixed use project" as follows:~~

~~[Note: The first column is the base height, which applies when there is no MUP. The second column (MUP/No Retail) is the height for an MUP with a mix of two use categories when neither category is "retail and personal service." The third column (MUP/with Retail) is the height for an MUP with a mix of "retail and personal service" plus one or more other use categories.]~~

(E) Height.

(i) **Residential proximity slope.** If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) **Maximum height.** Unless further restricted under Subparagraph (i), maximum structure height varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base height, which applies when there is no MUP. The second column (MUP/No Retail) is the height for an MUP with a mix of two use categories when neither category is "retail and personal service." The third column (MUP/with Retail) is the height for an MUP with a mix of "retail and personal service" plus one or more other use categories.]

MAXIMUM STRUCTURE HEIGHT
(in feet)

Base (No MUP)	MUP with Mix (No Retail)	MUP (with Retail)
80	90	120

~~coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.~~

~~(G) Lot size. No minimum lot size.~~

~~(H) Stories.~~

~~(i) Maximum number of stories above grade is:~~

~~(aa) seven when the maximum structure height is 90 feet; and~~

~~(bb) nine when the maximum structure height is 120 feet.~~

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories.

(i) Maximum number of stories above grade is:

(aa) seven when the maximum structure height is 90 feet; and

(bb) nine when the maximum structure height is 120 feet.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

~~(F) Lot coverage. Maximum lot~~

~~_____ (ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).~~

(I) Development bonuses for mixed-income housing. In an MU-1 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum dwelling unit density. Except as provided in this paragraph, the following density bonuses apply:

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Additional Maximum Unit Density: 51A-4.125(d)(4)(C), plus:
MVA Category A, B, C	5% at Income band 3	65 per acre
	5% at Income band 3; and	80 per acre
	5% at Income band 2	
MVA Category D, E, F	5% at Income band 3;	105 per acre
	5% at Income band 2; and	
	5% at Income band 1	
MVA Category D, E, F	5% at Income band 2	65 per acre
	10% at Income band 2;	80 per acre
	10% at Income band 2; and	105 per acre
	5% at Income band 1	
MVA Categories G, H, I	5% at Income band 1	105 per acre

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. In calculating the maximum floor area ratios in Subparagraph (D), residential uses are not included.

(iv) Developments with transit proximity. For developments with transit proximity as

defined in Section 51A-4.1102, an additional bonus of 15 dwelling units is allowed and the maximum lot coverage is 85 percent.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district

- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

~~(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)~~

~~(A) Front yard.~~

- ~~(i) Minimum front yard is 15 feet.~~

~~(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.~~

~~(B) Side and rear yard.~~

- ~~(i) Minimum side and rear yard is:~~

~~(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and~~

~~(bb) no minimum in all other cases.~~

~~(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.~~

~~(C) Dwelling unit density.~~

~~(i) MU-2 district. Maximum dwelling unit density varies depending on whether the development is a "mixed use project" as follows:~~

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply.

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-2 district. Maximum dwelling unit density varies depending on whether the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY
(dwelling units per net acre)

Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
50	75	100

~~(ii) MU-2(SAH) district.~~

~~Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and whether the development is a "mixed use project" as follows:~~

(ii) MU-2(SAH) district. Maxi-

imum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and whether the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY
(dwelling units per net acre)

Percentage of SAH Units Provided	Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
0%	30	45	60
5%	33	50	65
10%	37	55	70
15%	42	60	75
20%	50	75	100

~~(D) Floor area ratio.~~

~~Maximum floor area ratio (FAR) varies depending on whether the development is a "mixed use project" as follows:~~

~~Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]~~

(D) Floor area ratio. Maximum floor

area ratio (FAR) varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The

third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]

Use Categories	MAXIMUM FLOOR AREA RATIO				
	Base (no MUP)	MUP=2 (no Res)	MUP=2 (with Res)	MUP=3 (no Res)	MUP=3 (with Res)
Lodging	1.6	1.7	1.8	1.8	1.9
Office	1.6	1.7	1.8	1.8	1.9
Residential	1.6	--	1.8	--	1.9
Retail and personal service	0.6	0.7	0.7	0.8	0.8
TOTAL DEVELOPMENT	1.6	1.8	2.0	2.0	2.25

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base height, which applies when there is no MUP. The second column (MUP/no Retail) is the height for an MUP with a mix of two use categories when neither category is retail and personal service." The third column (MUP/with Retail) is the height for an MUP with a mix of "retail and personal service" plus one or more other use categories.]

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base height, which applies when there is no MUP. The second column (MUP/no Retail) is the height for an MUP with a mix of two use categories when neither category is "retail and personal service." The third column (MUP/with Retail) is the height for an MUP with a mix of "retail and personal service" plus one or more other use categories.]

MAXIMUM STRUCTURE HEIGHT (in feet)		
Base (No MUP)	MUP (No Retail)	MUP with Retail
135	135	180

~~_____ (F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.~~

~~_____ (G) Lot size. No minimum lot size.~~

~~_____ (H) Stories.~~

~~_____ (i) Maximum number of stories above grade is:~~

~~_____ (aa) 10 when the maximum structure height is 135 feet; and~~

~~_____ (bb) 14 when the maximum structure height is 180 feet.~~

~~_____ (ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).~~

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories.

(i) Maximum number of stories above grade is:

(aa) 10 when the maximum structure height is 135 feet; and

(bb) 14 when the maximum structure height is 180 feet.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed-income housing. In an MU-2 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum dwelling unit density. Except as provided in this paragraph, the following density bonuses apply:

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Additional Maximum Unit Density: 51A-4.125(e)(4)(C), plus:
MVA Categories A, B, C	5% at Income band 3	40 per acre
	5% at Income band 3; and	60 per acre
	5% at Income band 2	
	5% at Income band 3; 5% at Income band 2; and 5% at Income band 1	80 per acre
MVA Categories D, E, F	5% at Income band 2	35 per acre
	10% at Income band 2;	55 per acre
	10% at Income band 2; and	75 per acre
	5% at Income band 1	
MVA Categories G, H, I	5% at Income band 1	75 per acre

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408 (a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. In calculating the maximum floor area ratios in Subparagraph (D), residential uses are not included.

(iv) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, an additional bonus of 15 dwelling units is allowed and the maximum lot coverage is 85 percent.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

- Transit passenger station or transfer center. *[By SUP or city council resolution. See Section 51A-4.211.]*

(L) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[SUP]*
- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1).]*
- Utility or government installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

- Mini-warehouse. *[SUP]*
- Office showroom/warehouse.
- Recycling buy-back center. *[See Section 51A-4.213 (11).]*
- Recycling collection center. *[See Section 51A-4.213 (11.1).]*
- Recycling drop-off container. *[See Section 51A-4.213 (11.2).]*
- Recycling drop-off for special occasion collection. *[See Section 51A-4.213 (11.3).]*
- Trade center.

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-

4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory use is not permitted in this district:

- Private stable.

(B) Reserved.

(C) In this district, an SUP may be required for the following accessory uses:

- Accessory medical/infectious waste incinerator. *[See Section 51A-4.217 (3.1).]*

~~———— (4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)~~

~~———— (A) Front yard:~~

- ~~———— (i) Minimum front yard is 15 feet.~~

~~———— (ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.~~

~~———— (B) Side and rear yard:~~

- ~~———— (i) Minimum side and rear yard is:~~

~~———— (aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and~~

~~———— (bb) no minimum in all other cases.~~

~~———— (ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet~~

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the

event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

~~_____~~ (C) Dwelling unit density.

~~_____~~ (i) MU-3 district. No maximum dwelling unit density.

~~_____~~ (ii) MU-3(SAH) _____ district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and whether the development is a "mixed use project" as follows:

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-3 district. No maximum dwelling unit density.

(ii) MU-3(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and whether the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY
(dwelling units per net acre)

Percentage of SAH Units Provided	Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 Categories
0%	50	50	50
5%	53	55	55
10%	57	60	60
15%	62	65	65
20%	NO MAXIMUM		

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]

~~_____~~ (D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a "mixed use project" as follows:

MAXIMUM FLOOR AREA RATIO

Use Categories	Base (no MUP)	MUP=2 (no Res)	MUP=2 (with Res)	MUP=3 (no Res)	MUP=3 (with Res)
Lodging	3.2	3.4	3.6	3.6	3.8
Office	3.2	3.4	3.6	3.6	3.8
Residential	3.2	--	3.8	--	3.8
Retail and personal service	2.0	2.6	3.0	3.2	3.75
TOTAL DEVELOPMENT	3.2	3.6	4.0	4.0	4.5

~~(E) Height.~~

~~(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.~~

~~(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 270 feet.~~

~~(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.~~

~~(G) Lot size. No minimum lot size.~~

~~(H) Stories. Maximum number of stories above grade is 20. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).~~

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 270 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is 20. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed-income housing. In an MU-3 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum floor area bonuses and lot coverage. Except as provided in this paragraph, the following floor area bonuses and lot coverage requirements apply:

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Floor Area Ratio: 51A-4.125(f)(4)(D), plus:	Maximum Lot coverage (residential)
MVA Categories A, B, C	5% at Income band 3;	1.0	80%
	5% at Income band 3; and	2.0	85%
	5% at Income band 2		
	5% at Income band 3;	3.0	85%
MVA Categories D, E, F	5% at Income band 2; and		
	5% at Income band 1		
	5% at Income band 2;	1.0	80%
	10% at Income band 2	2.0	85%
MVA Categories G, H, I	10% at Income band 2; and	3.0	85%
	5% at Income band 1		
	5% at Income band 1	3.0	85%

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408 (a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. The floor area ratio bonuses in this paragraph are limited to residential uses only.

(iv) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, the maximum floor area ratio is increased by 1.0 above the FAR allowed in this section (for example: if the allowed FAR for a mixed use project is 4.0 and a development bonus of 1.5 is utilized, this transit proximity bonus allows an FAR of 6.5) and the maximum lot coverage is 90 percent.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations

(Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use. (Ord. Nos. 19455; 19786; 19806; 19808; 19912; 19931; 20237; 20242; 20273; 20380; 20382; 20625; 20895; 20902; 20920; 20928; 20950; 21002; 21044; 21259; 21314; 21399; 21400; 21442; 21663; 21735; 21796; 22139; 22204; 22531; 22782; 24232; 24271; 24543; 24857; 25785; 25815; 26920; 27572; 28079; 28214; 30477; 31152)

SEC. 51A-4.126. MULTIPLE COMMERCIAL DISTRICTS.

(a) In general. Single or multiple uses may be developed on one site in a multiple commercial district as in any other district; however, in order to encourage a mixture of uses, density bonuses are awarded to developments that qualify as “multiple commercial projects” as defined in Subsection (b). If a development

does not qualify as an MCP, it is limited to a “base” floor area ratio. When a development qualifies as an MCP, it earns a higher maximum floor area ratio. For more information regarding the exact increments of increase, consult the yard, lot, and space regulations in this section governing the particular district of interest.

(b) Qualifying as a multiple commercial project. To qualify as a MULTIPLE COMMERCIAL PROJECT (MCP) for purposes of this section, a development must contain uses in two or more of the following categories, and the combined floor areas of the uses in each category must equal or exceed the following percentages of the total floor area of the project:

MC-1 AND MC-2 DISTRICTS

<u>Use Category</u>	<u>% of Total Floor Area</u>
Lodging	15%
Office	15%
Retail and personal service	10%

MC-3 AND MC-4 DISTRICTS

<u>Use Category</u>	<u>% of Total Floor Area</u>
Lodging	10%
Office	15%
Retail and personal service	5%

(c) Multiple commercial project (MCP) regulations.

(1) If an MCP is proposed, a project plan must be submitted to and approved by the building official.

(2) If an MCP is constructed in phases:

(A) the first phase must independently qualify as an MCP under Subsection (b); and

(B) each subsequent phase combined with all previous phases already completed or under

must be made within 15 days of the date of that decision. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1012. REVIEW.

The director shall review this ordinance every five years from the effective date. (Ord. 30934, eff. 7/1/19)

Division 51A-4.1100. Mixed-Income Housing.

SEC. 51A-4.1101. PURPOSE.

This division is adopted to implement the provisions and goals of the comprehensive housing policy, affirmatively further fair housing, create and maintain available and affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty. (Ord. 31152)

SEC. 51A-4.1102. APPLICABILITY.

(a) In general. Development bonuses apply to qualifying developments located in:

(1) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts;

(2) MU-1, MU-2, and MU-3 Mixed Use Districts;

(3) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts with public deed restrictions that only limit allowed uses;

(4) MU-1, MU-2, and MU-3 Mixed Use Districts with public deed restrictions that only limit allowed uses; and

(5) Planned development districts that reference compliance with this division or planned development districts that default to MF-1(A), MF-2(A), MF-3(A), MU-1, MU-2, and MU-3 Districts as base zoning and only alter the allowed uses.

(b) Market value analysis. Specific development bonus applicability is further determined based on the location of the development in a specific market value analysis category.

(c) Residential uses. To be eligible for development bonuses under this division, developments must include multifamily or retirement housing uses. (Ord. 31152)

SEC. 51A-4.1103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this division:

(1) **AFFORDABLE RENT** means: (i) a monthly rental housing payment, less an allowance for utilities, that does not exceed 30 percent of an eligible household's adjusted income divided by 12, or (ii) the voucher payment standard.

(2) **AFFIRMATIVE FAIR HOUSING MARKETING** means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, national origin, religion, sex, age, disability, or other protected class under Title VIII of the Civil Rights Act of 1964 and all related regulations, executive orders, and directives.

(3) **AREA MEDIAN FAMILY INCOME** ("AMFI") means the median income for the Dallas Area Standard Metropolitan Statistical Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.

(4) **ELIGIBLE HOUSEHOLDS** means households with an adjusted income within the required income band or voucher holders regardless of income.

(5) **INCOME** means income as defined by 24 CFR §5.609.

(6) **INCOME BAND** means the range of household incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size (income bands descriptions are located in Chapter 20A).

(7) **MARKET VALUE ANALYSIS ("MVA")** means the official study that was commissioned by and prepared for the City of Dallas to assist residents and policy-makers in understanding the elements of their local residential real estate markets.

(8) **MIXED-INCOME RESTRICTIVE COVENANT** means a covenant running with the land that meets the requirements of this division and Chapter 20A.

(9) **OWNER** means the entity or person using the development bonus as well as all other owners or operators of the development during the rental affordability period.

(10) **PASSENGER LOADING ZONE** means a space that is reserved for the exclusive use of vehicles during the loading or unloading of passengers. A passenger loading zone is not a taxicab stand for purposes of Section 28-101, "Restricted Use of Bus Stops and Taxicab Stands."

(11) **PEDESTRIAN SCALE LIGHTING** means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or an equivalent pedestrian light fixture approved by the director of transportation.

(12) **RENTAL AFFORDABILITY PERIOD** means the 20 year period that the reserved dwelling units may only be leased to and occupied by eligible households or voucher holders.

(13) **RESERVED DWELLING UNIT** means the rental units within a development available to be occupied or currently occupied by eligible families or voucher holders and are leased at affordable rents set according to this division.

(14) **STOOP** means a small porch leading to the entrance of a residence.

(15) **TRANSIT PROXIMITY** means development within one-half mile of a transit station, including trolley stops, train stations, transfer centers, transfer locations, transit centers, and any transit stop with a climate-controlled waiting area. Transit agencies served include Dallas Area Rapid Transit, Trinity Railway Express, and trolley service.

(16) **VOUCHER HOLDER** means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal government.

(b) Interpretations. For uses or terms found in Chapter 51 the regulations in Section 51A-4.702(a)(6)(C) apply in this division. (Ord. 31152)

SEC. 51A-4.1104.

DEVELOPMENT BONUS PERIOD.

(a) Any development bonus provided in this division is only applicable to structures built during the rental affordability period or according to the terms of the mixed-income restrictive covenant.

(b) Structures built during the term of the mixed-income restrictive covenant may retain their bonuses until they are destroyed by an intentional act of the owner.

(c) Structures built during the term of the mixed-income restrictive covenant may retain their bonuses and be rebuilt if they are destroyed by other than an intentional act of the owner, or owner's agent, if the development continues to meet the requirements of this division. (Ord. 31152)

SEC. 51A-4.1105.

**PROCEDURES TO
OBTAIN A
DEVELOPMENT BONUS.**

(a) In general.

(1) The owner must comply with the requirements of Chapter 20A, as amended.

(2) Owners shall obtain a certified verification of the building site's MVA category and shall sign a reserved dwelling unit verification before applying for a permit for construction in accordance with this division and Section 20A-25.

(b) Building permit application. An application for a building permit using a development bonus must include the following:

(1) the date, names, addresses, and telephone numbers of the applicant and all property owners;

(2) the legal description, the current zoning classification, the market value analysis category, and the census tract of the building site for which the development bonus is requested;

(3) the total number of dwelling units proposed, the number of reserved dwelling units provided, and the number of reserved dwelling units required as a result of receiving the development bonus;

(4) the total number of one-bedroom dwelling units, two-bedroom dwelling units, etc. being proposed;

(5) a copy of the signed market value analysis verification from the director of housing and neighborhood revitalization; and

(6) any other reasonable and pertinent information that the building official determines to be necessary for review.

(c) Building permit issuance. Before the issuance of a building permit, the mixed-income restrictive covenant must be recorded in the county in which the building site is located, and an official copy of the executed and recorded mixed-income restrictive covenant must be submitted to the building official.

(d) Minimum units required.

(1) A development using a development bonus in this division must provide a minimum of one

reserved dwelling unit regardless of the percentage of total units required.

(2) Fractions of a required unit will be rounded up to the next whole number.

(3) A development using a development bonus in this division shall reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of area median family income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the department of housing and neighborhood revitalization and authorized by the city council that furthers the public purposes of the city's housing policy and affirmatively furthers fair housing.

(e) Phasing.

(1) To obtain a development bonus for a phased development, a project plan must be submitted to the building official with the initial building permit application.

(2) For a phased development:

(A) the first phase must independently qualify for the development bonus; and

(B) each subsequent phase combined with all previous phases already completed or under construction must also qualify for the development bonus.

(3) A project taking advantage of a development bonus may consist of two or more building sites if they are developed under a project plan. The project plan must be:

(A) signed by all property owners; and

(B) approved by the building official.

(f) Certificate of occupancy. Before the issuance of a final certificate of occupancy for a multifamily or retirement housing use, the owner must submit to the building official any additional information needed to ensure compliance with the terms of the building permit and the mixed-income restrictive covenant, including:

(1) The approved affirmative fair housing marketing plan described in Section 20A-31(g).

(2) A letter from the director of housing and neighborhood revitalization certifying that the

development complies with the mixed-income restrictive covenant. (Ord. 31152)

SEC. 51A-4.1106. DEVELOPMENT REQUIREMENTS.

(a) Except as provided in Section 51A-4.1105(e), all reserved dwelling units must be provided on the same building site as the market rate units.

(b) Reserved dwelling units must be dispersed throughout the residential floor area of each building.

(c) Reserved dwelling units must not be segregated or concentrated in any one floor or area of any buildings but must be dispersed throughout all residential buildings.

(d) Reserved dwelling units may float within each dwelling unit type.

(e) Reserved dwelling units must be of comparable finish-out and materials as the market rate dwelling units and must be equally available to eligible families or voucher holders as other market rate dwelling unit tenants.

(f) Except as provided in Section 20A-31(i), reserved dwelling units must be dispersed substantially pro-rata among the total unit types so that not all the reserved dwelling units are efficiency or one-bedroom units. For example, if 10 percent of the total dwelling units are reserved dwelling units, 10 percent of the efficiency units, 10 percent of the one-bedroom units, 10 percent of the two-bedroom units, 10 percent of the three-bedroom units (and so on, if applicable) must be reserved dwelling units.

(1) A maximum 10 percent of the total units may be specialty units including club suites and penthouse suites and are not required to be part of the dispersal of reserved dwelling units by type; however, the overall 10 percent requirement is calculated based on the total number of all units.

(2) In determining the required number of reserved dwelling units, fractional units are counted to the nearest whole number, with one-half counted as an additional unit, but a minimum of one unit is required.

(g) Eligible families or voucher holders occupying reserved units may not be restricted from common areas and amenities unless the restrictions apply to all dwelling unit occupants. (Ord. 31152)

SEC. 51A-4.1107. DESIGN STANDARDS.

(a) In general.

(1) To obtain a development bonus under this division, a qualifying development must meet the requirements of this section, where applicable.

(2) Except as provided in this section, the board of adjustment may not grant a variance or special exception to the standards in this section.

(b) Yard, lot, and space standards.

(1) Encroachments. The following additional items are permitted to be located within the required front, side, and rear yards:

(A) Seat walls, retaining walls, stoops, porches, steps, unenclosed balconies, ramps, handrails, safety railings, and benches all not exceeding four feet in height and extending a maximum of five feet into the required minimum yards.

(B) Landscape planters.

(C) Sculptures.

(D) Awnings

(2) Front yard fences. A maximum four-foot-high fence is allowed in a front yard. A maximum four-foot-high handrail may be located on retaining walls in a front yard.

(3) Height. Maximum height is controlled by the development bonus provisions and must comply with residential proximity slope regulations if applicable.

(c) Off-street parking and loading.

(1) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(2) Multifamily parking. Except as provided in this paragraph, one and one-quarter space per dwelling unit is required.

(A) At least 15 percent of the required parking must be available for guest parking.

(B) For developments with transit proximity, one space per dwelling unit is required. At least 15 percent of the required parking must be

available for guest parking.

(3) Retirement housing. One space per dwelling unit is required.

(4) Parking locations.

(A) In general. Surface parking is prohibited between the street-facing facade and the property line. For buildings with more than one street frontage, only two street frontages are subject to this requirement.

(B) Thoroughfare frontage. For buildings fronting on a thoroughfare, surface parking is prohibited within the front setback.

(C) Surface parking. A maximum of 15 percent of the total on-site parking may be provided as surface parking in a side yard.

(D) Parking structures. That portion of the ground-level floor facing the street of any multi-floor parking facility must have an active use other than parking, with a minimum depth of 25 feet, or must have an exterior facade that is similar in materials, architecture, and appearance to the facade of the main structure. Exterior parking structure facade openings must provide solid screening a minimum 42 inches from the floor level within the parking structure to screen vehicles and vehicle headlights.

(E) Assigned parking. For assigned parking spaces, those spaces allotted for reserved dwelling units must be dispersed and distributed amongst all other assigned parking for similar units.

(5) Passenger loading.

(A) Each building site must provide at least one off-street or on-street passenger loading space. The board of adjustment may grant a variance to this subparagraph.

(B) On-street passenger loading zones, if provided, must be constructed in compliance with Architectural Barrier Act accessibility standards and must be approved by the director and by the director of public works.

(6) Screening of off-street loading spaces and service areas. Screening must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods described in Section 51A-4.602(b)(3), except that screening around service areas for trash collection must

be screened by a masonry wall with a solid gate.

(d) Street and open space frontages.

(1) Frontages. All street-fronting facades and open-space fronting facades must have at least one window and at least one common primary entrance facing the street or open space at street-level. The entrance must access the street or open space with an improved path connecting to the sidewalk. A transparent surface is required for every 25 linear feet of continuous street-fronting and open-space-fronting facade.

(2) Individual entries. Except as provided in this paragraph, a minimum of 60 percent of the street-level dwelling units adjacent to a street in each building must have individual entries that access the street with an improved path connecting to the sidewalk. For at-grade open space, a minimum of 60 percent of the open-space fronting dwelling units in each building must have individual entries that access the open space. EXCEPTION. This paragraph does not apply to retirement housing.

(e) Sidewalk, lighting, and driveway standards.

(1) Sidewalks.

(A) A sidewalk with a minimum average width of six feet must be provided along all street frontages.

(i) Except as provided in this subsection, all sidewalks must be clear and unobstructed for a minimum of five feet in width.

(ii) Tree grates do not count toward the minimum unobstructed sidewalk width.

(iii) If the building official determines that the location of a local utility or protected tree, as defined in Article X, would prevent a five-foot minimum width, the sidewalk may be reduced to four feet in width in that location.

(B) Sidewalks must be located in an area parallel to and between two feet and 15 feet of the back of the projected street curb.

(2) Lighting.

(A) Special lighting requirement. Exterior lighting sources, if used, must be oriented down and onto the property they light and generally away from adjacent residential properties.

(B) Pedestrian scale lighting. For a development greater than 20,000 square feet of floor area, pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 foot candles must be provided along public sidewalks and adjacent to public streets. The design and placement of both the standards and fixtures must be approved by the director of transportation. Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(f) Open space requirements.

(1) At least 10 percent of the building site must be reserved as open space for activity such as active or passive recreation, playground activity, groundwater recharge, or landscaping.

(A) No structures except for architectural elements; playground equipment; structures that are not fully enclosed such as colonnades, pergolas, and gazebos; and ordinary projections of window sills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed; otherwise, open space must be open to the sky.

(B) Open space may contain primarily grass, vegetation, or open water; be primarily used as a ground-water recharge area; or contain pedestrian amenities such as fountains, benches, paths, or shade structures.

(C) Open space may also be provided at or below grade or aboveground by an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.

(D) Private balconies, sidewalks, parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.

(E) Operation or parking of vehicles within on-site open space is prohibited. Emergency and grounds maintenance vehicles are exempt.

(F) Open spaces must be properly maintained in a state of good repair and neat appearance, and plant materials must be maintained in a healthy, growing condition.

(2) Landscape areas that fulfill the requirements of Article X may also fulfill these requirements if all conditions of this section and Article X are met.

(g) Non-required fences. Unless a use specifically requires screening, all fences for uses along a street or trail must have a surface area that is a minimum of 50 percent open, allowing visibility between three feet and six feet above grade. The exceptions for multifamily districts in Sections 51A-4.602(a)(2) and 51A-4.602(a)(4) which provide that a fence exceeding four feet above grade may be erected in a front yard in multifamily districts are not applicable. (Ord. 31152)

SEC. 51A-4.1108

**BOARD OF
ADJUSTMENT
VARIANCES.**

A development that is eligible to receive the bonuses in this division must either use the bonuses or go to the board of adjustment to seek a variance but may not do both for the same yard, lot, and space regulations. (Ord. 31152)

Code Comparative Table - Part I of the Dallas Development Code (Chapter 51)

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51 Section</u>
30654	9-20-17	10-1-17	35	Amends 51-2.102(75)
			36	Amends 51-2.102(99.1)
			37	Amends 51-2.102(116.1)
30890	6-13-18		1	Amends 51-4.201(b)(1)(C)
			2	Amends 51-4.202(12)(C)
			3	Amends 51-4.213(12)(C)
			4	Amends 51-4.213(19)(C)
30894	6-13-18		1	Amends 51-4.217(b)(11)(F)
			2	Amends 51-4.217(b)(11)(H)
30895	6-13-18		1	Amends 51-4.401(a)(1)
			2	Amends 51-4.401(a)(4)
			3	Amends 51-4.402(a)
			4	Amends 51-4.402(b)(3)
			5	Amends 51-4.403(a)(4)
			6	Amends 51-4.403(b)(2)
			7	Amends 51-6.102(a)(5)
30930	6-27-18		1	Amends 51-4.201(b)(1)(E)
30931	6-27-18		1	Adds 51-4.509
30932	6-27-18		1	Amends 51-2.102(9)
			2	Adds 51-2.102(9.1)
			3	Amends 51-4.401(a)(6)
			4	Amends 51-4.401(b)(3)
			5	Amends 51-4.401(c)(4)(A)(i)
31040	11-14-18		1	Adds Div. 51-9.500
31041	11-14-18		1	Adds 51-4.217(b)(19)
31152	3-27-19		1	Amends 51-4.201(b)(7)(E)(ii)
			2	Adds 51-4.404(a)(3)
			3	Adds 51-4.407(c)(2)
			4	Adds 51-4.408(b)(2)
			5	Amends 51-4.409(a)
			6	Adds Div. 51-4.900

Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51A Section</u>
30994 (Cont'd)			30	Amends 51A-8.611(c)(6)
			31	Amends 51A-8.611(d)(1)
			32	Amends 51A-8.611(d)(2)(D)
			33	Amends 51A-8.611(d)(2)(F)
			34	Amends 51A-8.611(d)(3)(B)
31040	11-14-18		2	Amends 51A-1.105(l)
			3	Adds Div. 51A-9.500, 51A-9.501 thru 51A-9.507
31041	11-14-18		2	Adds 51A-4.217(8.1)
31079	12-12-18		1	Amends 51A-7.1201
			2	Amends 51A-7.1203(a)(23)
			3	Amends 51A-7.1203(a)(33)
			4	Amends 51A-7.1205(c)
			5	Amends 51A-7.1207(a)(1)
			6	Amends 51A-7.1208(b)(1)
			7	Adds 51A-7.1214.3
31109	1-23-19		1	Amends 51A-5.102(a)(3)
31152	3-27-19		7	Amends 51A-4.116(a)(4)
			8	Amends 51A-4.116(b)(4)
			9	Amends 51A-4.116(c)(4)
			10	Amends 51A-4.125(d)(4)
			11	Amends 51A-4.125(e)(4)
			12	Amends 51A-4.125(f)(4)
			13	Adds Div. 51A-4.1110

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