

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME I

Contains ~~4/18~~ 7/18 Supplement, current through
Ordinance 30789 30828 30842 30879, passed 2-28-18 4-11-18 4-25-18 6-13-18
Ordinance 30936, passed 6-27-18

AMERICAN LEGAL PUBLISHING CORPORATION

One West Fourth Street, 3rd Floor Cincinnati, Ohio 45202 (513) 421-4248

ARTICLE XI.**FILLING TEMPORARY VACANCIES.**

- Sec. 2-118. Designation, appointment and duties of temporary acting and acting city manager.
- Sec. 2-119. Designation, appointment and duties of temporary acting and acting department directors; "department director" defined.

ARTICLE XII.**RESERVED.**

- Secs. 2-120
thru 2-124. Reserved.

ARTICLE XIII.**MARTIN LUTHER KING, JR. COMMUNITY CENTER BOARD.**

- Sec. 2-125. Definitions.
- Sec. 2-126. Created; terms; membership; vacancies.
- Sec. 2-127. Functions and duties.
- Sec. 2-128. Reserved.
- Sec. 2-129. Treatment of budget.

ARTICLE XIV.

SOUTH DALLAS/FAIR PARK TRUST
OPPORTUNITY
FUND BOARD.

- Sec. 2-130. South Dallas/Fair Park ~~trust fund~~ **Opportunity Fund** board - Created; terms; membership.
- Sec. 2-131. South Dallas/Fair Park ~~trust fund~~ **Opportunity Fund** board - Duties and responsibilities.
- Sec. 2-132. Reserved.

ARTICLE XV.**CHIEF FINANCIAL OFFICER.**

- Sec. 2-133. Position of chief financial officer created.
- Sec. 2-134. Duties of the chief financial officer.

ARTICLE XV-a.**CITY CONTROLLER'S OFFICE.**

- Sec. 2-135. Created; city controller as head of office.
- Sec. 2-135.1. Duties of the city controller.

ARTICLE XV-b.**OFFICE OF FINANCIAL SERVICES.**

- Sec. 2-135.2. Created; director of financial services.
- Sec. 2-135.3. Duties of the director of financial services.

ARTICLE XV-c.**OFFICE OF RISK MANAGEMENT.**

- Sec. 2-135.4. Created; director of risk management.
- Sec. 2-135.5. Duties of the director of risk management.

ARTICLE XVI.**DEPARTMENT OF COMMUNICATION AND INFORMATION SERVICES.**

- Sec. 2-136. Created; director of communication and information services.
- Sec. 2-137. Duties of director of communication and information services.

(ii) the current chief auditor of an internal audit group; or

(iii) the current chief executive officer or a person who has served as the chief executive officer within the preceding three years.

(C) Be a former mayor or council member of the city.

(D) Be a current or former city auditor of the city.

(b) Notwithstanding the general board qualifications of Section 8-1.4(a)(1) and (2) of this code, a person appointed to the city auditor nominating commission under Subsection (a)(2) or (a)(3)(B) of this section is not required to be a resident or qualified voter of the city of Dallas.

(c) The commission shall, within 15 days after being appointed, hold its first meeting to consider nomination of a person to serve as city auditor. Within 180 days after its first meeting, the commission shall nominate to the city council one or more candidates for city auditor selected by a majority of the commission members. The city council shall, within 30 days after receipt of the nomination, accept one of the nominated candidates or reject all of the candidates.

(d) If the city council rejects all candidates nominated for city auditor, it shall immediately notify the commission and request the nomination of different candidates. Commission members shall serve until the city council accepts a candidate nominated by them to be city auditor.

(e) The director of human resources of the city shall assist the commission, when necessary, in seeking and screening applicants for the position of city auditor.

(f) Notwithstanding Subsections (a) through (e) of this section, at the end of a city auditor's term

(including any period in which a city auditor is holding over), the city council finance and audit committee may, on its own initiative or at the direction of the city council, act as a nominating commission and, by a majority vote, nominate the incumbent city auditor for reappointment by the full city council. If a majority of the finance and audit committee does not vote to nominate the incumbent city auditor for another term, or if, upon receiving the nomination from the finance and audit committee, a majority of the city council does not vote to reappoint the incumbent city auditor for another term, then the nominating process described in Subsections (a) through (e) must be followed. (Ord. Nos. 20457; 21157; 22026; 22277; 22414; 25495; 25808)

SEC. 2-17.3. NONDISCRIMINATION IN THE PROVISION OF CITY SERVICES.

~~—(a) The city of Dallas will not discriminate because of a person's race, color, age, religion, sex, marital status, sexual orientation, national origin, disability, political opinions, or affiliations in the provision of services to the general public.~~

(a) The city of Dallas will not discriminate because of a person's race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions, or affiliations in the provision of services to the general public.

(b) This section does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. (Ord. Nos. 25041; 30828)

ARTICLE II.

ASSISTANT CITY ATTORNEYS.

SEC. 2-18. QUALIFICATIONS AND APPOINTMENT.

The city attorney shall select and nominate such assistants, including those assigned to the municipal courts, as the city council shall determine are

an instrument, approved as to form by the city attorney, exercising against the land the city's possibility of reverter with right to reentry.

(c) The director shall file notice of the reverter and reentry of the land by the city in the real property records of the county in which the land is located, which notice must specify the reason for the reverter and reentry. The director shall provide a copy of the notice to the nonprofit organization in person or by mailing the notice to the nonprofit organization's post office address as shown on the tax rolls of the city or of the county in which the land is located. (Ord. Nos. 23713; 25443)

SEC. 2-26.13. RELEASE OF REVERTER RIGHTS AND DEED RESTRICTIONS.

The city manager is authorized to execute instruments, approved as to form by the city attorney, releasing the city's possibility of reverter with right of reentry and terminating the deed restrictions to the land upon compliance with all terms and conditions of this division and the nonprofit organization's proposal. (Ord. 23713)

SEC. 2-26.14. APPEALS.

(a) A nonprofit organization may appeal a decision of the director rejecting the nonprofit organization's proposal to purchase land under this division if the nonprofit organization requests an appeal in writing, delivered to the city manager not more than 10 calendar days after notice of the director's decision is received.

(b) The city manager or a designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make a ruling based on a preponderance of the evidence presented at the hearing.

(c) The hearing officer may affirm, modify, or reverse all or part of the decision of the director being appealed. The decision of the hearing officer is final as to available administrative remedies. (Ord. 23713)

ARTICLE IV.

PURCHASING.

Division 1. Purchasing and Contracting Generally.

SEC. 2-27. DEFINITIONS.

In this article:

~~———— (1) CITY EXPENDITURE means the payment of money by the city directly to a vendor or contractor pursuant to a city-awarded contract in consideration of goods furnished to or services performed on behalf of the city, or in consideration of the accomplishment of some other lawful public or municipal purpose, regardless of the source or nature of the funds used by the city to make payment and regardless of the form of contract used.~~

~~———— (2) COMMUNITY DEVELOPMENT ITEM means the purchase, by competitive sealed proposal as required in Section 252.021(d) of the Texas Local Government Code, as amended, of goods or services pursuant to a community development program established under Chapter 373 of the Texas Local Government Code, as amended, in which the source of the city expenditure for the purchase is derived exclusively from an appropriation, loan, or grant of funds from the federal or state government for community development purposes.~~

~~———— (3) CONSTRUCTION SERVICES means the following activities, but does not include facility construction:~~

~~———— (A) the construction of capital improvements to city-owned real property or right-of-way, including but not limited to streets, traffic signals,~~

~~signal systems or control devices, storm drainage facilities, sidewalks, alleys, water or wastewater mains or appurtenances, process plants, or other similar facilities;~~

~~————— (B) the renovation, modification, alteration, or repair of existing capital improvements upon or within city-owned real property or right-of-way; or~~

~~————— (C) other construction, renovation, alteration, modification, or repair activities that are treated or defined under state law as public works.~~

~~————— (4) DIRECTOR means the director of the office of business development and procurement services, or the director's authorized representatives.~~

~~————— (5) FACILITY CONSTRUCTION means the construction, rehabilitation, alteration, or repair of a building or any portion of a building, the design and construction of which is governed by accepted building codes, but does not include construction that is specifically excluded from the definition of "facility" contained in Section 271.111, Texas Local Government Code, as amended.~~

~~————— (6) GENERAL SERVICES means insurance (including insurance-related services such as claims adjustment and policy administration), technical services related to the purchase of a high technology item, or other types of manual, physical, or intellectual labor performed on behalf of the city and purchased for a lawful municipal purpose. The term does not include personal services, professional services, planning services, facility construction, or construction services.~~

~~————— (7) GOODS means supplies, equipment, or other personal property, including but not limited to high technology items, purchased and used for a lawful municipal purpose.~~

~~————— (8) GOVERNMENTAL CONTRACT has the meaning given that term in Chapter 2252, Subchapter A, Texas Government Code, as amended.~~

~~————— (9) HIGH TECHNOLOGY ITEM means an item of equipment, goods, or services of a highly technical nature, including but not limited to:~~

~~————— (A) data processing equipment and software and firmware used in conjunction with data processing equipment;~~

~~————— (B) telecommunications equipment and radio and microwave systems;~~

~~————— (C) electronic distributed control systems, including building energy management systems; and~~

~~————— (D) technical services related to those items listed in Paragraphs (A) through (C) of this subsection.~~

~~————— (10) LOCAL BUSINESS means a business with a principal place of business within the city.~~

~~————— (11) NONRESIDENT BIDDER has the meaning given that term in Chapter 2252, Subchapter A, Texas Government Code, as amended.~~

~~————— (12) PERSONAL SERVICES means any service personally performed by the individual with whom the city has contracted.~~

~~————— (13) PLANNING SERVICES has the meaning given that term in Section 252.001, Texas Local Government Code, as amended.~~

~~————— (14) PRINCIPAL PLACE OF BUSINESS means:~~

~~————— (A) the headquarters of a business or the primary executive or administrative office of a business from which the operations and activities of the business are directed, controlled, and coordinated by its officers or owners; or~~

— (B) ~~an established office, plant, store, warehouse, or other facility where the majority of the business' operations and activities are conducted and located, except that a location solely used as a message center, post office box, mail drop, or similar service or activity that provides no substantial function to the business is not a principal place of business.~~

— (15) ~~PROFESSIONAL SERVICES means those services defined as professional services under state law applicable to municipal purchases or contracts, including but not limited to services provided by accountants, architects, artists, attorneys, auditors, court reporters, doctors, engineers, optometrists, real estate appraisers, land surveyors, scientists, and teachers.~~

(1) **ALTERNATIVE DELIVERY METHOD** means one of the methods authorized by Chapter 2269 of the Texas Government Code, as amended, for contracting for facility construction.

(2) **CITY EXPENDITURE** means the payment of money by the city directly to a vendor or contractor pursuant to a city-awarded contract in consideration of goods furnished to or services performed on behalf of the city, or in consideration of the accomplishment of some other lawful public or municipal purpose, regardless of the source or nature of the funds used by the city to make payment and regardless of the form of contract used.

(3) **COMMUNITY DEVELOPMENT ITEM** means the purchase, by competitive sealed proposal as required in Section 252.021(d) of the Texas Local Government Code, as amended, of goods or services pursuant to a community development program established under Chapter 373 of the Texas Local Government Code, as amended, in which the source of the city expenditure for the purchase is derived exclusively from an appropriation, loan, or grant of funds from the federal or state government for community development purposes.

(4) **DIRECTOR** means the director of the department designated by the city manager to administer this chapter or the director's authorized representatives.

(5) **FACILITY** has the meaning given that term in Chapter 2269 of the Texas Government Code, as amended.

(6) **GENERAL SERVICES** means insurance (including insurance-related services such as claims adjustment and policy administration), technical services related to the purchase of a high technology item, or other types of manual, physical, or intellectual labor performed on behalf of the city and purchased for a lawful municipal purpose. The term does not include personal services, professional services, planning services, or facility construction.

(7) **GOODS** means supplies, equipment, or other personal property, including but not limited to high technology items, purchased and used for a lawful municipal purpose.

(8) **GOVERNMENTAL CONTRACT** has the meaning given that term in Chapter 2252, Subchapter A, Texas Government Code, as amended.

(9) **HIGH TECHNOLOGY ITEM** means an item of equipment, goods, or services of a highly technical nature, including but not limited to:

(A) data processing equipment and software and firmware used in conjunction with data processing equipment;

(B) telecommunications equipment and radio and microwave systems;

(C) electronic distributed control systems, including building energy management systems; and

(D) technical services related to those items listed in Paragraphs (A) through (C) of this subsection.

(10) **LOCAL BUSINESS** means a business with a principal place of business within the city.

(11) **NONRESIDENT BIDDER** has the meaning given that term in Chapter 2252, Subchapter A, Texas Government Code, as amended.

(12) **PERSONAL SERVICES** means any service personally performed by the individual with whom the city has contracted.

(13) **PLANNING SERVICES** has the meaning given that term in Section 252.001, Texas

Local Government Code, as amended.

(14) PRINCIPAL PLACE OF BUSINESS

means:

(A) the headquarters of a business or the primary executive or administrative office of a business from which the operations and activities of the business are directed, controlled, and coordinated by its officers or owners; or

(B) an established office, plant, store, warehouse, or other facility where the majority of the business' operations and activities are conducted and located, except that a location solely used as a message center, post office box, mail drop, or similar service or activity that provides no substantial function to the business is not a principal place of business.

(15) PROFESSIONAL SERVICES means those services defined as professional services under state law applicable to municipal purchases or contracts, including but not limited to services provided by accountants, architects, artists, attorneys, auditors, court reporters, doctors, engineers, optometrists, real estate appraisers, land surveyors, scientists, and teachers.

(16) SERVICE ORDER means an authorization to make a payment under \$3,000, without the requirement of a contract, and on a form approved by the city attorney. (Ord. Nos. 24243; 24410; 25047; 25819; 27697; 28705; 30828)

SEC. 2-28. OFFICE OF BUSINESS DEVELOPMENT AND PROCUREMENT SERVICES; POWERS AND DUTIES OF THE DIRECTOR AS CITY PURCHASING AGENT.

(a) There is hereby created a division of the city manager's office to be known as the office of business development and procurement services, the head of which shall be the director of business development and procurement services who shall be appointed by the city manager and who shall be a person professionally competent by experience and training to manage the office. The office will be composed of the director of business development and procurement services and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

(b) The director of business development and procurement services shall perform the following duties:

(1) Direct and administer the office of business development and procurement services.

(2) Serve, or designate a person to serve, as the city purchasing agent.

(3) Except where otherwise directed in this code, supervise all purchases by the city, other than real property, in accordance with this article and state law.

(4) Sell personal property of the city not needed for public use.

(5) Keep accurate inventories of all property under the director's supervision.

(6) Maintain the store rooms and warehouses placed under the director's supervision.

(7) Perform such other duties as are assigned by the city manager. (Code 1941, Art. 27-1; Ord. Nos. 13104; 17157; 18094; 19312; 21674; 24243; 24410; 25047; 25819; 27697)

SEC. 2-29. APPROVAL OF PLANS AND SPECIFICATIONS.

~~—If the director determines that preparation of plans and specifications is necessary and practical for the purchase of goods, general services, or construction services, the director shall require the preparation of the plans and specifications in cooperation with the department concerned. The plans and specifications must be approved by both the director and the director of the department concerned. If the plans and specifications are approved, the director shall keep a copy of the plans and specifications on file in the director's office and make the copy available for public inspection for five years after the date of approval of the plans and specifications. Subject to state law requirements governing the retention and disposal of records, the director may dispose of any plans and specifications—~~

that have been on file in the director's office longer than five years after the date of their approval.

If the director determines that preparation of plans and specifications is necessary and practical for the purchase of goods, general services, or facility construction, the director shall require the preparation of the plans and specifications in cooperation with the department concerned. The plans and specifications must be approved by both the director and the director of the department concerned. If the plans and specifications are approved, the director shall keep a copy of the plans and specifications on file in the director's office and make the copy available for public inspection for five years after the date of approval of the plans and specifications. Subject to state law requirements governing the retention and disposal of records, the director may dispose of any plans and specifications that have been on file in the director's office longer than five years after the date of their approval. (Ord. Nos. 12755; 13104; 14885; 17700; 18850; 19312; 20061; 24243; 25819; 30828)

SEC. 2-30. GENERAL DELEGATION OF CONTRACTING AUTHORITY.

(a) Pursuant to Chapter XXII, Section 2(b) of the city charter, the city council shall, by ordinance, establish rules under which a contract may be let without city council approval. This section is established for that purpose. To the extent that this section, the city charter, or another provision of this code does not delegate approval authority for a particular contract, contract amendment, or other legal instrument, it is presumed that the contract, contract amendment, or other legal instrument must be approved by the city council.

(b) This section may not be construed to delegate authority to approve, without city council action, any contract, contract amendment, or other legal instrument that is required by state law to be approved by the city council.

(c) This section does not apply to:

(1) the city's furnishing of ambulance service; water, wastewater, storm water drainage, or sanitation utility service; or any other similar municipal service to customers inside or outside of the city;

(2) a contract, contract amendment, or other legal instrument for which approval authority is separately delegated by the city charter or another section of this code; or

(3) the city's grant of, or other action relating to, any license, franchise, permit, or other authorization pursuant to its regulatory powers.

~~—(d) The city manager is authorized to approve the following by administrative action, without further city council action:~~

~~————— (1) A contract for the purchase of goods, general services, construction services, or facility construction, or for any other lawful municipal purpose not specifically described in this subsection, that requires a city expenditure not exceeding \$50,000.~~

~~————— (2) A contract requiring a city expenditure exceeding \$50,000, but not exceeding \$70,000, for the purchase of goods, general services, or construction services required to be procured through competitive bid or competitive sealed proposal in accordance with Chapter 252, Texas Local Government Code, as amended.~~

~~————— (3) A change order to a contract required by state law to be procured through either competitive bid or competitive sealed proposal that increases or decreases the contract price by \$50,000 or less, provided that the original contract price may never be increased by more than 25 percent. This paragraph does not delegate authority to the city manager to approve a change order amending a contract provision or a specification for the purpose of altering an existing payment schedule, payment method, time or date of payment, or interest rate on a payment, regardless of whether the payment obligation under the contract belongs to the contractor or the city and regardless of the amount of the increase or decrease in the contract price.~~

~~————— (4) A contract for personal, professional, or planning services requiring a city expenditure not exceeding \$50,000, except that no formal administrative action is required to execute a contract for real estate appraisal services requiring a city expenditure not exceeding \$50,000.~~

~~————— (5) An amendment to a contract not required by state law to be procured through competitive bid or competitive sealed proposal, which amendment increases the contract price by \$50,000 or less or causes any decrease in the contract price, except that approval of the city council is required on an~~

amendment that increases the contract price by \$50,000 or less if:

_____ (A) the original contract price does not exceed \$50,000 and the amendment increases the total contract price to an amount greater than \$50,000; or

_____ (B) the original contract price exceeds \$50,000 and the amendment increases the original contract price by more than 25 percent.

_____ (6) The exercise of a renewal option of a contract required by state law to be procured through either competitive bid or competitive sealed proposal, if the city expenditure required during the renewal term does not exceed \$70,000.

_____ (7) The exercise of a renewal option of a contract not required by state law to be procured through competitive bid or competitive sealed proposal, if the city expenditure required during the renewal term does not exceed \$50,000.

_____ (8) A contract for facility construction procured pursuant to Chapter 271, Subchapter H, Texas Local Government Code, as amended, that requires a city expenditure exceeding \$50,000, but not exceeding \$70,000.

(d) The city manager is authorized to approve the following by administrative action, without further city council action:

(1) A contract for the purchase of goods, general services, or facility construction, or for any other lawful municipal purpose not specifically described in this subsection, that requires a city expenditure not exceeding \$50,000.

(2) A contract requiring a city expenditure exceeding \$50,000, but not exceeding \$70,000, for:

(A) the purchase of goods or general services required to be procured through competitive bid or competitive sealed proposal in accordance with Chapter 252, Texas Local Government Code, as amended, including purchases made utilizing a cooperative purchasing program; or

(B) facility construction required to be procured through competitive bid or competitive sealed proposal in accordance with Chapter 252, Texas

Local Government Code, as amended, or through an alternative delivery method in accordance with Chapter 2269, Texas Government Code, as amended.

(3) A change order to a contract required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method that increases or decreases the contract price by \$50,000 or less, provided that the original contract price may never be increased by more than 25 percent. This paragraph does not delegate authority to the city manager to approve a change order amending a contract provision or a specification for the purpose of altering an existing payment schedule, payment method, time or date of payment, or interest rate on a payment, regardless of whether the payment obligation under the contract belongs to the contractor or the city and regardless of the amount of the increase or decrease in the contract price.

(4) A contract for personal, professional, or planning services requiring a city expenditure not exceeding \$50,000, except that no formal administrative action is required to execute a contract for real estate appraisal services requiring a city expenditure not exceeding \$50,000.

(5) An amendment to a contract not required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method, which amendment increases the contract price by \$50,000 or less or causes any decrease in the contract price, except that approval of the city council is required on an amendment that increases the contract price by \$50,000 or less if:

(A) the original contract price does not exceed \$50,000 and the amendment increases the total contract price to an amount greater than \$50,000; or

(B) the original contract price exceeds \$50,000 and the amendment increases the original contract price by more than 25 percent.

(6) The exercise of a renewal option of a contract required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method, if the city expenditure required during the renewal term does not exceed \$70,000.

(7) The exercise of a renewal option of a contract not required by state law to be procured through competitive bid or competitive sealed proposal, if the city expenditure required during the renewal term does not exceed \$50,000.

(e) All contracts, contract amendments, or other legal instruments (except purchase orders for supplies and equipment and change orders as described by Chapter XXII, Section 1 of the city charter) must be signed by the city manager and approved as to form by the city attorney. Purchase orders for supplies and equipment must be signed by the director. Subject to the restrictions provided by this code, the city charter, or state law, change orders may be approved by formal administrative action or may, as the city manager directs, be signed by the director of the department designated by the city manager to administer the contract that is the subject of the change.

(f) The city manager may delegate the authority granted under this section to the extent allowed by this code, the city charter, or state law. The city manager may make rules and procedures, which are not in conflict with this code, the city charter, or state law, concerning the form and substance of administrative actions and the administration of contracting and change order processes.

(g) Purchases for the park and recreation department must be made in compliance with Chapter XVII, Section 4 of the city charter and this division. (Ord. Nos. 24243; 25819; 28705; 30828)

SEC. 2-31. RULES REGARDING EXPENDITURES NOT EXCEEDING \$50,000.

~~—(a) Except as otherwise provided by this section, all purchases of goods, general services, facility construction, or construction services under this section must be made by the director after giving reasonable opportunity for competition under procedures that are established by the director, with city manager approval, and that are consistent with the purpose of this section.~~

~~—(b) If the city expenditure for the purchase of goods, general services, facility construction, or construction services exceeds \$1,000, price quotations from not less than three independent vendors or contractors, if available, must be secured. If three independent vendors or contractors are not available, the director shall secure such price quotations as will, in the director's judgment, ensure that the city is purchasing the property or contracting for the best quality at the lowest possible cost. If the city expenditure for the purchase of goods, general services, facility construction, or construction services exceeds \$3,000, the director shall follow the procedures for contacting disadvantaged businesses prescribed in Section 252.0215 of the Texas Local Government Code, as amended.~~

~~—(c) The director may, with prior authorization by city council resolution, purchase goods, including high technology items, through a cooperative purchasing program established pursuant to Chapter 271, Subchapter D, F, or G, Texas Local Government Code, as amended, or through a cooperative purchasing program established by interlocal agreement pursuant to Chapter 791, Texas Government Code, as amended. Authorized participation in a cooperative purchasing program satisfies the requirements of this section.~~

~~—(d) The city manager may establish procedures for purchasing goods, general services, or construction services under this section through electronic means, including but not limited to the Internet, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code.~~

~~—(e) A contract for construction services or facility construction that requires a city expenditure not exceeding \$50,000 must provide that, in lieu of requiring performance and payment bonds, no money will be paid to the contractor for any work under the contract until the final completion and acceptance of the work by the city.~~

(a) Except as otherwise provided by this section, all purchases of goods, general services, or facility construction under this section must be made by the director after giving reasonable opportunity for competition under procedures that are established by the director, with city manager approval, and that are consistent with the purpose of this section.

(b) If the city expenditure for the purchase of goods, general services, or facility construction exceeds \$3,000, price quotations from not less than three independent vendors or contractors, if available, must be secured. If three independent vendors or contractors are not available, the director shall secure such price quotations as will, in the director's judgment, ensure that the city is purchasing the property or contracting for the best quality at the lowest possible cost. If the city expenditure for the purchase of goods, general services, or facility construction exceeds \$3,000, the director shall follow the procedures for contacting disadvantaged businesses prescribed in Section 252.0215 of the Texas Local Government Code, as amended.

(c) The director may, with prior authorization by city council resolution, purchase goods, including high technology items, through a cooperative purchasing

program established pursuant to Chapter 271, Subchapter D, F, or G, Texas Local Government Code, as amended, or through a cooperative purchasing program established by interlocal agreement pursuant to Chapter 791, Texas Government Code, as amended. Authorized participation in a cooperative purchasing program satisfies the requirements of this section.

(d) The city manager may establish procedures for purchasing goods, general services, or facility construction under this section through electronic means, including but not limited to the Internet, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code.

(e) A contract for facility construction that requires a city expenditure not exceeding \$50,000 must provide that, in lieu of requiring performance and payment bonds, no money will be paid to the contractor for any work under the contract until the final completion and acceptance of the work by the city.

(f) The director may use a service order for minor services under \$3,000, including mail and delivery services, repair, restoration, and remediation services necessary for a timely and efficient response to equipment failure or facility damage. (Ord. Nos. 12755; 13104; 14885; 15279; 16801; 17700; 17777; 18850; 19312; 20061; 22434; 24243; 25819; 28705; 30828)

SEC. 2-32. RULES REGARDING EXPENDITURES EXCEEDING \$50,000.

~~—(a) No city expenditure exceeding \$50,000 may be made without advertising for competitive bids or competitive sealed proposals pursuant to Chapter 252, Texas Local Government Code, as amended, and this division, except in cases of facility construction as provided in Section 2-33 of this division, an immediate emergency, or where competitive bidding or sealed proposal is not otherwise required by state law or the city charter. In cases of immediate emergency, the director may make the necessary emergency expenditure, subject to the approval of the city manager.~~

~~or a designee. If an emergency expenditure is made, a written report setting out the emergency purchase, accompanied by a definite statement of the occasion and the reasons for the purchase, must be submitted by the director to the city manager for presentation to the city council for its approval prior to payment for the purchase.~~

~~— (b) The following rules govern purchases authorized administratively as described in Section 2-30(d)(2) of this division:~~

~~— (1) If the purchase is for goods, the director or the director's designee, or the city council if the purchase is being considered under Subsection (b)(5), shall tabulate the bids or sealed proposals and shall select the vendor or contractor with the lowest responsible bid (or with the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended), or the vendor or contractor who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis.~~

~~— (2) If the purchase is for general services, the director or the director's designee shall tabulate the bids or sealed proposals and present to the city manager a recommendation as to the lowest responsible bidder (or as to the most advantageous proposal if the purchase is allowed by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended), or present a recommendation as to who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis. The city manager, or the city council if the contract is being considered under Subsection (b)(5), shall select the contractor that provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies.~~

~~— (3) If the purchase is for construction services, the director or the director's designee shall~~

tabulate the bids and present to the city manager a recommendation as to the lowest responsible bidder. The city manager, or the city council if the contract is being considered under Subsection (b)(5), shall select the contractor with the lowest responsible bid.

~~————— (4) If, in the opinion of the city manager, or the city council if the purchase is being considered under Subsection (b)(5), no bid or sealed proposal is satisfactory or it is otherwise in the best interest of the city, the city manager or the city council may reject all bids or sealed proposals, and the director may readvertise for competitive bids or competitive sealed proposals.~~

~~————— (5) A member of the city council may request that a purchase or contract be brought before the city council for consideration any time before 48 hours have elapsed after bid or proposal opening.~~

~~————— (c) The following rules govern competitive bid or sealed proposal contracts requiring a city expenditure exceeding \$70,000:~~

~~————— (1) The director or the director's designee shall tabulate the bids or sealed proposals.~~

~~————— (2) If the purchase is for goods or general services, the city manager shall recommend to the city council who, in the city manager's opinion, provides the lowest responsible bid; the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended; or the best value to the city if the bid specifications or requirements indicate contract selection on a best value basis. The city council shall determine which bidder provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies, and, if that bidder or proposer is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids or sealed proposals.~~

~~————— (3) If the purchase is for construction services, the city manager shall recommend who, in the city manager's opinion, is the lowest responsible bidder. The city council shall determine the lowest responsible bidder and, if that bidder is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids.~~

~~————— (4) If all bids or sealed proposals are rejected, the city council may authorize the director to readvertise or proceed otherwise, as may be determined at the discretion of the city council, in accordance with state law. The original specifications, as amended or changed, must be kept on file in the office of the director in accordance with Section 2-29 of this division.~~

~~————— (d) The following additional rules govern all purchases made by competitive bid, including purchases on a best value basis, in accordance with Subsections (b) and (c) of this section:~~

~~————— (1) If there is a single responsive bid, the director, the city manager, or the city council may consider the bid as the lowest responsible bid.~~

~~————— (2) A nonresponsive bid has the effect of being a no bid and may not be considered for any purpose.~~

~~————— (3) A bid that has been opened is not subject to amendment, alteration, or change for the purpose of correcting an error in the bid price. This restriction is not intended to alter, amend, or revoke the common law right of a bidder to withdraw a bid due to a material mistake in the bid.~~

~~————— (e) For the purchase of goods and general services (including but not limited to community development items, high technology items, and insurance) requiring a city expenditure exceeding \$50,000, the director may follow the competitive sealed~~

proposal procedures authorized in this division and in Chapter 252, Texas Local Government Code, as amended. If the director chooses not to follow the competitive sealed proposal process, the purchase must be competitively bid as required by this division and by Chapter 252, Texas Local Government Code, as amended.

— (f) The city manager may establish procedures for purchasing goods, general services, or construction services under this section through electronic means, including but not limited to the Internet, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code. The city manager may also establish procedures for purchasing goods or general services pursuant to the reverse auction method defined in Section 2155.062(d), Texas Government Code, as amended, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code.

— (g) The director may, with prior authorization by city council resolution, purchase goods, including high technology items, through a cooperative purchasing program established pursuant to Chapter 271, Subchapter D, F, or G, Texas Local Government Code, as amended, or through a cooperative purchasing program established by interlocal agreement pursuant to Chapter 791, Texas Government Code, as amended. Authorized participation in a cooperative purchasing program satisfies the requirements of this section.

— (h) Local preferences.

— (1) Where a contract is required to be awarded to the lowest responsible bidder and a competitive bid is received from a nonresident bidder, the city may not award a governmental contract to the nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of

business is located. This requirement does not apply to a contract involving federal funds.

— (2) In a purchase for goods, general services, construction services, or facility construction through competitive bid, if one or more bids are received from a local business whose bid is within five percent of the lowest responsible bid received from a bidder who is not a local business, a contract for construction services or facility construction in an amount less than \$100,000 or a contract for goods or general services in an amount less than \$500,000 may be awarded to:

— (A) the bidder with the lowest responsible bid; or

— (B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including employment of residents of the city and increased tax revenue to the city.

— (3) In a purchase for goods through competitive bid, if one or more bids are received from a local business whose bid is within three percent of the lowest responsible bid received from a bidder who is not a local business, a contract in an amount of \$500,000 or more may be awarded to:

— (A) the bidder with the lowest responsible bid; or

— (B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including employment of residents of the city and increased tax revenue to the city.

— (4) Subsection (h)(2) of this section does not apply to the purchase of telecommunication services or

information services, as those terms are defined by 47 U.S.C. Section 153, as amended.

~~_____ (5) Subsections (h)(2) and (h)(3) of this section do not prohibit the city from rejecting all bids.~~

(a) **Advertisement.** No city expenditure exceeding \$50,000 may be made without advertising for competitive bids or competitive sealed proposals pursuant to Chapter 252, Texas Local Government Code, as amended, and this division, or without following the advertisement requirements in Chapter 2269, Texas Government Code, as amended, and this division, for alternative delivery methods, except in cases of an immediate emergency, or where competitive bidding, sealed proposal, or an alternative delivery method is not otherwise required by state law or the city charter.

(b) **Emergency expenditures.** In cases of immediate emergency, the director may make the necessary emergency expenditure, subject to the approval of the city manager or a designee. If an emergency expenditure is made, a written report setting out the emergency purchase, accompanied by a definite statement of the occasion and the reasons for the purchase, must be submitted by the director to the city manager for presentation to the city council for its approval prior to payment for the purchase.

(c) **Administratively authorized purchases.** The following rules govern purchases authorized administratively as described in Section 2-30(d)(2) of this division:

(1) If the purchase is for goods, the director or the director's designee, or the city council if the purchase is being considered under Subsection (b)(6), shall tabulate the bids or sealed proposals and shall select the vendor or contractor with the lowest responsible bid (or with the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended), or the vendor or contractor who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis.

(2) If the purchase is for general services, the director or the director's designee shall tabulate the bids or sealed proposals and present to the city manager a recommendation as to the lowest

responsible bidder (or as to the most advantageous proposal if the purchase is allowed by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended), or present a recommendation as to who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis. The city manager, or the city council if the contract is being considered under Subsection (b)(6), shall select the contractor that provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies.

(3) If the purchase is for facility construction, and an alternative delivery method is not being used, the director or the director's designee shall tabulate the bids or sealed proposals and present to the city manager a recommendation as to the lowest responsible bidder or proposer. The city manager, or the city council, if the contract is being considered under Subsection (b)(6), shall select the contractor with the lowest responsible bid or the most advantageous proposal.

(4) If the purchase is for facility construction, and an alternative delivery method is being used, the director or the director's designee shall present to the city manager a recommendation based on the applicable standard in Chapter 2269, Texas Government Code, as amended.

(5) If, in the opinion of the city manager or the city council, if the purchase is being considered under Subsection (b)(6) and no bid or sealed proposal is satisfactory or it is otherwise in the best interest of the city, the city manager or the city council may reject all bids or sealed proposals, and the director may readvertise for competitive bids or competitive sealed proposals.

(6) A member of the city council may request that a purchase or contract be brought before the city council for consideration any time before 48 hours have elapsed after bid or proposal opening.

(c) **Contracts requiring council approval.** The following rules govern competitive bid or sealed proposal contracts requiring a city expenditure exceeding \$70,000:

(1) The director or the director's designee

shall tabulate the bids or sealed proposals.

(2) If the purchase is for goods or general services, the city manager shall recommend to the city council who, in the city manager's opinion, provides the lowest responsible bid; the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended; or the best value to the city if the bid specifications or requirements indicate contract selection on a best value basis. The city council shall determine which bidder provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies, and, if that bidder or proposer is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids or sealed proposals.

(3) If the purchase is for facility construction, and an alternative delivery method is not being used, the city manager shall recommend who, in the city manager's opinion, is the lowest responsible bidder. The city council shall determine the lowest responsible bidder and, if that bidder is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids.

(4) If the purchase is for facility construction, and an alternative delivery method is being used, the director shall present to the city manager a recommendation. The city manager shall then present a recommendation to the city council. If, in the judgment of the city council, no bid, proposal, or other offer is satisfactory or it is in the best interest of the city, then the city council may reject all bids. All recommendations and determinations under this subsection must be made according to the criteria set out in Chapter 2269 of the Texas Government Code, as amended.

(5) If all bids or sealed proposals are rejected, the city council may authorize the director to readvertise or proceed otherwise, as may be determined at the discretion of the city council, in accordance with state law. The original specifications, as amended or changed, must be kept on file in the office of the director in accordance with Section 2-29 of this division.

(d) Additional rules for competitive bids. The following additional rules govern all purchases made

by competitive bid, including purchases on a best value basis, in accordance with Subsections (b) and (c) of this section:

(1) If there is a single responsive bid, the director, the city manager, or the city council may consider the bid as the lowest responsible bid.

(2) A nonresponsive bid has the effect of being a no bid and may not be considered for any purpose.

(3) A bid that has been opened is not subject to amendment, alteration, or change for the purpose of correcting an error in the bid price. This restriction is not intended to alter, amend, or revoke the common law right of a bidder to withdraw a bid due to a material mistake in the bid.

(e) Competitive sealed proposals. For the purchase of goods and general services (including but not limited to community development items, high technology items, and insurance) requiring a city expenditure exceeding \$50,000, the director may follow the competitive sealed proposal procedures authorized in this division and in Chapter 252, Texas Local Government Code, as amended. If the director chooses not to follow the competitive sealed proposal process, the purchase must be competitively bid as required by this division and by Chapter 252, Texas Local Government Code, as amended.

(f) Electronic procurement and reverse auctions. The city manager may establish procedures for purchasing goods, general services, or facility construction under this section through electronic means, including but not limited to the Internet, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code. The city manager may also establish procedures for purchasing goods or general services pursuant to the reverse auction method defined in Section 2155.062(d), Texas Government Code, as amended, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code.

(g) The director may, with prior authorization by city council resolution, purchase goods, including high technology items, through a cooperative purchasing program established pursuant to Chapter 271, Subchapter D, F, or G, Texas Local Government Code, as amended, or through a cooperative purchasing program established by interlocal agreement pursuant to Chapter 791, Texas

Government Code, as amended. Authorized participation in a cooperative purchasing program satisfies the requirements of this section.

(h) Local preferences.

(1) Where a contract is required to be awarded to the lowest responsible bidder and a competitive bid is received from a nonresident bidder, the city may not award a governmental contract to the nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. This requirement does not apply to a contract involving federal funds.

(2) In a purchase for goods, general services, or facility construction through competitive bid, if one or more bids are received from a local business whose bid is within five percent of the lowest responsible bid received from a bidder who is not a local business, a contract for facility construction in an amount less than \$100,000 or a contract for goods or general services in an amount less than \$500,000 may be awarded to:

(A) the bidder with the lowest responsible bid; or

(B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including employment of residents of the city and increased tax revenue to the city.

(3) In a purchase for goods through competitive bid, if one or more bids are received from a local business whose bid is within three percent of the lowest responsible bid received from a bidder who is not a local business, a contract in an amount of \$500,000 or more may be awarded to:

(A) the bidder with the lowest responsible bid; or

(B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award,

including employment of residents of the city and increased tax revenue to the city.

(4) Subsection (h)(2) of this section does not apply to the purchase of telecommunication services or information services, as those terms are defined by 47 U.S.C. Section 153, as amended.

(5) Subsections (h)(2) and (h)(3) of this section do not prohibit the city from rejecting all bids. (Ord. Nos. 24243; 25819; 28705; 30828)

SEC. 2-33. ALTERNATIVE METHODS OF PROCUREMENT FOR FACILITY CONSTRUCTION.

~~—(a) The city council finds that, in general, the methods of procuring a contractor to perform facility construction established in Chapter 271, Subchapter H, Texas Local Government Code, as amended, provide a better value for the city than the methods set forth in Chapter 252, Texas Local Government Code, as amended. The provisions of Chapter 271, Subchapter H, Texas Local Government Code, as amended, are therefore adopted for use in procuring a contract for facility construction, superseding any conflicting provisions in the city charter.~~

~~—(b) The city manager is authorized, in accordance with Chapter 271, Subchapter H, Texas Local Government Code, as amended, to choose which method of contractor selection provides the best value for the city on each facility construction project, subject to the applicable provisions of Sections 2-30 through 2-32 of this division. The city manager may, by administrative directive, establish procedures for choosing the method of contractor selection and to conduct the selection process, to the extent the procedures do not conflict with state law or Sections 2-30 through 2-32 of this division.~~

~~—(c) If, in the case of an individual facility construction project, the city manager finds that there is better value in following the methods of procurement authorized in Chapter 252, Texas Local Government Code, as amended, the city manager is authorized to secure a contractor in accordance with the rules of that state law. If the procedures of Chapter 252, Texas Local~~

~~Government Code, as amended, are used to procure a facility construction contract, the award of the contract must be to the lowest responsible bidder or to a local business when allowed under Section 2-32(h) of this division. The rules of Section 2-32(b) and (c) of this division also apply to an award made under this subsection.~~

(a) The city council finds that, in general, the methods of procuring a contractor to perform facility construction established in Chapter 2269, Texas Government Code, as amended, provide a better value for the city than the methods set forth in Chapter 252, Texas Local Government Code, as amended. The provisions of Chapter 2269, Texas Government Code, as amended, are therefore adopted for use in procuring a contract for facility construction, superseding any conflicting provisions in the city charter.

(b) The city manager is authorized, in accordance with Chapter 2269, Texas Government Code, as amended, to choose which method of contractor selection provides the best value for the city on each facility construction project, subject to the applicable provisions of Sections 2-30 through 2-32 of this division. The city manager may, by administrative directive, establish procedures for choosing the method of contractor selection and to conduct the selection process, to the extent the procedures do not conflict with state law or Sections 2-30 through 2-32 of this division.

(c) If, in the case of an individual facility construction project, the city manager finds that there is better value in following the methods of procurement authorized in Chapter 252, Texas Local Government Code, as amended, the city manager is authorized to secure a contractor in accordance with the rules of that state law. If the procedures of Chapter 252, Texas Local Government Code, as amended, are used to procure a facility construction contract, the award of the contract must be to the lowest responsible bidder or to a local business when allowed under Section 2-32(h) of this division. The rules of Section 2-32(b) and (c) of this division also apply to an award made under this subsection. (Ord. Nos. 25819; 28705; 30828)

SEC. 2-34. PERSONAL, PROFESSIONAL, AND PLANNING SERVICES.

Personal, professional, or planning services must be procured, regardless of who approves the contract, in accordance with applicable state law and through procedures established by the city manager or a

designee that are not in conflict with this article or applicable state law. (Ord. Nos. 24243; 25819)

SEC. 2-35. INTEREST ON CERTAIN LATE OR DELAYED PAYMENTS.

Unless otherwise authorized by the city council, at the request of the city manager, no contractor of the city is entitled to interest on any late or delayed payment that is caused by any good faith claim or dispute in connection with the contract, or that the city has a right or obligation to withhold under the contract or state or federal law, nor is any contractor entitled to attorney's fees in any dispute to collect such payments. (Ord. Nos. 18850; 19312; 20061; 22434; 24243; 25819)

SEC. 2-36. CONTRACTS WITH PERSONS INDEBTED TO THE CITY.

(a) Except as provided in Subsection (b), a bidder, proposer, or other person interested in receiving the award of a contract from the city or entering into any other transaction with the city shall be deemed nonresponsible and shall be denied any contract or other transaction with the city if that

SEC. 2-126. CREATED; TERMS; MEMBERSHIP; VACANCIES.

(a) There is hereby created the Martin Luther King, Jr. community center board, which shall consist of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) Each member shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified.

(c) If a vacancy occurs in a board position held by a member appointed directly by the city council, the city council shall appoint a new member to serve for the unexpired term. If a vacancy occurs in a board position held by a member appointed from service area nominations, the vacancy may not be filled, and that position will not be counted in determining total board membership for quorum purposes. (Ord. Nos. 13384; 14083; 14941; 15574; 15955; 15979; 21153; 21514; 22259; 29645)

SEC. 2-127. FUNCTIONS.

(a) The board shall serve in an advisory capacity and shall make recommendations to the city center manager concerning programs and policies within the service center.

(b) The board shall submit an annual report to the city council in accordance with Section 8-1.1 of this Code. (Ord. Nos. 13384; 14941; 15955)

SEC. 2-128. RESERVED.

(Repealed by Ord. 17393)

SEC. 2-129. TREATMENT OF BUDGET.

The budget of the center shall be approved by the city council and treated as is the budget of other city departments by referring it to the city manager through the usual budget administration process. (Ord. Nos. 13384; 14941; 15955)

ARTICLE XIV.**SOUTH DALLAS/FAIR PARK TRUST
OPPORTUNITY FUND BOARD.****~~SEC. 2-130. SOUTH DALLAS/FAIR PARK
TRUST FUND BOARD - CREATED;
TERMS; MEMBERSHIP.~~**

~~—(a) There is hereby created the South Dallas/Fair Park trust fund board of the city, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.~~

~~—(b) Each member shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified.~~

~~—(c) Members of the board must meet the following qualifications:~~

~~—(1) Eight members must meet any of the following qualifications:~~

~~—(A) Be a resident of the South Dallas/Fair Park trust fund program area as defined by city council resolution.~~

~~—(B) Be a representative of a cultural institution or other facility permanently housed at Fair Park.~~

**SEC. 2-130. SOUTH DALLAS/FAIR PARK
OPPORTUNITY FUND BOARD -
CREATED; TERMS; MEMBERSHIP.**

(a) There is hereby created the South Dallas/Fair Park Opportunity Fund board of the city, which shall be an advisory body of 15 members. Each city council

member shall appoint one member to the board. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) Each member shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified.

(c) Members of the board must meet the following qualifications:

(1) Eight members must meet any of the following qualifications:

(A) Be a resident of the South Dallas/Fair Park Opportunity Fund program area as defined by city council resolution.

(B) Be a representative of a cultural institution or other facility permanently housed at Fair Park.

~~————— (C) Be the owner or operator of a business in the South Dallas/Fair Park trust fund program area as defined by city council resolution.~~

~~————— (D) Be actively involved in the South Dallas/Fair Park community.~~

~~————— (2) Seven members must have substantial knowledge and expertise in any of the following areas:~~

~~————— (A) Housing development.~~

~~————— (B) Business development and operations.~~

~~————— (C) Non-profit management and operations.~~

~~————— (D) General community development principles and practices.~~

~~————— (3) In addition to the qualifications listed in Paragraphs (1) and (2) of this subsection, at least two of the board members must have loan underwriting experience.~~

~~————— (d) The city manager or a designated representative shall serve as an ex officio, nonvoting member of the board.~~

(C) Be the owner or operator of a business in the South Dallas/Fair Park Opportunity Fund program area as defined by city council resolution.

(D) Be actively involved in the South Dallas/Fair Park community.

(2) Seven members must have substantial knowledge and expertise in any of the following areas:

(A) Housing development.

(B) Business development and operations.

(C) Non-profit management and operations.

(D) General community development principles and practices.

(3) In addition to the qualifications listed in Paragraphs (1) and (2) of this subsection, at least two of the board members must have loan underwriting experience.

(d) The city manager or a designated representative shall serve as an ex officio, nonvoting member of the board. (Ord. Nos. 20570; 21153; 21514; 21765; 22414; 26811; 29645; 30905)

SEC. 2-131. SOUTH DALLAS/FAIR PARK TRUST FUND BOARD DUTIES AND RESPONSIBILITIES.

~~————— (a) The board shall act as an advisory body to the city manager and the city council and shall:~~

~~————— (1) recommend to the city manager guidelines and projects for the expenditure of the South Dallas/Fair Park trust fund; and~~

~~— (2) perform other duties assigned by the city council or requested by the city manager.~~

~~— (b) The city manager shall present the recommendations of the board, along with any recommendations of the city manager, to the city council.~~

SEC. 2-131. SOUTH DALLAS/FAIR PARK OPPORTUNITY FUND BOARD - DUTIES AND RESPONSIBILITIES.

(a) The board shall act as an advisory body to the city manager and the city council and shall:

(1) recommend to the city manager guidelines and projects for the expenditure of the South Dallas/Fair Park Opportunity Fund; and

(2) perform other duties assigned by the city council or requested by the city manager.

(b) The city manager shall present the recommendations of the board, along with any recommendations of the city manager, to the city council. (Ord. Nos. 20570; 22414; 26811; 30905)

SEC. 2-132. RESERVED. (Ord. Nos. 20570; 26811; 30905)

ARTICLE XV.

CHIEF FINANCIAL OFFICER.

SEC. 2-133. POSITION OF CHIEF FINANCIAL OFFICER CREATED.

There is hereby created the position of the chief financial officer of the city. The chief financial officer shall be appointed by the city manager and shall be a person professionally competent by experience and training to perform the duties of the position. (Ord. Nos. 22026; 24410; 27697)

SEC. 2-134. DUTIES OF THE CHIEF FINANCIAL OFFICER.

(a) The chief financial officer shall perform the following duties:

(1) Direct the cash and debt management

programs of the city with authority to make the following investment and redemption decisions:

(A) Purchase, at their original sale or after they have been issued, securities that are permissible investments under state law with money that is not required for the immediate necessities of the city and as the chief financial officer determines is wise and expedient, and sell or exchange securities for other

CHAPTER 5

AIRCRAFT AND AIRPORTS

ARTICLE I.

IN GENERAL.

Sec. 5-1. "Airport" defined.

Sec. 5-2. Department of aviation created.

Sec. 5-3. Director of aviation - Duties generally.

Sec. 5-4. Same - Promulgation of rules and regulations.

Sec. 5-5. Same - Authority over public at airports.

Sec. 5-6. Same - Authority to suspend operations.

Sec. 5-7. Same - Authority to remove violators from premises.

Sec. 5-8. Same - Regulation of internal management of municipal airports.

Sec. 5-9. Same - Interest in sales, etc.

Sec. 5-10. Same - Accounting for funds received.

Sec. 5-11. Use of hydroplanes on city property.

Sec. 5-12. Use of designated spaces for repairing aircraft.

Sec. 5-13. Disposal of wrecked aircraft.

Sec. 5-14. Direction of aerial traffic around airport.

Sec. 5-15. Landing.

Sec. 5-16. Use of two-way radio.

Sec. 5-17. Right-of-way generally.

Sec. 5-18. Take-off and landing direction.

Sec. 5-19. Authorization for take-offs.

Sec. 5-20. Parking of aircraft on airport ground.

Sec. 5-21. Taking off over hangars, etc.

Sec. 5-22. Taxiing.

Sec. 5-23. Use of wheel blocks.

Sec. 5-24. Only pilot or competent mechanic to run engine.

Sec. 5-25. Maintenance run-ups.

Sec. 5-26. Flights in experimental or uncertificated aircraft.

Sec. 5-27. Flight training - Instruction.

Sec. 5-28. Flight training - Student pilots flying solo.

Sec. 5-29. Licensed aircraft.

Sec. 5-30. Compliance with air commerce regulations generally.

Sec. 5-31. Fees charged for commercial aircraft.

Sec. 5-31.1. Landing fees charged for general aviation aircraft at Dallas Love Field.

Sec. 5-32. Aviation schools generally.

Sec. 5-33. Aviation fuel sales; license fees and rates.

Sec. 5-34. Sale of products at airports; license or permit.

Sec. 5-35. International arrival fees.

Sec. 5-36. Flying at low altitude; permits for landing places.

Sec. 5-37. Authorization for exhibitions.

Sec. 5-38. Condition of aircraft generally; operation by unskilled or intoxicated persons.

Sec. 5-39. Aircraft permitted to operate within jurisdiction of city.

Sec. 5-40. Location of vehicles on premises.

Sec. 5-41. Trespassing upon landing, take-off and taxiing areas.

Sec. 5-42. Landing or taking off of aircraft prohibited except at approved airports or areas; flight regulations to be observed.

Sec. 5-43. Release of advertising pamphlets, etc.

Sec. 5-44. Use of loud-speakers, etc., for advertising.

Sec. 5-45. Exemption of aircraft owned by federal or state government.

Sec. 5-46. Soliciting business or selling merchandise on airport property.

Sec. 5-47. Use of passenger interviews, opinion surveys, petitions, etc., in Dallas Love Field terminal building.

Sec. 5-48. Moving sidewalks and escalators at Dallas Love Field - Manner of use generally.

Sec. 5-49. Same - Use by children under 10 years of age; responsibility of parents; nonliability of city.

Sec. 5-50. Same - Use by animals prohibited.

- Sec. 5-51. Same - Use by baby carriages, wheel chairs, etc., prohibited.
- Sec. 5-52. Same - Installation of signs regarding use.
- Sec. 5-53. Bringing pets into terminals prohibited; exceptions.
- Sec. 5-54. Installation of signs about pet restrictions.
- Sec. 5-55. Aircraft permitted to operate at Dallas Executive Airport.
- Sec. 5-56. Fleet-mix requirements for commercial air carriers at Dallas Love Field.

ARTICLE II.

GROUND TRANSPORTATION SERVICES AT LOVE FIELD AIRPORT.

- Sec. 5-57. Statement of policy.
- Sec. 5-58. Definitions.
- Sec. 5-59. General authority for enforcement.
- Sec. 5-60. Defenses.
- Sec. 5-61. Ground transportation service requirements.
- Sec. 5-62. Registration of ground transportation service at the airport.
- Sec. 5-63. Fees.
- Sec. 5-64. Customer facility charge.

ARTICLE I.

IN GENERAL.

(Ord. 26492, title)

SEC. 5-1. "AIRPORT" DEFINED.

"Airport" or "Municipal Airport" as used in this chapter, unless otherwise designated, includes both Dallas Love Field and Dallas Executive Airport. (Ord. Nos. 8213; 24859)

SEC. 5-2. DEPARTMENT OF AVIATION CREATED.

(a) There is hereby created the department of aviation of the city of Dallas, the head of which shall be the director of aviation, who shall be appointed by the city manager. He shall be a person professionally competent by experience and training to manage the department.

(b) In addition to the director of aviation, the organization of the department of aviation shall be comprised of assistants and employees in positions formally authorized by appropriate action of the city council. Any person appointed to the position of assistant director of aviation shall have the powers and duties specifically assigned to him and also shall have authority to act in the capacity of director of aviation. The positions heretofore established and the appointments thereto officially made, in order to provide personnel for the performance of the municipal functions required by this chapter, shall become positions and appointments in the department of aviation without any further official action. The civil service rules and regulations of the city shall apply to employees of the department of aviation. (Code 1941, Art. 13-1; Ord. Nos. 8212; 14384)

SEC. 5-3. DIRECTOR OF AVIATION - DUTIES GENERALLY.

(a) The director of aviation shall devote his entire time to the duties of his office, becoming familiar with the operation of airports and the proper reception of aircraft of all types, including helicopters. He shall particularly familiarize himself with the fees and charges to be made by the city for the reception and care of aircraft and shall immediately recommend the same to the city manager, so that the proper fees and charges may be made for the landing and servicing of aircraft, and shall make accurate reports to the city controller and the city manager of all monies handled and charges made by the city for the care and

DATE OF LANDING	FEE
October 1, 2010 through September 30, 2011	\$2.00
October 1, 2011 and thereafter	125% of the fee paid by an owner or operator of commercial aircraft that has executed an airport use and lease agreement having an effective date of October 1, 2008 or later.

(e) An owner or operator of commercial aircraft shall file with the director of aviation, within 10 days after the end of each month, the following information:

(1) The number of landings for the month by type of aircraft.

(2) The manufacturer's certificated gross landing weight for each type of aircraft.

(f) Fees required by this section are due and payable (without invoice from the city) within 10 days after the end of each month and must be transmitted to the director of aviation together with the information required under Subsection (e) of this section. (Ord. Nos. 8213; 14318; 14857; 19425; 19677; 24859; 26264; 27436)

SEC. 5-31.1. LANDING FEES CHARGED FOR GENERAL AVIATION AIRCRAFT AT DALLAS LOVE FIELD.

(a) In this chapter, GENERAL AVIATION AIRCRAFT means an aircraft that is not a commercial aircraft, as defined in this chapter, on scheduled or non-scheduled flights.

(b) Fees in this section must be paid by owners or operators of all general aviation aircraft landing at Dallas Love Field or using Dallas Love Field's facilities for landing aircraft.

(c) An owner or operator of a general aviation aircraft that has executed an airport use and lease agreement shall pay fees, including landing fees, to the city in accordance with that agreement.

(d) For each scheduled or non-scheduled landing, an owner or operator of a general aviation aircraft who has not executed an airport use and lease

agreement shall pay to the city a fee per 1,000 pounds of certified gross landing weight. The director of aviation shall determine the fee using an 80/20 formula, with 80% of the fee comprised of Dallas Love Field's operation and maintenance costs attributable to general aviation aircraft landings and 20% of the fee attributable to the general aviation aircraft's landed weight. The director of aviation shall, on an annual basis, review the fee and make a recommendation to the city council if the director of aviation determines the fee formula should be amended.

(e) An owner or operator of a general aviation aircraft shall transmit the fees required by this section to the director of aviation in a timely manner. (Ord. 30842, eff. 7/1/18)

SEC. 5-32. AVIATION SCHOOLS GENERALLY.

No person shall use any municipal airport as a place to conduct an aviation school, air college or flying school unless it is officially recognized by the U. S. Department of Transportation, acting through the Federal Aviation Administration, and has first obtained a lease or permit from the city, or a sublease or permit from one of the city's tenants on the airport. The director of aviation shall have the authority to promulgate rules and regulations deemed appropriate for each municipal airport at which such training is conducted. (Ord. Nos. 8213; 14384)

revocation begins on the date specified by the director or, in the case of an appeal, on the date ordered by the permit and license appeal board.

(4) If the director denies issuance or renewal of a ground transportation service certificate of registration, suspends or revokes a holder's certificate of registration, or suspends the authority of a courtesy vehicle or transportation-for-hire vehicle operator to operate at the airport under a holder's certificate of registration, the applicant, holder, or courtesy vehicle or transportation-for-hire vehicle operator, whichever applies, shall immediately cease any ground transportation service at the airport and shall promptly surrender and remove any registration decal from any motor vehicle used to perform ground transportation service at the airport.

(5) A holder whose certificate of registration has been revoked is not eligible to reapply for another ground transportation service certificate of registration before the expiration of 24 months after the date of revocation or, in the case of an appeal, the date the permit and license appeal board affirms the revocation.

(d) Appeal of denial, suspension, or revocation. Any person whose application for issuance or renewal of a ground transportation service certificate of registration is denied by the director, any holder whose certificate of registration has been revoked or suspended by the director, or any courtesy vehicle or transportation-for-hire vehicle operator whose authority to operate at the airport under a holder's certificate of registration has been suspended by the director may file an appeal with a permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 26492; 29596; 29721)

SEC. 5-63. FEES.

(a) A person performing ground transportation service at the airport shall pay the following fees to the director:

(1) Decal fees. An annual decal fee of \$15 will be charged for each courtesy vehicle or transportation-for-hire vehicle operated at the airport that does not have a current, valid City of Dallas vehicle permit issued under Chapter 47A of this code, by a ground transportation service operating at the airport. The fee to replace a decal that has been lost, stolen, or mutilated is \$15.

(2) Trip fees. Each courtesy vehicle not operating under an airport concession contract and each transportation-for-hire vehicle will be charged \$2.50 per trip per vehicle. Courtesy vehicles operating under an airport concession contract will not be charged a trip fee.

(b) The director shall establish rules and regulations governing the time and manner in which the fees required by this section must be paid. (Ord. Nos. 26492; 29596; 29721)

SEC. 5-64. CUSTOMER FACILITY CHARGE.

(a) Definitions. In this section:

(1) AIRPORT CUSTOMER means a person who arrives at the airport and who enters into an agreement either (A) directly with an airport rental car company; or (B) with a third party, if that agreement with the third party was facilitated, arranged, or otherwise coordinated by an airport rental car company. A person qualifies as an airport customer regardless of whether the person receives the car at the airport, future ConRAC location, or at an off-airport location.

(2) AIRPORT RENTAL CAR COMPANY means both an off-airport rental car company and an on-airport rental car company.

(3) CFC means customer facility charge and is a user fee imposed on a transactional basis. The CFC does not constitute income, revenue, or assets of the airport rental car company, and is, at all times, property of the city.

(4) COMMON TRANSPORTATION SYSTEM means a shared shuttle system dedicated solely to the transportation of airport customers between the passenger terminals and the ConRAC.

(5) ConRAC means a consolidated rental car facility.

(6) OFF-AIRPORT RENTAL CAR COMPANY means a person who provides car rental services, including, but not limited to, peer-to-peer car rental services, and picks up, arranges, coordinates, or is an intermediary for the pick-up of the customer from the airport. An off-airport rental car company does not include an on-airport rental car company.

(7) ON-AIRPORT RENTAL CAR COMPANY means a person who is a party to a concession contract with city to provide car rental services.

(8) TRANSACTION DAY means a 24-hour period, or fraction thereof, that is subject to an agreement to which an airport customer is a party.

(b) CFC amount. An airport customer shall pay a CFC of \$3.00 per transaction day.

(c) Director's power and duties.

(1) The director is authorized to implement and administer the CFC consistent with the policy of this article.

(2) The director may deem an airport rental car company that fails to comply with this section in default, and recommend termination to the city council, of any agreement related to car rental services that the airport rental car company has with the city, regardless of whether the agreement incorporates this section.

(d) Airport rental car company's duties. The airport rental car company shall:

(1) charge and collect from each airport customer the total amount of the CFC due under the airport rental car company contract at the time the final number of transaction days are determined and shall list the CFC separately on the invoice, describing it as a "Customer Facility Charge";

(2) remit the total amount of the CFC along with supporting documentation in a format acceptable to the director by the following deadlines:

(A) for an off-airport rental car company, the CFC shall be remitted directly to the city monthly, and not later than the 15th day of the month following the month in which the CFC was invoiced to

the airport customer;

(B) for an on-airport rental car company, the CFC shall be remitted pursuant to the terms of its concession contract with the city; and

(3) maintain adequate records that account for the CFC charged to its customers and collected for the city, in accordance with generally accepted accounting principles, and make the records available to the city upon request of the director.

(e) Use of CFC. The city may use the CFC to pay costs associated with studying, planning, designing, managing projects, and purchasing and improving property related to the development of a ConRAC and other rental car facilities for airport rental car companies. The CFC may also be used to analyze the operational, physical, and financial feasibility of developing the ConRAC and other rental car facilities for airport rental car companies as well as for leasing property, construction costs, and common use transportation systems.

(f) Expiration. This section expires on July 1, 2020. (Ord. 30842, eff. 7/1/18)

CHAPTER 7**ANIMALS****ARTICLE I.****GENERAL.**

Sec. 7-1.1. Definitions.

ARTICLE II.**ANIMAL SERVICES; CITY ANIMAL SHELTERS.**

Sec. 7-2.1. State law; local rabies control authority designated.
 Sec. 7-2.2. Shelters established.
 Sec. 7-2.3. Policies and procedures.
 Sec. 7-2.4. Quarantine of animals.
 Sec. 7-2.5. Impoundment of animals.
 Sec. 7-2.6. Redemption of impounded animals.
 Sec. 7-2.7. Adoption of animals.
 Sec. 7-2.8. Killing or euthanasia of animals.

ARTICLE III.**CARE AND TREATMENT OF ANIMALS.**

Sec. 7-3.1. Loose animals.
 Sec. 7-3.2. Sanitary conditions; maintenance of premises.
 Sec. 7-3.3. Trapping animals.
 Sec. 7-3.4. Unlawful placement of poisonous substances.
 Sec. 7-3.5. Transporting an animal in an open bed of a motor vehicle.

ARTICLE IV.**SPECIFIC REQUIREMENTS FOR DOGS AND CATS.**

Sec. 7-4.1. Vaccination of dogs and cats.
 Sec. 7-4.2. Microchipping of dogs and cats.

Sec. 7-4.3. Revocation and denial of registration.
 Sec. 7-4.4. Authorized registrars.
 Sec. 7-4.5. Sale of dogs and cats.
 Sec. 7-4.6. Limitation on the number of dogs and cats in dwelling units.
 Sec. 7-4.7. Tethered dogs.
 Sec. 7-4.8. Defecation of dogs on public and private property; failure to carry materials and implements for the removal and disposal of dog excreta.
 Sec. 7-4.9. Confinement requirements for dogs kept outdoors.
 Sec. 7-4.10. Restrictions on unsterilized dogs and cats.
 Sec. 7-4.11. Breeding permit.
 Sec. 7-4.12. Duty to locate owners of loose dogs.
 Sec. 7-4.13. Confinement of dogs or cats in unattended motor vehicles.
 Sec. 7-4.14. Dog bites.

ARTICLE V.**DANGEROUS DOGS.**

Sec. 7-5.1. Definitions.
 Sec. 7-5.2. State law; animal control authority.
 Sec. 7-5.3. Determination as a dangerous dog.
 Sec. 7-5.4. Appeals Appeal of director's dangerous dog determination.
 Sec. 7-5.5. Requirements for ownership of a dangerous dog; noncompliance hearing.
 Sec. 7-5.6. Attacks by dangerous dog; hearing.
 Sec. 7-5.7. Prohibition on owning a dog determined dangerous by another jurisdiction.
 Sec. 7-5.8. Surrender of a dangerous dog.
 Sec. 7-5.9. Dangerous dog owned or harbored by minor.
 Sec. 7-5.10. Defenses.
 Sec. 7-5.11. Dangerous dog registry.

ARTICLE V-a.**AGGRESSIVE DOGS.**

Sec. 7-5.12. Definition.
 Sec. 7-5.13. Determination as an aggressive dog.
 Sec. 7-5.14. Appeals.
 Sec. 7-5.15. Requirements for ownership of an aggressive dog; noncompliance

hearing.

Sec. 7-5.16. Attacks by an aggressive dog.

ARTICLE VI.

PROHIBITED AND REGULATED ANIMALS.

Sec. 7-6.1. Prohibited animals.

Sec. 7-6.2. Regulated animals.

ARTICLE VII.**MISCELLANEOUS.**

- Sec. 7-7.1. Interference with an animal services officer.
- Sec. 7-7.2. Sale of animals from public property.
- Sec. 7-7.3. Keeping of roosters.
- Sec. 7-7.4. Disturbance by animals.
- Sec. 7-7.5. Vaccination of ferrets.
- Sec. 7-7.6. Animals as prizes, promotions, and novelties.

ARTICLE VIII.**VIOLATIONS, PENALTIES, AND ENFORCEMENT.**

- Sec. 7-8.1. Violations; criminal and civil penalties.
- Sec. 7-8.2. Additional enforcement provisions.
- Sec. 7-8.3. Reserved.
- Sec. 7-8.4. Dallas Animal Welfare Fund.

ARTICLE I.**GENERAL.****SEC. 7-1.1. DEFINITIONS.**

In this chapter:

(1) **ADOPTER** means a person who adopts an animal from an animal shelter or an animal adoption agency.

(2) **ADOPTION AGENCY** means an animal welfare organization or animal placement group approved by the director to take impounded dogs and cats from animal services for adoption to the public.

(3) **ANIMAL** means any nonhuman vertebrate.

(4) **ANIMAL SERVICES** means the department so designated by the director for the purpose of animal care and control and enforcement of this chapter.

(5) **ANIMAL SERVICES OFFICER** means an employee of animal services whose duty it is to enforce the provisions of this chapter.

(6) **ANIMAL SHELTER** means a city-owned and operated animal shelter facility established for the impoundment, quarantine, care, adoption, euthanasia, and other disposition of unwanted, loose, diseased, or vicious animals.

(7) **ANIMAL WELFARE ORGANIZATION** means a non-profit organization incorporated under state law and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes.

(8) **AUTHORIZED REGISTRAR** means a person issued written permission by the director to register dogs and cats in compliance with this chapter.

(8.1) BODILY INJURY means physical pain, illness, or any impairment of physical condition.

(9) **CHIEF OF POLICE** means the head of the police department of the city of Dallas or a designated representative.

(10) **COMPETITION CAT** means a pedigreed cat not used for breeding that:

(A) is of a breed recognized by and registered with an approved cat breed registry, such as the American Cat Fanciers Association, the Cat Fanciers' Association, the International Cat Association, or any other cat breed registry approved by the director; and

(B) competes in cat shows or other competition events sponsored by an approved cat breed registry.

(35) SERVICE ANIMAL means:

(A) any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, and assisting non-ambulatory persons by pulling a wheelchair or fetching dropped items; and

(B) any trained animal used by a governmental agency in police and rescue work.

(36) TETHER means restraining an animal or the act of chaining, tying, fastening, or otherwise securing an animal to a fixed point so that it can move or range only within certain limits.

(37) TETHERING DEVICE means a cable, chain, cord, leash, rope, or other means of attaching an animal to a stationary object.

(38) THREE-YEAR RABIES VACCINE means a rabies vaccine labeled and licensed by the U.S. Department of Agriculture as immunizing a dog or cat against rabies for three years. (Ord. Nos. 26024; 27250; 30483; 30687; eff. 2/1/18; **30901**)

ARTICLE II.

ANIMAL SERVICES; CITY ANIMAL SHELTERS.

SEC. 7-2.1. STATE LAW; LOCAL RABIES CONTROL AUTHORITY DESIGNATED.

(a) The provisions of Chapters 823 and 826 of the Texas Health and Safety Code, as amended, are incorporated into this article by reference.

(b) The director is designated as the local rabies control authority for purposes of Chapter 826 of the Texas Health and Safety Code, as amended, and shall perform the duties required of a local rabies control

authority under that chapter and under rules adopted by the Texas Board of Health pursuant to that chapter. (Ord. 26024)

SEC. 7-2.2. SHELTERS ESTABLISHED.

The city council shall select and establish one or more animal shelters in the city for impoundment, quarantine, care, adoption, euthanasia, and other humane disposition of unwanted, stray, diseased, or vicious animals. (Ord. 26024)

SEC. 7-2.3. POLICIES AND PROCEDURES.

The director will develop written policies and procedures for all animal services operations, including standards for city animal shelters; the training of animal services personnel; the care, euthanasia, and disposition of animals in the custody of animal services; the form and maintenance of records relating to impounded animals; and the transfer and adoption of dogs and cats. (Ord. 26024)

SEC. 7-2.4. QUARANTINE OF ANIMALS.

(a) The director is authorized to quarantine an animal as provided in Chapter 826 of the Texas Health and Safety Code, as amended, and the rules adopted by the Texas Board of Health under that chapter.

(b) Any person with knowledge of a likely rabies exposure to a human must report the incident to the director as soon as possible after the incident. This requirement does not apply to contact with low-risk animals as defined in 25 TAC §169.22.

(c) An owner of an animal commits an offense if, upon notification by the director that the animal has bitten, scratched, or likely exposed a person to rabies, the owner fails to either:

(1) surrender the animal immediately to the director for quarantine at a city animal shelter;

(2) immediately deliver the animal to a veterinary clinic approved by the director for quarantine at the owner's expense; or

(3) quarantine the animal on the owner's property in a secure enclosure approved by the director. (Ord. Nos. 26024; 30483)

SEC. 7-2.5. IMPOUNDMENT OF ANIMALS.

~~—(a) The director or the chief of police is authorized to impound any animal:~~

~~—(1) in the city that is loose;~~

~~—(2) for protective custody;~~

~~—(3) required to be quarantined under Section 7-2.4;~~

~~—(4) seized pursuant to a warrant or court order;~~

~~—(5) that is a prohibited animal and kept in the city in violation of Section 7-6.1; and~~

~~—(6) posing a threat to the public health or safety.~~

~~—(b) If an animal is impounded, except pursuant to Subsection (a)(4), the director shall make a reasonable effort to locate the animal's owner by sending notice using contact information from the animal's vaccination tag, microchip, or other identification. Additionally, the director shall call all telephone numbers listed as part of the contact information.~~

~~—(1) A notice delivered pursuant to this subsection is deemed to be received on the earlier of the date it is actually received, or the third day following the date upon which the notice was sent. On the seventh calendar day following receipt of notice, the animal becomes the sole property of the city and is subject to disposition as the director deems appropriate.~~

~~—(2) If the director is unable to locate contact information for the animal's owner from the animal's vaccination tag, microchip, or other identification, the director shall hold the animal at an animal shelter for a period of 72 hours, after which the animal becomes the sole property of the city and subject to disposition as the director deems appropriate.~~

~~—(c) If an animal described in Subsection (a) is on private property, the impounding officer may enter the property for the purpose of impoundment or issuance of a citation, or both.~~

~~—(d) The director is the designated caretaker of a loose, impounded, or surrendered animal immediately upon intake at the animal shelter.~~

~~—(e) No animal impounded at a city animal shelter or in the custody or control of animal services may be knowingly sold, released, or otherwise disposed of for research purposes.~~

(a) The director or the chief of police is authorized to seize and impound any animal:

(1) in the city that is loose;

(2) for protective custody;

(3) required to be quarantined under Section 7-2.4;

(4) seized pursuant to a warrant or court order;

(5) that is a prohibited animal and kept in the city in violation of Section 7-6.1;

(6) posing a threat to the public health or safety; and

(7) displaying signs and symptoms of extreme health concerns.

(b) If an animal is impounded, except pursuant to Subsection (a)(4) and Section 7-2.6(e), the director shall make a reasonable effort to locate the animal's owner by sending notice using contact information from the animal's vaccination tag, microchip, or other identification. Additionally, the director shall call all telephone numbers listed as part of the contact information.

(1) A notice delivered pursuant to this subsection is deemed to be received on the earlier of the date actually received, or the third day following the date upon which the notice was sent. On the second calendar day following receipt of notice, the animal becomes the sole property of the city and is subject to disposition as the director deems appropriate.

(2) If the director is unable to locate contact information for the animal's owner from the animal's vaccination tag, microchip, or other identification, the director shall hold the animal at an animal shelter for a period of 72 hours, after which the animal becomes the sole property of the city and subject to disposition as the director deems appropriate.

(c) If an animal described in Subsection (a) is on private property, the impounding officer may enter the property for the purpose of impoundment or issuance or a citation, or both.

(d) The director is the designated caretaker of a loose, impounded, or surrendered animal immediately upon intake at the animal shelter.

(e) Visitation of a seized animal is prohibited.

(f) No animal impounded at a city animal shelter or in the custody or control of animal services may be knowingly sold, released, or otherwise disposed of for research purposes. (Ord. Nos. 26024; 29403; 30483; 30900)

SEC. 7-2.6. REDEMPTION OF IMPOUNDED ANIMALS.

~~—(a) To redeem an impounded animal from a city animal shelter, the owner of the animal must provide proof of ownership and pay to the director the following fees:~~

~~—(1) a redemption fee of:~~

~~—(A) \$27 for an animal delivered for impoundment to a city animal shelter by a person other than a city employee in the performance of official duties; or~~

~~—(B) \$27 for an animal delivered for impoundment to a city animal shelter by a city employee in the performance of official duties;~~

~~—(2) \$10 for each night the animal is housed~~

~~in a city animal shelter;~~

(a) To redeem an impounded animal from a city animal shelter, the owner of the animal must provide proof of ownership and pay to the director the following fees for services rendered before redemption:

(1) on all animals held at least one full day, a redemption fee of:

(A) \$27 for an animal delivered for impoundment to a city animal shelter by a person other than a city employee in the performance of official duties; or

(B) \$27 for an animal delivered for impoundment to a city animal shelter by a city employee in the performance of official duties;

(2) on all animals held at least one full day, \$10 for each night the animal is housed in a city shelter;

~~_____ (3) \$10 for a rabies vaccination of a dog, cat, or ferret if the owner cannot show either:~~

~~_____ (A) a current certificate of vaccination for the animal; or~~

~~_____ (B) proof that the animal was not vaccinated due to health reasons as verified by a licensed veterinarian;~~

~~_____ (4) the applicable registration fee for a dog or cat under Section 7-4.2, if the owner cannot show proof of current registration;~~

~~_____ (5) \$15 for a microchip implant and initial national registration of a dog or cat, unless:~~

~~_____ (A) the animal was injected with a microchip implant prior to impoundment; or~~

~~_____ (B) a licensed veterinarian certifies that the animal should not be injected with a microchip implant for health reasons; and~~

~~_____ (6) \$60 for the sterilization of a dog or \$60 for the sterilization of a cat, unless:~~

~~_____ (A) the animal was spayed or neutered prior to impoundment;~~

~~_____ (B) the animal is under six months of age;~~

~~_____ (C) a licensed veterinarian certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;~~

~~_____ (D) the animal is being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization;~~

~~_____ (E) the animal is a competition cat or competition dog;~~

~~_____ (F) the animal is a service animal; or~~

~~_____ (G) the owner of the animal has, or obtains at the time of redemption, a valid intact animal permit for the animal under Section 7-4.11 of this chapter.~~

~~_____ (b) The redemption period for an animal impounded in a city animal shelter, other than for quarantine or pursuant to a court order, is:~~

~~_____ (1) three days after the date of impoundment, unless Paragraph (2) or (3) of this subsection applies to the animal;~~

~~_____ (2) 10 days after the date of impoundment if:~~

~~_____ (A) the animal is wearing a legible tag or has a microchip implant identifying its owner; or~~

~~_____ (B) the director has reason to believe the animal has an owner; or~~

~~_____ (3) 10 days after the date of impoundment if the animal is being held for protective custody.~~

~~_____ (c) The redemption period for an animal impounded pursuant to a court order is the time set forth in the court order or, if no provision is made in the court order, five days after the court proceedings are final.~~

~~_____ (d) The redemption period for an animal impounded for quarantine is three days after completion of the quarantine period.~~

~~_____ (e) If an animal is not redeemed within the appropriate time period specified in Subsections (b) through (d), the animal will become the property of the city and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the director.~~

~~_____ (f) An owner of an impounded animal commits an offense if he removes or attempts to remove the animal from a city animal shelter without first paying all applicable fees required in Subsection (a):~~

(3) \$10 for a rabies vaccination of a dog, cat, or ferret if the owner cannot show either:

(A) a current certificate of vaccination for the animal; or

(B) a letter from a licensed veterinarian on office stationery dated prior to impoundment stating that the animal was not vaccinated due to health reasons;

(4) \$15 for a microchip implant and initial national registration of a dog or cat, unless:

(A) the animal was injected with a microchip implant prior to impoundment;

(B) a letter from a licensed veterinarian on office stationery dated prior to impoundment stating that the animal should not be injected with a microchip implant for health reasons; and

(5) \$60 for sterilization of an animal, unless:

(A) the animal was spayed or neutered prior to impoundment;

(B) the animal is under six months of age;

(C) the owner provides a letter from a licensed veterinarian on office stationery dated prior to impoundment certifying that the animal should not be spayed or neutered for health reasons or is permanently non-fertile as confirmed by a health examination within 90 days prior to impoundment.

(b) The redemption period for an animal impounded in a city animal shelter, other than for quarantine or pursuant to a court order, is:

(1) three days after the date of impoundment, unless Paragraph (2) or (3) of this subsection applies to the animal;

(2) five days after the date of impoundment if:

(A) the animal is wearing a legible tag or has a microchip implant identifying its owner with contact information; or

(B) the director has reason to believe the animal has an owner; or

(3) 10 days after the date of impoundment if the animal is being held for protective custody.

(c) The redemption period for an animal impounded pursuant to a court order is the time set

forth in the court order or, if no provision is made in the court order, five days after the court proceedings are final.

(d) Except as provided in Section 7-5.3(c), the redemption period for an animal, with an identified owner, impounded for quarantine is the same day as completion of the quarantine period.

(e) Kitten litters, puppy litters, and mothers nursing litters impounded in the city's animal shelter cannot be redeemed and immediately become the sole property of the city and are subject to disposition as the director deems appropriate.

(f) If an animal is not redeemed within the appropriate time period specified in Subsections (b) through (d), the animal will become the property of the city and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the director.

(g) An owner of an impounded animal commits an offense if he removes or attempts to remove the animal from a city animal shelter without first paying all applicable fees required in Subsection (a). (Ord. Nos. 26024; 27250; 29879; 29986; 30900)

SEC. 7-4.13. CONFINEMENT OF DOGS OR CATS IN UNATTENDED MOTOR VEHICLES.

(a) A person commits an offense if he or she knowingly confines a dog or cat in an unattended motor vehicle for more than five minutes under conditions that, in the opinion of a trained peace officer, animal services officer, or licensed veterinarian, endanger the health of the dog or cat due to extreme temperatures, lack of adequate ventilation, or other circumstances that could reasonably be expected to cause the suffering, disability, or death of the dog or cat and as demonstrated by, but not limited to, the dog or cat's excessive drooling or panting, lethargic behavior, collapse, vomiting, or convulsions.

(b) A peace officer, animal services officer, or licensed veterinarian may, after reasonably attempting to locate the dog or cat's owner, remove the dog or cat from the motor vehicle using any reasonable means, including breaking a window or lock. If professional services are required to remove the cat or dog from the vehicle, the owner is responsible for the cost of professional services. A peace officer, animal services officer, or licensed veterinarian who removes a dog or cat from a motor vehicle in accordance with this section is not liable for any resulting property damage.

(c) This section does not create a cause of action for damages or enforcement of this section. (Ord. 30483)

SEC. 7-4.14. DOG BITES.

(a) A person commits an offense if the person is the owner or keeper of a dog and the person fails to secure the dog and the dog makes an unprovoked bite that causes bodily injury to another person, legally restrained domestic animal, or livestock, that occurs at a location other than the owner's or keeper's real property or in or on the owner's or keeper's motor vehicle or boat.

(b) An offense under this section is a Class C misdemeanor.

(c) It is a defense to prosecution under this section that the person:

(1) is a veterinarian, a veterinary clinic employee, a peace officer, a person employed by the city, or a subdivision of the city, to deal with stray animals and has temporary ownership, custody, or control of the dog in connection to that position; or

(2) is an employee of a law enforcement agency and trains dogs or uses dogs for law enforcement or corrections purposes and is training or using the dog in connection with the person's official capacity. (Ord. 30901)

(B) in response to pain or injury;

(C) in protection of itself or its food, kennel, immediate territory, or nursing offspring; or

(D) in response to an assault or attempted assault on a person. (Ord. Nos. 26024; 27250)

SEC. 7-5.2. STATE LAW; ANIMAL CONTROL AUTHORITY.

(a) The provisions of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, are incorporated into this article, and a violation of any provision of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, is an offense under this article.

(b) The director shall serve as the animal control authority for the city for purposes of administering and enforcing this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended.

(c) Seizure, impoundment, and humane destruction of a dog that has caused death or serious bodily injury to a person is governed by Subchapter A, Chapter 822 of the Texas Health and Safety Code, as amended. (Ord. Nos. 26024; 27250)

SEC. 7-5.3. DETERMINATION AS A DANGEROUS DOG.

~~—(a) Upon receipt of a sworn, written complaint by any person of an incident described in Section 7-5.1(b)(2)(A) or (B) of this article, the director shall investigate to determine if a dog is dangerous.~~

~~—(b) If a dog has caused bodily injury to any person, the director may seize and impound the dog at the owner's expense pending the investigation and a determination of whether the dog is a dangerous dog. If the director cannot, with due diligence, locate the owner of the dog that has been seized under this~~

~~subsection, the director shall impound the dog. If the owner of the dog has not been located before the 15th day after seizure and impoundment, the director may order the dog to be humanely destroyed.~~

~~—(c) At the conclusion of the investigation required by this section, the director shall:~~

~~—(1) determine that the dog is not dangerous and, if the dog is impounded, may waive any impoundment fees incurred and release the dog to its owner;~~

~~—(2) determine that the dog is dangerous and order the owner to comply with the requirements for ownership of a dangerous dog set forth in Section 7-5.5 of this article and in Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, and, if the dog is impounded, release the dog to its owner after compliance with all applicable requirements of Subsection (c) of this section; or~~

~~—(3) determine that the dog is dangerous and order the owner to permanently remove the dog from the city within a designated period of time.~~

~~—(d) If a dog is determined to be dangerous, the director shall notify the dog owner, either in person or by certified mail, return receipt requested:~~

~~—(1) that the dog has been determined to be a dangerous dog;~~

~~—(2) whether the dog must be permanently removed from the city and the date by which the dog must be removed;~~

~~—(3) what the owner must do to comply with requirements for ownership of a dangerous dog that is allowed to remain in the city and to reclaim the dog, if impounded; and~~

~~—(4) that the owner has a right to appeal the determination of dangerousness or any order to remove the dog from the city.~~

In addition to the provisions of Section 822.0421 of the Texas Health and Safety Code, as amended:

(a) At the conclusion of the investigation authorized by Section 822.0421 of the Texas Health and Safety Code, as amended, the director shall:

(1) determine that the dog is not dangerous and, if the dog is impounded, may waive any impoundment fees incurred and release the dog to its owner; or

(2) determine that the dog is dangerous and order the owner to comply with the requirements for ownership of a dangerous dog set forth in Section 7-5.5 of this article and in Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, and, if the dog is impounded, release the dog to its owner after compliance with all applicable requirements of Subsection (c) of this section.

(b) If a dog is determined to be dangerous, the director shall notify the dog owner, either in person or by certified mail, return receipt requested:

(1) that the dog has been determined to be a dangerous dog;

(2) what the owner must do to comply with requirements for ownership of a dangerous dog and to reclaim the dog, if impounded; and

(3) that the owner has the right to appeal the determination of dangerousness.

~~— (e) An impounded dog determined by the director to be dangerous must remain impounded, or confined at a location approved by the director, and may not be released to the owner until the owner pays all fees incurred for impoundment of the dog and:~~

~~— (1) if and while the dog is allowed to remain in the city, complies with all requirements for ownership of a dangerous dog set forth in this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended; or~~

~~— (2) if the dog is ordered permanently removed from the city, provides the director, in writing, with the street address, telephone number, and name of the person in control of the location outside the city where the dog will be relocated or other evidence satisfactory to the director that the dog will be permanently removed from the city.~~

~~— (f) If the owner of an impounded dog has not complied with Subsection (e) within 30 days after a final determination is made that an impounded dog is dangerous, the director may file a complaint in municipal court under Section 7-5.5 of this article.~~

(c) An impounded dog determined by the director to be dangerous must remain impounded, or confined at a location approved by the director, and may not be released to the owner until the owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of a dangerous dog set forth in this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended.

(d) If the owner of an impounded dog has not complied with Subsection (c) within 15 days after a final determination is made that an impounded dog is dangerous, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate. (Ord. Nos. 26024; 27250; 29403; 30901)

~~SEC. 7-5.4. APPEALS.~~

~~— If, under Section 7-5.3 of this article, the director determines that a dog is dangerous or orders a dangerous dog to be permanently removed from the city, that decision is final unless the dog owner files a written appeal with the municipal court within 15 days after receiving notice that the dog has been determined to be dangerous or ordered to be removed from the city. The appeal is limited to a hearing under the substantial evidence rule and is a civil proceeding for the purpose of affirming or reversing the director's determination of dangerousness or affirming, reversing, or modifying the director's removal order. If the municipal court allows a dangerous dog to remain in the city, the court shall order that the dog owner comply with the ownership requirements set forth in Section 7-5.5 of this article and may order additional conditions for maintaining ownership of a dangerous dog.~~

SEC. 7-5.4. APPEAL OF DIRECTOR'S DANGEROUS DOG DETERMINATION.

(a) If, under Section 7-5.3 of this article, the director determines that a dog is dangerous, that decision is final unless the dog owner files a written appeal with the municipal, justice, or county court within 15 days after receiving notice that the dog has been determined to be dangerous. The appeal is a de novo hearing and is a civil proceeding for the purpose of affirming or reversing the director's determination of dangerousness. If the municipal court affirms the director's determination of dangerousness, the court shall order that the dog owner comply with the ownership requirements set forth in Section 7-5.5 of this article.

(b) The dog owner filing an appeal of a municipal court's affirmation of the director's determination shall also file an appeal bond in an amount determined as the estimated costs to board and impound the dog during the appeal process. The bond must be filed with the court if the dog is impounded in the city's animal shelter or another director-approved facility. The bond must be used to cover the cost of daily care of the dog. Should the judge or jury determine the dog is not dangerous, the appeal bond may be returned if the amount has not been assessed as costs of daily care.

(c) In addition to the appeal bond, the dog owner is responsible for any costs beyond feeding, including but not limited to: veterinary care, immunizations, medications, and care for other animals or employees injured by the animal. (Ord. Nos. 26024; 27250; 29403; 30483; 30901)

**SEC. 7-5.5. REQUIREMENTS FOR OWNERSHIP
OF A DANGEROUS DOG;
NONCOMPLIANCE HEARING.**

~~— (a) In addition to complying with the requirements of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, a person shall, not later than the 30th day after learning that he is the owner of a dangerous dog:~~

~~— (1) have an unsterilized dangerous dog spayed or neutered;~~

~~— (2) register the dangerous dog with the director and pay to the director a dangerous dog registration fee of \$50;~~

~~— (3) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;~~

(a) In addition to complying with the requirements of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, a person shall, not later than the 15th day after learning that he is the owner of a dangerous dog:

(1) have an unsterilized dangerous dog spayed or neutered;

(2) register the dangerous dog with the director and pay to the director a dangerous dog registration fee of \$50;

(3) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;

~~— (4) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the director;~~

~~— (5) place and maintain on the dangerous dog a collar or harness with a current dangerous dog registration tag securely attached to it;~~

~~— (6) have the dangerous dog injected with a microchip implant and registered with a national registry for dogs; and~~

~~— (7) post a sign at each entrance to the enclosure in which the dangerous dog is confined stating "BEWARE DANGEROUS DOG."~~

~~— (b) The owner of a dangerous dog shall renew registration of the dangerous dog with the director annually and pay an annual dangerous dog registration fee to the director of \$50;~~

~~— (c) The owner of a dangerous dog who does not comply with Subsection (a) shall deliver the dog to the director not later than the 30th day after learning that the animal is dangerous;~~

~~— (d) The owner of a dangerous dog that has been ordered removed from the city shall relocate the dog to a place outside of the city within the time designated in the order. Within five days after the expiration of the time ordered for the dog's removal, the owner shall provide the director with proof of the removal and relocation, or other disposition, of the dog. Such proof must include the owner's written sworn affidavit stating:~~

~~— (1) that the dog is no longer located in the city; and~~

~~— (2) the name, street address, and telephone number of the person outside of the city in possession~~

~~of the dog or the details of any other disposition of the dog;~~

~~— (e) Upon receipt of a sworn, written complaint by any person that the owner of a previously determined dangerous dog has failed to comply with Subsection (a) of this section or has failed to remove the dog from the city as required by order of the director or the municipal court, the municipal court shall conduct a hearing to determine whether the owner is in compliance with Subsection (a) or with an order of removal, whichever applies. The hearing must be conducted within 30 days after receipt of the complaint, but, if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide, either in person or by mail, written notice of the date, time, and location of the hearing to the dog owner and to the complainant. Any interested person may present evidence at the hearing.~~

~~— (f) At the conclusion of the hearing, the municipal court shall:~~

~~— (1) find that the owner of a dangerous dog is in compliance with Subsection (a) of this section or with an order of removal, whichever applies, and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner; or~~

~~— (2) find that the owner of a dangerous dog is not in compliance with Subsection (a) of this section or with an order of removal, whichever applies, and order the director to seize and impound the dog (if the dog is not already impounded) and to:~~

~~— (A) humanely destroy the dog if the director determines that the owner has not complied with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later, or release the dog to the owner~~

(4) when taken outside the enclosure, securely muzzle the dangerous dog in a manner that will not cause injury to the dog nor interfere with its vision or respiration. The muzzle must prevent the dangerous dog from biting any person or animal;

(5) obtain liability insurance coverage or

show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the director;

(6) place and maintain on the dangerous dog a collar or harness with a current dangerous dog registration tag securely attached to it;

(7) have the dangerous dog injected with a microchip implant and registered with a national registry for dogs; and

(8) post a legible sign at each entrance to the enclosure in which the dangerous dog is confined stating "BEWARE DANGEROUS DOG." The aforementioned sign must be purchased from Dallas Animal Services.

(b) The owner of a dangerous dog shall renew registration of the dangerous dog with the director annually and pay an annual dangerous dog registration fee to the director of \$50.

(c) The owner of a dangerous dog who does not comply with Subsection (a) shall deliver the dog to the director not later than the 15th day after learning that the animal is dangerous.

(d) Upon receipt of a sworn, written complaint by any person that the owner of a previously determined dangerous dog has failed to comply with Subsection (a) of this section, the municipal court shall conduct a hearing to determine whether the owner is in compliance with Subsection (a). The hearing must be conducted within 30 days after receipt of the complaint, but, if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide by mail, written notice of the date, time, and location of the hearing to the dog owner and to the complainant. Any interested party may present evidence at the hearing.

(e) At the conclusion of the hearing, the municipal court shall:

(1) find that the owner of a dangerous dog is in compliance with Subsection (a) of this section and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner; or

(2) find that the owner of a dangerous dog

is not in compliance with Subsection (a) of this section and order the director to seize and impound the dog (if the dog is not already impounded) and to:

if the director determines that the owner has complied with Subsection (a) before the 11th day;

~~_____ (B) release the dog to the owner if the director determines that the owner will permanently remove the dog from the city before the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later, and reseize, impound, and humanely destroy the dog if the owner has not permanently removed the dog from the city by the 11th day; or~~

~~_____ (C) humanely destroy the dog if:~~

~~_____ (i) the director determines that the owner will not comply with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later;~~

~~_____ (ii) the director determines that the owner will not permanently remove the dog from the city before the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later; or~~

~~_____ (iii) the owner of the dog cannot be located before the 15th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later.~~

~~_____ (g) The owner of the dangerous dog is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the dog will be released to the owner.~~

(A) humanely destroy the dog if the director determines that the owner has not complied with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later, or release the dog to the owner if the director determines that the owner has complied with Subsection (a) before the 11th day;

(B) humanely destroy the dog if:

(i) the director determines that the owner has not complied with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog

is seized and impounded, whichever occurs later;

(ii) the owner of the dog cannot be located before the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later; or

(iii) the dog was previously determined dangerous was at large.

(f) Prior to transferring ownership, either inside or outside the city limits, the owner shall notify the director in writing of his intention. In addition to written notification if ownership of the dangerous dog is being transferred to a person who resides within the city limits, the new owner must provide proof to the director of complying with Subsection (a) before the dangerous dog can be moved from the previous owner's custody. A person commits an offense if he transfers ownership without complying with the requirements of this subsection.

(g) The owner of the dangerous dog is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the dog will be released to the owner. (Ord. Nos. 26024; 27250; 30901)

SEC. 7-5.6. ATTACKS BY DANGEROUS DOG; HEARING.

(a) If a previously determined dangerous dog commits an act described in Section 7-5.1(b)(2)(A) or (B)

of this article, the director may seize and impound the dangerous dog at the owner's expense pending a hearing before the municipal court in accordance with this section.

~~—(b) Upon receipt of a sworn, written complaint by any person of an incident described in Section 7-5.1(b)(2)(A) or (B) of this article, the municipal court shall conduct a hearing to determine whether a dangerous dog committed an act described in Section 7-5.1(b)(2)(A) or (B) of this article. The hearing must be conducted within 30 days after receipt of the complaint, but, if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide, either in person or by mail, written notice of the date, time, and location of the hearing to the dog owner and the complainant. Any interested person may present evidence at the hearing.~~

(b) Upon receipt of a sworn, written complaint by any person of an incident described in Section 7-5.1(b)(2)(A) or (B) of this article, the owner of a dangerous dog, in accordance with Section 822.0422 of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, shall deliver the dog to the director not later than the fifth day after the date on which the owner receives notice that a complaint has been filed. Additionally, the municipal court shall conduct a hearing to determine whether a dangerous dog committed an act described in Section 7-5.1(b)(2)(A) or (B) of this article. The hearing must be conducted within 30 days after receipt of the complaint, but, if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide, either in person or by mail, written notice of the date, time, and location of the hearing to the dog owner and the complainant. Any interested person may present evidence at the hearing.

~~—(c) At the conclusion of the hearing, the municipal court shall:~~

~~—(1) find that the dangerous dog did not commit an act described in Section 7-5.1(b)(2)(A) or (B) of this article, and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner;~~

~~—(2) find that the dangerous dog did commit an act described in Section 7-5.1(b)(2)(A) or (B) of this article, and order the director to seize and impound the dog (if the dog is not already impounded) and to:~~

~~—(A) humanely destroy the dog;~~

~~—(B) humanely destroy the dog if the director determines that the owner has not complied with Section 7-5.5(a) within a period of time designated by the court, or release the dog to the owner if the director determines that the owner has complied with Section 7-5.5(a) within the designated period of time;~~

(c) At the conclusion of the hearing, the municipal court shall:

(1) find that the dangerous dog did not commit an act described in Section 7-5.1(b)(2)(A) or (B) of this article, and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner;

(2) find that the dangerous dog did commit an act described in Section 7-5.1(b)(2)(A) or (B) of this article, and order the director to seize and impound the dog (if the dog is not already impounded) and to:

(A) humanely destroy the dog;

(B) humanely destroy the dog if the director determines that the owner has not complied with Section 7-5.5(a) within a period of time designated by the court, or release the dog to the owner if the director determines that the owner has complied with Section 7-5.5(a) within the designated period of time;

(C) or humanely destroy the dog if the owner of the dog has not been located before the 11th day after the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later.

~~_____ (C) release the dog to the owner if the director determines that the owner will permanently remove the dog from the city within a period of time designated by the court and rescize, impound, and humanely destroy the dog if the owner has not permanently removed the dog from the city within the designated period of time; or~~

~~_____ (D) humanely destroy the dog if the owner of the dog has not been located before the 15th day after the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later.~~

~~_____ (d) The owner of a dangerous dog is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the dog will be released to the owner. (Ord. Nos. 27250; 30901)~~

SEC. 7-5.7. PROHIBITION ON OWNING A DOG DETERMINED DANGEROUS BY ANOTHER JURISDICTION.

(a) A person commits an offense if he owns a dog in the city that has been determined to be a dangerous dog by any other jurisdiction.

(b) It is a defense to prosecution under Subsection (a) that the person owned the dog in the city on June 25, 2008. (Ord. 27250)

SEC. 7-5.8. SURRENDER OF A DANGEROUS DOG.

A person who owns a dog that has been ordered to be seized or impounded under this article commits an offense if the person does not surrender the dog to the director within the time period ordered by the director or the municipal court, whichever applies. (Ord. 27250)

SEC. 7-5.9. DANGEROUS DOG OWNED OR HARBORED BY MINOR.

If the owner of a dangerous dog is a minor, the parent or guardian of the minor is liable for all injuries sustained by any person or another animal in an unprovoked attack by the dog. (Ord. Nos. 26024; 27250)

SEC. 7-5.10. DEFENSES.

Any defense to prosecution under Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, is a defense to prosecution for a violation under this article. (Ord. Nos. 26024; 27250)

SEC. 7-5.11. DANGEROUS DOG REGISTRY.

The director shall publish a list including identifying information on all dogs determined dangerous in the city. The list must include the dangerous dog's address, description, pictures, microchip number, the owner's name, and any other pertinent information. This list must be publicly available at the Dallas Animal Services Facility and on the animal services website. (Ord. 30901)

ARTICLE V-a.

AGGRESSIVE DOGS.

SEC. 7-5.12. DEFINITION.

In this article, AGGRESSIVE DOG means a dog that on at least one occasion, while not legally restrained, killed or injured a legally restrained domestic animal or livestock. (Ord. 30901)

SEC. 7-5.13. DETERMINATION AS AN AGGRESSIVE DOG.

(a) Upon notification of an incident described in Section 7-5.12 of this article, the director shall investigate to determine if a dog is aggressive. The determination must be based upon an investigation

that includes observation and testimony about the dog's actions at the date of the incident, including the owner's or keeper's control of the dog, and any other relevant evidence determined by the director. Observations and testimony can be provided by the animal services officer or by other witnesses who personally observed the dog's actions on the date of the incident. Animal service officers or other witnesses shall sign an affidavit attesting to the observed actions on the date of the incident or other evidence collected and detailed in a report by an animal services officer and agree to provide testimony regarding the dog's actions on the date of the incident if necessary.

(b) Notwithstanding Subsection (a), the director shall have discretionary authority to refrain from determining a dog is an aggressive dog, even if the dog engaged in acts specified in Section 7-5.12.

(c) The director may seize and impound the dog at the owner's expense pending the investigation and determination of whether the dog is an aggressive dog. The director shall impound the dog, if the director cannot, with due diligence locate the owner of the dog that has been seized under this subsection. If the owner of the dog has not been located before the 15th day after seizure and impoundment, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate.

(d) At the conclusion of the investigation required by this section, the director shall:

(1) determine that the dog is not aggressive and, if the dog is impounded, may waive any impoundment fees incurred and release the dog to its owner;

(2) determine that the dog is aggressive and order the owner to comply with the requirements for ownership of an aggressive dog set forth in Section 7-5.15 of this article and, if the dog is impounded, release the dog to its owner after compliance with all applicable requirements of Subsection (e) of this section.

(3) If a dog is determined to be an aggressive dog, the director shall notify the dog owner in person or by certified mail, return receipt requested:

(i) that the dog has been determined to be an aggressive dog;

(ii) what the owner must do to comply

with requirements for ownership of an aggressive dog and to reclaim the dog, if impounded; and

(iii) that the owner has the right to appeal the determination of aggressiveness.

(e) An impounded dog determined by the director to be aggressive must remain impounded, or confined at a location approved by the director, and may not be released to the owner until the owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of an aggressive dog set forth in this article.

(f) If the owner of an impounded dog has not complied with Subsection (e) within 15 days after a final determination is made that an impounded dog is aggressive, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate. (Ord. 30901)

SEC. 7-5.14. APPEALS.

If, under Section 7-5.13 of this article, the director determines that a dog is aggressive, that decision is final unless the dog owner files a written appeal with the municipal court within 10 days after receiving notice that the dog has been determined to be aggressive. The appeal is a de novo hearing and is a civil proceeding for the purpose of affirming or reversing the director's determination of aggressiveness. If the municipal court affirms the director's determination of aggressiveness, the court shall order that the dog owner comply with the ownership requirements set forth in Section 7-5.15 of this article. If the municipal court reverses the director's determination of aggressiveness and, if the dog is impounded, the court may waive any impoundment fees incurred and release the dog to its owner. (Ord. 30901)

SEC. 7-5.15. REQUIREMENTS FOR OWNERSHIP OF AN AGGRESSIVE DOG; NONCOMPLIANCE HEARING.

(a) A person shall, not later than the 15th day after learning that he is the owner of an aggressive dog:

(1) have an unsterilized aggressive dog spayed or neutered;

(2) register the aggressive dog with the director and pay to the director an aggressive dog registration fee of \$50;

(3) restrain the aggressive dog at all times on a leash in the immediate control of a person or in a secure enclosure;

(4) when taken outside the enclosure, securely muzzle the dog in a manner that will not cause injury to the dog nor interfere with its vision or respiration. The muzzle must prevent the dangerous dog from biting any person or animal;

(5) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the aggressive dog causing bodily injury to a person or another animal and provide proof of the required liability insurance coverage or financial responsibility to the director;

(6) place and maintain on the aggressive dog a collar or harness with a current aggressive dog registration tag securely attached to it;

(7) have the aggressive dog injected with a microchip implant and registered with a national registry for dogs;

(8) post a legible sign at each entrance to the enclosure in which the aggressive dog is confined stating "BEWARE AGGRESSIVE DOG." The aforementioned sign must be purchased from Dallas Animal Services.

(b) The owner of the aggressive dog shall renew the registration of the aggressive dog with the director annually and pay an annual aggressive dog registration fee of \$50.

(c) The owner of an aggressive dog who does not comply with Subsection (a) shall deliver the dog to the director not later than the 30th day after learning that the animal is aggressive. (Ord. 30901)

SEC. 7-5.16. ATTACKS BY AN AGGRESSIVE DOG.

(a) If a previously determined aggressive dog commits an act described in Section 7-5.12 of this article, the director may seize and impound the aggressive dog at the owner's expense pending a

hearing before the municipal court in accordance with this section.

(b) Upon receipt of a sworn, written complaint by any person, including the director, of an incident described in Section 7-5.12 of this article, the municipal court shall conduct a hearing to determine whether an aggressive dog committed an act described in Section 7-5.12 of this article. The hearing must be conducted within 30 days after receipt of the complaint, but if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide, by mail, written notice of the date, time, and location of the hearing to the owner of the aggressive dog and the complainant. Any interested party may present evidence at the hearing.

(c) At the conclusion of the investigation, the director shall:

(1) find that the aggressive dog did not commit an act described in Section 7-5.12 of this article, and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner;

(2) find that the aggressive dog did commit an act described in Section 7-5.12 of this article, and order the director to seize and impound the dog, if the dog is not already impounded, and the aggressive dog will become the sole property of the city and is subject to disposition as the director deems appropriate.

(d) The owner of an aggressive dog is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the dog will be released to the owner. (Ord. 30901)

ARTICLE VI.

PROHIBITED AND REGULATED ANIMALS.

SEC. 7-6.1. PROHIBITED ANIMALS.

(a) A person commits an offense if he:

(1) owns a prohibited animal for any purpose in the city; or

(2) sells, exchanges, gives away, or transfers

sell, exchange, raffle, auction, or give away any live animal as:

- (1) a prize;
- (2) an inducement to enter a place of amusement or a business establishment; or
- (3) an inducement to participate in a charitable fund-raising event. (Ord. 27250)

ARTICLE VIII.

VIOLATIONS, PENALTIES, AND ENFORCEMENT.

SEC. 7-8.1. VIOLATIONS; CRIMINAL AND CIVIL PENALTIES.

(a) A person who violates a provision of this chapter, or who fails to perform an act required of him by this chapter, commits an offense.

(b) A person violating a provision of this chapter commits a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(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) Unless specifically provided otherwise in this chapter, an offense under this chapter is punishable by a fine not to exceed:

- (1) \$2,000 if the provision violated governs public health or sanitation;
- (2) the amount fixed by state law if the violation is one for which the state has fixed a fine; or

- (3) \$500 for all other offenses.

~~—(e) Unless specifically provided otherwise in this chapter or by state law, an offense under this chapter is punishable by a fine of not less than:~~

~~—(1) \$50 for a first conviction of a violation of Section 7-2.6(f), 7-2.7(d), 7-3.1, 7-4.2(a), 7-4.5, 7-4.6, 7-4.8, 7-7.2, or 7-7.4(a);~~

~~—(2) \$100 for a first conviction of a violation of Section 7-3.3, 7-4.1(a), 7-4.7, 7-4.10, 7-7.3, or 7-7.5(a); and~~

~~—(3) \$150 for a first conviction of a violation of Section 7-2.4(b), 7-3.2, 7-4.3(e), 7-4.11, 7-6.1, 7-6.2, or 7-7.1.~~

(e) Unless specifically provided otherwise in this chapter or by state law, an offense under this chapter is punishable by a fine of not less than:

(1) \$50 for a first conviction of a violation of Section 7-2.6(f), 7-2.7(d), 7-3.1, 7-4.2(a), 7-4.5, 7-4.6, 7-4.8, 7-7.2, or 7-7.4(a);

(2) \$100 for a first conviction of a violation of Section 7-3.3, 7-4.1(a), 7-4.7, 7-4.10, 7-7.3, or 7-7.5(a); and

(3) \$150 for a first conviction of a violation of Section 7-2.4(b), 7-3.2, 7-4.3(e), 7-4.11, 7-4.14, 7-6.1, 7-6.2, or 7-7.1.

(f) The minimum fines established in Subsection (e) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (d).

(g) Prosecution for an offense under Subsection (a) does not prevent the use of civil enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.

(h) In addition to imposing a criminal penalty, the city may, in accordance with Section 54.012(5) and (10) of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not

may, as authorized by Section 54.044 of the Texas Local Government Code, impose administrative penalties, fees, and court costs in accordance with Article IV-b of Chapter 27 of this code for an offense under this chapter. The alternative administrative penalty range for an offense is the same as is prescribed in Subsections (d) and (e). The provisions of Article IV-b of Chapter 27 of this code pertaining to financial inability to comply with an administrative order do not apply to violations of this chapter. (Ord. Nos. 26024; 27250; 29403; 30901)

SEC. 7-8.2. ADDITIONAL ENFORCEMENT PROVISIONS.

(a) In addition to imposing a monetary penalty against a person convicted of an offense under this chapter, a court may do one or more of the following:

- (1) require the person, at the person's expense, to attend a responsible pet ownership program approved by the director;
- (2) revoke any permit issued to the person under this chapter;
- (3) require the person to have any animal owned by the person spayed or neutered within a time period specified by the court; or
- (4) impose any other conditions or restrictions that would reasonably abate the violation for which the person was convicted.

~~—(b) Upon a person's third conviction of violating Section 7-3.1, 7-4.1, 7-4.2, 7-4.7, 7-4.10 or 7-4.11 of this chapter, a court may do one or more of the following:~~

~~—(1) order the impoundment of any animal owned by the person, forfeit the person's ownership of the animal, and award sole possession of the animal to the city; or~~

~~—(2) suspend the person's right to own an animal in the city for a period of time as specified by the court.~~

(b) Upon a person's third conviction of violating Section 7-3.1, 7-4.1, 7-4.2, 7-4.7, 7-4.10, 7-4.11, or 7-4.14 of this chapter, a court may do one or more of the following:

(1) order the impoundment of any animal owned by the person, forfeit the person's ownership of the animal, and award sole possession of the animal to the city; or

(2) suspend the person's right to own an animal in the city for a period of time as specified by the court. (Ord. Nos. 26024; 30483; 30901)

SEC. 7-8.3. RESERVED.

(Repealed by Ord. 30483)

SEC. 7-8.4. DALLAS ANIMAL WELFARE FUND.

(a) The Dallas Animal Welfare Fund is composed of:

(1) All Dallas Animal Welfare Fund administrative penalties collected under Sections 27-16.16(b), 27-16.18(g), and 27-16.21(b) of Chapter 27 of this code;

(2) 30 percent of all civil fines collected by the city for lawsuits filed in the municipal court under Subchapter B, Chapter 54 of the Texas Local Government Code; and

(3) Any funds donated by an individual or entity, any of which may be refused by a majority vote of the city council.

(b) The director shall adopt rules and procedures consistent with this article for the administration of the Dallas Animal Welfare Fund.

(c) To be eligible to receive funds from the Dallas Animal Welfare Fund, a person must:

- (1) establish to the satisfaction of the

CHAPTER 15B

EQUAL EMPLOYMENT OPPORTUNITY
CONTRACT COMPLIANCE

- Sec. 15B-1. Definitions.
- Sec. 15B-2. Contract compliance enforcement.
- Sec. 15B-3. Equal employment opportunity clause.
- Sec. 15B-4. Notice to bidders.
- Sec. 15B-5. Contract disposition.
- Sec. 15B-6. Recommendation and hearing before city council.
- Sec. 15B-7. Cancellation provisions.

SEC. 15B-1. DEFINITIONS.

In this chapter:

~~———— (1) AFFIRMATIVE ACTION means the positive steps taken to ensure compliance with the equal employment opportunity clause described in Section 15B-3 of this chapter.~~

~~———— (2) BIDDER means any person, partnership, corporation, association, or joint venture seeking to be awarded a contract.~~

~~———— (3) CITY MANAGER means the city manager of the city of Dallas or the city manager's designated representative.~~

~~———— (4) CONSTRUCTION CONTRACT means any public contract for the construction, rehabilitation, alteration, conversion, extension, or repair of city facilities.~~

~~———— (5) CONTRACTOR means any person, partnership, corporation, association, or joint venture that has been awarded a contract by the city.~~

~~———— (6) DISCRIMINATE, DISCRIMINATES, OR DISCRIMINATION means to distinguish, differentiate,~~

~~separate, or segregate solely on the basis of race, age, color, religion, sex, sexual orientation, or national origin.~~

~~———— (7) SEXUAL ORIENTATION means an individual's real or perceived orientation as heterosexual, homosexual, or bisexual or an individual's real or perceived gender identity.~~

(1) AFFIRMATIVE ACTION means the positive steps taken to ensure compliance with the equal employment opportunity clause described in Section 15B-3 of this chapter.

(2) BIDDER means any person, partnership, corporation, association, or joint venture seeking to be awarded a contract.

(3) CITY MANAGER means the city manager of the city of Dallas or the city manager's designated representative.

(4) CONSTRUCTION CONTRACT means any public contract for the construction, rehabilitation, alteration, conversion, extension, or repair of city facilities.

(5) CONTRACTOR means any person, partnership, corporation, association, or joint venture that has been awarded a contract by the city.

(6) DISCRIMINATE, DISCRIMINATES, OR DISCRIMINATION means to distinguish, differentiate, separate, or segregate solely on the basis of race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions or affiliations.

(7) SEXUAL ORIENTATION has the meaning assigned to it in Chapter 34 of the Dallas City Code, as amended. (Ord. Nos. 14486; 20989; 24927; 30828)

SEC. 15B-2. CONTRACT COMPLIANCE
ENFORCEMENT.

The city manager shall be responsible for the administration and enforcement of this chapter. (Ord. Nos. 14486; 20989)

**SEC. 15B-3. EQUAL EMPLOYMENT
OPPORTUNITY CLAUSE.**

All construction contracts entered into by the city involving the expenditure of more than \$10,000 of city funds and all competitively bid contracts for the procurement of goods and services involving an expenditure of more than \$50,000 of city funds must incorporate an equal employment opportunity clause, which reads as follows:

~~————— (1) The contractor shall not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, sexual orientation, or national origin. The contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, age, color, religion, sex, sexual orientation, or national origin. This action shall include, but not be limited to, the following:~~

~~————— (A) employment, upgrading, demotion, or transfer;~~

~~_____ (B) recruitment or recruitment advertising;~~

~~_____ (C) layoff or termination;~~

~~_____ (D) rates of pay or other forms of compensation; and~~

~~_____ (E) selection for training, including apprenticeship.~~

(1) The contractor shall not discriminate against any employee or applicant for employment because of race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions or affiliations. The contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, age, color, religion, sex, sexual orientation, or national origin. This action shall include, but not be limited to, the following:

(A) employment, upgrading, demotion, or transfer;

(B) recruitment or recruitment advertising;

(C) layoff or termination;

(D) rates of pay or other forms of compensation; and

(E) selection for training, including apprenticeship.

(2) The contractor agrees to post in conspicuous places, available to employees and applicants, notices to be provided by the city setting forth the provisions of the nondiscrimination clause described in Subsection (1) of this section.

(3) The contractor shall in all solicitations or advertisements for employees placed by or on behalf of the contractor state that every qualified applicant will receive consideration for employment without regard to race, age, color, religion, sex, sexual orientation, or national origin.

(4) The contractor shall furnish all

information and reports required by the city manager and shall permit the city manager to investigate the contractor's payrolls and personnel records that pertain to current contracts with the city for purposes of ascertaining compliance with this equal employment opportunity clause.

(5) The contractor shall file compliance reports with the city as may be required by the city manager. Compliance reports must:

(A) be filed within the required time period;

(B) contain information as to the employment practices, policies, programs, and statistics of the contractor; and

(C) be in the form that the city manager prescribes.

(6) If the contractor fails to comply with this equal employment opportunity clause, it is agreed that the city, at its option, may do either or both of the following:

(A) Cancel, terminate, or suspend the contract in whole or in part.

(B) Declare the contractor ineligible for further city contracts until the contractor is determined to be in compliance.

(7) Nothing in the equal opportunity clause requires that employee benefits be provided to an employee for the benefit of the employee's domestic partner. (Ord. Nos. 14486; 20989; 24927; 30828)

SEC. 15B-4. NOTICE TO BIDDERS.

All notices to prospective bidders published on behalf of the city must include as a part of the contract specifications that each bidder will be required to comply with Chapter 15B, "Equal Employment Opportunity Contract Compliance," of the Dallas City Code, as amended. (Ord. Nos. 14486; 20989)

SEC. 15B-5. CONTRACT DISPOSITION.

(a) If a contractor fails to cooperate in reaching a mutually satisfactory solution to any equal employment problem or to implement a contract compliance agreement previously made, the city manager shall review the case to determine whether:

(1) further efforts or alternative approaches are desirable; or

(2) either of the penalties set forth in Section 15B-3(6) is appropriate to the case.

CHAPTER 18**MUNICIPAL SOLID WASTES****ARTICLE I.****COLLECTION AND DISPOSAL.**

- Sec. 18-1. Scope of chapter.
- Sec. 18-2. Definitions.
- Sec. 18-3. Regulating containers for municipal solid waste materials.
- Sec. 18-4. Regulating the collection of solid waste materials from residences and duplexes.
- Sec. 18-5. Regulating the collection and removal of solid waste materials from apartments, institutions, commercial establishments, and mobile home parks.
- Sec. 18-5.1. Collection and removal of recyclable materials from multifamily sites.**
- Sec. 18-6. Regulating the collection and removal of solid waste from the downtown area.
- Sec. 18-7. Regulating the collection and removal of dead animals.
- Sec. 18-8. Solid waste materials not handled by city sanitation services.
- Sec. 18-9. Specifying charges for sanitation service.
- Sec. 18-10. Regulating the processing and disposal of solid waste materials.
- Sec. 18-11. Specifying charges for disposal of solid waste materials.
- Sec. 18-12. Regulating the collection and removal of illegally dumped solid waste materials on private premises.
- Sec. 18-12.1. Penalties for violation.

ARTICLE II.**WEEDS, GRASS, AND VEGETATION.**

- Sec. 18-13. Growth to certain height prohibited; offenses.
- Sec. 18-14. Duty to prevent weeds, grass, or vegetation from becoming a nuisance or fire hazard.
- Sec. 18-14.1. Vegetation in alley, street, or sidewalk.
- Sec. 18-15. Enforcement.
- Sec. 18-16. Penalties for violation.
- Sec. 18-17. City removal of weeds and vegetation upon failure of owner, occupant, or person in control to do so; notice required.
- Sec. 18-18. Charges to be collected from the property owner; lien on premises for failure to pay charges.

ARTICLE III.**JUNKED VEHICLES.**

- Sec. 18-19. Definitions.
- Sec. 18-20. Deemed public nuisance; declared unlawful.
- Sec. 18-21. Exceptions.
- Sec. 18-22. Notice to abate nuisance.
- Sec. 18-23. Motor vehicle description.
- Sec. 18-24. Trial in municipal court—Preliminaries.
- Sec. 18-25. Findings of judge; penalty.
- Sec. 18-26. Removal with permission of owner.
- Sec. 18-27. Removal from public property or occupied or unoccupied premises by court order.
- Sec. 18-28. Notice to Texas department of highways and public transportation.
- Sec. 18-28.1. Penalties for violation.

ARTICLE IV.**PRIVATE SOLID WASTE
COLLECTION SERVICE.****Division 1. In General.**

- Sec. 18-29. Definitions.
 Sec. 18-30. Authority of director.
 Sec. 18-31. Defenses.

Division 2. Solid Waste Collection Franchises.

- Sec. 18-32. Franchise and decal required.
 Sec. 18-33. Franchise application.
 Sec. 18-34. Franchise grant.
 Sec. 18-35. Franchise fees.
 Sec. 18-36. Issuance and display of vehicle decal;
 proof of franchise to be shown upon
 request.
 Sec. 18-37. Suspension or revocation of franchise;
 assessment of civil penalties.
 Sec. 18-38. Amendments to and transfer of a
 franchise.
 Sec. 18-39. Expiration and renewal of franchise;
 voidance of authority to operate
 vehicles.
 Sec. 18-40. Franchisee's records and reports.
 Sec. 18-41. Annual report.
 Sec. 18-42. Failure to pay ad valorem taxes.
 Sec. 18-43. Notification of change of address or
 ownership.
 Sec. 18-44. Vehicle inspection.

**Division 3. Miscellaneous Requirements relating to
Solid Waste Collection, Disposal, and Vehicles.**

- Sec. 18-45. Requirements for solid waste
 collection vehicles.
 Sec. 18-46. Responsibility of producer of dry or
 wet solid waste.
 Sec. 18-47. Hazardous waste material.
 Sec. 18-48. Restrictions on removal of solid waste.

- Sec. 18-49. Restrictions on disposal of waste.
 Sec. 18-50. Accumulations and deposit of waste
 prohibited.

Division 4. Violations and Penalties.

- Sec. 18-51. Penalties for violations.
~~Secs. 18-52~~
~~thru 18-54. Reserved.~~

ARTICLE IV-a.**MULTIFAMILY SITE RECYCLING COLLECTION
AND REMOVAL SERVICES.**

- Sec. 18-52. Director of sanitation's authority.
 Sec. 18-53. Multifamily site recycling collection
 service.
 Sec. 18-54. Inspections, suspensions, revocations,
 and penalties.

ARTICLE V.**TIRES.**

- Sec. 18-55. Definitions.
 Sec. 18-56. Tire business license and mobile tire
 repair unit permit required;
 application; transferability.
 Sec. 18-57. License and permit fees.
 Sec. 18-58. Issuance, denial, and display of a
 license or permit.
 Sec. 18-59. Revocation of a license.
 Sec. 18-60. Appeals.
 Sec. 18-61. Expiration and renewal of license;
 voidance of authority to operate a
 mobile tire repair unit.
 Sec. 18-62. Transporting scrap tires.
 Sec. 18-63. Impoundment of vehicles.
 Sec. 18-64. Unauthorized disposal of tires.
 Sec. 18-65. Exemptions.
 Sec. 18-66. Penalty.

ARTICLE I.**COLLECTION AND DISPOSAL.****SEC. 18-1. SCOPE OF CHAPTER.**

SEC. 18-2. DEFINITIONS.

For the purpose of this chapter, the following words and phrases have the meanings respectively ascribed to them by this section:

(1) ~~ALLEY.~~ Any public way, generally of less width than a street, used for public utility purposes and right-of-way and as an alternate secondary or emergency route for vehicular and pedestrian traffic, generally situated at the rear of or alongside a tier of lots.

(2) ~~APARTMENT.~~ Apartment as defined by the building code.

(3) ~~APARTMENT HOUSE.~~ Apartment house as defined by the building code.

(4) ~~BRUSH.~~ Cuttings or trimmings, individual pieces not exceeding six inches in diameter, from trees, shrubs, or lawns and similar materials, further categorized as:

(A) ~~OVERSIZE BRUSH.~~ Brush of lengths exceeding five feet.

(B) ~~SIZED BRUSH.~~ Brush of lengths not exceeding five feet.

(C) ~~BUNDLED BRUSH.~~ Sized brush tied in bundles, not exceeding 50 pounds in weight.

(D) ~~CONTAINERIZED BRUSH.~~ Sized brush in containers not exceeding a combined weight of 50 pounds.

(5) ~~BUILDING.~~ A structure used or intended for supporting or sheltering any use or occupancy.

(6) ~~BUILDING CODE.~~ The Dallas Building Code, as amended.

(7) ~~CITY.~~ The city of Dallas, Texas.

(8) ~~CODE.~~ The Dallas City Code, as amended.

(9) ~~COMMERCIAL ESTABLISHMENT.~~ Any structure intended or used for the purpose of conducting a commercial business enterprise.

(10) ~~CONTAINER.~~ A receptacle for the deposit of solid waste, including garbage and recyclable materials (meeting the requirements of Section 18-3 for containers).

(11) ~~DESIGNATED ALLEY.~~ An alley that is not paved to city standard with concrete or asphalt, that has a right-of-way less than 12 feet in width, that deadends, that serves a dual use as a lined drainage channel, or that involves other unusual conditions and which has been designated by the director of sanitation.

(12) ~~Reserved.~~

(13) ~~DIRECTOR OF SANITATION.~~ The head of the department of sanitation services of the city or any authorized representative.

(14) ~~DOWNTOWN AREA.~~ The area within the Dallas city limits bounded by the west line of Houston Street, the south line of all properties on the south side of Young Street, the east line of Pearl Street, and the south line of Gaston-Pacific extension.

(15) ~~DRIVE-IN SERVICE.~~ Service involving city sanitation service employees driving in on private property to collect garbage or recyclable materials.

(16) ~~DRY SOLID WASTE.~~ Trash (or rubbish), as defined in this section.

(17) ~~DUPLEX.~~ A structure intended for the use and occupancy as two family dwelling units.

For the purpose of this chapter, the following words and phrases have the meanings respectively ascribed to them by this section:

(1) **ALLEY.** Any public way, generally of less width than a street, used for public utility purposes and right-of-way and as an alternate

secondary or emergency route for vehicular and pedestrian traffic, generally situated at the rear of or alongside a tier of lots.

(2) **APARTMENT HOUSE.** Apartment house as defined by the building code.

(3) **BRUSH.** Cuttings or trimmings, individual pieces not exceeding six inches in diameter, from trees, shrubs, or lawns and similar materials, further categorized as:

(A) **OVERSIZE BRUSH.** Brush of lengths exceeding five feet.

(B) **SIZED BRUSH.** Brush of lengths not exceeding five feet.

(C) **BUNDLED BRUSH.** Sized brush tied in bundles, not exceeding 50 pounds in weight.

(D) **CONTAINERIZED BRUSH.** Sized brush in containers not exceeding a combined weight of 50 pounds.

(4) **BUILDING.** A structure used or intended for supporting or sheltering any use or occupancy.

(5) **BUILDING CODE.** The Dallas Building Code, as amended.

(6) **CITY.** The city of Dallas, Texas.

(7) **CODE.** The Dallas City Code, as amended.

(8) **COMMERCIAL ESTABLISHMENT.** Any structure intended or used for the purpose of conducting a commercial business enterprise.

(9) **CONTAINER.** A receptacle for the deposit of solid waste, including garbage and recyclable materials (meeting the requirements of Section 18-3 for containers).

(10) **DESIGNATED ALLEY.** An alley that is not paved to city standard with concrete or asphalt, that has a right-of-way less than 12 feet in width, that deadends, that serves a dual use as a lined drainage channel, or that involves other unusual conditions and which has been designated by the director of sanitation.

(11) **DIRECTOR OF SANITATION.** The head

of the department of sanitation services of the city or any authorized representative.

(12) **DOWNTOWN AREA.** The area within the Dallas city limits bounded by the west line of Houston Street, the south line of all properties on the south side of Young Street, the east line of Pearl Street, and the south line of Gaston-Pacific extension.

(13) **DRIVE-IN SERVICE.** Service involving city sanitation service employees driving in on private property to collect garbage or recyclable materials.

(14) **DRY SOLID WASTE.** Trash (or rubbish), as defined in this section.

(15) **DUPLEX.** A structure intended for the use and occupancy as two family dwelling units.

~~———— (18) DWELLING UNIT. Dwelling unit as defined by the building code.~~

~~———— (19) FOOD ESTABLISHMENT. Cafe, restaurant, or other similar establishment serving food or food products, including quick service drive-ins where food is prepared or served.~~

~~———— (20) GARBAGE. Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce, and other food products.~~

~~———— (21) ILLEGALLY DUMPED SOLID WASTE. Any solid waste placed on property with or without the consent of the owner or person in control.~~

~~———— (22) INDUSTRIAL SOLID WASTE. Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.~~

~~———— (23) INSTITUTION OR INSTITUTIONAL. Any church, church building, or structure housing any charitable, philanthropic, or eleemosynary undertaking, or any school.~~

~~———— (24) MANAGER. The person in charge of real estate used for apartment, institutional, or commercial purposes.~~

~~———— (25) MANUAL COLLECTION. The service rendered in collecting municipal solid waste, including recyclable materials, in bags or from containers where sanitation workers pick up the bags and containers manually instead of by mechanical means.~~

~~———— (26) MOBILE HOME PARK. Six or more mobile home type dwelling units or mobile home parking spaces that are:~~

~~———— (A) all located on one lot under single ownership; and~~

~~———— (B) only accessible by a private road.~~

~~———— (27) MULCH. Cutting grass, weeds, and similar vegetation into fine particles.~~

~~———— (28) MUNICIPAL SOLID WASTE. Solid waste resulting from or incidental to municipal, community, commercial, and recreational activities, including garbage, trash (or rubbish), ashes, street cleanings, dead animals, and all other solid waste other than industrial solid waste.~~

~~———— (29) OCCUPANT. A person living on premises or in control of premises.~~

~~———— (30) OWNER. The record title holder of real property.~~

~~———— (31) PACKOUT SERVICE. Service involving city sanitation service employees walking in on private property or walking in to a point that is not immediately adjacent to a location reasonably accessible to the standard city garbage or recycling truck by route of a public right-of-way to collect garbage or recyclable materials.~~

~~———— (32) PARKWAY. The area ordinarily intervening between the curb line of a street and the adjacent property line, or the sidewalk if a sidewalk exists.~~

~~———— (33) PERMITTEE. Any person licensed by the city of Dallas to contract to collect, remove, or dispose of solid waste.~~

~~———— (34) PERSON. Any individual, corporation, organization, partnership, association, or any other legal entity.~~

~~———— (35) PROPERTY LINE. The peripheral boundary of real estate.~~

(16) DWELLING UNIT. Dwelling unit has the meaning assigned in Section 51A-2.102 of the Dallas Development Code, as amended.

(17) FOOD ESTABLISHMENT. Cafe, restaurant, or other similar establishment serving food

or food products, including quick service drive-ins where food is prepared or served.

(18) **GARBAGE.** Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce, and other food products.

(19) **ILLEGALLY DUMPED SOLID WASTE.** Any solid waste placed on property with or without the consent of the owner or person in control.

(20) **INDUSTRIAL SOLID WASTE.** Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.

(21) **INSTITUTION OR INSTITUTIONAL.** Any church, church building, or structure housing any charitable or philanthropic undertaking, or any school.

(22) **MANAGER.** The person in charge of real estate used for apartment, institutional, or commercial purposes.

(23) **MANUAL COLLECTION.** The service rendered in collecting municipal solid waste, including recyclable materials, in bags or from containers where sanitation workers pick up the bags and containers manually instead of by mechanical means.

(24) **MOBILE HOME PARK.** Six or more mobile home type dwelling units or mobile home parking spaces that are:

(A) all located on one lot under single ownership; and

(B) only accessible by a private road.

(25) **MULCH.** Cutting grass, weeds, and similar vegetation into fine particles.

(26) **MULTIFAMILY SITE RECYCLING COLLECTION SERVICE.** The business of removing recyclable material, for processing, from a multifamily site for compliance with Section 18-5.1 of this code.

(27) **MULTIFAMILY SITE.** Multifamily site means eight or more dwelling units on a lot.

(28) **MUNICIPAL SOLID WASTE.** Solid

waste resulting from or incidental to municipal, community, commercial, and recreational activities, including garbage, trash (or rubbish), ashes, street cleanings, dead animals, and all other solid waste other than industrial solid waste.

(29) **OCCUPANT.** A person living on premises or in control of premises.

(30) **OWNER.** A person or the person's agent, including a condominium or homeowner's association, jointly or severally, with an ownership interest in a commercial establishment, multifamily site, residence, or duplex.

(31) **PACKOUT SERVICE.** Service involving city sanitation service employees walking in on private property or walking in to a point that is not immediately adjacent to a location reasonably accessible to the standard city garbage or recycling truck by route of a public right-of-way to collect garbage or recyclable materials.

(32) **PARKWAY.** The area ordinarily intervening between the curb line of a street and the adjacent property line, or the sidewalk if a sidewalk exists.

(33) **PERMITTEE.** Any person licensed by the city of Dallas to contract to collect, remove, or dispose of solid waste.

(34) **PERSON.** Any individual, corporation, organization, partnership, association, or any other legal entity.

(35) **PROPERTY LINE.** The peripheral boundary of real estate.

~~———— (36) PUBLIC UTILITY EASEMENT. A right-of-way used or dedicated to be used by any public utility, including but not limited to services such as electricity, telephone, gas, solid waste collection, water, sewer, and drainage.~~

~~———— (37) PUBLIC WAY. Any street, alley, easement, or other right-of-way.~~

~~———— (38) RECYCLING. The process of collecting, sorting, cleansing, treating, and reconstituting recyclable materials for the purpose of using the altered form in the manufacture of a new product.~~

~~———— (39) RECYCLABLE MATERIAL. Any material or product designated in writing by the director of sanitation as being suitable for re-use and/or recycling.~~

~~———— (40) RESIDENCE. A structure intended for use and occupancy as a one-family dwelling unit, including a mobile type dwelling unit that is not part of a mobile home park.~~

~~———— (41) ROLLCART. A plastic receptacle, which is furnished by the city for the collection of residential refuse and recyclable materials, that:~~

~~———— (A) has two wheels and a lid;~~

~~———— (B) is designed to be lifted and emptied mechanically;~~

~~———— (C) is too large for handling by manual means; and~~

~~———— (D) is from 48 to 96 gallons.~~

~~———— (42) ROLLCART SERVICE. The service rendered in collecting municipal solid waste, including recyclable materials, by mechanical means from rollcart containers furnished by the city.~~

~~———— (43) SANITARY LANDFILL. A method of disposing of municipal solid waste on land without~~

~~creating a nuisance or hazard to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at appropriate periodic intervals.~~

~~———— (44) SANITATION SERVICES. The department of the city that is responsible for the operation of the city's solid waste collection and disposal utility, including, but not limited to, the collection, removal, disposal, and processing of municipal solid waste (including recyclable materials).~~

~~———— (45) STREET. Any public roadway for the passage of vehicular and pedestrian traffic.~~

~~———— (46) TRASH (OR RUBBISH). Municipal solid wastes other than garbage and further categorized as:~~

~~———— (A) BULKY TRASH. Furniture, appliances, tree trunks, and other similar objects too large for routine placement in normal compaction-type collection vehicles.~~

~~———— (B) YARD TRASH. Leaves, grass, twigs, and other similar objects.~~

~~———— (C) HOUSEHOLD TRASH. Paper, wood, glass, metal, cans, rags, cartons, rubber, plastic, and other similar materials.~~

~~———— (D) CONTAINERIZED TRASH. Household or yard trash in containers not exceeding a combined weight of 50 pounds.~~

~~———— (47) UNPAVED ALLEY. Any alley not paved with concrete or asphalt.~~

~~———— (48) VEGETATION. Any plant growth.~~

~~———— (49) VEHICLES. Every wheeled conveyance or any other device in, or by which any property may be transported or drawn upon a public street or highway, including devices used exclusively on stationary rails or tracks.~~

(36) PUBLIC UTILITY EASEMENT. A right-of-way used or dedicated to be used by any public utility, including but not limited to services such as electricity, telephone, gas, solid waste collection, water, sewer, and drainage.

(37) PUBLIC WAY. Any street, alley, easement, or other right-of-way.

(38) RECYCLING. The process of collecting, sorting, cleansing, treating, and reconstituting recyclable materials for the purpose of using the altered form in the manufacture of a new product.

(39) RECYCLABLE MATERIAL. Any material or product designated in writing by the director of sanitation as being suitable for re-use and/or recycling.

(40) RESIDENCE. A structure intended for use and occupancy as a one family dwelling unit, including a mobile type dwelling unit that is not part of a mobile home park.

(41) ROLLCART. A plastic receptacle, which is furnished by the city for the collection of residential refuse and recyclable materials, that:

(A) has two wheels and a lid;

(B) is designed to be lifted and emptied mechanically;

(C) is too large for handling by manual means; and

(D) is from 48 to 96 gallons.

(42) ROLLCART SERVICE. The service rendered in collecting municipal solid waste, including recyclable materials, by mechanical means from rollcart containers furnished by the city.

(43) SANITARY LANDFILL. A method of disposing of municipal solid waste on land without creating a nuisance or hazard to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at appropriate periodic intervals.

(44) SANITATION SERVICES. The department of the city that is responsible for the operation of the city's solid waste collection and disposal utility, including, but not limited to, the collection, removal, disposal, and processing of municipal solid waste (including recyclable materials).

(45) STREET. Any public roadway for the passage of vehicular and pedestrian traffic.

(46) TRASH (OR RUBBISH). Municipal solid wastes other than garbage and further categorized as:

(A) BULKY TRASH. Furniture, appliances, tree trunks, and other similar objects too large for routine placement in normal compaction-type collection vehicles.

(B) YARD TRASH. Leaves, grass, twigs, and other similar objects.

(C) HOUSEHOLD TRASH. Paper, wood, glass, metal, cans, rags, cartons, rubber, plastic, and other similar materials.

(D) CONTAINERIZED TRASH. Household or yard trash in containers not exceeding a combined weight of 50 pounds.

(47) UNPAVED ALLEY. Any alley not paved with concrete or asphalt.

(48) VEGETATION. Any plant growth.

(49) VEHICLES. Every wheeled conveyance or any other device in, or by which any property may be transported or drawn upon a public street or highway, including devices used exclusively on stationary rails or tracks.

~~(50) WALKWAY. Any area, paved or unpaved, normally used as a pedestrian right-of-way.~~

~~(51) WET SOLID WASTE. Any putrescible animal or vegetable waste materials, other than waterborne waste material, resulting from the handling, preparation, cooking, or consumption of food, including waste material from markets, storage facilities, or the handling or sale of produce or other food products.~~

(50) WALKWAY. Any area, paved or unpaved, normally used as a pedestrian right-of-way.

(51) WET SOLID WASTE. Any putrescible animal or vegetable waste materials, other than waterborne waste material, resulting from the handling, preparation, cooking, or consumption of food, including waste material from markets, storage facilities, or the handling or sale of produce or other food products. (Ord. Nos. 16367; 19409; 21058; 21186; 22026; 23694; 24743; 26960; 27697; 29879, eff. 10/1/15; 29881, eff. 10/1/15; 30879, eff. 1-1-19)

SEC. 18-3. REGULATING CONTAINERS FOR MUNICIPAL SOLID WASTE MATERIALS.

(a) Containers for residences and duplexes. Every occupant of a residence or duplex shall provide the premises with a sufficient number of solid waste containers to provide for the peak output of municipal solid wastes from those premises without overloading the containers. The containers must be rollcarts and must meet the requirements of this subsection.

(1) At a residence or duplex, a person shall use only city owned and provided rollcarts as solid waste containers, except that blue rollcarts may be used as solid waste containers for recyclable materials.

(2) A person shall comply with the following requirements when using a rollcart or a blue or clear recycling bag as a solid waste container:

(A) A container must not be overloaded to the point where spillage occurs from overflow, wind, or handling.

(B) A container must be closed or secured at the top to prevent spillage.

(C) Glass and other wastes that are dangerous to handle must be securely wrapped, and the container must be labeled to warn of the need for careful handling.

(F) Additional rollcarts for garbage may be obtained from the director of sanitation for an additional fee set forth in Section 18-9(c)(1) of this article. Additional rollcarts for recyclable materials may be obtained from the director of sanitation for no additional fee.

(G) A rollcart that is lost or damaged due to a customer's negligence may be replaced for a fee as set forth in Section 18-9(c)(8) of this article.

(b) Containers for apartments, mobile home parks, institutions, and commercial establishments. Every owner of an apartment, mobile home park, institution, or commercial establishment shall provide the premises with a sufficient number of solid waste containers to provide for the peak output of municipal solid wastes from those premises without overloading the containers.

(1) A container must be watertight and constructed of a solid and durable grade of metal or plastic material. Any container that is manually collected by city sanitation services employees must not exceed 96 gallons in capacity, and the combined weight of the waste and the container must not exceed 250 pounds. A container must not be overloaded to a point where spillage occurs from overflow, wind, or handling.

(2) All containers must meet the following requirements:

(A) A container must be provided with suitable lifting handles on the outside and a close-fitting or other approved cover equipped with a handle.

(B) A container must not contain any inside structure, such as a band or reinforcing angle, or anything within the container to prevent the free discharge of the contents. A container that has deteriorated or become damaged to the extent that the cover will not fit securely or that has a jagged or sharp edge capable of causing injury to a sanitation services employee or other person whose duty it is to handle the container will be condemned by the city. If such a

container is not replaced after notice to the owner or user, the container will be removed along with its contents.

(c) Underground solid waste containers. Underground solid waste containers are prohibited for use in the city unless the installation is specifically approved by the director of sanitation. (Ord. Nos. 16367; 19409; 19991; 21058; 24743; 26960; 28019; 29879; eff. 10/1/15)

SEC. 18-4. REGULATING THE COLLECTION OF SOLID WASTE MATERIALS FROM RESIDENCES AND DUPLEXES.

(a) General. It shall be the duty of every occupant of any residence or duplex to provide a sufficient number of solid waste containers at the place designated by the director of sanitation for collection of municipal solid waste from the particular premises and to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers or wedging the contents in the container by compaction.

(1) All containers must conform to the requirements of Section 18-3(a).

(2) A person commits an offense if he collects dry or wet solid waste, including salvageable newspaper or any other recyclable material, from a residence or duplex. It is a defense to prosecution under this paragraph that the person was:

(A) the owner or occupant of the residence or duplex;

(B) employed or under contract with the city to provide solid waste collection services to the residence or duplex and was in the performance of official duties;

(C) a charitable organization that gathers clothes, salvageable newspapers, or other recyclable material;

SEC. 18-5.1. COLLECTION AND REMOVAL OF RECYCLABLE MATERIALS FROM MULTIFAMILY SITES.

(a) General regulations. The owner of a multifamily site shall:

(1) provide single stream, dual stream, or valet recycling through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(2) provide recycling container(s) through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(3) provide and place recycling containers in locations within visibility of waste containers. If valet trash service is provided, the recycling service should be of a similar nature. If trash chute rooms or trash rooms are utilized, then the recycling service should be of a similar nature or should be as convenient for the tenant, such as placing a recycling container adjacent to the trash chute, if there is adequate space.

(4) provide information (e.g. posters, signs) in suitable common areas, such as mail rooms and laundry facilities, that discusses how to recycle at the property, including information on the types of recyclable materials that are acceptable using photos or images, the chasing arrows recycling symbol, locations of recycling containers, and onsite contact information to report overflowing recycling containers and contamination. If the property utilizes valet recycling collection services, then only information regarding how to recycle and materials accepted is required.

(5) educate each tenant on recycling program implementation upon lease commencement and biannually thereafter of the following:

(A) the multifamily site provides access to recycling in accordance with Chapter 18 of the Dallas City Code;

(B) location of recycling containers;

(C) types of recycling materials accepted;

(D) information related to proper

recycling practices, including that cardboard boxes should be broken down before placed in recycling containers;

(E) onsite contact information to report overflowing recycling containers and contamination; and

(F) information on how to report waste or recycling problems to the City of Dallas, utilizing 3-1-1, the 311 app or submitting an online service request.

(6) inform each tenant within 30 days of any significant change in recycling services to the multifamily site.

(7) for multifamily sites offering back-of-house and valet recycling, provide biannual training (or within 30 days of new employee start date) to those collecting recyclable materials of the following:

(A) types of clean and empty materials accepted in recycling containers;

(B) instruction to break down cardboard boxes before depositing into recycling containers serviced by a permitted multifamily site recycling collection service business;

(C) for multifamily sites providing valet recycling, instruction to empty plastic bags before depositing contents into recycling containers serviced by permitted multifamily site recycling collection service businesses and instruction to place plastic bags into waste or garbage containers to be landfilled;

(E) location of recycling containers; and

(F) onsite contact information for reporting overflowing recycling containers and contamination.

(8) submit an annual recycling plan to the director of sanitation as set forth in Subsection (g) of this section, along with an affidavit of compliance as part of the owner's annual multi-tenant registration or on a form approved by the director of sanitation.

(b) Recyclable materials for collection. The

owner of a multifamily site must provide collection for recyclable materials that are consistent with those materials accepted by the city's residential recycling program, unless otherwise exempted by the director of sanitation.

(c) Recycling collection and capacity. The owner of a multifamily site must provide recycling container collection capacity equal to or greater than 11 gallons per unit, per week.

(d) Recycling containers. A recycling container must:

(1) be a roll cart, bin, wheelie bin, dumpster, or compactor. Wheelie bins, dumpsters, and compactors larger than two yards may have restricted access to prevent gross contamination; and

(2) comply with screening and other applicable regulations in the Dallas Development Code, as amended.

(e) Parking reduction. Minimum parking required for a multifamily site may be reduced in order to provide adequate space for recycling containers.

(f) Implementation.

(1) An owner of a multifamily site shall implement a multifamily site recycling program by January 1, 2020.

(2) An owner of a multifamily site applying for a certificate of occupancy after January 1, 2020, shall immediately comply with this section upon issuance of the property's certificate of occupancy and submit a recycling plan with their initial multi-tenant registration application.

(g) Recycling plans.

(1) The owner of a multifamily site shall submit a recycling plan each year, as part of their annual multi-tenant registration application, to the city. Initial recycling plans must be submitted upon the first annual multi-tenant registration after January 1, 2020. Electronic or hard copy of the recycling plan information should be available for inspection on site after January 1, 2020. The recycling plan must include the following information:

(A) name of permitted multifamily site recycling collection service business utilized;

(B) types of materials recycled;

(C) type, size, location(s), and frequency of recycling container(s) collection;

(D) a site map of the property showing current garbage and recycling locations, unless valet recycling service is provided and no community recycling containers are available;

(E) notation of any changes to the multifamily site recycling program in the previous calendar year, including but not limited to changes of the following: multifamily site recycling collection service business utilized or method of collection, if applicable; and

(F) any other information that the director of sanitation deems necessary, and is reasonable, to verify compliance with this ordinance or to enhance program reporting capabilities and other information.

(2) The owner of a multifamily site shall maintain records and examples of materials relevant to meeting the requirements of Section 18-5.1(a)(5) and make records available if requested by the city manager's designee, or that designee's authorized representative during an on-site inspection.

(3) The director of sanitation may reject a recycling plan if it does not contain the information specified in this section or meet the minimum requirements as defined in this section. The owner of a multifamily site shall submit a revised plan no later than 30 days from notification of the director of sanitation's determination to reject the plan.

(h) Inspection. For any multifamily site, the city manager's designee, or that designee's authorized representative, may conduct an inspection for compliance with this section and verify the site's provision of access to recycling services at any time or when an inspection under Section 27-42, of Chapter 27 of the Dallas City Code, as amended, is conducted, even if the multifamily site is not a rental property, as defined in Chapter 27 of the Dallas City Code, as amended.

(i) Exemptions and Implementation Extension.

(1) Section 18-5.1(a)(8) does not apply to multifamily sites that have a current contract with the City of Dallas to receive recycling collection services

from the city.

(2) The owner of a multifamily site may submit to the director of sanitation, within 90 days of required recycling program implementation, a written request for an implementation extension and/or exemption from all or specifics provisions of the regulations of this section because of the owner's inability to comply. The director of sanitation will conduct a thorough evaluation on whether the owner demonstrated an inability to comply with the ordinance. The owner will receive a determination by the director of sanitation in writing within 60 days. The director of sanitation's decision will be final. (Ord. 30879, eff. 1-1-19)

SEC. 18-6. REGULATING THE COLLECTION AND REMOVAL OF SOLID WASTE FROM THE DOWNTOWN AREA.

(a) The collection of solid waste materials from the downtown area, as described herein, shall be governed by all the rules and regulations pertaining to apartments, institutions and commercial establishments, except that no solid waste materials or containers of any kind shall be placed for collection on the public streets, sidewalks, alleys or easements of the city prior to 6:00 p.m. and all containers must be removed to a location inside the building situated on the premises by not later than 10:00 p.m.

(b) At any of the establishments in the downtown area where there is sufficient space between any structure and the alley property line, the easement property line, or street property line to permit the placing of waste containers as required by the provisions of this chapter relating to residences and duplexes, the containers may be placed in such public way at the very boundary thereof so as to permit the passage of pedestrian and vehicular traffic, subject to the approval of the director of sanitation. In these special locations, the owner or occupant of the premises shall remove all containers immediately after the solid waste material has been collected to a place within the structure situated on the premises until the next regularly scheduled time for collection. (Ord. 16367)

SEC. 18-7. REGULATING THE COLLECTION AND REMOVAL OF DEAD ANIMALS.

The bodies of dead animals may not be placed in

solid waste containers or in any street, alley, easement, or public way. The collection and removal of dead animal bodies is a service of the city and will be furnished upon request or notification by any interested party without charge except that:

(1) a fee based on a cost plus rate determined by the director of sanitation will be charged for the collection and removal of dead animal bodies from animal clinics; and

may, without further notice, correct the violation at the owner's expense and then assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of a change in ownership of the property, then the city may, without notice, take any action permitted by Subsection (c) of this section and assess its expenses as provided in Subsection (e) of this section.

(3) Notice under this subsection is not necessary when the solid waste material is determined by the director to be an immediate health hazard.

(e) Charge to be levied and collected by the city for solid waste material collection and removal. If the city collects and removes solid waste materials from private premises at the request of the owner or upon failure of the owner to comply with the notice required under Subsection (d) of this section, charges in the amount of the total actual costs incurred by the city in performing the work will be collected from the owner or levied, assessed, and collected against the premises on which the work is performed. The charges will be collected by the city controller. The city controller shall file a statement by the director with the county clerk of the county in which the property is located setting out the total actual costs incurred by the city, the name of the property owner if known, and a legal description of the property, as required by state law. At the time the statement is filed, the city shall have a privileged lien on the premises involved, second only to tax liens and liens for street improvements, in the amount of the actual costs incurred, plus 10 percent interest on that amount from the date the costs were incurred. The city may file a suit in an appropriate court of law to foreclose upon its lien and recover its actual costs incurred plus interest. The suit must be filed in the name of the city. The statement filed under this subsection, or a certified copy of the statement, is prima facie proof of the amount of actual costs incurred by the city.

(f) The director may issue citations and prosecute persons for violating Subsection (b) regardless of whether a notice is issued under this section. (Ord. Nos. 16367; 17226; 19963; 20599; 21025; 22026; 22334; 22494; 25371; 27697)

SEC. 18-12.1. PENALTIES FOR VIOLATION.

(a) A person who violates a provision of this article, or who fails to perform a duty required of him by this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.

(b) Except as provided in Subsection (c), an offense under this article is punishable by a fine of not more than \$2,000 or less than:

(1) \$50 for a first conviction of any violation of this article except Section 18-4(e)(1), 18-5(c), 18-8(b)(1), 18-12(b), or 18-10;

(2) \$150 for a first conviction of a violation of Section 18-4(e)(1);

(3) \$100 for a first conviction of a violation of Section 18-5(c), 18-8(b)(1), or 18-12(b); and

(4) \$200 for a first conviction of a violation of Section 18-10.

~~—(c) An offense under Section 18-4(c)(1) is punishable by a fine of not more than \$500 or less than \$50. An offense under Section 18-4(e)(2) is punishable by a fine of not more than \$500 or less than \$150.~~

(c) An offense under section 18-4(c)(1) is punishable by a fine of not more than \$500 or less than \$50. An offense under Section 18-4(e)(2) is punishable by a fine of not more than \$500 or less than \$150. An offense under Section 18-5.1(a)(1) is punishable by a fine of not more than \$500 or less than \$150. Each day's violation shall constitute a separate offense and will be subject to the fines established in this section.

(d) The minimum fines established in Subsections (b) and (c) shall be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month

maximum fine established in Subsection (b) or (c), whichever applies.

(e) Except where otherwise specified in this code, a culpable mental state is not required for the commission of an offense under this article.

(f) As an alternative to imposing the criminal penalty prescribed in Subsection (b) or (c), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of Chapter 27 of this code, as authorized by Section 54.044 of the Texas Local Government Code, for an offense under this article. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b) or (c), whichever applies. (Ord. Nos. 20599; 22334; 25927; 26274; 30879, eff. 1-1-19)

ARTICLE II.

WEEDS, GRASS, AND VEGETATION.

SEC. 18-13. GROWTH TO CERTAIN HEIGHT PROHIBITED; OFFENSES.

(a) A person commits an offense if he is an owner, occupant, or person in control of occupied or unoccupied premises in the city and:

(1) permits weeds or grass located on the premises to grow to a height greater than 12 inches; or

(2) fails to remove weeds or grass from the premises after they have been cut.

(b) It is a defense to prosecution under:

(1) Subsection (a)(1) that the weeds and grass are maintained at or below a height of 12 inches at all points on the premises within 100 feet of its perimeters; and

(2) Subsection (a)(2) that the weeds and grass have been mulched, raked, or composted in a manner approved by the director.

(c) For purposes of this article, PREMISES means the lot, plot, or parcel of land, plus the front or side parkway between the property line or sidewalk and the curb or traveled way, and the rear or side parkway between the property line and the center line of an adjacent alley. (Ord. Nos. 13796; 17597; 17985; 20599; 21632; 26585)

SEC. 18-14. DUTY TO PREVENT WEEDS, GRASS, OR VEGETATION FROM BECOMING A NUISANCE OR FIRE HAZARD.

Every owner, occupant, or person in control of any occupied or unoccupied premises in the city shall use every precaution to prevent weeds, grass, or other vegetation from growing on the premises so as to become a nuisance or fire hazard. (Ord. Nos. 13796; 17597; 20599; 22413; 26585)

SEC. 18-14.1. VEGETATION IN ALLEY, STREET, OR SIDEWALK.

(a) An owner, occupant, or person in control of any private premises abutting an alley, street, or sidewalk within the city commits an offense if he allows any vegetation, including, but not limited to, trees, shrubbery, bushes, and vines, to grow on the premises so as to project across the property line over or into the right-of-way of the alley, street, or sidewalk.

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

(1) the vegetation consisted solely of weeds or grass not more than 12 inches high;

compliance with this chapter and other applicable city ordinances. (Ord. Nos. 14219; 21058; 26480; 26608)

SEC. 18-50. ACCUMULATIONS AND DEPOSIT OF WASTE PROHIBITED.

(a) A person commits an offense if he deposits, causes to be deposited, or permits to accumulate any dry or wet solid waste upon any public or private premises within the city in such a manner as to emit noxious or offensive odors or to become unsanitary or injurious to public health or safety.

(b) A person commits an offense if he causes or permits any solid waste collection vehicle, dumpster, or roll-off container or the contents of such vehicle, dumpster, or roll-off container to be maintained in a condition that is foul, offensive, or otherwise hazardous to the public health or safety. (Ord. Nos. 14219; 21058; 26480; 26608)

Division 4. Violations and Penalties.

SEC. 18-51. PENALTIES FOR VIOLATIONS.

(a) A person who violates a provision of this article, or who fails to perform a duty required of him under this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(b) An offense under this article is punishable by a fine of not more than \$2,000 and, upon a first conviction, not less than \$100.

(c) The minimum fine established in Subsection (b) shall be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall

the minimum fine exceed the maximum fine established in Subsection (b).

(d) In addition to being subject to criminal enforcement and penalties as provided in Subsections (a) through (c) of this section, a franchisee that violates or causes or permits the violation of any of the terms or conditions of the franchise ordinance is liable for a civil penalty in the amount prescribed by the city council in the franchise ordinance. A civil penalty under the franchise ordinance may not exceed \$2,000 for each violation. A franchisee is liable for a separate violation for each day or part of a day during which a violation is committed, continued, or permitted. (Ord. Nos. 20599; 21058; 26480; 26608)

~~**SECS. 18-52 THRU 18-54. RESERVED.**~~

ARTICLE IV-a.

MULTIFAMILY SITE RECYCLING COLLECTION AND REMOVAL SERVICES.

SEC. 18-52. DIRECTOR OF SANITATION'S AUTHORITY.

(a) The director of sanitation shall implement and enforce this article and may, by written order, promulgate rules or regulations consistent with this article and other applicable laws, as the director of sanitation determines are necessary to discharge any duty under this article or to achieve a purpose outlined in the scope of this chapter.

(b) The city manager's designee, or that designee's authorized representative may impound any vehicle or container used for the collection and removal of recyclable materials if its contents become foul, offensive, or otherwise hazardous to the public health or safety or if it is being used in violation of this chapter. A vehicle or container impounded under this subsection may not be moved without the consent of the city manager's designee, or that designee's authorized representative and may not be returned to service until the contents are properly disposed of and the vehicle or container is cleaned and brought into compliance with this chapter. (Ord. 30879, eff. 1-1-19)

SEC. 18-53. MULTIFAMILY SITE RECYCLING

COLLECTION SERVICE.

(a) Multifamily site recycling collection service permit.

(1) Recycling collection service permit required. A person who is in the business of collecting or removing recyclable materials from a multifamily site shall obtain a multifamily site recycling collection service permit from the city. A permit is not required for a business such as a building contracting, home repair, landscaping, roofing, or other similar business that incidentally collects or removes recyclable materials in performance of their service.

(2) Permit application requirements. To obtain a multifamily site recycling collection service permit, a person shall submit an application, on a form or in a manner approved by the director of sanitation, and shall include the following information:

(A) the person's name, address, and notarized signature;

(B) the person's form of business, and, if applicable, the documents establishing the form of business, including a list of directors and officers and their contact information;

(C) a description of any past business experience in providing recycling collection and removal services as well as information related to revocation or suspension by the city, or by any other governmental entity, of a recycling permit, solid waste collection license, franchise, or similar authorization held by the applicant;

(D) the number and description of vehicles to be used for recycling collection and removal services, including year, make, model, vehicle identification number, and state license registration number for each vehicle;

(E) documentary evidence from an insurance company that the person or company has liability insurance and a commercial fleet policy;

(F) documentation that applicant is registered and authorized to do business in the state of Texas;

(G) documentary evidence, if requested, of payment of ad valorem taxes owed on the real and personal property to be used in connection with the

operation of the proposed recycling collection service if the business establishment is located in the City of Dallas; and

(H) any other information that the director of sanitation deems necessary and is reasonable in determining if the person is qualified to provide recycling collection and removal services at a multifamily site in compliance with this code.

(3) Fees and annual renewal. The fee for an initial multifamily site recycling collection service permit is \$275 and is non-refundable. The recycling permit must be renewed every twelve months for a fee of \$100 and is non-refundable.

(b) Recycling containers. A multifamily site recycling collection service business shall provide color coded recycling containers to its customers. The recycling containers must display the following affixed signage:

(1) photo or images of recyclable materials accepted, minimum size of 18" x 12", must be on the front of the container, along with information or a graphic indicating that cardboard boxes should be broken down and "No Plastic Bags";

(2) the word "RECYCLING ONLY", with minimum letter size of 12 inches, and chasing arrows symbol in prominent lettering and clearly labeled on the front recycling container; and

(3) contact information to report overflowing recycling containers and contamination.

(c) Recycling facilities. A multifamily site recycling collection service business shall transport collected recyclable materials to a recycling facility authorized to operate in the State of Texas.

(d) Reporting. A multifamily site recycling collection service business shall submit an annual report to the director of sanitation by February 1 of each year, beginning on February 1, 2021, on a form provided by the director of sanitation, and shall include the following information:

(A) multifamily site recycling collection service business's contact information;

(B) tonnage of recyclable materials collected from multifamily sites in the city of Dallas in the prior calendar year. If collection routes require

commingling of material collected outside the city, tonnage should be reported on a total basis and an appropriately prorated percentage to estimate Dallas tons;

(C) for the prior fiscal year, on average, the total number of units served and total weekly recycling capacity for multifamily sites in Dallas;

(D) name and location of materials recovery facilities or other recycling processing facility utilized in the prior calendar year;

(E) load reject rate used in the prior calendar year, as reported by materials recovery or recycling processing facilities;

(F) residue percentage rate used in the prior calendar year, as reported by materials recovery facilities or recycling processing facilities;

(G) documentary evidence, if requested, of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed multifamily site recycling collection service if the business establishment is located within the city; and

(H) any other information that may be reasonably requested by the director of sanitation regarding the recycling collection services.

(e) Customer education. A multifamily site recycling collection service business shall educate and inform each customer upon contracting and annually thereafter of the following:

(1) that the multifamily site recycling collection service business provides recycling collection services in accordance with Chapter 18 of the Dallas City Code;

(2) types and capacity of recycling containers that may be utilized;

(3) types of recyclable materials accepted to transport to a materials recovery facility;

(4) disclosure of additional fees assessed to multifamily sites that exceed the multifamily site recycling collection service business's allowable contamination rate;

(5) instruction on reducing contamination of

recyclable materials; and

(6) the multifamily site recycling collection service business's information to request an audit of recyclables collected from a multifamily site. (Ord. 30879, eff. 1-1-19)

SEC. 18-54. INSPECTIONS, SUSPENSIONS, REVOCATIONS, AND PENALTIES.

(a) Inspections, suspensions, and revocations. A multifamily site recycling collection service business's vehicles are subject to inspections in a manner approved by the director of sanitation. If a multifamily site recycling collection service business has three violations of this chapter, then the director of sanitation may suspend or revoke the recycling permit until such time that the director of sanitation determines the business is in compliance with this chapter.

(b) Penalties. A person who violates a provision of this article, or who fails to perform a duty required of him under this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted. An offense under this article is punishable by a fine not more than \$500 or less than \$150. (Ord. 30879, eff. 1-1-19)

ARTICLE V.

TIRES.

SEC. 18-55. DEFINITIONS.

In this article:

(1) CITY means the city of Dallas, Texas.

(2) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, and includes the director's authorized representatives.

(3) MOBILE TIRE REPAIR BUSINESS means a business that repairs tires at any temporary location, including but not limited to a roadway, alley, parking lot, or residence. The term does not include a business that only changes out or replaces tires, but does not make any repairs to a tire.

SEC. 18-57. LICENSE AND PERMIT FEES.

(a) The annual fee for a tire business license is \$75.

(b) The annual fee for each mobile tire repair unit permit is \$75.

(c) The fee for issuing a duplicate tire business license or mobile tire repair unit permit for one that is lost, stolen, or mutilated is \$32.

(d) The applicant shall pay all fees required by this section to the director before a license or permit will be issued. No refund of a fee will be made. (Ord. Nos. 25635; 26598; 29879, ~~eff. 10/1/15~~)

SEC. 18-58. ISSUANCE, DENIAL, AND DISPLAY OF A LICENSE OR PERMIT.

(a) The director shall issue a tire business license to the applicant, unless the director determines that the applicant:

(1) failed to completely fill out an application;

(2) provided false information on an application;

(3) failed to pay a license or permit fee required under this article; or

(4) has had a tire business license revoked within the preceding 12 months.

(b) Upon issuance of a license to an applicant, the director shall issue a permit to each vehicle to be operated by the applicant as a mobile tire repair unit.

(c) If the director determines that an applicant should be denied a tire business license, the director

shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.

(d) A license or permit issued under this section must be displayed in a manner and location approved by the director. A license and permit must be presented upon request to the director or to a peace officer for examination. (Ord. 25635)

SEC. 18-59. REVOCATION OF A LICENSE.

(a) The director shall revoke a tire business license if the licensee:

(1) refuses to allow any agent of the city entry into and inspection of the tire business or a mobile tire repair unit;

(2) is convicted twice within a 24-month period of any city ordinance or state or federal law regulating solid waste, litter, dumping, pollution, standing water, insect or rodent infestation, junk or salvage yards, junk motor vehicles, tires, or similar health, sanitation, or environmental concerns; or

(3) violates any provision of this article or Section 19-34.1 of this code. (Ord. 25635)

SEC. 18-60. APPEALS.

If the director denies issuance of a license or a license renewal or revokes a license issued pursuant to this article, this action is final unless the applicant or licensee shall, within 30 days after the receipt of written notice of the director's action, file with the city manager a written appeal. The city manager shall, within 10 days after the appeal is filed, consider all the evidence in support of and against the action appealed and render a decision either sustaining or reversing the action. The decision of the city manager is final. (Ord. 25635)

- Sec. 28-32. Authority to designate crosswalks, establish safety zones and mark traffic lanes.
- Sec. 28-33. Traffic engineer to erect signs designating pedestrianways.
- Sec. 28-34. Bicycles, motorcycles, etc., prohibited from using pedestrianways.
- Sec. 28-34.1. Installation, removal, and repair of speed bumps in alleys; fees.

ARTICLE VI.

OPERATION OF VEHICLES.

Division 1. Generally.

- Sec. 28-35. Backing into intersection prohibited.
- Sec. 28-36. Operation upon parkways.
- Sec. 28-37. Identification of funeral procession.
- Sec. 28-38. Funeral or other procession; operation of vehicles.
- Sec. 28-39. Same - Driving through prohibited.
- Sec. 28-40. Operation of motorcycles, etc.
- Sec. 28-41. Riding in portions of vehicles not designed or equipped for passengers.
- Sec. 28-41.1. Restrictions on the use of motor assisted scooters, pocket bikes, and minimotorbikes.
- Sec. 28-41.1.1. Restrictions on the use of motor assisted scooters, pocket bikes, and minimotorbikes.**
- Sec. 28-41.2. Regulating the use of hand-held mobile telephones and mobile communication devices in school zones.
- Sec. 28-42. Driving on Four-Way Place and Stone Place.
- Sec. 28-42.1. Cruising prohibited in designated areas.

Division 2. Speed Regulations.

- Sec. 28-43. Speeds greater than 30 miles per hour on public streets or 15 miles per hour on public alleys not reasonable or prudent.
- Sec. 28-44. Streets other than expressways and freeways.
- Sec. 28-45. Expressways and freeways.
- Sec. 28-46. Streets in park areas.
- Sec. 28-47. Maximum speed limits; determination.
- Sec. 28-48. Same - Alteration.
- Sec. 28-49. Posting of speed limit signs.
- Sec. 28-50. Speed in school zones; signs; designated streets.
- Sec. 28-51. Speed in parking lot of Dallas Convention Center.
- Sec. 28-52. Speed in the Dallas City Hall Parking Garage.
- Sec. 28-52.1. Speed in the Bullington Street Truck Terminal.

Division 3. Turning Movements.

- Sec. 28-53. Obedience to no-turn signs.
- Sec. 28-54. Limitation on U Turns.
- Sec. 28-55. Left turns restricted when emerging from or entering alleys or private driveways in the central business district.
- Sec. 28-56. Central business district defined.
- Sec. 28-57. Reserved.

Division 4. Stops.

- Sec. 28-58. Vehicles to stop when traffic is obstructed.

Division 5. Operation of Vehicles near Vulnerable Road Users.

- Sec. 28-58.1. Definition.
- Sec. 28-58.2. Protection of vulnerable road users.

SEC. 28-41.1. RESTRICTIONS ON THE USE OF MOTOR ASSISTED SCOOTERS, POCKET BIKES, AND MINIMOTORBIKES.

~~_____ (a) In this section:~~

~~_____ (1) ADULT means any individual 17 years of age or older.~~

~~_____ (2) CHILD means any individual younger than 17 years of age.~~

~~_____ (3) HELMET means a properly-fitted bicycle helmet that:~~

~~_____ (A) is not structurally damaged; and~~

~~_____ (B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.~~

~~_____ (4) MOTOR ASSISTED SCOOTER:~~

~~_____ (A) means a self-propelled device with:~~

~~_____ (i) at least two wheels in contact with the ground during operation;~~

~~_____ (ii) a braking system capable of stopping the device under typical operating conditions;~~

~~_____ (iii) a gas or electric motor not exceeding 40 cubic centimeters;~~

~~_____ (iv) a deck designed to allow a person to stand or sit while operating the device; and~~

~~_____ (v) the ability to be propelled by human power alone; and~~

~~_____ (B) does not include:~~

~~_____ (i) a pocket bike or mini-motorbike;~~

~~_____ (ii) a moped or motorcycle;~~

~~_____ (iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;~~

~~_____ (iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;~~

~~_____ (v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or~~

~~_____ (vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.~~

~~_____ (5) NIGHTTIME means the period beginning one-half hour after sunset and ending one-half hour before sunrise, as determined using the times for sunset and sunrise published in a newspaper of general circulation in the city for a particular day.~~

~~_____ (6) PARENT means a person who is the natural parent, adoptive parent, step-parent, or court-appointed guardian or conservator of a child.~~

~~_____ (7) PASSENGER means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.~~

~~_____ (8) POCKET BIKE or MINIMOTORBIKE:~~

~~_____ (A) means a self-propelled vehicle that:~~

~~_____ (i) is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters;~~

[This section takes effect on December 28, 2018, unless Section 28-41.1.1 of this article has been re-enacted with amendment on or before December 27, 2018.]

(a) In this section:

(1) ADULT means any individual 17 years of age or older.

(2) CHILD means any individual younger than 17 years of age.

(3) HELMET means a properly-fitted bicycle helmet that:

(A) is not structurally damaged; and

(B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.

(4) MOTOR ASSISTED SCOOTER:

(A) means a self-propelled device with:

(i) at least two wheels in contact with the ground during operation;

(ii) a braking system capable of stopping the device under typical operating conditions;

(iii) a gas or electric motor not exceeding 40 cubic centimeters;

(iv) a deck designed to allow a person to stand or sit while operating the device; and

(v) the ability to be propelled by human power alone; and

(B) does not include:

(i) a pocket bike or minimotor-bike;

(ii) a moped or motorcycle;

(iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

(iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or

(vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

(5) NIGHTTIME means the period beginning one-half hour after sunset and ending one-half hour before sunrise, as determined using the times for sunset and sunrise published in a newspaper of general circulation in the city for a particular day.

(6) PARENT means a person who is the natural parent, adoptive parent, step-parent, or court-appointed guardian or conservator of a child.

(7) PASSENGER means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.

(8) POCKET BIKE or MINIMOTORBIKE:

(A) means a self-propelled vehicle that:

(i) is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters;

(ii) is designed to propel itself with not more than two wheels in contact with the ground;

(iii) has a seat or saddle for the use of the operator;

(iv) is not designed for use on a highway; and

(v) is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and

(B) does not include:

(i) a moped or motorcycle;

(ii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

(iii) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(iv) an electric personal assistive mobility device, as defined by Section 551.201 of the

Texas Transportation Code, as amended;

(v) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or

(vi) a motor assisted scooter, as defined in this subsection.

(9) WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.

~~_____ (ii) is designed to propel itself with not more than two wheels in contact with the ground;~~

~~_____ (iii) has a seat or saddle for the use of the operator;~~

~~_____ (iv) is not designed for use on a highway; and~~

~~_____ (v) is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and~~

~~_____ (B) does not include:~~

~~_____ (i) a moped or motorcycle;~~

~~_____ (ii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;~~

~~_____ (iii) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;~~

~~_____ (iv) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended;~~

~~_____ (v) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or~~

~~_____ (vi) a motor-assisted scooter, as defined in this subsection.~~

~~_____ (9) WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.~~

~~_____ (b) A person commits an offense if he:~~

~~_____ (1) operates or rides a motor-assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;~~

~~_____ (2) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor-assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;~~

~~_____ (3) is a child and operates or rides a motor-assisted scooter without wearing a helmet while on a public path or trail set aside for the exclusive use of bicycles;~~

~~_____ (4) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor-assisted scooter on a public path or trail set aside for the exclusive use of bicycles when the child is not wearing a helmet;~~

~~_____ (5) operates or rides a motor-assisted scooter at nighttime on a public path or trail set aside for the exclusive use of bicycles;~~

~~_____ (6) transports any passenger on a motor-assisted scooter while on a public path or trail set aside for the exclusive use of bicycles, unless the scooter is equipped with a seat and a set of foot rests for the passenger; or~~

~~_____ (7) while operating a motor-assisted scooter on a public path or trail set aside for the exclusive use of bicycles, fails to yield the right-of-way to any pedestrian on the path or trail.~~

~~_____ (c) A person commits an offense if he operates or rides a pocket bike or minimotorbike on any city-~~

(b) A person commits an offense if he:

(1) operates or rides a motor-assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or

trail set aside for the exclusive use of bicycles;

(2) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;

(3) is a child and operates or rides a motor assisted scooter without wearing a helmet while on a public path or trail set aside for the exclusive use of bicycles;

(4) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on a public path or trail set aside for the exclusive use of bicycles when the child is not wearing a helmet;

(5) operates or rides a motor assisted scooter at nighttime on a public path or trail set aside for the exclusive use of bicycles;

(6) transports any passenger on a motor assisted scooter while on a public path or trail set aside for the exclusive use of bicycles, unless the scooter is equipped with a seat and a set of foot rests for the passenger; or

(7) while operating a motor assisted scooter on a public path or trail set aside for the exclusive use of bicycles, fails to yield the right-of-way to any pedestrian on the path or trail.

(c) A person commits an offense if he operates or rides a pocket bike or minimotorbike on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city.

(d) An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section.

owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city.

—(d) An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section. (Ord. Nos. 26265; 30935)

SEC. 28-41.1.1. RESTRICTIONS ON THE USE OF MOTOR ASSISTED SCOOTERS, POCKET BIKES, AND MINIMOTORBIKES.

(a) In this section:

(1) ADULT means any individual 17 years of age or older.

(2) CENTRAL BUSINESS DISTRICT means the area bounded by:

The south line of Young Street from Houston Street to Lamar Street.

The west line of Lamar Street from Young Street to the DART Rail Corridor.

The north line of the DART Rail Corridor from Lamar Street to Interstate 45.

The west line of Interstate 45 from the DART Rail Corridor to Interstate 30.

The north line of Interstate 30 from Interstate 45 to Exposition Avenue.

The east line of Exposition Avenue from Interstate 30 to CBD Fair Park Link.

The east line of the CBD Fair Park Link from Exposition Avenue to Gaston Avenue.

The north line of Gaston Avenue from the CBD Fair Park Link to Pacific Avenue.

The north line of Pacific Avenue from Gaston Avenue to Pearl Street.

The east line of Pearl Street from Pacific Avenue to Ross

Avenue.

The north line of Ross Avenue from Pearl Street to Austin Street.

The west line of Austin Street from Ross Avenue to Pacific Avenue.

The north line of Pacific Avenue from Austin Street to Houston Street.

The west line of Houston Street from Pacific Avenue to Young Street.

(3) CHILD means any individual younger than 17 years of age.

(4) HELMET means a properly-fitted bicycle helmet that:

(A) is not structurally damaged; and

(B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.

(5) MOTOR ASSISTED SCOOTER:

(A) means a self-propelled device with:

(i) at least two wheels in contact with the ground during operation;

(ii) a braking system capable of stopping the device under typical operating conditions;

(iii) a gas or electric motor not exceeding 40 cubic centimeters;

(iv) a deck designed to allow a person to stand or sit while operating the device; and

(v) the ability to be propelled by human power alone; and

(B) does not include:

(i) a pocket bike or

minimotorbike;

(ii) a moped or motorcycle;

(iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

(iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or

(vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

(6) PARENT means a person who is the natural parent, adoptive parent, step-parent, or court-appointed guardian or conservator of a child.

(7) PASSENGER means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.

(8) POCKET BIKE or MINIMOTORBIKE:

(A) means a self-propelled vehicle that:

(i) is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters;

(ii) is designed to propel itself with not more than two wheels in contact with the ground;

(iii) has a seat or saddle for the use of the operator;

(iv) is not designed for use on a highway; and

(v) is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and

(B) does not include:

(i) a moped or motorcycle;

(ii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

(iii) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(iv) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended;

(v) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or

(vi) a motor assisted scooter, as defined in this subsection.

(9) WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.

(b) A person commits an offense if he:

(1) operates or rides a motor assisted scooter on any sidewalk within the central business district;

(2) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any sidewalk within the central business district;

(3) is a child and operates or rides a motor assisted scooter without wearing a helmet while on any city-owned or city-operated property or on any public path, trail, alley, street, highway, or sidewalk within the city;

(4) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any city-owned or city-operated property or on any public path, trail, alley, street, highway, or sidewalk within the city when the child is not wearing a helmet;

(5) transports any passenger on a motor assisted scooter while on any city-owned or city-operated property or on any public path, trail, alley, street, highway, or sidewalk within the city, unless the

scooter is equipped with a seat and a set of foot rests for the passenger; or

(6) while operating a motor assisted scooter on a sidewalk or a public path or trail set aside for the exclusive use of bicycles, fails to yield the right-of-way to any pedestrian on the sidewalk, path, or trail.

(c) A person commits an offense if he operates or rides a pocket bike or minimotorbike on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city.

(d) An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section.

(e) This section expires on December 27, 2018, unless re-enacted with amendment on or before that date. The city council shall review this section before its expiration date. The provisions of Section 28-41.1 of this article take effect if this section is not re-enacted on or before December 27, 2018. (Ord. 30935)

**SEC. 28-41.2. REGULATING THE USE OF
HAND-HELD MOBILE
TELEPHONES AND MOBILE
COMMUNICATION DEVICES
IN SCHOOL ZONES.**

(a) In this section:

(1) ENGAGING IN A CALL means talking into, dialing, or listening on a hand-held mobile telephone, but does not include holding a mobile telephone to activate or deactivate the telephone.

(2) HAND-HELD MOBILE TELEPHONE means a mobile telephone with which a user engages in a call using at least one hand (or prosthetic device or aid in the case of a physically disabled person).

(3) HANDS-FREE MOBILE TELEPHONE means a mobile telephone that has an internal feature or function or that is equipped with an attachment or addition, whether or not permanently part of the mobile telephone, by which a user engages in a call without the use of either hand (or prosthetic device or aid in the case of a physically disabled person) whether or not the use of either hand (or prosthetic device) is necessary to activate or deactivate the mobile

telephone.

(4) MOBILE COMMUNICATION DEVICE means a text-messaging device or other electronic, two-way communication device that is designed to receive and transmit voice communication, text communication, or both. The term includes a mobile telephone and a personal digital assistant (PDA).

- Sec. 43-146. Emergency repairs.
 Sec. 43-147. Effect of article on persons engaged in construction.
 Sec. 43-148. Marking existing underground utilities.

ARTICLE IX.

DRIVEWAYS GENERALLY.

- Sec. 43-149. Director defined.
 Sec. 43-150. Driveways not to be within three feet of poles, etc.
 Sec. 43-151. Removal of poles, etc., to permit construction of driveways - Required.
 Sec. 43-152. Same - Plans to be approved by director.
 Sec. 43-153. Same - Allocation of costs for relocation.
 Sec. 43-154. Permit for driveway to be issued after poles, etc., removed.
 Sec. 43-155. Appeals.
 Sec. 43-156. Fee where poles, etc., to be relocated.

ARTICLE X.

DOCKLESS VEHICLE PERMIT.

- Sec. 43-157. Definitions.
 Sec. 43-158. General authority and duty of director.
 Sec. 43-159. Establishment of rules and regulations.
 Sec. 43-160. Operating authority permit.
 Sec. 43-161. Application for operating authority permit.
 Sec. 43-162. Changes to information in operating authority application.
 Sec. 43-163. Expiration of operating authority permit.
 Sec. 43-164. Refusal to issue or renew operating authority permit.
 Sec. 43-165. Suspension or revocation of operating authority permit.
 Sec. 43-166. Appeals.
 Sec. 43-167. Nontransferability.
 Sec. 43-168. Operations.
 Sec. 43-169. Dockless vehicle parking, deployment, and operation.
 Sec. 43-170. Insurance requirements.
 Sec. 43-171. Data sharing.
 Sec. 43-172. Vehicle fee.
 Sec. 43-173. Performance bond or irrevocable letter

of credit.

Sec. 43-174.

Enforcement.

Sec. 43-175.

Criminal offenses.

ARTICLE I.

IN GENERAL.

SEC. 43-1. RESERVED.

(Repealed by Ord. 22413)

SEC. 43-2. DRIVING HORSES, CATTLE, ETC.,
 ON CERTAIN STREETS
 FORBIDDEN.

It shall not be lawful for any person to drive or have any drove of horses, cattle, sheep or hogs in any park or street in the city. (Code 1941, Art. 139-2)

(1) keeps, leaves open, or allows to be left open any cellar door, trap door, sidewalk lift, or grating of any vault in or upon any sidewalk, street, or passageway;

(2) makes, keeps, or maintains any uncovered opening in any sidewalk or footway; or

(3) allows any sidewalk or footway, which it is the person's duty to maintain or repair, to become broken or continue so broken, uneven, or out of repair. (Code 1941, Art. 139-7; Ord. Nos. 19963; 21186)

SEC. 43-8. EACH DAY OBSTRUCTION REMAINS DEEMED SEPARATE OFFENSE.

Every day that any partial or entire obstruction shall remain upon any sidewalk in the city shall be considered a violation of the regulations contained in this article and shall constitute a separate offense and be punished as such. (Code 1941, Art. 139-9)

SEC. 43-9. GLASS TO BE REMOVED FROM HIGHWAY AFTER A WRECK.

Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. (Code 1941, Art. 86-61)

SECS. 43-10 THRU 43-11. RESERVED.

(Repealed by Ord. 13764)

SEC. 43-12. DEPOSITING TRASH ON STREETS AND SIDEWALKS.

No person shall sweep out or deposit on any of the sidewalks or streets of the city any loose paper, filth or trash of any kind.

All persons using cans or barrels as trash containers shall have them emptied and all trash deposited therein removed at least once in every 24 hours. (Code 1941, Arts. 140-1, 140-2)

SEC. 43-13. TRASH, ETC., NOT TO ACCUMULATE OR REMAIN ~~ON~~ SIDEWALKS ~~ON~~ SIDEWALKS.

No property owner, occupant or agent of any property that abuts or adjoins any paved street in the city shall allow or permit any animal or vegetable substance whatever, any tin, glass or pieces of iron or any trash, mud, slop, refuse matter or filth of any kind or description whatever to accumulate or remain on any part of the sidewalk abutting or adjacent to the premises owned or occupied by such person on such paved street in the city. (Code 1941, Art. 140-4)

SEC. 43-14. LEAVING RUBBISH IN STREET AFTER COMPLETION OF BUILDING.

No person who has occupied a portion of a street for building purposes shall leave any rubbish in the street after the completion of such building and the expiration of the time of permit. Any person violating this article is guilty of an offense for each day rubbish is so left. (Code 1941, Art. 140-6; Ord. 19963)

SEC. 43-15. ALLOWING WEEDS, GRASS, ETC., TO OBSTRUCT GUTTERS AND SIDEWALKS.

No owner, agent or occupant of any lot in the city shall allow weeds or grass to grow or remain upon the sidewalks so as to obstruct the sidewalks or gutters fronting or abutting on any lot of which they may be the owner, agent or occupant. A person who fails to remove or to have removed such weeds or grass on the sidewalk or gutters in front of, adjoining or abutting

application for a permit with the building official to construct, locate, or open such drive and prior to locating, constructing, or opening the drive, file a sketch, drawing, or map with the director that shows the location of the proposed drive or other way, the relative location of the structure or structures in the way of the proposed driveway, and the name of the person maintaining the structure obstructing the proposed driveway or preventing its location. The director shall immediately notify the person maintaining the structure on the street, giving the name of the persons desiring the structure or structures moved.

(b) Immediately upon the filing of the drawing, sketch, or map under Subsection (a), the director shall prepare or obtain a statement of the expense or cost of the removal of the structure. The person requesting the relocation of the structure shall pay the cost of relocation. Upon the ascertainment of the estimated cost or expense as found by the director, such person shall deposit the sum of money required with the director, and then the person maintaining the structure shall promptly remove the structure so as not to interfere with the proposed driveway. Upon completing movement of the structure, with all attachments, to the satisfaction of the director, the person moving or relocating the structure is entitled to receive the deposit. (Code 1941, Art. 145-5; Ord. Nos. 22026; 24495)

SEC. 43-154. PERMIT FOR DRIVEWAY TO BE ISSUED AFTER POLES, ETC., REMOVED.

As soon as the structure interfering with the construction, location, or opening of the proposed driveway has been moved out of the way, the building inspector shall issue a permit authorizing the location, construction, or opening of such way as may be desired upon compliance with all other applicable city ordinances. (Code 1941, Art. 145-6; Ord. 24495)

SEC. 43-155. APPEALS.

If either the person maintaining any pole or structure described in Section 43-150 or the person desiring the structure or pole to be moved is dissatisfied with the estimate of the expense made or obtained by the director under this division or as to the location of the pole or structure, either or both of them may appeal from the decision by filing with the city controller a statement of their objections within five days from the date of the director's findings of the estimated expense or location. (Code 1941, Art. 145-8; Ord. Nos. 22026; 24495)

SEC. 43-156. FEE WHERE POLES, ETC., TO BE RELOCATED.

At the time the person files the sketch seeking the removal of any obstructing structure described in Section 43-150, he shall also pay the building inspector a fee of one dollar, which must be used in defraying the expense of carrying out the provisions of this article and for no other purpose. (Code 1941, Art. 145-9; Ord. 24495)

ARTICLE X.

DOCKLESS VEHICLE PERMIT.

SEC. 43-157. DEFINITIONS.

In this article:

(1) **DIRECTOR** means the director of the department designated by the city manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director.

(2) **DOCKLESS VEHICLE** means a bicycle, an electric bicycle, or an electric motor-assisted scooter, pursuant to the definitions set forth in Texas Transportation Code, Sections 541.201 and 551.351, that can be located and unlocked using a smartphone app.

(3) **OPERATOR** means an individual or

company that has been issued an operating authority permit under this article.

(4) **REBALANCE** means moving dockless vehicles from an area of low demand to an area of high demand.

(5) **RESIDENTIAL AREA** means a residential district as defined in Section 51A-2.102, "Definitions," of the Dallas Development Code, or a planned development district or conservation district with residential base zoning. (Ord. 30936)

SEC. 43-158. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

The director shall implement and enforce this article and may by written order establish such rules or regulations, consistent with this article and state or federal law, as he determines are necessary to discharge his duty under, or to affect the policy of, this article. (Ord. 30936)

SEC. 43-159. ESTABLISHMENT OF RULES AND REGULATIONS.

(a) Before adopting, amending, or abolishing a rule, the director shall hold a public hearing on the proposal.

(b) The director shall fix the time and place of the hearing and, in addition to notice required under the Open Meetings Act (Chapter 551, Texas Government Code), as amended, shall notify each operator and such other persons as the director determines are interested in the subject matter of the hearing.

(c) After the public hearing, the director shall notify all operators and other interested persons of the director's action and shall post an order adopting, amending, or abolishing a rule on the official bulletin board in city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period. (Ord. 30936)

SEC. 43-160. OPERATING AUTHORITY PERMIT.

A person commits an offense if, within the city, he operates, or causes or permits the operation of, a dockless vehicle service without a valid operating

authority permit issued under this article. (Ord. 30936)

SEC. 43-161. APPLICATION FOR OPERATING AUTHORITY PERMIT.

(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by the director. The applicant must be the person who will own, control, or operate the proposed dockless vehicle program.

(b) An applicant shall file with the director a verified application statement, to be accompanied by a non-refundable application fee, containing the following:

(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;

(2) the verified signature of the applicant;

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the applicant any future notices sent by the city to the operator, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this article;

(6) documentary evidence of payment of ad valorem taxes on property within the city, if any, to be used in connection with the operation of the proposed dockless vehicle program;

(7) documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the performance bond or irrevocable letter of credit required by this

article;

(8) the number and types of dockless vehicles to be operated; and

(9) an agreement to indemnify the city.

(c) An operating authority permit may be renewed following the process in this section.

(d) The initial application for an operating authority permit must be accompanied by an application fee of \$808 and the appropriate vehicle fee as specified in Section 43-172. Applications to renew an operating authority permit must be accompanied by an application fee of \$404 and the appropriate vehicle fee as specified in Section 43-172. (Ord. 30936)

SEC. 43-162. CHANGES TO INFORMATION IN OPERATING AUTHORITY APPLICATION.

(a) Any changes to the information provided in the operating authority permit application must be reported to the director, in the manner prescribed by the director, within 10 days of the change.

(b) If the information reported to the director under this section includes an increase in the number of dockless vehicles, any additional vehicle fees due under Section 43-172 must be submitted to the director simultaneously with the change in information. (Ord. 30936)

SEC. 43-163. EXPIRATION OF OPERATING AUTHORITY PERMIT.

An operating authority permit expires one year from the date it is issued. (Ord. 30936)

SEC. 43-164. REFUSAL TO ISSUE OR RENEW OPERATING AUTHORITY PERMIT.

(a) The director shall refuse to issue or renew an operating authority permit if the applicant:

(1) intentionally or knowingly makes a false statement as to a material matter in an application for a permit or permit renewal; or

(2) has been convicted twice within a 12-month period for a violation of this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or a rule or regulation adopted under this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or has had an operating authority permit revoked within two years of the date of application.

(b) If the director determines that a permit should be denied, the director shall notify the applicant or operator in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or operator of the right to, and the process for, appeal of the decision. (Ord. 30936)

SEC. 43-165. SUSPENSION OR REVOCATION OF OPERATING AUTHORITY PERMIT.

(a) Suspension. The following regulations apply to the suspension of an operating authority permit:

(1) The director may suspend an operating authority permit if the director determines that:

(A) the operator failed to comply with a request to remove a dockless vehicle or a request to rebalance dockless vehicles issued by the director within the time specified in the order; or

(B) a performance bond or irrevocable letter of credit required by this article is cancelled.

(2) Suspension of an operating authority permit does not affect the expiration date of the permit.

(b) Revocation. The following regulations apply to the revocation of an operating authority permit:

(1) The director shall revoke an operating authority permit if the director determines that the operator has:

(A) made a false statement as to a material matter in the application concerning the operating authority permit;

(B) failed to maintain the insurance required by this article;

(C) operated dockless vehicles that were not authorized by the operating authority permit; or

(D) failed to pay a fee required by this article.

(2) After revocation of an operating authority permit, an operator is not eligible for another permit for a period of up to two years, depending on the severity of the violation resulting in the revocation. (Ord. 30936)

SEC. 43-166. APPEALS.

Any person whose application for an operating authority permit, or renewal of an operating authority permit, is denied by the director, or an operator whose operating authority permit has been revoked or suspended by the director, may file an appeal with the permit and license appeal board in accordance with Section 2-96, "Appeals From Actions of Department Directors," of this code. (Ord. 30936)

SEC. 43-167. NONTRANSFERABILITY.

An operating authority permit is not transferable. This regulation should not be construed to impede the continuing use of trade names. (Ord. 30936)

SEC. 43-168. OPERATIONS.

(a) Each operator shall provide dockless vehicles to accommodate a wide range of users.

(b) Each dockless vehicle permitted under this article must display the emblem of the operator along with a unique identification number.

(c) Dockless vehicles must not display third party advertising.

(d) Dockless vehicles must meet all requirements of local, state, and federal law. Bicycles must meet the safety standards outlined in ISO 43.150 - Cycles, Subsection 4210, as amended.

(e) Dockless vehicles must be high quality and sturdily built to withstand the effects of weather and constant use for five years.

(f) Dockless vehicles must be well maintained

and in good riding condition.

(g) Each dockless vehicle permitted under this article must be equipped with active global positioning system technology.

(h) Spoken word alarm systems are prohibited on dockless vehicles.

(i) Operators shall maintain a staffed operations center.

(j) Operators shall maintain a 24-hour customer service number posted on each dockless vehicle for customers and citizens to report safety concerns, make complaints, ask questions, or request a dockless vehicle be relocated.

(k) Operators shall rebalance dockless vehicles at least once per week.

(l) Operators shall provide the director with contact information for someone who can rebalance and relocate dockless vehicles. The operator shall rebalance or relocate dockless vehicles within two hours of receiving notification on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice at all other times. An operator shall notify the director within 24 hours of a change of contact information.

(m) An operator shall remove any inoperable dockless vehicle, or a dockless vehicle that is not safe to operate, from the right-of-way within 24 hours of notice from the director. A dockless vehicle removed from the right-of-way in accordance with this subsection must be repaired before it is returned to revenue service.

(n) An operator shall provide the director with special access, via the operator's app or other device, to immediately unlock and remove dockless vehicles that are blocking access to city property or the public right-of-way.

(o) Any dockless vehicle retrieved by the director from a stream, lake, fountain, or other body of water will be disposed of in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended, if not collected by the operator after notification.

(p) If the city incurs any costs addressing or

abating any violations of this article, or incurs any costs of repair or maintenance of public property, the operator shall reimburse the city for the costs within 30 days of receiving written notice from the director.

(q) An operator shall not place or attach any personal property (other than dockless vehicles), fixtures, or structures in the public right-of-way without the separate written permission of the director. Any permission to place items in the public right-of-way must be incorporated into the permit.

(r) An operator shall not adversely affect the property of any third parties during the use of city property or the public right-of-way.

(s) An operator shall educate customers regarding the law applicable to riding, operating, and parking a dockless vehicle. An operator's mobile application must provide information notifying the user that:

(1) minors must wear helmets while riding a bicycle as required by Section 9-8, "Bicycle Helmet Required," of the Dallas City Code and while riding a motor assisted scooter as required by Section 28-41.1, "Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes," of the Dallas City Code;

(2) dockless vehicles must be parked legally and properly;

(3) bicyclists and motor assisted scooters must yield to pedestrians on sidewalks and trails; and

(4) bicycles may not be ridden on sidewalks within the central business district per Section 9-1, "Applicability of Traffic Regulations to Bicycle Riders," of the Dallas City Code.

(t) The number of dockless vehicles in a fleet must be commensurate with the expected level of service. (Ord. 30936)

SEC. 43-169. DOCKLESS VEHICLE PARKING, DEPLOYMENT, AND OPERATION.

(a) Dockless vehicles may not be parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than 48 inches.

(b) Dockless vehicles may not be parked in a manner that would impede vehicular traffic on a street or alley.

(c) Dockless vehicles may not be parked in a manner that would impose a threat to public safety or security.

(d) Dockless vehicles may not be parked on a public street without specific permission from the director.

(e) Dockless vehicles may not be deployed on a block where the sidewalk is less than 96 inches in width, or on a block that does not have sidewalks. The director may determine other blocks where deploying dockless vehicles is prohibited.

(f) Dockless vehicles must be deployed on a sidewalk or other hard surface, at a bicycle rack, or at a city-owned location. Dockless vehicles may only be deployed on private property with the permission of the property owner.

(g) Dockless vehicles must stand upright while parked.

(h) Dockless vehicles may not be parked in a visibility triangle as defined in Section 51A-4.602, "Fence, Screening and Visual Obstruction Regulations," of the Dallas Development Code.

(i) Dockless vehicles may not be parked within five feet of a crosswalk or curb ramp, unless given specific permission by the director.

(j) Dockless vehicles may not be parked in a way that blocks:

(1) Transit stops, shelters, or platforms.

(2) Commercial loading zones.

(3) Railroad or light rail tracks or crossings.

(4) Passenger loading zones or valet parking service areas.

(5) Disabled parking zones.

(6) Street furniture that requires pedestrian access (for example, benches or parking pay stations).

(7) Building entryways.

(8) Vehicular driveways.

(k) Dockless vehicles parked along multi-use trails may only be parked at trailheads or other areas identified by the director.

(l) Dockless vehicles that are parked in an incorrect manner must be re-parked or removed by the operator within two hours of receiving notice from the director on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice from the director at all other times.

(m) A dockless vehicle that is parked in a residential area may remain in the same location for up to 48 hours as long as it is parked in accordance with this section. An operator shall relocate or rebalance a dockless vehicle parked in a residential area after receiving a citizen request or complaint in accordance with the timeframes specified in Section 43-169(l).

(n) The director may remove and store any dockless vehicle that is left parked at the same location for seven or more consecutive days if the director has sent the operator a notification to rebalance the dockless vehicle.

(1) The operator is responsible for the costs of removal and storage.

(2) The director shall invoice the operator for the cost of removal and storage.

(3) Any dockless vehicle that remains unclaimed with the city for 60 days is subject to sale in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended.

(o) The director may identify designated dockless vehicle parking zones. Subject to advance approval of the director, an operator may indicate virtual dockless vehicle parking areas with paint or decals where appropriate in order to guide riders to preferred parking zones in order to assist with orderly parking of dockless vehicles throughout the city.

(p) Every person riding a dockless vehicle upon the streets of the city shall be subject to provisions of all laws and ordinances applicable to the operator of any other vehicle, except those provisions of laws and ordinances which, by their very nature, can have no application; provided, however, it shall not be unlawful

to ride a dockless vehicle on a public sidewalk anywhere in the city outside of the central business district; said district being formed by the following street lines:

The south line of Young Street from Houston Street to Lamar Street.

The west line of Lamar Street from Young Street to the DART Rail Corridor.

The north line of the DART Rail Corridor from Lamar Street to Interstate 45.

The west line of Interstate 45 from the DART Rail Corridor to Interstate 30.

The north line of Interstate 30 from Interstate 45 to Exposition Avenue.

The east line of Exposition Avenue from Interstate 30 to CBD Fair Park Link.

The east line of the CBD Fair Park Link from Exposition Avenue to Gaston Avenue.

The north line of Gaston Avenue from the CBD Fair Park Link to Pacific Avenue.

The north line of Pacific Avenue from Gaston Avenue to Pearl Street.

The east line of Pearl Street from Pacific Avenue to Ross Avenue.

The north line of Ross Avenue from Pearl Street to Austin Street.

The west line of Austin Street from Ross Avenue to Pacific Avenue.

The north line of Pacific Avenue from Austin Street to Houston Street.

The west line of Houston Street from Pacific Avenue to Young Street.

(q) Any person riding a dockless vehicle upon a sidewalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Ord. 30936)

(a) An operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company that:

(1) is authorized to do business in the State of Texas;

(2) is acceptable to the city; and

(3) does not violate the ownership or operational control prohibition described in Subsection (e) of this section.

(b) The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a dockless vehicle.

(c) An operator shall maintain the following insurance coverages:

(1) The commercial general liability insurance must provide single limits of liability for bodily injury (including death) and property damage of \$1 million for each occurrence, with a \$2 million annual aggregate.

(2) If an operator will utilize motor vehicles in its operations, the business automotive liability insurance must cover owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$500,000 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, \$500,000 per each accident;

and

(B) disease, \$500,000 per employee with a per policy aggregate of \$500,000.

(d) Insurance required under this article must:

(1) 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 (for a reason other than non-payment) or before making a reduction in coverage;

(2) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before cancelling for non-payment;

(3) cover all dockless vehicles during the times that the vehicles are deployed or operating in furtherance of the operator's business;

(4) include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;

(5) require notice to the director if the policy is cancelled or if there is a reduction in coverage; and

(6) comply with all applicable federal, state, and local laws.

(e) No person who has a 20 percent or greater ownership interest in the operator may have an interest in the insurance company.

(f) An operator may not be self-insured.

(g) Any insurance policy required by this article must be on file with the city within 45 days of the issuance of the initial operating authority permit, and thereafter within 45 days of the expiration or termination of a previously issued policy. (Ord. 30936)

SEC. 43-171. DATA SHARING.

(a) An operator shall cooperate with the city in the collection and analysis of aggregated data concerning its operations.

(b) An operator shall provide a quarterly report to the director that includes:

(1) Total number of rides for the previous quarter.

(2) Total number of vehicles in service for the previous quarter.

(3) Number of rides per vehicle per day.

(4) Anonymized aggregated data taken by the operator's dockless vehicles in the form of heat maps showing routes, trends, origins, and destinations.

(5) Anonymized trip data taken by the operator's dockless vehicles that includes the origin and destination, trip duration, and date and time of trip.

(c) An operator shall provide other reports at the director's request. (Ord. 30936)

SEC. 43-172. VEHICLE FEE.

An operator shall pay a vehicle fee as follows:

Number of Dockless Vehicles	Fee
1-100	\$2,100
101-200	\$4,200
201-300	\$6,300
301-400	\$8,400
401-500	\$10,500
Fee per dockless vehicle in excess of 500	\$21

(Ord. 30936)

SEC. 43-173. PERFORMANCE BOND OR IRREVOCABLE LETTER OF CREDIT.

Before issuance of an operating authority permit, the operator shall give the director a performance bond or an irrevocable letter of credit approved as to form by the city attorney.

(1) A bonding or insurance company authorized to do business in the State of Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in the State of Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for the duration of the operating authority permit.

(4) The amount of the performance bond or

irrevocable letter of credit must be at least \$10,000.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article and the operating authority permit. If the performance bond or irrevocable letter of credit is cancelled, the operating authority permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the director with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article or the operating authority permit. (Ord. 30936)

SEC. 43-174. ENFORCEMENT.

(a) The director may, with or without notice, inspect any dockless vehicle operating under this article to determine whether the dockless vehicle complies with this article, rules and regulations established under this article, or other applicable laws.

(b) The director shall enforce this article. Upon observing a violation of this article or the rules or regulations established by the director, the director shall take necessary action to ensure effective regulation of dockless vehicles. (Ord. 30936)

SEC. 43-175. CRIMINAL OFFENSES.

(a) A person commits an offense if he violates or attempts to violate a provision of this article, or a rule or regulation established by the director under this article, that is applicable to a person. A culpable mental state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs.

(b) Prosecution for an offense under Subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense. (Ord. 30936)

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>
30657	9-27-17	10-1-17	1	Amends 34-1
			2	Adds 34-22(u)
			3	Amends 34-23(a)
			4	Adds 34-23(r)
			5	Amends 34-30(c)
			6	Adds 34-38(k)
30687	11-8-17	2-1-18	1	Amends 7-1.1
			2	Amends 7-3.1
			3	Amends 7-4.7
30694	11-8-17		1	Amends 39A-1
			2	Amends 39A-2
			3	Amends 39A-3
			4	Amends 39A-4
			5	Amends 39A-5
			6	Amends 39A-6
30714	12-13-17	[sec. 27-53 eff. 2-1-18]	1	Amends Ch. 27, Art. VIII, 27-45 thru 27-54
30715	12-13-17		1	Amends 15A-1
			2	Amends 15A-7
30769	2-14-18		1	Amends 13-3(a)
30789	2-28-18		1	Amends 8-1.4(a)
			2	Amends 8-1.4(f)
			3	Amends 8-1.4(h)
30828	4-11-18		1	Amends 2-17.3(a)
			2	Amends 2-27
			3	Amends 2-29
			4	Amends 2-30(d)
			5	Amends 2-31
			6	Amends 2-32
			7	Amends 2-33
			8	Amends 15B-1
			9	Amends 15B-3(1)
30842	4-25-18	7-1-18	1	Adds 5-31.1
			2	Adds 5-64
30879	6-13-18	1-1-19	1	Amends 18-2
			2	Adds 18-5.1
			3	Amends 18-12.1(c)
			4	Adds Ch. 18, Art. IV-a, 18-52 thru 18-54

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>
30900	6-27-18		1	Amends 7-2.5
			2	Amends 7-2.6
30901	6-27-18		1	Adds 7-1.1(8.1)
			2	Adds 7-4.14
			3	Amends 7-5.3
			4	Amends 7-5.4
			5	Amends 7-5.5
			6	Amends 7-5.6(b)
			7	Amends 7-5.6(c)
			8	Adds 7-5.11
			9	Adds Ch. 7, Art. V-a, 7-5.12 thru 7-5.16
			10	Amends 7-8.1(e)
			11	Amends 7-8.2(b)
30905	6-27-18		1	Amends Ch. 2, Art. XIV, 2-130 thru 2-132
30935	6-27-18		1	Amends 28-41.1
			2	Adds 28-41.1.1
30936	6-27-18		1	Adds Ch. 43, Art. X, 43-157 thru 43-175

[Intentionally left blank]

Index

Personal property to other governmental entities.....	Sec. 2-37.14
Purchase by certain persons prohibited.	Sec. 2-37.9
Records; reports to the director of finance; proceeds.	Sec. 2-37.6
Sale of unclaimed and surplus property at the city store.....	Sec. 2-37.15
Time and place of sale; notice.....	Sec. 2-37.5
Uniforms, authority to sell to employees.	Sec. 2-37.11
Weapons	
Authority to sell to certain personnel.	Sec. 2-37.10
Destruction of restricted.	Sec. 2-37.7
Real property, sale or release of interests in.....	Sec. 2-11.1
Real property acquisitions where consideration exceeds \$500,000.....	Sec. 2-11.3
Removal from office for misconduct or neglect of duty.....	Sec. 2-4
South Dallas/Fair Park trust fund board (See SOUTH DALLAS/FAIR PARK TRUST FUND BOARD)	
Senior affairs commission (See SENIOR AFFAIRS COMMISSION)	
Time within which city officers to deposit money.	Sec. 2-1

AD VALOREM TAX (See TAXATION)

ADVERTISING

Advertising by certain acts prohibited.	Sec. 3-1
Aircraft	
Release of advertising matter from.	Sec. 5-43
Use of loud speakers.	Sec. 5-44
Consumer protection.....	Sec. 50-75
Electronic repairs.	Sec. 50-112
Mail order sales.	Sec. 50-98
Motor vehicle repairs.....	Sec. 50-126
Use of vehicle for advertising.....	Sec. 3-2
Wood vendors.	Sec. 50-83

AGGRESSIVE DOGS

Appeals	Sec. 7-5.14
Attacks by an aggressive dog.	Sec. 7-5.16
Definition	Sec. 7-5.12
Determination as an aggressive dog.	Sec. 7-5.13
Requirements for ownership of an aggressive dog; noncompliance hearing.	Sec. 7-5.15

AIR POLLUTION

Air pollution information required.....	Sec. 5A-5
City air pollution standards.	Sec. 5A-7
Compliance order and emergency action.....	Sec. 5A-9
Declaration of policy.	Sec. 5A-2
Definitions.....	Sec. 5A-3
General authority and duty of director.....	Sec. 5A-4
Inspection of records.	Sec. 5A-11
Monitoring requirements.	Sec. 5A-10
Motor vehicle idling.....	Sec. 5A-15
Notice	Sec. 5A-12
Nuisance	Sec. 5A-13
Offenses	Sec. 5A-14

Index

Registration fees.	Sec. 5A-8
Short title	Sec. 5A-1
Texas Natural Resource Conservation Commission rules.	Sec. 5A-6

AIRCRAFT AND AIRPORTS

Aircraft permitted to operate at Dallas Executive Airport.	Sec. 5-55
“Airport” defined.	Sec. 5-1
Aviation fuel sales; license fees and rates.	Sec. 5-33
Aviation schools.	Sec. 5-32
Balloons, kites near airports prohibited.	Sec. 31-9
Bringing pets into terminals prohibited, exceptions.	Sec. 5-53
Installation of signs.	Sec. 5-54
Compliance with air commerce regulations.	Sec. 5-30
Condition of aircraft.	Sec. 5-38
Department of aviation created.	Sec. 5-2
Direction of aerial traffic around airport.	Sec. 5-14
Director of aviation	
Accounting for funds received.	Sec. 5-10
Authority over public at airports.	Sec. 5-5
Authority to remove violators from premises.	Sec. 5-7
Authority to suspend operations.	Sec. 5-6
Duties.	Sec. 5-3
Interest in sales, etc.	Sec. 5-9
Promulgation of rules and regulations.	Sec. 5-4
Regulation of internal management of municipal airports.	Sec. 5-8
Exemption of aircraft owned by federal or state government.	Sec. 5-45
Exhibitions, authorization for.	Sec. 5-37
Experimental or uncertificated aircraft.	Sec. 5-26
Fees charged for commercial aircraft.	Sec. 5-31
Fire prevention regulations (See “Airports, heliports, helistops” under FIRE PROTECTION)	
Fleet-mix requirements for commercial air carriers at Dallas Love Field.	Sec. 5-56
Flight training	
Instruction.	Sec. 5-27
Student pilots flying solo.	Sec. 5-28
Flying at low altitude; permits for landing places.	Sec. 5-36
Ground transportation services at Love Field airport	
Customer facility charge.	Sec. 5-64
Defenses.	Sec. 5-60
Definitions.	Sec. 5-58
Fees	Sec. 5-63
General authority for enforcement.	Sec. 5-59
Ground transportation service requirements.	Sec. 5-61
Registration of ground transportation service at the airport.	Sec. 5-62
Statement of policy.	Sec. 5-57
Hydroplanes, use on city property.	Sec. 5-11

Index

International arrival fees.	Sec. 5-35
Landing	Sec. 5-15
Landing fees charged for general aviation aircraft at Dallas Love Field.	Sec. 5-31.1
Landing or taking off of aircraft prohibited except at approved airports or areas; flight regulations to be observed.	Sec. 5-42
Exemption.	Sec. 5-45
Licensed aircraft.	Sec. 5-29
Litter, dropping from aircraft prohibited.	Sec. 7A-15
Location of vehicles on premises.	Sec. 5-40
Maintenance run-ups.	Sec. 5-25
Moving sidewalks and escalators at Dallas Love Field	
Installation of signs regarding use.	Sec. 5-52
Manner of use generally.	Sec. 5-48
Use by animals prohibited.	Sec. 5-50
Use by baby carriages, wheel chairs, etc., prohibited.	Sec. 5-51
Use by children under 10 years of age; responsibility of parents; nonliability of city.	Sec. 5-49
Operation by unskilled or intoxicated persons.	Sec. 5-38
Operation within jurisdiction of city.	Sec. 5-39
Parking of aircraft on airport ground.	Sec. 5-20
Pilot or competent mechanic only to run engine.	Sec. 5-24
Release of advertising pamphlets or other materials.	Sec. 5-43
Exemptions.	Sec. 5-45
Repairs to be made in designated spaces.	Sec. 5-12
Right-of-way.	Sec. 5-17
Sale of products at airports; license or permit.	Sec. 5-34
Soliciting business or selling merchandise on airport property.	Sec. 5-46
Take-off and landing direction.	Sec. 5-18
Authorization for take-offs.	Sec. 5-19
Taking off over hangars, etc.	Sec. 5-21
Taxiing	Sec. 5-22
Traffic, parking regulations established for certain airports (See "Special provisions for Love Field and Dallas Executive Airport" under MOTOR VEHICLES AND TRAFFIC)	
Trespassing upon landing, take-off and taxiing areas.	Sec. 5-41
Use of loud-speakers, etc., for advertising.	Sec. 5-44
Exemption.	Sec. 5-45
Use of passenger interviews, opinion surveys, petitions, etc., in Dallas Love Field terminal building	Sec. 5-47
Use of two-way radio.	Sec. 5-16
Use of wheel blocks.	Sec. 5-23
Wrecked aircraft, disposal of.	Sec. 5-13

ALARM SYSTEMS (See EMERGENCY REPORTING EQUIPMENT AND PROCEDURES)

Index

DANGEROUS DOGS (See also **AGGRESSIVE DOGS**; ANIMALS; DOGS AND CATS)

Appeals Appeal of director's dangerous dog determination	
Sec. 7-5.4	
Attacks by dangerous dog; hearing	Sec. 7-5.6
Dangerous dog owned or harbored by minor	Sec. 7-5.9
Dangerous dog registry	Sec. 7-5.11
Defenses	Sec. 7-5.10
Definitions.....	Sec. 7-5.1
Determination as dangerous dog.....	Sec. 7-5.3
Prohibition on owning a dog determined dangerous by another jurisdiction.	Sec. 7-5.7
Requirements for ownership of a dangerous dog; noncompliance hearing.	Sec. 7-5.5
State law; animal control authority.	Sec. 7-5.2
Surrender of a dangerous dog.	Sec. 7-5.8

DEMOLITION OF STRUCTURES (See Chapter 53, "Dallas Building Code," of the Dallas City Code)

DEPARTMENT OF AVIATION (See AIRCRAFT AND AIRPORTS)

DEPARTMENT OF CODE COMPLIANCE

Created	Sec. 2-71
Director of code compliance	
Appointment.	Sec. 2-71
Duties.....	Sec. 2-72

DEPARTMENT OF COMMUNICATION AND INFORMATION SERVICES

Created	Sec. 2-136
Director of communication and information services	
Appointment.	Sec. 2-136
Duties.....	Sec. 2-137

DEPARTMENT OF CONVENTION AND EVENT SERVICES

Created	Sec. 2-46
Director of convention and event services	
Appointment.	Sec. 2-46
Duties.....	Sec. 2-47

DEPARTMENT OF DALLAS ANIMAL SERVICES (See ANIMAL SERVICES)

DEPARTMENT OF EQUIPMENT AND BUILDING SERVICES

Created	Sec. 2-43
Director of equipment and building services	
Appointment.	Sec. 2-43
Duties.....	Sec. 2-44

DEPARTMENT OF HOUSING/COMMUNITY SERVICES

Created	Sec. 2-142
Director of housing/community services	
Appointment.	Sec. 2-142
Duties.....	Sec. 2-143

Index

DIRECTOR OF CONSUMER AFFAIRS.....	Sec. 50-1
DIRECTOR OF CONVENTION AND EVENT SERVICES (See DEPARTMENT OF CONVENTION AND EVENT SERVICES)	
DIRECTOR OF ECONOMIC DEVELOPMENT (See OFFICE OF ECONOMIC DEVELOPMENT)	
DIRECTOR OF EQUIPMENT AND BUILDING SERVICES (See DEPARTMENT OF EQUIPMENT AND BUILDING SERVICES)	
DIRECTOR OF HOUSING/COMMUNITY SERVICES (See DEPARTMENT OF HOUSING/COMMUNITY SERVICES)	
DIRECTOR OF HUMAN RESOURCES (See DEPARTMENT OF HUMAN RESOURCES)	
DIRECTOR OF MANAGEMENT SERVICES (See OFFICE OF MANAGEMENT SERVICES)	
DIRECTOR OF RISK MANAGEMENT (See OFFICE OF RISK MANAGEMENT)	
DIRECTOR OF SANITATION SERVICES (See DEPARTMENT OF SANITATION SERVICES)	
DIRECTOR OF STREETS SERVICES (See DEPARTMENT OF STREET SERVICES)	
DIRECTOR OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION (See DEPARTMENT OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION)	
DIRECTOR OF TRINITY WATERSHED MANAGEMENT (See DEPARTMENT OF TRINITY WATERSHED MANAGEMENT)	
DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION.....	Sec. 31-3
DISCRIMINATION RELATING TO SEXUAL ORIENTATION (See UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO SEXUAL ORIENTATION)	
DISEASES, INFECTIOUS AND COMMUNICABLE (See HEALTH AND SANITATION)	
DOGS AND CATS (See also AGGRESSIVE DOGS ; ANIMALS; DANGEROUS DOGS)	
Authorized registrars	Sec. 7-4.4
Breeding permit.	Sec. 7-4.11
Confinement of dogs or cats in unattended motor vehicles.....	Sec. 7-4.13
Confinement requirements for dogs kept outdoors	Sec. 7-4.9
Dangerous dogs (See DANGEROUS DOGS)	
Defecation of dogs on public and private property; failure to carry materials and implements for the removal and disposal of dog excreta.....	Sec. 7-4.8
Dog bites	Sec. 7-4.14
Duty to locate owners of loose dogs.	Sec. 7-4.12
Impoundment.....	Sec. 7-2.5
Limitation on the number of dogs and cats in dwelling units	Sec. 7-4.6

Index

Motor vehicle escorts for hire	
Advertisement regulations.....	Sec. 28-185
Chauffeur's license required; application.....	Sec. 28-173
Appeal from refusal to issue or renew; from decision to revoke.	Sec. 28-176
Fee, fingerprints and photograph; nontransferable.....	Sec. 28-177
Issuance; denial.	Sec. 28-174
Revocation.....	Sec. 28-175
To be carried on person.....	Sec. 28-178
Definitions.....	Sec. 28-160
Employment of qualified operators responsibility of owner.	Sec. 28-179
Escort license required.	Sec. 28-161
Appeal.	Sec. 28-167
Application; information required.	Sec. 28-163
Fee; transferability.	Sec. 28-170
Insurance.....	Sec. 28-168
Investigation; issuance.....	Sec. 28-164
Minimum age of person obtaining.	Sec. 28-162
One year term.	Sec. 28-169
Posting.....	Sec. 28-171
Refusal to issue or renew.	Sec. 28-165
Revocation.....	Sec. 28-166
Escorts for funeral cortege not required.....	Sec. 28-181
Functions, powers and duties of police department.....	Sec. 28-172
Funeral escort guides; uniform and equipment requirements.	Sec. 28-183
Operating procedures.	Sec. 28-184
Police officers may furnish escorts.	Sec. 28-180
Requirements for motor vehicles used in escort service.	Sec. 28-182
One-way streets and alleys	
One-way pedestrian zones.....	Sec. 28-63.2
One-way streets and alleys.....	Sec. 28-59
One-way streets in certain airports.	Sec. 28-133
One-way streets in school zones.	Sec. 28-60
Operation of vehicles	
Backing into intersection prohibited.....	Sec. 28-35
Cruising prohibited in designated areas.	Sec. 28-42.1
Driving on Four-Way Place and Stone Place.....	Sec. 28-42
Driving through prohibited.	Sec. 28-39
Funeral or other procession; operation of vehicles.....	Sec. 28-38
Identification of funeral procession.....	Sec. 28-37
Operation of motorcycles, etc.....	Sec. 28-40
Operation upon parkways.	Sec. 28-36
Regulating the use of hand-held mobile telephones and mobile communication devices in school zones	Sec. 28-41.2
Restrictions on the use of motor assisted scooters, pocket bikes, and minimotorbikes.	Secs. 28-41.1, 28-41.1.1
Riding in portions of vehicles not designed or equipped for passengers.	Sec. 28-41

Index

Turning movements	
Central business district defined.	Sec. 28-56
Left turns restricted when emerging from or entering alleys or private driveways in the central business district.	Sec. 28-55
Limitation on U turns.	Sec. 28-54
Obedience to no-turn signs.	Sec. 28-53
Violations and penalties	
Authority to arrest without warrant for violations of chapter.	Sec. 28-154
Disposition of fines and forfeitures.	Sec. 28-153
Giving false address upon arrest for traffic violations.	Sec. 28-149
Giving false name upon arrest for traffic violations.	Sec. 28-148
Payment of fines; when pleading guilty.	Sec. 28-152
Procedure upon arrest for violation of chapter.	Sec. 28-147
Procedure upon failure of traffic violator to appear.	Sec. 28-151
Violation of written promise to appear.	Sec. 28-150
MUNICIPAL BUILDING, SECURITY (See BUILDING SECURITY)	
MUNICIPAL COURT OF RECORD (See COURTS, FINES AND IMPRISONMENTS)	
MUNICIPAL LIBRARY BOARD (See “Municipal library board” under LIBRARY)	
MUNICIPAL LIBRARY DEPARTMENT (See “Municipal library department” under LIBRARY)	
MUNICIPAL SOLID WASTES (See also HEALTH AND SANITATION)	
Collection and disposal	
Collection and removal of solid waste	
Apartments, institutions, commercial establishments, and mobile home parks.	Sec. 18-5
Collection and removal of illegally dumped solid waste materials on private premises.	Sec. 18-12
Containers for municipal solid waste materials.	Sec. 18-3
Dead animals.	Sec. 18-7
Downtown area.	Sec. 18-6
Penalties for violation.	Sec. 18-12.1
Processing and disposal of solid waste materials.	Sec. 18-10
Recyclable materials from multifamily sites.	Sec. 18-5.1
Regulations for food establishments.	Secs. 17-5.1, 17-5.2
Residences and duplexes.	Sec. 18-4
Definitions.	Sec. 18-2
Scope of chapter.	Sec. 18-1
Solid waste materials not handled by city sanitation services.	Sec. 18-8
Specifying charges for disposal of solid waste materials.	Sec. 18-11
Specifying charges for sanitation service.	Sec. 18-9
Junked vehicles	
Deemed public nuisance; declared unlawful.	Sec. 18-20
Definitions.	Sec. 18-19

Index

Exceptions.....	Sec. 18-21
Motor vehicle description.....	Sec. 18-23
Notice to abate nuisance.....	Sec. 18-22
Notice to Texas Department of Highways and Public Transportation.	Sec. 18-28
Penalties for violation.	Sec. 18-28.1
Removal	
Property, occupied or unoccupied premises by court order.....	Sec. 18-27
With permission of owner.	Sec. 18-26
Trial in municipal court	
Judge; penalty.....	Sec. 18-25
Preliminaries.....	Sec. 18-24
Multifamily site recycling collection and removal services	
Director of sanitation's authority.....	Sec. 18-52
Inspections, suspensions, revocations, and penalties.....	Sec. 18-54
Multifamily site recycling collection service.....	Sec. 18-53
Private solid waste collection service	
Authority of director.....	Sec. 18-30
Defenses.	Sec. 18-31
Definitions.....	Sec. 18-29
Miscellaneous requirements relating to solid waste collection, disposal, and vehicles	
Accumulations and deposit of waste prohibited.....	Sec. 18-50
Hazardous waste material.	Sec. 18-47
Requirements for solid waste collection vehicles.	Sec. 18-45
Responsibility of producer of dry or wet solid waste.....	Sec. 18-46
Restrictions on disposal of waste.....	Sec. 18-49
Restrictions on removal of solid waste.	Sec. 18-48
Solid waste collection franchises	
Amendments to and transfer of a franchise.....	Sec. 18-38
Annual report.....	Sec. 18-41
Expiration and renewal of franchise; voidance of authority to operate vehicles.	Sec. 18-39
Failure to pay ad valorem taxes.....	Sec. 18-42
Franchise and decal required.....	Sec. 18-32
Franchise application.....	Sec. 18-33
Franchise fees.....	Sec. 18-35
Franchise grant	Sec. 18-34
Franchisee's records and reports.	Sec. 18-40
Issuance and display of vehicle decal; proof of franchise to be shown upon request.....	Sec. 18-36
Notification of change of address or ownership.....	Sec. 18-43
Suspension or revocation of franchise; assessment of civil penalties.....	Sec. 18-37
Vehicle inspection.	Sec. 18-44
Violations and penalties	
Penalties for violations.....	Sec. 18-51
Septic tanks (See HEALTH AND SANITATION)	
Storm sewers (See HEALTH AND SANITATION)	
Tires	
Appeals	Sec. 18-60
Definitions	Sec. 18-55
Exemptions	Sec. 18-63

Index

Smoking prohibitions	
Signage and other requirements.	Sec. 41-3
Smoking in transit bus system.	Sec. 13A-8
Smoking prohibited in certain areas.	Sec. 41-2
Tobacco-product vending machines	
Definitions.	Sec. 41-10
Lock-out devices.	Sec. 41-12
Prohibition against; defenses.	Sec. 41-11

SNOW AND ICE (See STREETS AND SIDEWALKS)

SOLICITATION FOR PURPOSES OF PROSTITUTION (See OFFENSES - MISCELLANEOUS)

SOLICITATIONS, HOME

Authority of chief	Sec. 42-3
Definitions	Sec. 42-2
Delivery of notices	Sec. 42-4
Miscellaneous requirements for home solicitations	
Exhibiting signs prohibiting home solicitors	Sec. 42-14
Records	Sec. 42-15
Time and manner for conducting home solicitations	Sec. 42-13
Presumption of distribution of commercial printed matter	Sec. 42-6
Purpose	Sec. 42-1
Registration of home solicitors	
Appeals	Sec. 42-12
Application for registration; fee; expiration; nontransferability; material changes...	Sec. 42-8
Issuance, denial, and display of registration; identification badge	Sec. 42-9
Registration required; defenses	Sec. 42-7
Revocation	Sec. 42-11
Suspension	Sec. 42-10
Violations; penalty	Sec. 42-5

SOLICITORS

Airports, sale of products or soliciting business at.	Secs. 5-34, 5-46
---	------------------

SOLID WASTE (See MUNICIPAL SOLID WASTES)

SOUTH DALLAS/FAIR PARK TRUST ~~TRUST~~ OPPORTUNITY FUND BOARD

Created	Sec. 2-130
Duties and responsibilities.	Sec. 2-131
Membership.	Sec. 2-130
Terms	Sec. 2-130

Index

Protection of grade and line stakes.	Sec. 43-56
Purpose of article.	Sec. 43-31
Removal of debris, etc., upon completion of work.	Sec. 43-58
Repair of defective sidewalks or driveways by abutting property owners.	Sec. 43-63
Sidewalk drainage openings to have metal covers.	Sec. 43-65
Sidewalks, in general	
Concrete specifications.	Sec. 43-68
Form, placement and slope.	Sec. 43-69
Joints.	Sec. 43-70
Minimum dimensions; finishing.	Sec. 43-67
Specifications and placement of concrete expansion joint filler.	Sec. 43-48
Specifications for concrete reinforcing steel.	Sec. 43-47
Standards for raw materials used in construction.	Sec. 43-46
Subgrade determination.	Sec. 43-49
Surety bond	
Conditions of issuance.	Sec. 43-44
Effect of article on persons now engaged in construction, etc..	Sec. 43-45
Required.	Sec. 43-43
Traffic barriers for service stations and parking lots.	Sec. 43-60
Placement of curbs.	Sec. 43-61
Depositing trash on streets and sidewalks.	Sec. 43-12
Dockless vehicle permit	
Appeals.	Sec. 43-166
Application for operating authority permit.	Sec. 43-161
Changes to information in operating authority application.	Sec. 43-162
Criminal offenses.	Sec. 43-175
Data sharing.	Sec. 43-171
Definitions.	Sec. 43-157
Dockless vehicle parking, deployment, and operation.	Sec. 43-169
Enforcement.	Sec. 43-174
Establishment of rules and regulations.	Sec. 43-159
Expiration of operating authority permit.	Sec. 43-163
General authority and duty of director.	Sec. 43-158
Insurance requirements.	Sec. 43-170
Nontransferability.	Sec. 43-167
Operating authority permit.	Sec. 43-160
Operations.	Sec. 43-168
Performance bond or irrevocable letter of credit.	Sec. 43-173
Refusal to issue or renew operating authority permit.	Sec. 43-164
Suspension or revocation of operating authority permit.	Sec. 43-165
Vehicle fee.	Sec. 43-172
Driveways, in general	
Appeals.	Sec. 43-155
Director defined.	Sec. 43-149
Driveways not to be within three feet of poles, etc..	Sec. 43-150
Fee where poles, etc., to be relocated.	Sec. 43-156
Permit for driveway to be issued after poles, etc., removed.	Sec. 43-154
Removal of poles, etc., to permit construction of driveways required..	Sec. 43-151
Allocation of costs for relocation.	Sec. 43-153
Plans to be approved by director.	Sec. 43-152

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME III

Contains 4/18-7/18 Supplement current through
Ordinance 30808-30896, passed 3-28-18-6-13-18
Ordinance 30934, passed 6-27-18

AMERICAN LEGAL PUBLISHING CORPORATION

One West Fourth Street, 3rd Floor Cincinnati, Ohio 45202 (513) 421-4248

Sec. 51A-4.509. Parking management overlay district.

Sec. 51A-4.510. Accessory dwelling unit overlay.

Division 51A-4.600. Regulations of Special Applicability.

Sec. 51A-4.601. Creation of a building site.
 Sec. 51A-4.602. Fence, screening and visual obstruction regulations.
 Sec. 51A-4.603. Use of conveyance as a building.
 Sec. 51A-4.604. Restrictions on access through a lot.
 Sec. 51A-4.605. Design standards.

Division 51A-4.700. Zoning Procedures.

Sec. 51A-4.701. Zoning amendments.
 Sec. 51A-4.702. Planned development (PD) district regulations.
 Sec. 51A-4.703. Board of adjustment hearing procedures.
 Sec. 51A-4.704. Nonconforming uses and structures.
 Sec. 51A-4.705. Annexed territory temporarily zoned.
 Sec. 51A-4.706. Reserved.

Division 51A-4.800. Development Impact Review.

Sec. 51A-4.801. Purpose.
 Sec. 51A-4.802. Definitions.
 Sec. 51A-4.803. Site plan review.

Division 51A-4.900. Affordable Housing.

Sec. 51A-4.901. Purpose.
 Sec. 51A-4.902. Definitions.
 Sec. 51A-4.903. Application of division.
 Sec. 51A-4.904. Special exception.
 Sec. 51A-4.905. Procedures to obtain a density bonus.
 Sec. 51A-4.906. Review by the director.
 Sec. 51A-4.907. Decision by the director.
 Sec. 51A-4.908. Affordable housing instrument required.

Sec. 51A-4.909. Operation of affordable housing program.

Sec. 51A-4.910. Alternative ways to satisfy SAH unit obligation.

Division 51A-4.1000. Park Land Dedication.

Sec. 51A-4.1001. Purpose.
Sec. 51A-4.1002. Applicability.
Sec. 51A-4.1003. Definitions and interpretations.
Sec. 51A-4.1004. Dedication.
Sec. 51A-4.1005. Fee-in-lieu.
Sec. 51A-4.1006. Park development fee.
Sec. 51A-4.1007. Calculations, deductions, and credits.
Sec. 51A-4.1008. Park land dedication standards.
Sec. 51A-4.1009. Park land dedication fund.
Sec. 51A-4.1010. Tree mitigation.
Sec. 51A-4.1011. Appeals.
Sec. 51A-4.1012. Review.

ARTICLE V.

FLOOD PLAIN AND ESCARPMENT ZONE REGULATIONS.

Division 51A-5.100. Flood Plain Regulations.

Sec. 51A-5.101. Definitions and interpretations applicable to the flood plain regulations.
 Sec. 51A-5.102. Designation or removal of FP areas.
 Sec. 51A-5.103. Compliance in undesignated flood plain areas.
 Sec. 51A-5.103.1. Vegetation alteration in flood plain prohibited.
 Sec. 51A-5.104. Uses and improvements permitted.
 Sec. 51A-5.105. Filling in the flood plain.
 Sec. 51A-5.106. Setback from natural channel required.
 Sec. 51A-5.107. Trinity river corridor development certificate process.

Division 51A-5.200. Escarpment Regulations.

Sec. 51A-5.201. Definitions.
 Sec. 51A-5.202. Development in escarpment zone prohibited.

**Division 51A-7.1000.
West End Historic Sign District.**

- Sec. 51A-7.1001. Designation of West End Historic Sign District.
- Sec. 51A-7.1002. Purpose.
- Sec. 51A-7.1003. Definitions.
- Sec. 51A-7.1004. General requirements for all signs.
- Sec. 51A-7.1005. Attached signs.
- Sec. 51A-7.1006. Detached signs.
- Sec. 51A-7.1007. Special purpose signs.
- Sec. 51A-7.1007.1. Purse Building subdistrict.
- Sec. 51A-7.1007.2. Antioch Church subdistrict.**
- Sec. 51A-7.1008. Banners on streetlight poles.
- Sec. 51A-7.1009. Window art displays in vacant buildings.
- Sec. 51A-7.1010. Sign permit requirement.
- Sec. 51A-7.1011. Nondiscrimination between noncommercial messages.

**Division 51A-7.1100. Provisions For
Uptown Sign District.**

- Sec. 51A-7.1101. Designation of Uptown Sign District.
- Sec. 51A-7.1102. Purpose.
- Sec. 51A-7.1103. Definitions.
- Sec. 51A-7.1104. Special provisions for all signs.
- Sec. 51A-7.1105. Special provisions for attached signs.
- Sec. 51A-7.1106. Special provisions for detached signs.
- Sec. 51A-7.1107. Special provisions for non-premise detached signs in the public right-of-way.
- Sec. 51A-7.1108. Special provisions for special purpose signs.
- Sec. 51A-7.1109. Sign permit requirement.

**Division 51A-7.1200. Provisions for
Arts District Sign District.**

- Sec. 51A-7.1201. Designation of Arts District Sign District.
- Sec. 51A-7.1202. Purpose.
- Sec. 51A-7.1203. Definitions.
- Sec. 51A-7.1204. Arts District sign permit requirement.
- Sec. 51A-7.1205. Special provisions for all signs.

- Sec. 51A-7.1205.1. Operational requirements for signs with digital displays.
- Sec. 51A-7.1206. Public signs.
- Sec. 51A-7.1207. Attached private signs.
- Sec. 51A-7.1208. Detached private signs.
- Sec. 51A-7.1209. Building identification signs.
- Sec. 51A-7.1210. Cultural institution identification sign.
- Sec. 51A-7.1211. Canopy fascia signs.
- Sec. 51A-7.1212. Cultural institution digital signs.
- Sec. 51A-7.1213. Freestanding identification signs.
- Sec. 51A-7.1214. Construction barricade signs.
- Sec. 51A-7.1214.1. Subdistrict A.
- Sec. 51A-7.1214.2. Subdistrict B.**
- Sec. 51A-7.1215. Application of Highway Beautification Acts.

**Division 51A-7.1300. Provisions for Deep
Ellum/Near East Side Sign District.**

- Sec. 51A-7.1301. Designation of sign district.
- Sec. 51A-7.1302. Purpose.
- Sec. 51A-7.1303. Definitions.
- Sec. 51A-7.1304. Sign permit requirements.
- Sec. 51A-7.1305. Special provisions for all signs.
- Sec. 51A-7.1306. Special provisions for attached signs.
- Sec. 51A-7.1307. Special provisions for detached signs.
- Sec. 51A-7.1308. Parking ad signs.

**Division 51A-7.1400. Jefferson Boulevard
Sign District.**

- Sec. 51A-7.1401. Designation of sign district.
- Sec. 51A-7.1402. Purpose.
- Sec. 51A-7.1403. Definitions.
- Sec. 51A-7.1404. Sign permit requirements.
- Sec. 51A-7.1405. General requirements for all signs.
- Sec. 51A-7.1406. Attached signs.
- Sec. 51A-7.1407. Detached signs.

**Division 51A-7.1500. Provisions for
Mckinney Avenue Sign District.**

- Sec. 51A-7.1501. Designation of sign district.
- Sec. 51A-7.1502. Designation of subdistricts.
- Sec. 51A-7.1503. Purpose.

- Sec. 51A-7.2216. Attached signs.
- Sec. 51A-7.2217. Window display signs.
- Sec. 51A-7.2218. Kiosk signs.
- Sec. 51A-7.2219. Construction barricade signs.
- Sec. 51A-7.2220. Temporary signs.

Division 51A-7.2300. Southwestern Medical District Sign District.

- Sec. 51A-7.2301. Designation of Southwestern Medical Special Provision Sign District.
- Sec. 51A-7.2302. Purpose.
- Sec. 51A-7.2303. Definitions and interpretations.
- Sec. 51A-7.2304. Southwestern Medical District identification sign permit requirements.
- Sec. 51A-7.2305. Imitation of traffic and emergency signs prohibited.
- Sec. 51A-7.2306. Creation of site.
- Sec. 51A-7.2307. Government traffic signs.
- Sec. 51A-7.2308. Signs within and over the public right-of-way.
- Sec. 51A-7.2309. General provisions for all signs.
- Sec. 51A-7.2310. Prohibited signs.
- Sec. 51A-7.2311. Southwestern Medical District identification signs.
- Sec. 51A-7.2312. Banners.
- Sec. 51A-7.2313. Construction barricade signs.

ARTICLE VIII.

PLAT REGULATIONS.

Division 51A-8.100. Title and Purpose.

- Sec. 51A-8.101. Title.
- Sec. 51A-8.102. Policy.
- Sec. 51A-8.103. Purpose.
- Sec. 51A-8.104. Function of commission.
- Sec. 51A-8.105. Jurisdiction.

Division 51A-8.200. Definitions.

- Sec. 51A-8.201. Definitions.

Division 51A-8.300. Reserved.

Division 51A-8.400. Procedures.

- Sec. 51A-8.401. When platting is required.
- Sec. 51A-8.402. Platting of street right-of-way prohibited.
- Sec. 51A-8.403. Platting process.
- Sec. 51A-8.404. Engineering plan approval procedure.
- Sec. 51A-8.405. Apportionment of exactions and park land dedication.

Division 51A-8.500. Subdivision Layout and Design.

- Sec. 51A-8.501. Compliance with zoning.
- Sec. 51A-8.502. Designation of abandoned, franchised, or licensed property.
- Sec. 51A-8.503. Lots.
- Sec. 51A-8.504. Blocks.
- Sec. 51A-8.505. Building lines.
- Sec. 51A-8.506. Street layout.
- Sec. 51A-8.507. Alleys.
- Sec. 51A-8.508. Parks and common areas.
- Sec. 51A-8.509. Fire and police access.
- Sec. 51A-8.510. Community unit development.
- Sec. 51A-8.511. Conservation easement.
- Sec. 51A-8.512. Shared access development.

Division 51A-8.600. Infrastructure Design and Construction.

- Sec. 51A-8.601. General standards.
- Sec. 51A-8.602. Dedications.
- Sec. 51A-8.603. Construction required.
- Sec. 51A-8.604. Street engineering design and construction.
- Sec. 51A-8.605. Sanitation collection access required.
- Sec. 51A-8.606. Sidewalks.
- Sec. 51A-8.607. Median openings, extra lanes, and driveways.
- Sec. 51A-8.608. Street appurtenances.
- Sec. 51A-8.609. Railroad crossings.
- Sec. 51A-8.610. Utilities.
- Sec. 51A-8.611. Storm drainage design.
- Sec. 51A-8.612. Private development contracts.
- Sec. 51A-8.613. Covenant procedures.
- Sec. 51A-8.614. Cost sharing contract.

- Sec. 51A-8.615. Nonstandard materials.
- Sec. 51A-8.616. Reserved.
- Sec. 51A-8.617. Monumentation.
- Sec. 51A-8.618. Traffic barriers.
- Sec. 51A-8.619. Screening walls.
- Sec. 51A-8.620. Retaining walls.

Division 51A-8.700. Administration.

- Sec. 51A-8.701. Nothing deemed submitted until fees paid.
- Sec. 51A-8.702. Early release of building or foundation permit.
- Sec. 51A-8.703. Circumvention of regulations prohibited.
- Sec. 51A-8.704. Utilities.
- Sec. 51A-8.705. Taxes.
- Sec. 51A-8.706. Approvals and agreements in writing.
- Sec. 51A-8.707. Platting in the escarpment zone and in the geologically similar area.
- Sec. 51A-8.708. Waiver by city council.

ARTICLE IX.

THOROUGHFARES.

Division 51A-9.100. Thoroughfare Plan Amendments.

- Sec. 51A-9.101. Thoroughfare plan defined.
- Sec. 51A-9.102. Thoroughfare plan amendment process.

Division 51A-9.200. Approval of Alignment of Thoroughfares.

- Sec. 51A-9.201. Procedures for establishment of thoroughfare alignment.
- Sec. 51A-9.202. Procedure for approval of state or county thoroughfare improvements.

Division 51A-9.300. Street Naming and Name Change Process.

- Sec. 51A-9.301. Definitions.
- Sec. 51A-9.302. General provisions.
- Sec. 51A-9.303. Application.
- Sec. 51A-9.304. Standards for street names and street name changes.
- Sec. 51A-9.305. Review of application.
- Sec. 51A-9.306. Hearing before the city plan commission.
- Sec. 51A-9.307. Hearing before the city council.
- Sec. 51A-9.308. Notification of name change.
- Sec. 51A-9.309. Effective date of name change.

Division 51A-9.400. Four-Way/All-Way Stop Controls at Residential Intersections.

- Sec. 51A-9.401. Application.
- Sec. 51A-9.402. Standards of review.
- Sec. 51A-9.403. Appeals.

ARTICLE X.

LANDSCAPE AND TREE PRE-CONSERVATION REGULATIONS.

Division 51A-10.100. In General.

- Sec. 51A-10.101. Definitions.
- Sec. 51A-10.102. Purpose.
- Sec. 51A-10.103. Acceptable plant materials.
- ~~Sec. 51A-10.104. Planting area requirements.~~
- Sec. 51A-10.104. Soil and planting area requirements.**
- ~~Sec. 51A-10.105. Protection of planting areas.~~
- Sec. 51A-10.105. Measurements.**
- Sec. 51A-10.106. Irrigation requirements.
- Sec. 51A-10.107. ~~Planters allowed~~ **Reserved.**
- Sec. 51A-10.108. General maintenance.
- Sec. 51A-10.109. ~~Reserved~~ **Landscape and tree manual.**
- Sec. 51A-10.110. Special exceptions.

Division 51A-10.120. Landscaping.

- Sec. 51A-10.121. Application of division.
- Sec. 51A-10.122. Artificial lot delineation.
- Sec. 51A-10.123. Landscape plan submission.
- Sec. 51A-10.124. Landscape plan review.
- Sec. 51A-10.125. Mandatory landscaping requirements.
- ~~Sec. 51A-10.126. Design standards.~~
- Sec. 51A-10.126. Landscape design options.**
- Sec. 51A-10.127. When landscaping must be completed.
- Sec. 51A-10.128. Enforcement by building official.

Division 51A-10.130. ~~Tree Preservation, Removal, and Replacement.~~ Urban Forest Conservation.

- Sec. 51A-10.131. Application of division.
- Sec. 51A-10.131.1. Intent.**
- Sec. 51A-10.131.2. Planned development districts.**
- Sec. 51A-10.132. Tree removal applications.
- Sec. 51A-10.133. ~~Reserved~~ **Historic trees.**
- Sec. 51A-10.133.1. Transplanted trees.**
- Sec. 51A-10.134. Replacement of removed or seriously injured trees.
- Sec. 51A-10.135. Alternative methods of compliance with tree replacement requirements.
- Sec. 51A-10.136. ~~Preservation~~ **Conservation and maintenance** of protected trees during construction or other disturbance.
- Sec. 51A-10.137. Violation of this division.
- Sec. 51A-10.138. Appeals.
- Sec. 51A-10.139. Fines.
- Sec. 51A-10.140. Criminal responsibility, and defenses to prosecution.

ARTICLE XI.**HISTORIC PRESERVATION TAX EXEMPTIONS AND ECONOMIC DEVELOPMENT INCENTIVES FOR HISTORIC PROPERTIES.****Division 51A-11.100. Purpose and Definitions.**

- Sec. 51A-11.101. Purpose and authority.
- Sec. 51A-11.102. Definitions.

Division 51A-11.200. Tax Exemptions for Historic Properties.

- Sec. 51A-11.201. Initial application, completion of rehabilitation, and final application are all required for tax exemption.
- Sec. 51A-11.202. Penalties for failure to complete a project or failure to obtain a certificate of occupancy.
- Sec. 51A-11.203. Historic property destruction or alteration.
- Sec. 51A-11.204. Tax exemptions in the urban historic districts.
- Sec. 51A-11.205. Tax exemptions in endangered and revitalizing historic districts.
- Sec. 51A-11.206. Tax exemptions in historic districts other than urban historic districts, endangered historic districts, and revitalizing historic districts.
- Sec. 51A-11.207. Tax exemption for historic properties open to the public and owned by non-profit organizations.
- Sec. 51A-11.208. Citywide tax exemption.

Division 51A-11.300. Other Incentives for Historic Preservation in Urban Historic Districts.

- Sec. 51A-11.301. Historic conservation easement program.
- Sec. 51A-11.302. Transfer of development rights.

Division 51A-11.400. Sunset Provision and Coordination with Pending Tax Exemptions.

- Sec. 51A-11.401. Sunset provision.
- Sec. 51A-11.402. Coordination with pending tax exemptions.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
All applications relating to neighborhood stabilization overlay districts and accessory dwelling unit overlays:		
0-1 acre	\$500.00	200 feet
over 1 acre to 5 acres	\$1,200.00	200 feet
over 5 acres to 25 acres	\$2,400.00	200 feet
over 25 acres	\$2,400.00	200 feet
All applications relating to conservation districts		
0-1 acre	\$500.00	200 feet
over 1 acre to 5 acres	\$1,200.00	200 feet
over 5 acres to 25 acres	\$2,400.00	200 feet
over 25 acres	\$2,400.00	200 feet
Application for original SUP:		
0-1 acre	\$1,170.00	200 feet
over 1 acre to 5 acres	\$1,170.00	300 feet
over 5 acres to 25 acres	\$1,170.00	400 feet
over 25 acres	\$1,170.00	500 feet
pedestrian skybridge	\$10,000.00	See 51A-4.217(b)(12)
gas drilling and production	\$2,000.00	1,000 feet
Application for SUP amendment or renewal:		
0-1 acre	\$825.00*	200 feet
over 1 acre to 5 acres	\$825.00*	300 feet
over 5 acres to 25 acres	\$825.00*	400 feet

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
over 25 acres	\$825.00*	500 feet
*If an SUP is automatically renewed in accordance with the procedures outlined in Section 51A-4.219 and no public hearings are held in conjunction with its renewal, the applicant shall be entitled to a refund of \$350.00 as of the date of the renewal.		
Straight zoning and all other zoning applications:		
0-1 acre	\$1,050.00	200 feet
over 1 acre to 5 acres	\$2,610.00	300 feet
over 5 acres to 15 acres	\$5,820.00	400 feet
over 15 acres to 25 acres	\$9,315.00	400 feet
over 25 acres	\$9,315.00 + \$113.00 per each acre over 25	500 feet
Maximum fee	\$37,500.00	

(5) An applicant shall pay a fee of \$400.00 for an appeal to the city council of any decision of the city plan commission denying a zoning application described in Paragraph (4) of this subsection.

(b) Fees for board of adjustment applications.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) The city controller shall refund 75 percent of the filing fee to the applicant if the applicant withdraws the application prior to the case being advertised for hearing. After the case is advertised, no refund of the filing fee may be made.

permit and license appeal board in accordance with Section 2-96 of the Dallas City Code.

(9) By making an application for an occasional sale permit, accepting the permit, and conducting the sale, the permit holder authorizes any code enforcement officer to enter the property to determine that the occasional sale is being conducted in compliance with this chapter.

(10) Permits are only valid for the dates specified on the application. If inclement weather prevents the occasional sale, the director of code compliance may, in his sole discretion, issue a replacement permit at no cost to the applicant. The applicant must request the replacement permit within one week after the date of the cancelled occasional sale. No more than one replacement permit shall be issued per calendar year per address.

(y) Fees for property description review.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) A fee is required for each review.

(4) No refund of a fee may be made.

(5) Fee schedule:

<u>Type of Property Description</u>	<u>Application Fee</u>
Platted	\$12.50
Metes and bounds less than four pages	\$25.00
Metes and bounds four pages and more	\$50.00

(z) Fee-in-lieu for park land dedication and park development fees.

(1) The developer shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(2) Fee schedule for park land dedication fee-in-lieu.

<u>Type of Development</u>	<u>Fee-in-lieu</u>
Single family or duplex	\$762.00 per dwelling unit
Multifamily (one bedroom)	\$299.00
Multifamily (two or more bedrooms)	\$600.00
College dormitory, fraternity, or sorority house	\$299.00 per sleeping room
Hotel and motel	\$327.00 per guest room

(3) Park development fees.

<u>Type of Development</u>	<u>Park land development fee</u>
Single family or duplex	\$403.00 per dwelling unit
Multifamily (one bedroom)	\$158.00
Multifamily (two or more bedrooms)	\$317.00
College dormitory, fraternity, or sorority house	\$158.00 per sleeping room
Hotel and motel	\$173.00 per guest room

(Ord. Nos. 19455; 19557; 19832; 20037; 20073; 20093; 20132; 20612; 20920; 20926; 20927; 21431; 21553; 21751; 22004; 22026; 22206; 22392; 22738; 22920; 24051; 24542;

24843; 25047; 25048; 25384; 26001; 26161; 26529; 26530;
26536; 26730; 26920; 27069; 27430; 27495; 27587; 27695;
27697; 27893; 28021; 28073; 28096; 28272; 28424; 28553;
28803; 29128; 29228; 29024; 30215; 30808; 30931; 30934,
eff. 7/1/19)

**SEC. 51A-1.105.1. FEE EXEMPTIONS
AND REFUNDS.**

(a) No fee is required for applications filed under this chapter by the U.S. Government, the State of Texas, or the city of Dallas if the property that is the subject of the application is devoted exclusively to governmental use.

(b) No fee is required for applications made to the board of adjustment pursuant to Section 51A-1.107, requesting a special exception to a regulation in this chapter based on a handicap.

(c) Whenever affordable housing units are provided as a part of a project in accordance with Division 51A-4.900, the director shall authorize a refund of a percentage of the total zoning and platting application fees paid for the project equal to the percentage of standard affordable housing units provided in the project. (Ord. Nos. 20037; 21176; 21183; 21663; 28096)

**SEC. 51A-1.106. NOTIFICATION SIGNS
REQUIRED TO BE
OBTAINED AND POSTED.**

(a) In general.

(1) The notification signs required in this section are intended to supplement state law and other Dallas Development Code notice requirements.

(2) The city plan commission, landmark commission, board of adjustment, or city council shall determine if an applicant has complied with the notification sign posting requirements in this section.

(9.1) BICYCLE PARKING means Class I bicycle parking and Class II bicycle parking.

~~———— (10) BLOCK means:~~

~~———— (A) an area bounded by streets on all sides; and~~

~~———— (B) as a measurement term, the distance along one side of a street between the two nearest intersecting streets, or where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street.~~

(10) BLOCK means an area bounded by streets on all sides.

(10.1) BLOCKFACE means:

(A) the distance along one side of a street between the two nearest intersecting streets;

(B) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(C) where a street centerline contains a change of direction 90 degrees or more, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.

(11) BOARD means the board of adjustment.

(11.1) BREEZEWAY means an unenclosed passage connecting two buildings or portions of a building.

(12) BUILDING means a structure for the support or shelter of any use or occupancy.

(13) BUILDING LINE means a line marking the minimum distance a building may be erected from a street, alley, or lot line. (Also called the “setback line.”)

(14) BUILDING OFFICIAL means the person designated by the city manager as the building official of the city, or the building official’s authorized representative.

(15) BUILDING SITE means property that meets the requirements of Section 51A-4.601.

(16) “CA-1” DISTRICT means the CA-1 district established under Chapter 51.

(17) “CA-1(A)” DISTRICT means the CA-1(A) district established under this chapter.

(18) “CA-2” DISTRICT means the CA-2 district established under Chapter 51.

(19) “CA-2(A)” DISTRICT means the CA-2(A) district established under this chapter.

(141.2) URBAN CORRIDOR DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called “UC” districts). *[Note: Section 1 of Ordinance No. 24718 adds 51A–2.102 (141.2), providing a definition for the term “street level.” Section 4 of Ordinance No. 24718 adds 51A–2.102(141.2), providing a definition for the term “urban corridor districts.”]*

(142) UTILITY AND PUBLIC SERVICE USES means those uses defined in Section 51A-4.212.

(142.1) WALKABLE URBAN MIXED USE DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter.

(142.2) WALKABLE URBAN RESIDENTIAL DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter.

(143) WHOLESALE, DISTRIBUTION, AND STORAGE USES means those uses defined in Section 51A-4.213.

(143.1) WMU DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter (also called “walkable urban mixed use districts”).

(143.2) WR DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter (also called “walkable urban residential districts”).

(144) ZONING DISTRICT means a classification assigned to a particular area of the city within which zoning regulations are uniform.

(145) ZONING DISTRICT MAP means the official map upon which the zoning districts of the city are delineated. (Ord. Nos. 19455; 19786; 19806; 20272; 20360; 20361; 20383; 20411; 20478; 20673; 20902; 20920; 21002; 21186; 21663; 22018; 24163; 24718; 24731; 24843; 25047; 25977; 26286; 26530; 27334; 27495; 27572; 28072; 28073; 28424; 29128; 30239; 30932)

decide a matter contrary to the recommendations or actions of the commission. (Ord. Nos. 19455; 21153; 24843; 27892)

SEC. 51A-3.102. BOARD OF ADJUSTMENT.

(a) Creation; membership; appointment. There is hereby created the board of adjustment which shall consist of 15 members who are residents of the city. Each city council member shall appoint one member to the board. The chair and two vice-chairs shall be appointed by the mayor from among the board members. The city secretary shall divide the board into panels of five members each. A board member may serve only on the panel to which he or she is assigned. To the greatest extent practicable, the panels must reflect the geographic and ethnic diversity of the city. The chair and vice-chairs shall act as presiding officers of the panels. Members serve for two-year terms beginning on October 1 of odd-numbered years and shall serve until their successors are appointed and qualified. A vacancy for the unexpired term of any member will be filled in the same manner as the original appointment was made. The city council may appoint six alternate members to the board who serve in the absence of one or more regular members when requested to do so by the board chair, the presiding officer of a board panel, or by the city manager. The alternate members serve for the same period and are subject to removal the same as regular members. The city council shall fill vacancies occurring in the alternate membership the same as in the regular membership.

~~—(b) Case Assignments. The board shall adopt rules for the assignment of cases to a panel. Only one panel may hear, handle, or render a decision in a particular case. If a case is dismissed or withdrawn and subsequently refiled, it must be returned to the panel to which it was originally assigned.~~

(b) Case assignments. The board shall adopt rules for the assignment of cases to a panel. Only one panel may hear, handle, or render a decision in a particular case. If a case is dismissed or withdrawn and subsequently refiled within five years of the date the original case was dismissed or withdrawn, it must be returned to the panel to which it was originally assigned.

(c) Quorum and voting. Cases must be heard by a minimum of 75 percent of the members of a board

panel. The concurring vote of 75 percent of the members of a panel is necessary to:

land occupied by the structure when the reconstruction will not permanently prevent the return of the property to a conforming use and will not increase the nonconformity.

(8) To require the vacation and demolition of a nonconforming structure that is determined to be obsolete, dangerous, dilapidated, or substandard.

(9) To consider on its own motion or upon the request of interested property owners, the operation or alteration of any use which is a nonconforming use because of its noncompliance with the environmental performance standards set forth in this chapter, and to specify the conditions and standards which must be complied with for continuance of the nonconforming use.

(10) To grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that:

(A) the variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;

(B) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

(C) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

(e) Meetings, records and rules.

(1) All meetings and hearings of the board must be open to the public in accordance with the Texas

Open Meetings Act, Chapter 551 of the Texas Government Code.

(2) All records of the board are public records open to inspection at reasonable times and upon reasonable notice in accordance with the Texas Public Information Act, Chapter 552 of the Texas Government Code.

(3) The board shall adopt, subject to approval of city council, rules, not inconsistent with state law or city ordinances, governing its proceedings.

(f) Effect of decisions. The board's decision is final unless appealed to the district court within 10 days in accordance with Chapter 211 of the Texas Local Government Code. (Ord. Nos. 19455; 20926; 22259; 22605; 24068; 26596; 27335; 27892; 30891)

SEC. 51A-3.103.

**LANDMARK
COMMISSION.**

(a) Creation; membership; appointment.

(1) There is hereby created a landmark commission to be composed of 15 members. Each city council member shall appoint one member to the landmark commission. The city council may appoint three alternate members to the landmark commission who serve in the absence of one or more regular members when requested to do so by the chair or by the city manager. The membership (including alternate members) must include at least: one real estate developer with experience in redevelopment of commercial historic properties, one architect, one historian, one urban planner, one landscape architect, and one real estate appraiser. All members must have demonstrated experience in historic preservation and outstanding interest in the historic traditions of the city and have knowledge and demonstrated experience in the fields of history, art, architecture, architectural history, urban history, city planning, urban design, historic real estate development, or historic preservation.

(dd) All required medium and large loading spaces must be provided off-street.

(ee) Structures meeting Subparagraphs (aa) through (dd) above and requiring seven or more off-street loading spaces may satisfy the off-street loading requirement as follows:

REQUIRED SPACES	MINIMUM OFF-STREET	NUMBER ON STREET
7	6	1
8	6	2
9	6	3
10 or more	60%	40%

(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) Minimum 10-foot setback in CA-1(A)-CP and CA-1(A)-SP districts. In the CA-1(A)-CP and CA-1(A)-SP districts, a 10 foot setback is required that is measured from the street curb as established by the Dallas Central Business District Streets and Vehicular Circulation Plan, Ordinance No. 13262, as amended. When an owner establishes a setback on his property greater than the 10 foot requirement, a floor area bonus of six times the additional setback area is allowed. The maximum permitted floor area ratio with a bonus is 24 to one.

(C) Sidewalk regulations. In this district, a sidewalk must be provided between the back of the street curb and the face of a building at grade in accordance with this subsection. The face of a building is behind the columns for a building with exterior columns.

(i) Average sidewalk width equals the total sidewalk surface area divided by the lineal feet of frontage.

~~(aa) Each frontage on each block must contain the required average sidewalk width.~~

(aa) Each frontage on each blockface must contain the required average sidewalk width.

(bb) The computation of average sidewalk width excludes the area occupied by structural walls or columns.

(cc) In computing average sidewalk width, the surface area at a corner is counted only once.

(ii) In a CA-1(A)-CP district, sidewalks must be constructed and maintained in accordance with the following regulations:

(aa) An average sidewalk width of 18 feet is required.

(bb) A minimum sidewalk width of 12 feet that is unobstructed by any structure or planting is required. The 12 foot minimum sidewalk width may be divided into seven and five foot minimum segments.

(iii) In the CA-1(A)-SP district, sidewalks must be constructed and maintained in accordance with the following regulations:

(aa) A building with a floor area ratio of more than 15 to one is subject to the requirements of the CA-1(A)-CP district in Subparagraph (ii).

(bb) A building with a floor area ratio of 15 to one or less must have an average sidewalk width of 15 feet and a minimum sidewalk width of nine feet that is unobstructed by any structure or planting.

(iv) In a CA-1(A) district without a CP or SP overlay district designation, sidewalks must

~~————— (ii) Surface parking lots in the middle of a block with buildings on both adjoining lots and less than 100 feet of frontage and all commercial parking garages must have wrought iron fencing.~~

(ii) Surface parking lots in the middle of a blockface with buildings on both adjoining lots and less than 100 feet of frontage and all commercial parking garages must have wrought iron fencing.

(iii) All other surface parking lots must have:

(aa) a wrought iron fencing;

(bb) bollards;

(cc) post-and-cable fencing; or

(dd) other fencing that is in keeping with the intent of this paragraph, as determined by the director.

(iv) If a wrought iron fence is provided:

(aa) it must be at least 36 inches in height;

(bb) its bars must be spaced no more than eight inches apart; and

(cc) it may have a foundation that does not exceed twelve inches in height.

(v) If bollards are provided, each bollard must be:

(aa) constructed of concrete, brick or stone;

(bb) at least eight inches in width or diameter;

(cc) at least 30 inches in height;

(dd) no more than seven feet from another bollard, unless connected by a metal chain, in which case they may be no more than nine feet

from another bollard.

(cc) no minimum in all other cases.

(ii) Minimum rear yard is:

(aa) 10 feet for duplex structures;

(bb) 15 feet for multifamily structures 36 feet or less in height; and

(cc) no minimum in all other cases.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is 20.0.

(E) Height. Maximum structure height is any legal height.

(F) Lot coverage. Maximum lot coverage is 100 percent.

(G) Lot size. Minimum lot area per dwelling unit is as follows:

<u>TYPE OF STRUCTURE</u>	<u>MINIMUM LOT AREA PER DWELLING UNIT</u>
Single family	1000 sq. ft.
Duplex	2500 sq. ft.
Multifamily:	
No separate bedroom	50 sq. ft.
One bedroom	65 sq. ft.
Two bedrooms	75 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	10 sq. ft.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. In this district, for all uses except single family and duplex, off-street parking is only required for a building built after June 1, 1981, or an addition to an existing building, at a ratio of one parking space for each 2,000 square feet of floor area which exceeds 5,000 square feet. No off-street parking is required for a building with 5,000 square feet or less of floor area. If there is a conflict, this paragraph controls over other off-street parking regulations in this chapter. Consult the off-street parking and loading regulations (Division 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. (Ord. Nos. 19455; 19786; 19806; 19912; 20242; 20273; 20361; 20625; 20731; 20752; 20895; 20902; 20920; 20950; 21001; 21002; 21044; 21259; 21314; 21735; 21960; 22097; 22139; 22204; 22531; 22799; 24232; 24271; 24543; 24857; 25047; 25133; 25487; 25785; 26920; 28073; 28125; 28214; 28272; 28700; 29128; 29917; 30932)

SEC. 51A-4.125. MIXED USE DISTRICTS.

(a) In general. Single or multiple uses may be developed on one site in a mixed use district as in any other district; however, in order to encourage a mixture of uses and promote innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel, density bonuses are awarded to developments that qualify as “mixed use projects” as defined in Subsection (b). If a development does not qualify as an MUP, it is limited to a “base” dwelling unit density and floor area ratio.

Division 51A-4.200. Use Regulations.**SEC. 51A-4.201. AGRICULTURAL USES.****(1) Animal production.**

(A) Definition: An area which is used for the raising of animals (including fish) and the development of animal products on a commercial basis. Typical uses include beef or sheep ranching, dairy farming, piggeries, poultry farming, and fish farming.

(B) Districts permitted: By right in the A(A) district. By SUP only in non-residential districts.

~~—————(C) Required off-street parking: Two spaces. No handicapped parking is required.~~

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In an A(A) district, a person shall not operate this use upon an area less than three acres. In non-residential districts, no minimum acreage is required.

(ii) Animals include but are not limited to pigs, chickens, turkeys, cows, sheep, goats, and horses.

(iii) Structures may be erected for a private stable, pen, barn, shed, or silo for raising, treating, and storing products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.

(iv) Standings under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(v) The keeping of horses is subject to the requirements under the private stable accessory use.

(vi) Fences for pens, corrals, or similar enclosures for livestock must be of sufficient height and strength to retain the animals. No pen, corral, fence or similar enclosure may be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used to calculate the 20 foot requirement.

(vii) The regulations under this use do not apply to government agencies, governmentally supported organizations, or educational agencies that keep and maintain animals for health research or similar purposes, nor do these regulations apply to special events such as circuses and livestock exhibitions which are otherwise regulated by the city.

(2) Commercial stable.

(A) Definition: A facility for the business of boarding horses or renting horses to the public.

(B) Districts permitted: A(A) district.

~~—————(C) Required off-street parking: One space for each two stalls. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space for each two stalls.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use does not include sales, auction, or similar trading activity.

(3) Crop production.

(A) Definitions. In this paragraph:

(i) AQUACULTURE means the cultivation, maintenance, and harvesting of aquatic species.

(ii) AQUAPONICS means the combination of aquaculture (fish) and hydroponics

(F) Additional provisions for farms:

(i) A person shall not operate a farm upon an area less than three acres.

(ii) Structures may be erected for a private pen, barn, shed, or silo for the treating, and storing of products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.

(iii) Animal grazing is allowed as part of this use; however, animal production, as defined in Section 51A-4.201(1), is not permitted.

(4) Private stable.

(A) Definition: An area for the keeping of a horse or horses for the private use of the property owner or the owner of the horse(s).

(B) Districts permitted: By right in all residential districts when located on a lot that is at least one acre in size, otherwise by SUP in all residential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A private stable is permitted only on a lot that has at least 15,000 square feet of land and a person may keep only the number of horses permitted for the lot area as described in the following chart:

<u>LOT AREA</u>	<u>NUMBER OF HORSES</u>
At least 15,000 square feet but less than one-half acre	1
At least one-half acre but less than one acre	2
At least one acre but less than two acres	3
At least one-half acre per horse	4 or more

(ii) A private stable must include a pen, corral, fence, or similar enclosure containing at least 800 square feet of land for each animal with a stable under a roof containing at least 100 square feet for each animal.

(iii) A stable must have proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(iv) A pen, corral, fence, or similar enclosure may not be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used in establishing the 20 foot distance to the adjacent property line.

(v) A pen, corral, fence, or similar enclosure must be of a sufficient height and strength to retain the horse(s). (Ord. Nos. 19455; 19786; 20493; 21001; 23302; 24718; 28125; 29687; 30890)

SEC. 51A-4.202.**COMMERCIAL AND BUSINESS SERVICE USES.**(1) Building repair and maintenance shop.

(A) Definition: A facility providing for general building repair and maintenance, including the installation of plumbing, electrical, air conditioning, and heating equipment.

(B) Districts permitted: By right in CR, RR, CS, industrial, and central area districts. RAR required in CR, RR, CS, and industrial districts.

~~(C) Required off-street parking: One space per 300 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 300 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales of supplies is permitted as an accessory use.

(2) Bus or rail transit vehicle maintenance or storage facility.

(A) Definition: A facility for the maintenance, repair, or storage of bus, rail, or other transit vehicles.

(B) Districts permitted: By right in industrial and central area districts. When located at least 500 feet from a residential district, by right in the CS district with RAR required; otherwise, by SUP only in the CS district. RAR required in industrial districts.

~~(C) Required off-street parking: One space per 500 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 500 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(3) Catering service.

(A) Definition: A facility for the preparation and storage of food and food utensils for off-premise consumption and service.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in LO(A), MO(A), and GO(A) districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
50,000 to 100,000	1 additional
Each additional 100,000 or fraction thereof	1 additional

(4) Commercial cleaning or laundry plant.

(A) Definition: A facility for the cleaning or laundering of garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

(B) Districts permitted: By right in CS, industrial, and central area districts. RAR required in CS and industrial districts.

~~—————(C) Required off-street parking: One space per 300 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 300 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(5) Custom business services.

(A) Definition: A facility for providing custom services and activities which are performed according to a personal order and require individualized treatment of items. Typical custom business services include etching, engraving, laminating, binding, or the assembly, repair, and sale of such items as trophies, books, documents, window shades, and venetian blinds.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

~~—————(C) Required off-street parking: One space per 300 square feet of floor area; a minimum of five spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 300 square feet of floor area; a minimum of five spaces is required.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(6) Custom woodworking, furniture construction, or repair.

(A) Definition: A facility for the custom making, repairing, or refinishing of furniture or wood products on an individualized, single item basis.

(B) Districts permitted: By right in CS, industrial, and central area districts.

~~(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of two spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of two spaces is required.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Specialized equipment for custom making, repairing, or reupholstering furniture is permitted under this use.

(7) Electronics service center.

(A) Definition: A facility for the repair and service of computers and computer equipment, stereo equipment, televisions, radios, and other such electronic items.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MO(A) and GO(A) districts.

~~(C) Required off-street parking: One space per 300 square feet of floor area. If more than ten~~

~~off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 300 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales of electronic items or parts is permitted as an accessory use.

(8) Job or lithographic printing.

(A) Definition: A facility for the commercial reproduction, cutting, printing, or binding of written materials, drawings, or labels on a bulk basis using lithography, offset printing, blueprinting, and similar methods.

(B) Districts permitted: By right in CS, industrial, central area, and urban corridor districts. RAR required in CS and industrial districts.

(C) Required off-street parking: One space per 600 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(8.1) Labor hall.

(A) Definitions. In this paragraph:

(i) LABOR HALL means any profit or non-profit public or private entity, whether a corporation, partnership, natural person, or any other legal entity, whose business involves securing temporary unskilled or agricultural employment for a client through the use of a hiring hall or facility where unskilled workers gather to await employment.

(ii) UNSKILLED WORKER means an individual who performs labor involving physical toil that does not require persons engaged in a particular occupation, craft, or trade, or practical or familiar knowledge of the principles or processes of an art, science, craft, or trade.

(B) Districts permitted: By right in IR and IM districts when located at least:

(i) 1000 feet from all conforming residential uses; and

(ii) 500 feet from all "public or private school" uses.

Otherwise, by SUP in IR and IM districts. By SUP only in RR, CS, LI, central area, mixed use, and multiple commercial districts.

~~(C) Required off-street parking. One space per 500 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking. One space per 500 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0,000 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must have a lobby or waiting room with a floor area of not less than the

greater of 500 square feet or 50 percent of the total floor area of the premises.

(ii) Food may be prepared and served as an accessory use.

(iii) No SUP for a labor hall may be granted for more than a two-year time period. An SUP for a labor hall is not eligible for automatic renewal.

(iv) In determining whether to grant a specific use permit for a labor hall, the city council shall consider its proximity to the main uses listed in Subparagraph (B) of this paragraph, and require that the labor hall meet, as nearly as practicable, the distance requirements set out in that subparagraph.

(v) Measurements of distance under this paragraph are taken radially. "Radial" measurement means a measurement taken along the shortest distance between the nearest point of the building site of the labor hall and the nearest point of the building site of another use.

(vi) This use must comply with all applicable licensing provisions.

(9) Machine or welding shop.

(A) Definition: A facility where material is processed by machining, cutting, grinding, welding, or similar processes.

(B) Districts permitted: By right in CS and industrial districts. RAR required in CS and industrial districts.

~~(C) Required off-street parking: One space per 500 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 500 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(10) Machinery, heavy equipment, or truck sales and service.

(A) Definition: A facility for the display, sale, and service of machinery, heavy equipment, or trucks.

(B) Districts permitted: By right in RR, CS, and industrial districts. RAR required in RR, CS, and industrial districts.

~~(C) Required off-street parking: One space per 1,000 square feet of sales area (whether inside or outside). If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 1,000 square feet of sales area (whether inside or outside).

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	100,000

(11) Medical or scientific laboratory.

(A) Definition: A facility for testing and analyzing medical or scientific problems.

(B) Districts permitted: By right in MO(A), GO(A), CS, industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-3, and MC-4 districts.

By SUP only in LO(A), CR, RR, MU-1, MU-1(SAH), MC-1, MC-2, and urban corridor districts.

~~(C) Required off-street parking: One space per 300 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 300 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(12) Technical school.

(A) Definition: A business enterprise offering instruction and training in trades or crafts such as auto repair, cooking, welding, bricklaying, machinery operation, or other similar trades or crafts.

(B) Districts permitted: By right in CS, industrial, and central area districts.

(C) Required off-street parking: One space per 25 square feet of classroom. Any personal service uses accessory to a technical school must be parked to the personal service use parking requirement.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(13) Tool or equipment rental.

(A) Definition: A facility for renting tools or equipment.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, MU-2; MU-2(SAH), MU-3, MU-3(SAH), MC-3, and MC-4 districts.

~~—————(C) Required off-street parking: One space per 200 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(14) Vehicle or engine repair or maintenance.

(A) Definition: A facility for the repair, maintenance, or restoration of motor vehicles, motor vehicle engines, electrical motors, or other similar items.

(B) Districts permitted: By right in RR, CS, industrial, and central area districts. RAR required in RR, CS, and IM districts. DIR required in central area districts.

~~—————(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of five spaces is required. Parking spaces that are used to repair vehicles and located in a structure are not counted in determining the required parking. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of five spaces is required. Parking spaces that are used to

repair vehicles and located in a structure are not counted in determining the required parking.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use. (Ord. Nos. 19455; 19786; 20493; 20902; 21001; 21663; 23910; 24718; 28803; 30890)

SEC. 51A-4.203. INDUSTRIAL USES.

(a) Potentially incompatible industrial uses.

(1) A “potentially incompatible industrial use” listed in this subsection is permitted by SUP only in the IM district.

(2) The following main uses, activities, operations, and processes are hereby declared to be potentially incompatible industrial uses:

- Bulk processing, washing, curing, or dyeing of hair, felt, or feathers
- Concrete crushing
- Fat rendering
- Foundries, ferrous or non-ferrous
- Grain milling or processing
- Leather or fur tanning, curing, finishing, or dyeing
- Metal or metal ore reduction, refining, smelting, or alloying

SQUARE FEET OF MANUFACTURING OR STORAGE FLOOR AREA	TOTAL REQUIRED SPACES OR BERTHS
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales of alcoholic beverages and related items and tastings or sampling are allowed in accordance with Texas Alcoholic Beverage Commission regulations.

(ii) Except for loading, all activities must occur within a building.

(iii) Silos and containers of spent grain are allowed as outdoor storage. Containers of spent grain must be screened. All other outdoor storage or repair is prohibited.

(iv) If an SUP is required, silos and outdoor storage areas for spent grain must be shown on the site plan.

(v) Drive-through facilities are prohibited.

(1) Industrial (inside).

(A) Definition: An industrial facility where all processing, fabricating, assembly, or disassembly takes place wholly within an enclosed building.

(B) Districts permitted: If this use is "potentially incompatible" [See Subsection (a)], it is permitted by SUP only in the IM district; otherwise, it is permitted by right in industrial districts with RAR required.

~~(C) Required off-street parking: One space per 600 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 600 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Accessory outside storage is limited to five percent of the lot. Outside storage that occupies more than five percent of the lot is only allowed in a district where outside storage is permitted as a main use. For more information regarding accessory outside storage, see Section 51A-4.217. For more information regarding outside storage as a main use, see Section 51A-4.213.

(ii) Accessory inside retail sales may occupy up to 10 percent of the total floor area of the main use.

(1.1) Industrial (inside) for light manufacturing.

(A) Definition: A light industrial use where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building. Typical items for processing, fabricating, assembly, or disassembly under this use include but are not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewelry, instruments, computers, and electronic devices.

(B) Districts permitted: By right in CS and industrial districts.

~~—————(C) Required off-street parking: One space per 600 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 600 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Potentially incompatible industrial uses, as defined in this section, are prohibited as part of any activity, operation, or processing conducted under this use.

(ii) This use may not exceed 10,000 square feet of floor area.

(2) Industrial (outside).

(A) Definition: An industrial facility where any portion of the processing, fabricating, assembly, or disassembly takes place outside or in an open structure.

(B) Districts permitted: If this use is "potentially incompatible" [See Subsection (a)], it is permitted by SUP only in the IM district; otherwise it is permitted:

(i) by right in the IM district with RAR required; and

(ii) by SUP only in the IR district.

~~(C) Required off-street parking: One space per 600 square feet of floor area, plus one space per 600 square feet of outside manufacturing area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 600 square feet of floor area, plus one space per 600 square feet of outside manufacturing area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Accessory outside storage may occupy to 50 percent of the lot. Outside storage that occupies more than 50 percent of the lot is only allowed in a district where outside storage is permitted as a main use. For more information regarding accessory outside storage, see Section 51A-4.217. For more information regarding outside storage as a main use, see Section 51A-4.213.

(ii) Any portion of the building site containing this use that is adjacent to or directly across a street or alley from a district other than an IR or IM district must be screened from that district.

(iii) Accessory inside retail sales may occupy up to 10 percent of the total floor area of the main use.

(2.1) Medical/infectious waste incinerator.

(A) Definition: A facility used to incinerate plastics, special waste, and waste containing pathogens or biologically active material, which because of its type, concentration, and quantity, is capable of transmitting disease to persons exposed to the waste.

(B) Districts permitted: By SUP only in IR and IM districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(iii) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.

(iv) A minimum distance of 500 feet is required between a metal salvage facility and an R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(3.1) Mining.

(A) Definition: The extraction, removal, or stockpiling of earth materials, including soil, sand, gravel, oil, or other materials found in the earth. The excavation of earth materials for ponds or lakes, including excavations for fish farming ponds and recreational lakes, are considered mining unless otherwise expressly authorized by another provision of this code. The following are not considered mining:

(i) The extraction, removal, or stockpiling of earth materials incidental to an approved plat or excavation permit, incidental to construction with a building permit, or for governmental or utility construction projects such as streets, alleys, drainage, gas, electrical, water, and telephone facilities and similar projects.

(ii) The extraction, removal, or stockpiling of earth materials incidental to construction of landscaping, retaining walls, fences, and similar activities consistent with the land use allowed at the site of removal.

(iii) Gas drilling and production. See Section 51A-4.203(b)(3.2).

(B) Districts permitted: By SUP only in A(A) and IM districts.

~~_____ (C) Required off-street parking: None. No handicapped parking is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The applicant shall submit a site plan of existing conditions, operations plan, reclamation plan, and the proposed bond to the director for review and recommendation.

(ii) If a specific use permit is granted, the city shall inspect and monitor the mining and reclamation operation at least once annually.

(iii) A specific use permit may not be issued for mining on city park land.

(F) Site plan of existing conditions: The applicant shall submit a site plan of existing conditions that includes:

(i) a site location map on a small scale showing major circulation routes and other landmarks which would aid in the location of the site;

(ii) contours shown at no greater than five-foot intervals;

(iii) connections to roads outside the site;

(iv) location, identification, and dimensions of all public and private easements;

(v) location of flood plain, water bodies, natural and man-made channels (wet and dry), and subsurface channels;

~~(C) Required off-street parking: One space per 500 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 500 square feet of floor area.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In an IM district, an organic compost recycling facility must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an IM district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.

(5) Outside salvage or reclamation.

(A) Definition: A facility which stores, keeps, dismantles, or salvages scrap or discarded material or equipment outside. Scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, and appliances.

(B) Districts permitted: By SUP only in the IM district.

(C) Required off-street parking: The off-street parking requirement may be established in the ordinance granting the SUP, otherwise a minimum of five spaces required.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must have a visual screen of at least nine feet in height which consists of a solid masonry, concrete, or corrugated sheet metal wall, or a chain link fence with metal strips through all links.

(ii) The owner of an outside salvage or reclamation use shall not stack objects higher than eight feet within 40 feet of the visual screen. The owner of an outside salvage or reclamation use may stack objects one foot higher than eight feet for each five feet of setback from the 40 foot point.

(iii) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.

(iv) A minimum distance of 500 feet is required between an outside salvage or reclamation use and an R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(5.1) Pathological waste incinerator.

(A) Definition: A facility used to incinerate organic human or animal waste, including, but not limited to:

(i) Human materials removed during surgery, labor and delivery, autopsy, or biopsy, including body parts, tissues or fetuses, organs, and bulk blood and body fluids.

(ii) Products of spontaneous human abortions, regardless of the period of gestation, including body parts, tissue, fetuses, organs, and bulk blood and body fluids.

(iii) Anatomical remains.

(iv) Bodies for cremation.

(B) Districts permitted: By SUP only in IR and IM districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) A pathological waste incinerator must be located on a lot that is no smaller than one acre in size, and be at least 100 feet from the lot line.

(ii) The incinerator must be located at least:

(aa) 1,000 feet from all lots containing residential; public or private school; church; and public park, playground, or golf course uses;

(bb) one mile from all lots containing municipal and hazardous waste incinerators; and

(cc) one-fourth mile from all lots containing medical/infectious and pathological waste incinerators.

(iii) Reserved.

(iv) All waste must be disposed of within a 24 hour period.

(v) No outside storage is permitted in conjunction with this use.

(6) Temporary concrete or asphalt batching plant.

(A) Definition: A temporary facility for mixing cement or asphalt.

(B) Districts permitted: Special authorization by the building official is required in accordance with the additional provisions for this use.

~~_____ (C) Off-street parking:~~

~~_____ (i) Required off-street parking: Two spaces. Off-street parking requirements for this use may be satisfied by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary parking spaces:~~

~~_____ (aa) are adequately designed to accommodate the parking needs of the use; and~~

~~_____ (bb) will not adversely affect surrounding uses.~~

~~_____ (ii) No handicapped parking is required.~~

(C) Off-street parking:

Required off-street parking: Two spaces. Off-street parking requirements for this use may be satisfied by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary parking spaces:

(i) are adequately designed to accommodate the parking needs of the use; and

(ii) will not adversely affect surrounding uses.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A temporary certificate of

(ii) A person to whom a temporary certificate of occupancy is issued shall:

(aa) comply with city, state and federal laws at the batching plant site;

(bb) clear the site of equipment, material and debris upon completion of the project;

(cc) repair or replace any public improvement that is damaged during the operation of the temporary batching plant; and

(dd) locate and operate the temporary plant in a manner which eliminates unnecessary dust, noise, and odor (as illustrated by, but not limited to covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust).

(iii) A person shall only furnish concrete, asphalt, or both, to the specific project for which the temporary certificate of occupancy is issued.

(iv) The placement of a temporary batching plant for a private project is restricted to the site of the project. The board may grant a special exception to this requirement when, in the opinion of the board, the special exception will not adversely affect neighboring properties. (Ord. Nos. 19455; 19786; 20411; 20478; 20493; 21002; 21456; 22026; 22255; 22388; 22392; 24792; 25047; 26920; 28553; 28700; 28803; 29228; 29557; 29917; 30890)

SEC. 51A-4.204. INSTITUTIONAL AND COMMUNITY SERVICE USES.

(1) Adult day care facility.

(A) Definition: A facility that provides care or supervision for five or more persons 18 years of age or older who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers.

(B) Districts permitted: By right in retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use in MF-3(A), MF-4(A), and office districts. By SUP in residential districts. *[No SUP required for a limited use in MF-3(A) and MF-4(A) districts.]*

~~_____ (C) Required off-street parking: One space per 500 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 500 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The limited use regulations in this chapter are modified for this use to allow an outdoor recreation area and separate access from the main building to the recreation area.

(ii) This use must comply with statutory licensing requirements.

(iii) The persons being cared for or supervised under this use may not use the facility as a residence.

(2) Cemetery or mausoleum.

(A) Definition:

(i) A cemetery is a place designated for burial of the dead.

(ii) A mausoleum is a building with places for the entombment of the dead.

(B) Districts permitted: By SUP only in all residential and nonresidential districts except the P(A) and urban corridor districts.

~~(C) Required off-street parking: Two spaces. No handicapped parking is required.~~

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None

(E) Additional provisions:

(i) Cemeteries are subject to Chapter 11 of this code.

(3) Child-care facility.

(A) Definition: A facility that provides care, training, education, custody, treatment, or supervision for persons under 14 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

(i) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities on or near the premises, including but not limited to retreats or classes for religious instruction;

(ii) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;

(iii) an educational facility accredited by the Central Education Agency or the Southern Association of Colleges and Schools that operates primarily for educational purposes in grades kindergarten and above;

(iv) an educational facility that operates solely for educational purposes in grades kindergarten through at least grade two, that does not provide custodial care for more than one hour during

the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;

(v) a kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the Central Education Agency, that offers educational programs through grade six, and does not provide custodial care during the hours before or after the customary school day;

(vi) an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers educational programs for children age five and above in one or more of the following: kindergarten through at least grade three, elementary, or secondary grades;

(vii) a day home as defined in Section 51A-4.217; or

(viii) individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

(B) Districts permitted: By right in retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use in MF-3(A), MF-4(A), and office districts. By SUP in residential districts. *[No SUP required for a limited use in MF-3(A) and MF-4(A) districts.]*

(C) Required off-street parking: If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP, otherwise one space per 500 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The limited use regulations in this chapter are modified for this use to allow an outdoor play area and separate access from the main building to the play area.

(ii) This use must comply with all applicable requirements imposed by state law.

(iii) The persons being cared for, trained, kept, treated, or supervised under this use may not use the facility as a residence.

(4) Church.

(A) Definition: A facility principally used for people to gather together for public worship, religious training, or other religious activities. This use does not include home meetings or other religious activities conducted in a privately occupied residence.

(B) Districts permitted: By right in all residential and nonresidential districts except the P(A) district.

(C) Required off-street parking:

~~(i) Number of spaces required. One space per 333 square feet in floor area if a church has less than 5,000 square feet of floor area and is located in a shopping center with more than 20,000 square feet in floor area, otherwise one space for each four fixed seats in the sanctuary or auditorium. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat for purposes of this paragraph. If portions of seating areas in the sanctuary or auditorium are not equipped with fixed seats, benches, or pews, the parking requirement for those portions is one space for each 28 square feet of floor area.~~

~~(ii) Definitions. For purposes of this subsection, "remote parking" means required off-street parking provided on a lot not occupied by the main use. "Shared parking" means the use of the same off-street parking stall to satisfy the off-street parking requirements for two or more uses.~~

~~(iii) Reconciliation with Divisions 51A-4.300 et seq. Except as otherwise expressly provided in this subsection, the off-street parking regulations in Divisions 51A-4.300 et seq. apply to this use. In the event of a conflict between this subsection and Divisions 51A-4.300 et seq., this subsection controls.~~

~~(iv) Remote and shared parking. A church may use remote and/or shared parking to satisfy up to 50 percent of its off-street parking requirement, provided that the remote and/or shared parking is on a lot that is:~~

~~(aa) dedicated to parking use by an instrument filed with the building official and approved by the city attorney's office;~~

~~(bb) located in a non-residential district; and~~

~~(cc) located within 600 feet (including streets and alleys) of the lot occupied by the church. The distance measured is the shortest distance between the lots.~~

~~(v) Distance extension with shuttle service. A remote parking lot for a church may be located up to one and one-half miles (including streets and alleys) from the lot occupied by the church if a shuttle service is provided to transport persons between the church and the remote parking lot. The shuttle service route must be approved by the traffic engineer.~~

~~(vi) Remote parking agreement. An agreement authorizing a church to use remote parking may be based on a lease of the remote parking spaces if:~~

(i) Number of spaces required. One space per 333 square feet in floor area if a church has less than 5,000 square feet of floor area and is located in a shopping center with more than 20,000

square feet in floor area, otherwise one space for each four fixed seats in the sanctuary or auditorium. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat for purposes of this paragraph. If portions of seating areas in the sanctuary or auditorium are not equipped with fixed seats, benches, or pews, the parking requirement for those portions is one space for each 28 square feet of floor area.

(ii) Definitions. For purposes of this subsection, "remote parking" means required off-street parking provided on a lot not occupied by the main use.

(iii) Reconciliation with Divisions 51A-4.300 et seq. Except as otherwise expressly provided in this subsection, the off-street parking regulations in Divisions 51A-4.300 et seq. apply to this use. In the event of a conflict between this subsection and Divisions 51A-4.300 et seq., this subsection controls.

(iv) Remote parking.

(aa) Distance extension with shuttle service. A remote parking lot for a church may be located up to one and one-half miles (including streets and alleys) from the lot occupied by the church if a shuttle service is provided to transport persons between the church and the remote parking lot. The shuttle service route must be approved by the traffic engineer.

(bb) Remote parking agreement. An agreement authorizing a church to use remote parking may be based on a lease of the remote parking spaces if:

(I) the lease is for a minimum term of three years; and

(II) the agreement provides that both the owner of the lot occupied by the church and the owner of the remote lot shall notify the city of Dallas in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.

~~_____ (aa) the lease is for a minimum term of three years; and~~

~~_____ (bb) the agreement provides that both the owner of the lot occupied by the church and the owner of the remote lot shall notify the city of Dallas in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.~~

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A church may permit passengers of mass transportation and car pools to park on the church parking lot.

(ii) The following structures, when located on top of a church building, are excluded from the height measurement of the church building:

(aa) Belfries.

(bb) Bell towers.

(cc) Campaniles.

(dd) Carillons.

(ee) Crosses.

(ff) Cupolas.

(gg) Spires.

(hh) Steeples.

(iii) A rectory, convent, or monastery is permitted as an accessory use.

(5) College, university, or seminary.

(A) Definition:

(i) A college or university is an academic institution of higher learning beyond the level of secondary school.

(ii) A seminary is an institution for the training of candidates for the priesthood, ministry, or rabbinate.

(B) Districts permitted: By right in A(A), LO(A), MO(A), GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in single family, duplex, townhouse, CH, multifamily, NO(A), and NS(A) districts.

~~_____ (C) Required off-street parking: One space per 25 square feet of classroom. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 25 square feet of classroom.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(6) Repealed. (Ord. 21044)

(7) Community service center.

(A) Definition: A multi-functional facility where a combination of social, recreational, welfare, health, habilitation, or rehabilitation services are provided to the public. For purposes of this definition, a facility where only business transactions or administrative, educational, school support, counseling, informational, referral, or out-patient medical, dental, or optical treatment services (or any combination of these activities) take place is not considered to be a community service center.

(B) Districts permitted: By right in RR, IR, and CA-2(A) districts. By SUP only in all residential, office, NS(A), CR, CS, LI, CA-1(A), mixed use, multiple commercial, and urban corridor districts.

~~_____ (C) Required off-street parking: One space per 200 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading: None.

(8) Convalescent and nursing homes, hospice care, and related institutions.

(A) Definition:

(i) This use includes both:

(aa) an establishment which furnishes (in single or multiple facilities) food and shelter to five or more persons who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment and, in addition, provides minor treatment under the direction and supervision of a physician, or services which meet some need beyond the basic provision of food, shelter, and laundry; and

(bb) an establishment conducted by or for the adherence of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend exclusively upon prayer or spiritual means for healing, without the use of any drug or material remedy, provided safety, sanitary, and quarantine laws and regulations are complied with.

(ii) This use does not include:

(aa) a hotel or similar place that furnishes only food and lodging, or either, to its guests;

(bb) a hospital; or

(cc) an establishment that furnishes only baths and massages in addition to food, shelter, and laundry.

(B) Districts permitted: By right in multifamily, central area mixed use, and urban corridor districts. By SUP only in agricultural, TH(A), and CH districts. RAR required in multifamily and mixed use districts.

~~_____ (C) Required off-street parking: 0.3 spaces per bed. Handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: 0.3 spaces per bed.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) In townhouse, RTN, CH, and multifamily districts, this use is subject to the following density restrictions:

<u>ZONING DISTRICT CLASSIFICATION</u>	<u>MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE</u>	<u>MAXIMUM NO. OF BEDS PER NET ACRE</u>
TH-1(A) and RTN	35	70
TH-2(A) and TH-3(A)	40	80
CH	45	90
MF-1(A) and MF-1(SAH)	50	100
MF-2(A) and MF-2(SAH)	60	120
MF-3(A)	90	180
MF-4(A)	160	320

*For purposes of this subparagraph, the term "suite" means one or more rooms designed to accommodate one family, containing living, sanitary, and sleeping facilities, but not containing a kitchen.

(ii) This use must comply with statutory licensing requirements, if any.

(iii) This use may include dwelling units that are exclusively restricted to visitors, patients, or members of the staff.

(9) Convent or monastery.

(A) Definition: The living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.

(B) Districts permitted: By right in A(A), multifamily, office, retail, CS, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in single family, duplex, townhouse, and CH districts.

~~_____ (C) Required off-street parking: One space for each three residents; a minimum of two~~

spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(C) Required off-street parking: One space for each three residents; a minimum of two spaces is required.

(D) Required off-street loading: None.

(10) Repealed. (Ord. 21044)

(11) Foster home.

(A) Definition: A facility that provides room, board, and supervision to five or more persons under 18 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility.

(B) Districts permitted: By right in CH, multifamily, CA-2(A), and mixed use districts. By SUP only in A(A), single family, duplex, townhouse, MH(A), and CA-1(A) districts.

~~————— (C) Required off-street parking: Two spaces. No handicapped parking is required.~~

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must comply with statutory licensing requirements.

(12) Reserved.

(13) Halfway house.

(A) Definition: A facility for the housing, rehabilitation, and training of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses.

(B) Districts permitted: By SUP only in LI, RR, CS, MU-2, MU-2(SAH), MU-3, MU-3(SAH), and central area districts. A halfway house may not be located in a planned development district unless all of the requirements of this paragraph are met.

~~(C) Required off-street parking: Determined by the specific use permit. This requirement must include provision of adequate off-street parking for residents, staff, and visitors. In determining an adequate number of off-street parking spaces, the city council shall consider the degree to which allowing the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: Determined by the specific use permit. This requirement must include provision of adequate off-street parking for residents, staff, and visitors. In determining an adequate number of off-street parking spaces, the city council shall consider the degree to which allowing the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: Determined by the specific use permit.

(E) Additional provisions:

(i) No more than 50 residents are permitted in a halfway house. Halfway houses must be located at least 1000 feet from residential districts, single family, duplex, and multifamily uses, public parks and recreational facilities, child-care facilities, and public or private schools.

(ii) A halfway house may not be located within one mile from another halfway house.

(iii) A specific use permit for a halfway house shall be issued for a two year time period. Periodic review periods may be established as part of the specific use permit.

(iv) The treatment of alcoholic, narcotic, or psychiatric problems is allowed under this use if expressly permitted by the specific use permit.

(v) This use shall comply with all applicable city, state, and federal codes and regulations.

(vi) Halfway houses must be

located within 1200 feet of mass transit service.

(vii) A halfway house specific use permit application must include evidence of meetings between the applicant and property owners within the

notification area. Evidence of meetings must include records reflecting the dates of the meetings, the individuals or organizations involved, and the issues discussed and resolved.

(viii) Signs identifying a use as a halfway house are not permitted.

(ix) Halfway house premises must be properly maintained in good condition at all times.

(x) A security plan must be submitted with an application for a specific use permit for a halfway house. The security plan must demonstrate compliance with the security requirements of state law. The director shall furnish a copy of security plans for halfway houses to appropriate city, county, and state agencies for their review before the commission's consideration of an application. Provisions addressing security must be included in any ordinance granting a specific use permit for a halfway house. A compliance report must be submitted to the director every two years after the date of passage of an ordinance granting a specific use permit and with each application for renewal of a specific use permit for a halfway house.

(xi) Measurements of distance under this paragraph are taken radially. "Radial" measurement means a measurement taken along the shortest distance between the nearest point of the building site of the halfway house and the nearest point of the building site of another use, or of a zoning district boundary.

(14) Hospital.

(A) Definition: An institution where sick or injured patients are given medical treatment.

(B) Districts permitted: By right in GO(A), RR, CS, LI, IR, central area, MU-3, and MU-3(SAH) districts. By SUP only in A(A), multifamily, MO(A), CR, IM, MU-1, MU-1(SAH), MU-2, MU-2(SAH), multiple commercial, and urban corridor districts. RAR required in GO(A), RR, CS, LI, IR, MU-3, and MU-3(SAH) districts.

~~(C) Required off-street parking: One space for each patient bed. Handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space for each patient bed.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must be licensed by the state as a hospital.

(15) Repealed. (Ord. 21044)

(16) Library, art gallery, or museum.

(A) Definition: An establishment for the loan or display of books or objects of art, science, or history.

(B) Districts permitted: By right in office, retail, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in residential districts.

(C) Required off-street parking: For a library, one space per 500 square feet of floor area. For an art gallery or museum, one space per 600 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(iv) This use, if nonconforming, may expand its total floor area by up to ten percent or 2,000 square feet, whichever is less, without obtaining an SUP. (Ord. Nos. 19455; 19786; 19913; 19931; 20037; 20159; 20493; 20731; 20752; 20807; 20845; 20920; 21044; 21442; 21663; 22026; 24271; 24718; 25047; 27495; 28096; 28424; 28803; 30890; 30896)

SEC. 51A-4.205. LODGING USES.

(1) Hotel or motel.

(A) Definition: A facility containing six or more guest rooms that are rented to occupants on a daily basis.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraphs (B)(iii) or (B)(iv), by right in MO(A), GO(A), RR, CS, LI, IR, IM, central area, MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, MU-3(SAH) and multiple commercial districts.

(ii) By SUP only in the CR district.

(iii) By SUP only for a hotel or motel use that has 60 or fewer guest rooms.

(iv) If an SUP is not required, RAR required in MO(A), GO(A), RR, CS, LI, IR, IM, MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, MU-3(SAH), and multiple commercial districts.

~~—————(C) Required off-street parking: One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of meeting room. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of meeting room.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Suite hotels may have kitchens in the guest rooms.

(1.1) Extended stay hotel or motel.

(A) Definition: A lodging facility containing six or more guest rooms, in which:

(i) 25 percent or more of the guest rooms have a kitchen that includes a sink, a full-size stove, and a full-size refrigerator (a cooking area limited to a microwave, mini-refrigerator, or cook-top does not constitute a “kitchen” for purposes of this definition); and

(ii) 10 percent or more of the guest rooms contain a sleeping area that is separated from a sitting area by a wall or partition.

(B) Districts permitted: By SUP in MO(A), GO(A), RR, CS, industrial, central area, mixed use, and multiple commercial districts.

~~—————(C) Required off-street parking: One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of floor area other than guest rooms. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of floor area other than guest rooms.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Amenities such as maids, laundry, concierge, meeting rooms, exercise rooms, pool, and business services (fax, internet, voice mail, courier, etc.) may only be provided to guests.

(2) Lodging or boarding house.

(A) Definition: A facility containing at least one but fewer than six guest rooms that are separately rented to occupants.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), RR, CS, LI, IR, and central area districts. By SUP only in CR and IM districts.

~~(C) Required off-street parking: One space for each guest room. No handicapped parking is required.~~

(C) Required off-street parking: One space for each guest room.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The operator of this use may serve meals to the occupants.

(ii) This use may not have kitchens in the guest rooms.

(2.1) Overnight general purpose shelter.

(A) Definitions: In these use regulations:

(i) BED means a piece of furniture, mat, cushion, or other device on or in which a person may lie and sleep.

(ii) OVERNIGHT GENERAL PURPOSE SHELTER means an emergency lodging facility (as opposed to a residential or medical treatment facility) that provides room and board to more than four persons who are not related by blood, marriage, or adoption to the head of the household or the owner or operator of the facility, and that negotiates sleeping arrangements on a daily basis, whether or not the facility is operated for profit or charges for the services it offers. This definition does not include:

(aa) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or

(bb) any other use specifically defined in this chapter.

(iii) THIS USE means an overnight general purpose shelter as defined in this paragraph.

(B) Districts permitted:

(i) If this use provides shelter for 20 or less overnight guests, it is permitted by SUP only in LO(A), MO(A), GO(A), CR, RR, CS, LI, IR, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), and multiple commercial districts.

(ii) If this use provides shelter for more than 20 overnight guests, it is permitted by SUP only in GO(A), CS, LI, IR, and central area districts.

(C) Required off-street parking: 0.0025 spaces per bed, plus one space per 200 square feet of

1,000 feet from any building site containing any residential use listed in Section 51A-4.209 except a “college dormitory, fraternity, or sorority house”; and a minimum of 1,000 feet from any building site containing another shelter. All measurements shall be taken radially between the building sites in question. In addition, the shelter must obtain a certificate of occupancy and any other required licenses and approvals before it may begin operating. A shelter that relocates in accordance with this subparagraph shall not acquire any nonconforming rights during the period of suspension, and any investment made in land, buildings, or structures during that period shall be at the complete risk of the shelter that an SUP may not ultimately be granted. At or before the end of the one-year period, the shelter shall either file an application for an SUP or cease operations. A shelter that files an application for an SUP in accordance with this subparagraph may remain operating while the application is pending before the city plan commission or city council; however, if the application is denied or withdrawn, the shelter shall cease operations no later than 60 days after the date the final decision is made to deny the application, or the date the application is withdrawn, whichever is applicable.

(3) Reserved. (Ord. Nos. 19455; 19786; 19873; 20038; 20493; 20920; 21663; 22139; 24857; 25435; 30890)

SEC. 51A-4.206. MISCELLANEOUS USES.

(1) Attached non-premise sign.

(A) Definition: A “non-premise sign” as defined in Article VII that is also an “attached sign” as defined in that article.

(B) Districts permitted:

(i) By express authorization in special provision sign districts.

(ii) By express authorization and SUP only in planned development districts.

(iii) By SUP only in office, retail, CS, industrial, central area, mixed use, and multiple commercial districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must be located in or within one mile of the central business district, and be spaced at least 1,000 feet from all other attached non-premise signs.

(ii) The effective area of this use may not exceed 25 percent of the area of the facade to which it is attached, or 672 square feet, whichever is less. No more than 10 percent of the effective area of this use may contain words, and this use may not contain more than eight words.

(iii) An SUP granted for this use must have a time limit of no more than three years, and is not eligible for automatic renewal.

(iv) These use regulations cannot be modified in an ordinance establishing or amending regulations governing a planned development district.

(v) Subparagraphs (i), (ii), and (iii) do not apply when this use is expressly authorized in a special provision sign district.

(vi) No certificate of occupancy is required for this use.

(2) Carnival or circus (temporary).

(A) Definition: A temporary traveling show or exhibition that has no permanent structure or installation.

(B) Districts permitted: Special authorization by the building official as approved in Resolution No. 65-1854.

~~(C) Required off-street parking: 25 spaces per acre. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: 25 spaces per acre.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) Off-street parking and loading requirements for this use may be satisfied by using existing parking and loading spaces for other uses located within 500 feet of the carnival or circus, or by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary parking and loading spaces:

(aa) are adequately designed to accommodate the parking and loading needs of the use; and

(bb) will not adversely affect surrounding uses.

(3) Detached non-premise sign.

(A) Definition: A “non-premise sign” as defined in Article VII that is also a “detached sign” as defined in that article.

(B) Districts permitted: See Section 51A-7.306.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Legal and non-conforming detached non-premise signs may be relocated under certain circumstances. See Section 51A-7.307.

(ii) No certificate of occupancy is required for this use.

(4) Hazardous waste management facility.

(A) Definition: A facility for which a person is required to obtain a hazardous waste permit from the Texas Water Commission pursuant to the Texas Solid Waste Disposal Act (Chapter 361 of the Texas Health and Safety Code). The term “hazardous waste permit” means that permit required to be obtained from the Texas Water Commission pursuant to Section 361.082 of that Act for the processing, storage, or disposal of hazardous waste. In accordance with that Act:

(i) DISPOSAL means the discharging, depositing, injecting, dumping, spilling, leaking, or placing of hazardous waste, whether containerized or uncontainerized, into or on land or water so that the hazardous waste or any constituent thereof may be emitted into the air, discharged into surface water or groundwater, or introduced into the environment in any other manner.

(ii) FACILITY means all contiguous land, including structures, appurtenances, and other improvements on the land, used for the processing, storage, or disposal of hazardous waste on the building site.

(iii) HAZARDOUS WASTE means solid waste, as defined by state law, identified or listed as hazardous waste by the administrator of the United States Environmental Protection Agency under the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.).

(iv) PROCESSING means the extraction of materials from or the transfer, volume reduction, conversion to energy, or other separation and preparation of hazardous waste for reuse or disposal. The term includes the treatment or neutralization of hazardous waste designed to change the physical, chemical, or biological character or

exemption, the operator of the use must file an application for a specific use permit.

(iv) Operations plan. An applicant shall submit to the director of sustainable development and construction an operations plan which includes:

(aa) hours of operation;

(bb) location and depth of fill;

(cc) fences or any other barriers necessary for safety and screening;

(dd) drainage and erosion control measures, if required;

(ee) means for protection of trees;

(ff) truck routes to be used (usage of truck routes must be in compliance with Article X of Chapter 28 of the Dallas City Code);

(gg) the length of time necessary to complete the filling;

(hh) sufficient ingress and egress to and from the site; and

(ii) any other information the director determines is reasonably necessary for a complete review of the proposed filling operations.

(v) Illegally deposited material. Any material illegally deposited in the placement of fill material must be removed within 60 days after notice from the director of the Department of Streets, Sanitation and Code Enforcement.

(6) Temporary construction or sales office.

(A) Definition: A facility temporarily used as a construction or sales office.

(B) Districts permitted: By right in all residential and nonresidential districts except the P(A) district.

~~(C) Required off-street parking: None. No handicapped parking is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A temporary construction or sales office must be located on a platted lot or on a site that is part of a preliminary plat approved by the commission.

(ii) The building official shall issue a temporary certificate of occupancy for a period of one year for a temporary construction or sales office. The building official may grant up to four extensions of six months each to the certificate of occupancy for a construction office if the builder maintains active or continuous construction on the site or within the subdivision, and for a sales office if a minimum of ten lots in the subdivision are unsold.

(iii) A temporary construction or sales office may not be located in another subdivision or used for construction or sales in another subdivision. (Ord. Nos. 19455; 19786; 20478; 20493; 21002; 22996; 23239; 24232; 25047; 28073; 30890)

SEC. 51A-4.207.

OFFICE USES.

(1) Alternative financial establishment.

(A) Definitions: In this paragraph:

(i) ALTERNATIVE FINANCIAL ESTABLISHMENT means a car title loan business or money services business. An alternative financial establishment does not include state or federally chartered banks, community development financial institutions, savings and loans, credit unions, or

regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code. If a regulated lender licensed in accordance with Chapter 342 of the Texas Finance Code also offers services as a credit access business under Chapter 393 of the Texas Finance Code, that business is an alternative financial establishment.

(ii) **CARTITLE LOAN BUSINESS** means an establishment that makes small, short-term consumer loans secured by a title to a motor vehicle.

(iii) **MONEY SERVICES BUSINESS** means a business that provides or assists a consumer in obtaining a payday cash advance, payroll advance, short-term cash loan, short term cash advance, instant payday cash advance, short-term money loan services, or similar services to individuals for a specified fee.

(B) Districts permitted: By SUP only in all nonresidential districts except the NO(A), NS(A), MU-1, MU-1(SAH), UC-1, and P(A) districts.

(C) Required off-street parking: One space per 333 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) No alternative financial establishment may be located within 1,500 feet, measured from property line to property line, of any other alternative financial establishment.

(ii) No alternative financial establishment may be located within 300 feet, measured from property line to property line, of a lot in a residential district.

(iii) An alternative financial establishment may only be a main use that requires a specific use permit and a certificate of occupancy. An alternative financial establishment may not be an accessory use within the meaning of Section 51A-4.217.

(2) Financial institution without drive-in window.

(A) Definition: A facility for the extension of credit and the custody, loan, or exchange of money which does not provide drive-in window service for customers. A financial institution without drive-in window includes regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code, but does not include lenders that also offer any services as credit access businesses under Chapter 393 of the Texas Finance Code.

(B) Districts permitted: By right in all nonresidential districts except the P(A) district.

~~(C) Required off-street parking: One space per 333 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 333 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(3) Financial institution with drive-in window.

(A) Definition: A facility for the extension of credit and the custody, loan, or exchange of money which provides drive-in window service for customers in motor vehicles. A financial institution with drive-in window includes regulated lenders licensed in accordance with Chapter 342 of the Texas

Finance Code, but does not include lenders that also offer any services as credit access businesses under Chapter 393 of the Texas Finance Code.

(B) Districts permitted: By right in MO(A), GO(A), CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By SUP only in LO(A) districts. DIR required in MO(A), GO(A), CR, RR, mixed use, central area, and multiple commercial districts. RAR required in CS and industrial districts.

~~—————(C) Required off-street parking: One space per 333 square feet of floor area. See the additional provisions [Subparagraph (E)] for off-street stacking requirements. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 333 square feet of floor area. See the additional provisions [Subparagraph (E)] for off-street stacking requirements.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The following off-street stacking requirements apply to this use (See Section 51A-4.304 for more information regarding off-street stacking spaces generally):

(aa) The total number of stacking spaces required for teller windows or stations is as follows:

<u>NO. OF TELLER WINDOWS OR STATIONS</u>	<u>TOTAL NUMBER OF STACKING SPACES REQUIRED</u>
1	5
2	10
3	15
4	18
Each additional teller window or station	3 additional

(bb) For purposes of Subparagraph (aa), the term “teller window or station” means a location where customers in motor vehicles transact business with an employee of the financial institution by deal drawer or through the use of a pneumatic tube system or equivalent.

(cc) Each unmanned transaction station must have a minimum of two stacking spaces. For purposes of this subparagraph, the term “unmanned transaction station” means a location where customers in motor vehicles transact business with a machine.

(4) Medical clinic or ambulatory surgical center.

(A) Definition: A facility for examining, consulting with, and treating patients with medical, dental, or optical problems on an out-patient basis.

(B) Districts permitted: By right in all nonresidential districts except the P(A) district.

~~—————(C) Required off-street parking: One space per 200 square feet of floor area. Handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Offices and laboratories are permitted as accessory uses.

(5) Office.

(A) Definition: A place for the regular transaction of business.

(B) Districts permitted: By right in all nonresidential districts except the P(A) district.

~~(C) Required off-street parking: One space per 333 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 333 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales, the transfer of manufactured goods, or the storage of commodities is not permitted except as a limited accessory use. (Ord. Nos. 19455; 19786; 19806; 20493; 21001; 28214; 29208; 29589; 30890)

SEC. 51A-4.208.

RECREATION USES.

(1) Country club with private membership.

(A) Definition: A private recreational club containing a golf course and a club house that is available only to the country club membership and their guests.

(B) Districts permitted: By right in CH, multifamily, MH(A), and all nonresidential districts except the P(A), and urban corridor districts. By SUP only in A(A), single family, duplex, and townhouse districts. RAR required in CH, multifamily, and MH(A) districts.

(C) Required off-street parking: If an SUP is required for this use, the off-street parking requirement may be established by the ordinance granting the SUP, otherwise three spaces for each game court, one space for each additional 150 square feet of floor area, and five spaces for each golf course green.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may contain a private bar, dining room, a swimming pool, and tennis courts and similar services and recreational facilities.

(2) Private recreation center, club, or area.

(A) Definition: An area providing private recreational facilities such as playgrounds, parks, game courts, swimming pools, and playing fields.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-2 and UC-3 districts. By SUP only in all residential districts except MH(A), and in NO(A), LO(A), MO(A), and NS(A) districts.

(C) Required off-street parking: If an SUP is required for this use, the off-street parking

requirement may be established by the ordinance granting the SUP, otherwise three spaces for each game court and one space for each additional 150 square feet of floor area.

(D) Required off-street loading: None.

(3) Public park, playground, or golf course.

(A) Definition: Land planned, developed, or used for active or passive recreational use by the public that is owned or operated by a public agency for those purposes.

(B) Districts permitted: By right in all residential and nonresidential districts except the P(A) district. DIR required in urban corridor districts.

~~—————(C) Required off-street parking: None.
No handicapped parking is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions.

(i) Lighting standards for this use for facilities other than parking may:

(aa) be built to any height below the residential proximity slope; or

(bb) project above the residential proximity slope to a height not to exceed 40 feet. This provision is an exception to the maximum structure height that would otherwise apply in the zoning district.

(ii) Lighting standards for this use for parking facilities must not exceed 20 feet in height.

(iii) Spillover light on neighboring residential lots must not exceed 0.1 footcandle measured at a point five feet inside the residential lot line and five feet above the ground surface.

(iv) The board may grant a special exception to the height restrictions applicable to

lighting standards for this use upon making a special finding from the evidence presented that:

(aa) strict compliance with those restrictions will unreasonably burden the use of the property; and

(bb) the special exception will not adversely affect neighboring property. The board shall not grant a special exception to the spillover light restriction in Subparagraph (iii).

(v) The heights of nonconforming lighting standards for this use may be increased by up to 10 percent without board approval, provided that the spillover light restriction in Subparagraph (iii) is complied with. The cumulative additional height authorized by this subparagraph is 10 percent of the height of the lighting standard at the time it became nonconforming. (Ord. Nos. 19455; 19786; 20344; 20384; 20493; 24718; 27183; 28803; 30890)

SEC. 51A-4.209.

RESIDENTIAL USES.

(a) General provisions. Notwithstanding any other provision in this chapter, a facility that meets all of the requirements of Article 1011n, V.T.C.A., may locate in any residential zone or district in the city as a matter of right. Unless otherwise directed by the city attorney, the building official and any other city officer or employee charged with enforcement of this chapter shall construe Article 1011n by substituting Congress' definition of a handicapped person in the Fair Housing Amendments Act of 1988, as amended, for the state's definition of "disabled person" in that article.

(b) Specific uses.

(1) College dormitory, fraternity, or sorority house.

(A) Definition: A college resident hall or a facility for housing a social or service organization of college students.

(B) Districts permitted: By right in A(A), multifamily, MH(A), LO(A), MO(A), GO(A), CR,

RR, CS, central area, mixed use, and multiple commercial districts. By SUP only in NO(A), NS(A), and urban corridor districts.

~~————— (C) Required off-street parking: One space for each sleeping room. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space for each sleeping room.

(D) Required off-street loading: One space.

(2) Duplex.

(A) Definition: Two dwelling units located on a lot.

(B) Districts permitted: By right in duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), central area, and mixed use districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

~~————— (C) Required off-street parking: Two spaces per dwelling unit. No handicapped parking is required.~~

(C) Required off-street parking: Two spaces per dwelling unit.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Only one main building may be placed on a building site under this use.

(ii) In a duplex district, a lot for a duplex use may be supplied by not more than one electrical utility service and metered by not more than two electrical meters. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than two electrical meters on a lot for a duplex use in a duplex district when, in the opinion of the board, the special exception will:

public interest;

(aa) not be contrary to the

landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation.

(ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

(3) Group residential facility.

(A) Definition: An interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a “family” as that term is defined in this chapter, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

(i) facilities that negotiate sleeping arrangements on a daily basis;

(ii) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or

(iii) any other use specifically defined in this chapter.

(B) Districts permitted: When located at least 1,000 feet from all other group residential facilities and licensed handicapped group dwelling units (as defined in this chapter), by right in CH, multifamily, central area, and mixed use districts; otherwise, by SUP only in the same districts. For purposes of this provision, the term “licensed” means licensed by the Texas Department of Human Services, or its successor, and the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups. [See Section 51A-1.102(b)(2).]) By SUP only in urban corridor districts.

~~—————(C) Required off-street parking: 0.25 spaces per bed, plus one space per 200 square feet of office area; a minimum of four spaces is required. No handicapped parking is required. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.~~

(C) Required off-street parking: 0.25 spaces per bed, plus one space per 200 square feet of office area; a minimum of four spaces is required. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the following density restrictions:

ZONING DISTRICT CLASSIFICATION	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE	MAXIMUM NO. OF BEDS* PER NET ACRE
TH-1(A) and RTN	35	70
TH-2(A) and TH-3(A)	40	80
CH	45	90
MF-1(A) and MF-1(SAH)	50	100
MF-2(A) and MF-2(SAH)	60	120
MF-3(A)	90	180
MF-4(A)	160	320

*For purposes of this subparagraph, the term "suite" means one or more rooms designed to accommodate one family, containing living, sanitary, and sleeping facilities, but not containing a kitchen; and the term "bed" means a piece of furniture, mat, cushion, or other device on or in which one may lie and sleep.

(ii) This use must comply with statutory licensing requirements, if any.

(iii) This use may include dwelling units or suites that are exclusively restricted to visitors or members of the staff.

(3.1) Handicapped group dwelling unit.

(A) Definitions:

(i) DOMICILE means the legal, established, fixed, and permanent place of residence of a person, as distinguished from a temporary and transient, though actual, place of residence.

(ii) HANDICAPPED GROUP DWELLING UNIT means a single dwelling unit that is the domicile of not more than eight handicapped persons who are not a "family" as that term is defined in this chapter, and who are living together as a single housekeeping unit. Up to two supervisory personnel may reside on the premises, provided that the total number of residents, including supervisory personnel, does not exceed eight.

(iii) HANDICAPPED PERSON means a handicapped person as defined in the federal Fair Housing Amendments Act of 1988, as amended.

(iv) LICENSED means licensed by the Texas Department of Human Services, or its successor.

(B) Districts permitted: When located at least 1,000 feet from group residential facilities and all other licensed handicapped group dwelling units (as defined in this chapter), by right in the following districts: agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), GO(A), central area, MU-1, and MU-1(SAH) districts; otherwise, by SUP only in the same districts. In the GO(A) district, the total floor area of this use in combination with all single family, duplex, and multifamily uses may not exceed five percent of the total floor area of the building in which the use is located. For purposes of this provision, the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups.) By SUP only in urban corridor districts.

~~(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. No handicapped parking is required. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.~~

(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(ii) This use liberalizes current restrictions on the number of unrelated persons who may reside together in a dwelling unit in the city for the exclusive benefit of handicapped persons seeking to permanently reside together as a single housekeeping unit. Its purpose is to comply with the substance and spirit of the federal Fair Housing Amendments Act of 1988, as amended, which requires that reasonable accommodations be made in rules, policies, and practices to permit persons with handicaps equal opportunity to use and enjoy a dwelling. *[See Section 51A-1.102(b)(2).]*

(iii) This use is exempt from payment of SUP application fees.

(iv) Any owner of property on which this use is located or proposed to be located may request a letter from the director confirming that no SUP is required for the use. No fee is required to apply for such a letter. Application must be on a form furnished by the director. The director shall issue the requested letter unless, within 30 days after submission of a complete application, the director gives written notice to the applicant that the use or proposed use will require an SUP. For purposes of this paragraph, notice is given to the applicant by depositing the same properly addressed and postage paid in the United States mail. The proper address for purposes of this notice requirement is the address provided by the applicant on the application. No SUP shall be required for uses that operate in justifiable reliance upon a valid confirmation letter issued by the director.

(v) Any aggrieved person may appeal a decision of the director that an SUP is required for this use. Such appeals shall be heard and decided by the board of adjustment. An appeal to the board must be made within 15 days after the director gives written notice that the SUP is required. Appeal is made by filing a written notice of appeal on a form approved by the board. *[See Section 51A-4.703.]* No fee is required to appeal the decision of the director to the board.

(vi) If two or more facilities are within 1,000 feet of each other and otherwise in permissible locations, the first one lawfully established and continually operating thereafter is the conforming

use. For purposes of this subparagraph, “continually operating” means that the use has not been discontinued for six months or more.

(4) Manufactured home park, manufactured home subdivision, or campground.

(A) Definition:

(i) A manufactured home park is a unified development of transient stands arranged on a lot under single ownership.

(ii) A manufactured home subdivision is a plat designed specifically for manufactured home development.

(iii) A campground is a lot used to accommodate recreation vehicles, tents, or manufactured homes on a rental basis for temporary camping purposes.

(B) Districts permitted: By right in the MH(A) district.

~~—————(C) Required off-street parking: 1.5 spaces for each transient stand for a manufactured home park or campground; 1.5 spaces for each lot in a manufactured home subdivision. No handicapped parking is required.~~

(C) Required off-street parking: 1.5 spaces for each transient stand for a manufactured home park or campground; 1.5 spaces for each lot in a manufactured home subdivision.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The owner of a manufactured home park must have a site plan approved by the commission before the building official may issue a building permit for the manufactured home park. The site plan must include the dimensions, bearings, and street frontage of the property; the location of buildings, structures, lots, stands, and uses; the method of ingress and egress; off-street parking and loading arrangements; screening, lighting, and landscaping, if appropriate; and any other information the director determines necessary for a complete review of the proposed development.

(ii) six or more guest rooms with living, sleeping, and kitchen or kitchenette facilities that are offered for rental on a daily basis; or

(iii) six or more guest rooms with living and sleeping accommodations, each of which is individually secured and rented separately to one or more individuals who have access to bathroom, kitchen, or dining facilities outside the guest room on a common basis with other occupants of the structure.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), central area, and mixed use districts when located at least one mile, measured from property line to property line, from all other residential hotel uses.

~~(C) Required off-street parking: 0.5 spaces per guest room. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: 0.5 spaces per guest room.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the regulations in Article VII of Chapter 27 of the Dallas City Code, as amended.

(ii) For a use holding an occupancy record card pursuant to Chapter 27 on August 10, 1994, the nonconformity as to the minimum distance requirement set out in Subparagraph (B) does not render it subject to amortization by the board of adjustment.

(iii) The operator of this use shall maintain a registry showing the name, address, date of arrival, and date of departure of each guest. The operator of this use shall make the registry available to the building official.

(5.2) Retirement housing.

(A) Definition: A residential facility principally designed for persons 55 years of age or older. This use does not include a “convalescent and nursing homes, hospice care, and related institutions” use, which is defined as a separate main use in Section 51A-4.204(8).

(B) Districts permitted: By right in CH, multifamily, central area, and mixed use districts. By SUP only in townhouse and urban corridor districts.

(C) Required off-street parking: One space per dwelling unit or suite.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 100,000	1
100,000 to 300,000	2
Each additional 200,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In these regulations:

(aa) ELDERLY RESIDENT means a resident that is 55 years of age or older.

(bb) SUITE means one or more rooms designed to accommodate one family containing living, sanitary, and sleeping facilities, but not containing a kitchen.

(ii) In townhouse, RTN, CH, and multifamily districts, this use is subject to the following density restrictions:

ZONING DISTRICT CLASSIFICATION	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE
TH-1(A) and RTN	25
TH-2(A) and TH-3(A)	35
CH	40
MF-1(A) and MF-1(SAH)	45
MF-2(A) and MF-2(SAH)	55
MF-3(A)	90
MF-4(A)	160

(iii) Except as otherwise provided in Subparagraphs (iv) and (v), each occupied dwelling unit or suite must have at least one elderly resident. Failure to comply with this provision shall result in the facility being reclassified as another residential or lodging use.

(iv) One dwelling unit or suite may be designated as a caretaker unit whose occupants are not subject to the age restriction in Subparagraph (iii).

(v) Those persons legally re-siding with an elderly resident at the facility may continue to reside at the facility for a period not to exceed one year if the elderly resident dies or moves out for medical reasons. The board may grant a special exception to authorize an extension of the length of time a person may continue to reside at the facility if the board finds, after a public hearing, that literal enforcement of this provision would result in an unnecessary personal hardship. In determining whether an unnecessary personal hardship would result, the board shall consider the following factors:

(aa) The physical limitations of the resident, if any.

(bb) Any economic constraints which would make it difficult for the resident to relocate.

(cc) Whether the resident is dependent on support services or special amenities provided by the retirement housing project.

(dd) Whether there are any alternative housing or market constraints which would impair the ability to relocate.

(vi) No use with exterior advertising or signs may be considered accessory to this use.

(6) Single family.

(A) Definition: One dwelling unit located on a lot.

(B) Districts permitted: By right in agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), central area, MU-1, and MU-1(SAH) districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

~~(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. No handicapped parking is required.~~

(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts.

(D) Required off-street loading: None.

(E) Additional provisions:

~~(i) The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:~~

~~(aa) be used as rental accommodations; or~~

~~(bb) adversely affect neighboring properties.~~

~~(ii) In granting a special exception under Subparagraph (i), the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.~~

~~(iii) Except for the foundation, a dwelling unit must be physically separable from~~

contiguous dwelling units in the event of removal of a dwelling unit. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.

_____ (iv) Each dwelling unit must have separate utility services; however, general utility services on land owned and maintained by a homeowner's association is allowed.

_____ (v) In a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter on a lot in a single family, duplex, or townhouse district when, in the opinion of the board, the special exception will:

_____ (aa) not be contrary to the public interests;

_____ (bb) not adversely affect neighboring properties; and

_____ (cc) not be used to conduct a use not permitted in the district where the building site is located.

_____ (vi) In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, "industrialized housing" means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended:

_____ (aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

_____ (bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the

most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the "value" of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

_____ (cc) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. "Compatible" as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

_____ (dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single family dwellings.

_____ (ee) Industrialized housing must be securely fixed to a permanent foundation.

_____ (ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

_____ (gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

_____ (hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

_____ (vii) Except in the agricultural district, accessory structures are subject to the following regulations:

(i) Additional dwelling unit. The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional

dwelling unit will not:

(aa) be used as rental accommodations; or

(bb) adversely affect neighboring properties.

(ii) In granting a special exception under Subparagraph (i), the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

(iii) Accessory dwelling unit.

(aa) The board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

(bb) If a minimum of one additional off-street parking space is not provided, the board shall determine if that will create a traffic hazard. The board may require an additional off-street parking space be provided as a condition of granting this special exception.

(cc) In granting a special exception under this subparagraph, the board shall require the applicant to:

(I) deed restrict the subject property to require owner-occupancy on the premises; and

(II) annually register the rental property with the city's single family non-owner occupied rental program.

(iv) Dwelling units in general.

(aa) Except for the foundation, a dwelling unit must be physically separable from contiguous dwelling units in the event of removal of a dwelling unit. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.

(bb) Each dwelling unit must have separate utility services; however, general utility services on land owned and maintained by a

homeowner's association is allowed.

(v) Utility meters. In a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter on a lot in a single family, duplex, or townhouse district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interests;

(bb) not adversely affect neighboring properties; and

(cc) not be used to conduct a use not permitted in the district where the building site is located. contiguous dwelling units in the event of removal of a dwelling unit.

(vi) Industrialized housing. In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, "industrialized housing" means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the "value" of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. "Compatible" as used in this subparagraph means similar in application, color, materials, pattern,

quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

(dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation.

(ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

(vii) Accessory structures. Except in the agricultural district, accessory structures are subject to the following regulations:

(aa) Except as provided in this section, no person shall rent an accessory structure. For purposes of this section, rent means the payment of any form of consideration for the use of the accessory structure.

(bb) Except for accessory dwelling units, no person shall use an advertisement, display, listing, or sign on or off the premises to advertise the rental of an accessory structure.

(cc) The height of an accessory structure may not exceed the height of the main building.

(dd) The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.

(ee) The total floor area of all accessory structures on a lot, excluding floor area used for parking, may not exceed 50 percent of the floor area of the main building.

(ff) Accessory structures must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the main building. "Compatible" as used in this provision means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. This provision does not apply to accessory structures with a floor area of 200 square feet or less.

~~(aa) No person shall rent an accessory structure. For purposes of this section, rent means the payment of any form of consideration for the use of the accessory structure.~~

~~(bb) No person shall use an advertisement, display, listing, or sign on or off the premises to advertise the rental of an accessory structure.~~

~~(cc) The height of an accessory structure may not exceed the height of the main building.~~

~~(dd) The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.~~

~~(ee) The total floor area of all accessory structures on a lot, excluding floor area used for parking, may not exceed 50 percent of the floor area of the main building.~~

~~(ff) Accessory structures must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the main building. "Compatible" as used in this provision means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics, but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. This provision does not apply to accessory structures with a floor area of 200 square feet or less. (Ord. Nos. 19455; 19786; 19912; 20360; 20493; 20953; 21044; 21663; 22139; 22390; 23897; 24585; 24718; 24857; 25133; 25486; 25977; 27495; 28803; 29208; 30184; 30890; 30930)~~

SEC. 51A-4.210. RETAIL AND PERSONAL SERVICE USES.

(a) General provisions. Except as otherwise provided in this article, the following general provisions apply to all uses listed in this section:

(1) All uses must be retail or service establishments dealing directly with consumers. No person may produce goods or perform services on the premises unless those goods or services are principally sold on the premises to individuals at retail.

(2) Outside sales, outside display of merchandise, and outside storage may be classified as either main or accessory uses. Accessory outside sales, accessory outside display of merchandise, and accessory outside storage are limited to five percent of the lot. If these uses occupy more than five percent of the lot, they are only allowed in districts that permit them as a main use.

(3) In a GO(A) district, a retail and personal service use:

(A) must be contained entirely within a building; and

(B) may not have a floor area that, in combination with the floor areas of other retail and personal service uses in the building, exceeds 10 percent of the total floor area of the building.

(b) Specific uses.

(1) Ambulance service.

(A) Definition: A facility for the housing, maintenance, and dispatch of vehicles designed to transport sick or injured persons to medical facilities.

(B) Districts permitted: By right in CR, RR, CS, central area, MC-3, and MC-4 districts. RAR required in CR, RR, CS, MC-3, and MC-4 districts.

~~(C) Required off-street parking: One space per 300 square feet of floor area, plus one space per 500 square feet of site area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 300 square feet of floor area, plus one space per 500 square feet of site area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(2) Animal shelter or clinic.

(A) Definition: A facility for the diagnosis, treatment, hospitalization, or harboring of animals including, but not limited to dogs, cats, birds, and horses.

(B) Districts permitted:

(i) Without outside runs: By right in A(A), CR, RR, CS, LI, IR, IM, mixed use, multiple commercial, and urban corridor districts. RAR required in CR, RR, CS, mixed use, and multiple commercial districts.

(ii) With outside runs: By right in CS, LI, IR, and IM districts when located at least 1,000 feet from residential districts; otherwise, by SUP only in the same districts. By SUP only in A(A) and RR districts.

~~(C) Required off-street parking: One space per 300 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 300 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(3) Auto service center.

(A) Definition: A facility for the servicing or minor mechanical repair of motor vehicles. This use may include the retail sale of lubricating oils, tires, or parts for use in motor vehicles. This use does not include as its primary function the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components, nor auto body repair or painting.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. RAR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.

~~(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of four spaces is required. Parking spaces that are used to repair motor vehicles and located in a structure are not counted in determining the required parking. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of four spaces is required. Parking spaces that are used to repair motor vehicles and located in a structure are not counted in determining the required parking.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 60,000	1
Each additional 60,000 or fraction thereof	1

(E) Additional provisions:

(i) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for

(8.1) Commercial motor vehicle parking.

(A) Definition: A facility for the temporary, daily, or overnight parking of commercial motor vehicles as defined in the use regulations for a truck stop, and/or motor vehicles with two or more rear axles such as trucks, truck tractors, and similar vehicles, for no charge or for a fee, regardless of whether that fee is charged independently of any other use on the lot, if the parking is not accessory to a main use on the lot.

(B) Districts permitted: By right in CS, LI, IR, and IM districts, except by SUP only if located within 500 feet of a residential district, measured in a straight line, without regard to intervening structures or objects, from the nearest boundary of the lot where this use is conducted to the nearest boundary of the zoning district at issue.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(9) Commercial parking lot or garage.

(A) Definition: A vehicle parking facility that is operated as a business enterprise by charging a fee for parking.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. RAR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.

~~—————(C) Required off-street parking: None; however, if this use is in the central business district, off-street stacking spaces or passenger unloading zones may need to be provided. No handicapped parking is required. For more information regarding off-street parking in the central business district, see Section 51A-4.306.~~

(C) Required off-street parking: None; however, if this use is in the central business district, off-street stacking spaces or passenger unloading zones may need to be provided. For more information regarding off-street parking in the central business district, see Section 51A-4.306.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The parking of vehicles that weigh more than 6,000 pounds or that have a

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(9.1)(E)(ii), is permitted only on Saturday and Sunday.

(iv) This use must comply with Chapter 12B, "Convenience Stores," of the Dallas City Code.

(10) Drive-in theater.

(A) Definition: A facility for showing motion pictures outdoors where the audience views the motion picture from automobiles or while seated outside.

(B) Districts permitted: By SUP only in A(A), CS, and IM districts.

~~————— (C) Required off-street parking: Six parking spaces. The number of stacking spaces must equal ten percent of the number of the theater's stalls. No handicapped parking is required.~~

(C) Required off-street parking: Six parking spaces. The number of stacking spaces must equal ten percent of the number of the theater's stalls.

(D) Required off-street loading: None.

(11) Dry cleaning or laundry store.

(A) Definition: A facility for the cleaning or laundering of garments, principally for individuals.

(B) Districts permitted: By right in GO(A)*, retail, CS, industrial, central area, mixed use, and multiple commercial districts. In urban corridor districts, this use is permitted by right, but the use may not have a drive-in or drive-through facility. By right as a limited use only in MF-3(A), MF-4(A), LO(A), and MO(A) districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

~~————— (C) Required off-street parking: One space per 200 square feet or floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading: One space.

and (aa) customarily used outside;

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(12)(E)(i), is permitted only on Saturday and Sunday.

(iii) See Section 51A-4.605 for design standards applicable to uses of 100,000 square feet or more.

(13) General merchandise or food store 3,500 square feet or less.

(A) Definition: A retail store with a floor area of 3,500 square feet or less for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term “food store” includes a grocery store, delicatessen, convenience store without drive-through, and specialty foods store. This use does not include other uses in this article that are specifically listed.

(B) Districts permitted: By right in GO(A)*, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MF-3(A), MF-4(A), LO(A), and MO(A) districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

~~—————(C) Required off-street parking: One space per 200 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be

provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(13)(E)(ii), is permitted only on Saturday and Sunday.

(14) General merchandise or food store greater than 3,500 square feet.

(A) Definition: A retail store with a floor area greater than 3,500 square feet but less than 100,000 square feet for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term “food store” includes a grocery store, delicatessen, convenience store without drive-through, and specialty foods store. This use does not include other uses in this article that are specifically listed.

(B) Districts permitted: By right in CR, RR, CS, central area, mixed use, multiple commercial, UC-2, and UC-3 districts.

(C) Required off-street parking: One space per 200 square feet of floor area for uses with less than 10,000 square feet of floor area. One space per 220 square feet of floor area for uses with a floor area of 10,000 square feet or greater, but less than 40,000 square feet of floor area. One space per 250 square feet of floor area for uses with a floor area of 40,000 square feet or greater, but less than 100,000 square feet of floor area.

CR district. RAR required in RR, CS, and industrial districts.

(C) Required off-street parking: One space per 275 square feet of retail floor area, plus one space per 1,000 square feet of site area exclusive of parking area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In all districts except the CR district, accessory outside sales, accessory outside display of merchandise, and accessory outside storage may individually occupy more than five percent of the lot, but may collectively occupy no more than 25 percent of the lot. In the CR district, these accessory uses may collectively occupy no more than five percent of the lot.

(ii) See Section 51A-4.605 for design standards applicable to uses of 100,000 square feet or more.

(16) Household equipment and appliance repair.

(A) Definition: A facility for the repair of household and home equipment, including appliances, lawnmowers, power tools, and similar items.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, MC-4, and urban corridor districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area. If more than ten~~

~~off-street parking spaces are required for this use; handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(16.1) Liquefied natural gas fueling station.

(A) Definitions: In this paragraph:

(i) COMMERCIAL MOTOR VEHICLE means a motor vehicle that:

(aa) is designed or used for the transportation of cargo;

(bb) has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and

(cc) is not owned or operated by a governmental entity.

(ii) LIQUEFIED NATURAL GAS FUELING STATION means a facility for the retail sale of liquefied natural gas from pumps to commercial motor vehicles.

(B) Districts permitted:

(i) By right in LI, IR, and IM districts, but SUP required if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.

(ii) By SUP in only in the CS district.

(C) Required off-street parking: None.

(D) Required off-street loading: Sufficient space must be allowed for the unloading of a liquefied natural gas fuel truck.

(E) Additional provisions:

(i) No overnight parking is allowed.

(ii) No signage is permitted on liquefied natural gas storage tanks except for required safety signage.

(iii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iv) Liquefied natural gas storage tanks, fuel pumps, and related equipment may not be located beneath electric power lines.

(v) Liquefied natural gas storage tanks, fuel pumps, and related equipment must be located at least 10 feet from the nearest building, property line, any source of ignition, or nearest public street or sidewalk.

(vi) Liquefied natural gas storage tanks, fuel pumps, and related equipment must be located at least 50 feet from the nearest rail of any railroad main track.

(vii) A clear space of at least three feet must be provided for access to all valves and fittings.

(viii) During fueling operations, the point of transfer (the point where the fueling connection is made) must be at least 10 feet from any building or public street or sidewalk, and at least three feet from any storage tanks or containers. The point of transfer may be a lesser distance from buildings or walls made of concrete or masonry materials, or of another material having a fire resistance rating of at least two hours, but the point of transfer must be at least 10 feet away from any building openings.

(17) Liquor store.

(A) Definition: An establishment principally for the retail sale of alcoholic beverages for off-premise consumption, as defined in the Texas Alcoholic Beverage Code.

(B) Districts permitted: By right in CR, RR, CS, central area, MU-2, MU-2 (SAH), MU-3, MU-3(SAH), MC-2, MC-3, and MC-4 districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 60,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) If a use has drive-in or drive-through service and has less than 10,000 square feet of floor area, the use shall be classified as a convenience store with drive-through under Paragraph (9.1).

(18) Mortuary, funeral home, or commercial wedding chapel.

(A) Definition:

(i) A mortuary or funeral home is a facility in which dead bodies are prepared for burial or cremation or funeral services are conducted.

(ii) A commercial wedding chapel is a facility, not associated with a church, where a wedding is performed for profit.

(B) Districts permitted: By right in CR, RR, CS, central area, mixed use, and multiple commercial districts.

~~_____ (C) Off-street parking:~~

~~_____ (i) Required off-street parking:~~

~~_____ (aa) One space per 300 square feet of floor area other than the chapel, plus one space for each two seats in the chapel. Up to 50 percent of the required off-street parking for this use may be tandem spaces.~~

~~_____ (bb) If all spaces provided are non-tandem, the off-street parking requirement for this use is one space per 500 feet of floor area other than the chapel, plus one space for each two seats in the chapel.~~

~~_____ (ii) If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking:

(i) One space per 300 square feet of floor area other than the chapel, plus one space for each two seats in the chapel. Up to 50 percent of the required off-street parking for this use may be tandem spaces.

(ii) If all spaces provided are non-tandem, the off-street parking requirement for this use is one space per 500 feet of floor area other than the chapel, plus one space for each two seats in the chapel.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) A commercial wedding chapel may provide reception areas, but no alcoholic beverages may be sold.

(19) Motor vehicle fueling station.

(A) Definition: A facility for the retail sale of motor vehicle fuel dispensed from pumps or electric vehicle charging stations. This use does not include a truck stop or a liquefied natural gas fueling station as defined in this section.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By right as a limited use only in MO(A) and GO(A) districts. By SUP only in MF-3(A), MF-4(A), and NS(A) districts.

~~(C) Required off-street parking: Two spaces. No handicapped parking is required.~~

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: Sufficient space must be provided to allow for the unloading of a fuel truck.

(E) Additional provisions:

(i) Except for compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(ii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iii) Fuel pumps are permitted as an accessory use only if they comply with the following subparagraphs:

(aa) The pumps must be available only to the owner and tenant of the main building and not available to the general public.

(bb) The fuel pump and any sign relating to the pump must not be visible from the public street. No sign may be erected indicating the availability of motor vehicle fuel.

(iv) Fuel pumps must be located at least 18 feet from the boundary of the site.

(v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.

(20) Nursery, garden shop, or plant sales.

(A) A facility for the growing, display, or sale of plant stock, seeds, or other horticultural items.

(B) Districts permitted: By right in A(A), GO(A)*, CR, RR, CS, central area, mixed use, multiple commercial, and urban corridor districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

~~(C) Required off-street parking: One space per 500 square feet of floor area, plus one space per 2,000 square feet of outside sales and display area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 500 square feet of floor area, plus one space per 2,000 square feet of outside sales and display area.

(D) Required off-street loading:

<u>SQUARE FEET OF SALES AREA</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In all districts where this use is permitted except the GO(A) district, accessory outside sales, display of merchandise, or storage may occupy up to 100 percent of the lot. In the GO(A) district, this use must be located entirely within a building. See Subsection (a)(3) for more information about restrictions on retail and personal service uses generally in the GO(A) district.

(21) Outside sales.

(A) Definition: A site for the outside sale of general merchandise or food. This use includes, but is not limited to, outdoor flea markets.

(B) Districts permitted: By right in central area districts. By SUP only in RR and CS districts.

~~(C) Required off-street parking: One space per 200 square feet of sales area. If more than ten~~

~~off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of sales area.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Except as otherwise provided in this article, outside sales is considered to be a separate main use if it occupies more than five percent of the lot. Outside sales on less than five percent of the lot may qualify as an accessory use if it is customarily incidental to a main use. See Section 51A-4.217.

(21.1) Paraphernalia shop.

(A) Definition: An establishment that displays or offers for sale any "illegal smoking paraphernalia" as that term is defined in Chapter 31 of the Dallas City Code or any other smoking paraphernalia that is commonly used, or commonly known to be used, for the inhalation of tobacco or illegal substances. For purposes of this definition, rolling papers, tobacco cigarettes, and tobacco cigars are not considered paraphernalia.

(B) Districts permitted: By SUP only in CR, RR, CS, industrial, and mixed use districts.

(C) Required off-street parking: One space for each 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A paraphernalia shop may not be located within 1,500 feet, measured from property line to property line, of any other paraphernalia shop.

(ii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot in a residential district.

(iii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a school.

(iv) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a child-care facility.

(v) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a college, university, or seminary.

(vi) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a church.

(vii) A paraphernalia shop may not have a drive-in or drive-through or walk-up window.

(viii) The outside sale, display, or storage of products is prohibited.

(ix) A paraphernalia shop may only be a main use that requires a certificate of occupancy. A paraphernalia shop may not be an accessory use within the meaning of Section 51A-4.217.

(22) Pawn shop.

(A) Definition: A facility for loaning money on the security of personal property and the sale of unclaimed property.

(B) Districts permitted: By right in CR, RR, CS, IR, and IM districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) A pawnshop legally operating as a permitted use or a nonconforming use on March 1, 1989, is entitled to relocate to another site in the same zoning district or classification in which it is located on March 1, 1989, provided the relocation is completed before the first anniversary of the date that the pawnshop ceased doing business at the previous location.

[§ 51A-4.210 continues on page 289.]

(23) Personal service use.

(A) Definition: A facility for the sale of personal services. Typical personal service uses include a barber/beauty shop, shoe repair, a tailor, an instructional arts studio, a photography studio, a laundry or cleaning pickup and receiving station, a handcrafted art work studio, safe deposit boxes, a travel bureau, and a custom printing or duplicating shop.

(B) Districts permitted: By right in GO(A)*, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MF-3(A), MF-4(A), NO(A), LO(A), and MO(A) districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

~~(C) Required off-street parking: One space per 200 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) In the NO(A) district, this use may occupy no more than 1,000 square feet of floor area.

(24) Restaurant without drive-in or drive-through service.

(A) Definition: An establishment principally for the sale and consumption of food on the

premises. (This use does not include a restaurant with drive-in or drive-through service.)

(B) Districts permitted: By right in GO(A)*, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MF-4(A), LO(A), and MO(A) districts. By SUP only in the NO(A) district. RAR required in MF-4(A), LO(A), MO(A), GO(A), retail, CS, industrial, mixed use, and multiple commercial districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking:

(i) As a main use: except as otherwise provided, one space per 100 square feet of floor area.

(ii) As a limited or accessory use: except as otherwise provided, one space per 200 square feet of floor area.

(iii) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant without drive-in or drive-through service use.

~~(iv) If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The sale and service of alcoholic beverages in conjunction with the operation of this use is allowed generally, but may be prohibited

if this use is located in a liquor control overlay district. See Section 51A-4.503.

(25) Restaurant with drive-in or drive-through service.

(A) Definition:

(i) A restaurant with drive-in service is an establishment principally for the sale and consumption of food where food service is provided to customers in motor vehicles for consumption on the premises.

(ii) A restaurant with drive-through service is an establishment principally for the sale and consumption of food which has direct window service allowing customers in motor vehicles to pick up food for off-premise consumption.

(B) Districts permitted: By right in CR, RR, CS, industrial, mixed use, and multiple commercial districts. By SUP only in central area districts. DIR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.

(C) Required off-street parking:

(i) Except as otherwise provided, one space per 100 square feet of floor area; with a minimum of four spaces. See additional provisions [Subparagraph (E)] for off-street stacking requirements. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant with drive-in or drive-through service use.

~~(iii) If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The sale and service of alcoholic beverages in conjunction with the operation of this use is allowed generally, but may be prohibited if this use is located in a liquor control overlay district. See Section 51A-4.503.

(ii) The total number of stacking spaces required for this use is as follows:

<u>NO. OF DRIVE-THROUGH WINDOWS</u>	<u>TOTAL NUMBER OF STACKING SPACES REQUIRED</u>
1	6
2	8
Each additional drive-through window	4 additional

(iii) A remote order station, if any, must be set back at least 27 feet from all streets that allow direct access to the station.

(26) Surface parking.

(A) Definition: A passenger vehicle parking facility.

(B) Districts permitted: By right in the P(A) district.

~~(C) Required off-street parking: None. No handicapped parking is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) All parking must be at grade level.

(ii) A commercial parking lot or garage is not permitted under this use.

(iii) No structures are permitted under this use except signs and required screening.

(iv) The owner of surface parking must maintain a minimum front yard of ten feet when the surface parking is contiguous to an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(27) Swap or buy shop.

(A) Definition: A facility for the purchase and retail sale or exchange of new or used regulated property where more than 25 percent of the facility's total inventory is obtained from a source other than an authorized vendor or manufacturer. This use includes, but is not limited to, bazaars. For purposes of this definition:

(i) **REGULATED PROPERTY** means automobile accessories, business machines, crafted precious metals, electronic equipment, firearms as defined by state law, household appliances, jewelry, motorcycle accessories, musical instruments, photographic equipment, power tools, or sporting goods; and

(ii) **AUTHORIZED VENDOR OR MANUFACTURER** means a commercial supplier who deals in the wholesale distribution of regulated property in the ordinary course of business.

(B) Districts permitted: By SUP only in CR, RR, CS, central area, mixed use, and multiple commercial districts.

~~—————(C) Required off-street parking: One space per 200 square feet of floor area. If more than ten off-street parking spaces are required for this use,~~

~~handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(28) Taxidermist.

(A) Definition: A facility for preparing, stuffing, and mounting the skins of animals, birds, and fish.

(B) Districts permitted: By right in CS, industrial, and central area districts.

(C) Required off-street parking: One space per 600 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(29) Temporary retail use.

(A) Definition: A temporary facility for the retail sale of seasonal products, including food, christmas trees, and live plants.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

~~—————(C) Required off-street parking: One space per 500 square feet of site area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One

space per 500 square feet of site area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) Off-street parking and loading requirements for this use may be satisfied by using existing parking and loading spaces for other uses located within 500 feet of the temporary retail use, or by providing temporary parking and loading spaces that do not strictly comply with the construction and maintenance provisions for off-street parking and loading in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that temporary off-street parking or loading spaces:

(aa) are adequately designed to accommodate the parking and loading needs of the temporary retail use; and

(bb) will not adversely affect surrounding uses.

(ii) The building official shall issue a temporary certificate of occupancy for a period of 60 days for a temporary retail use. The building official may grant one 30-day extension of the temporary certificate of occupancy if the use has fully complied with all applicable city ordinances. No more than one temporary certificate of occupancy may be issued for a temporary retail use at the same location within a 12-month period.

(30) Theater.

(A) Definition: A facility for showing motion pictures or staging theatrical performances to an audience inside an enclosed structure.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. In urban corridor districts, DIR required and this use is limited to a theater with less than 1,000 seats. By SUP only in MF-4, MO(A), and GO(A)* districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

~~(C) Required off-street parking: One space per 28 square feet of seating area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 28 square feet of seating area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The sale or service of food or drinks is permitted as a limited accessory use.

(ii) This use may include service of food or drink to the audience within the main auditorium.

(iii) The sale and service of alcoholic beverages in conjunction with the operation of this use may be prohibited if this use is located in a liquor control overlay district. See Section 51A-4.503.

(30.1) Truck stop.

(A) Definitions: In these use regulations:

(i) COMMERCIAL MOTOR VEHICLE means a motor vehicle that:

(aa) is designed or used for the transportation of cargo;

(bb) has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and

(cc) is not owned or operated by a governmental entity.

(ii) TRUCKSTOP means a facility for the retail sale of motor vehicle fuel dispensed from pumps to commercial motor vehicles.

(B) Districts permitted: By SUP only in CS, LI, IM, and IR districts.

~~(C) Required off-street parking: Two spaces. No handicapped parking is required.~~

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: Sufficient space must be provided to allow for the unloading of a fuel truck.

(E) Additional provisions:

(i) Except for above-ground storage tanks used in connection with liquefied natural gas fueling facilities, and compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(ii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iii) A truck stop is always a main use, and cannot be an accessory use within the meaning of Section 51A-4.217. Other than accessory parking, any other use on the same lot is considered an additional main use, such as on-site restaurants, cleaning facilities, and repair services.

(iv) Fuel pumps must be located at least 18 feet from the boundary of the site.

(v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.

(vi) Except as provided in Item (vii), liquefied natural gas storage tanks are only permitted if approved as part of the specific use permit process.

(vii) For the purposes of Section 51A-4.704, adding liquefied natural gas fueling facilities

to a nonconforming truck stop is not the enlargement of a nonconforming use.

(viii) No signage is permitted on liquefied natural gas storage tanks except for required safety signage.

(31) Vehicle display, sales, and service.

(A) Definition: A facility for the display, service, and retail sale of new or used automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers.

(B) Districts permitted: By right in RR, CS, and industrial districts. By SUP only in central area districts. RAR required in RR, CS, and industrial districts.

~~(C) Required off-street parking: One space per 500 square feet of floor and site area exclusive of parking area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 500 square feet of floor and site area exclusive of parking area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The weight of each vehicle displayed or sold under this use may not exceed 6,000 pounds.

(ii) Outside display and storage of new or used vehicles for sale is permitted under this use without visual screening.

(iii) New or used vehicles for sale may be displayed or stored in the required front yard under this use.

(iv) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use. (Ord. Nos. 19455; 19786; 19810; 19928; 20242; 20237; 20257; 20272; 20273; 20425; 20493; 20494; 20895; 21001; 21200; 21209; 21259; 21289; 21291; 21400; 21659; 21663; 21697; 21735; 21796; 21960; 22020; 22204; 22531; 22995; 23739; 24439; 24659; 24718; 24759; 25047; 25056; 25785; 26269; 26513; 26746; 27563; 28073; 28079; 28700; 28737; 28803; 30477; 30890)

SEC. 51A-4.211. TRANSPORTATION USES.

(1) Airport or landing field.

(A) Definition: A facility for the landing of fixed or rotary wing aircraft.

(B) Districts permitted: By SUP only in IR and IM districts.

~~—————(C) Required off-street parking: One space per 200 square feet of terminal building floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of terminal building floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(i) A minimum of 60 acres is required for this use.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration's rules and regulations.

(2) Commercial bus station and terminal.

(A) Definition: A facility operated as a bus or shuttle passenger station or transfer center serving a privately owned transit operation. For purposes of this paragraph:

(i) Bus means a motor vehicle that has a manufacturer's rated seating capacity of more than 15 passengers, and is used for the transportation of persons from a location in the city to another location either inside or outside the city.

(ii) Shuttle means a van-type motor vehicle that has a manufacturer's rated seating capacity of not less than seven passengers and not more than 15 passengers, and is used for the transportation of persons from a location in the city to another location either inside or outside the city.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraph (B)(ii), by right in RR, CS, LI, IR, IM, and central area districts.

(ii) By SUP only in the CS district when:

(aa) the facility operates with a bus; or

(bb) the facility operates with a shuttle within 500 feet of a residential district.

(iii) DIR required in RR and central area districts, and the CS district when an SUP is not required. RAR required in industrial districts.

~~—————(C) Required off-street parking: One space per 200 square feet of building floor area plus~~

~~one space per five seats of manufacturer's rated seating capacity for the maximum number of vehicles on site during any one hour time period. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of building floor area plus one space per five seats of manufacturer's rated seating capacity for the maximum number of vehicles on site during any one hour time period.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A lobby or waiting room with a floor area of not less than 200 square feet must be provided.

(ii) Seating in the lobby or waiting room must be provided at a ratio of one seat for every 25 square feet of floor area in the lobby or waiting room.

(iii) The outdoor sale of general merchandise or food is prohibited.

(iv) No loading or unloading of passengers is permitted on public right-of-way.

(3) Heliport.

(A) Definitions: A facility for the landing and taking off of rotary wing aircraft.

(B) Districts permitted: By right in IR and IM districts. By SUP only in RR, CS, LI, central area, MU-3, MU-3(SAH), MC-3, and MC-4 districts. RAR required in IR and IM districts.

~~(C) Required off-street parking: One space per 600 square feet of site area; a minimum of four spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 600 square feet of site area; a minimum of four spaces is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may include fueling or servicing facilities, if approved by the city aviation department.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration's rules, regulations, and approval.

(4) Helistop.

(A) Definition: A landing pad for occasional use by rotary wing aircraft.

(B) Districts permitted: By right in IR and IM districts. By SUP only in A(A) MO(A), GO(A), RR, CS, LI, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH) MC-2, MC-3, and MC-4 districts. RAR required in IR and IM districts.

~~————— (C) Required off-street parking: Two spaces. No handicapped parking is required.~~

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Regularly scheduled stops are not permitted under this use.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration's rules, regulations, and approval.

(iv) Fueling or servicing facilities are not permitted under this use.

(5) Private street or alley.

(A) Definition: A street or an alley whose ownership has been retained privately.

(B) District restrictions:

(i) This accessory use is not permitted in agricultural, multifamily, MH(A), office, retail, commercial service and industrial, mixed use, and multiple commercial districts.

(ii) An SUP is required for this accessory use in single family, duplex, townhouse, CH, and central area districts.

~~(C) Required off-street parking: None. No handicapped parking is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading: See Section 51A-4.303.

(E) Additional provisions:

(i) Private streets and alleys must be constructed and maintained to the standards for public rights-of-way and must be approved by the director. Sidewalks are required and must be constructed and maintained to the standards for sidewalks in the public right-of-way. Water and sanitary sewer mains must be installed in accordance with the applicable ordinances.

(ii) A legal entity must be created that is responsible for street lighting, street maintenance and cleaning, and the installation and maintenance of interior traffic control devices. The legal instruments establishing the responsibility for a private street or alley must be submitted to the city plan commission for approval, be approved as to legal form by the city attorney, and recorded in the appropriate county.

(iii) Private streets and alleys must contain private service easements including, but not limited to, the following easements: utilities; firelane; street lighting; government vehicle access; mail collection and delivery access; and utility meter reading access.

(iv) Street lights comparable with those required on public rights-of-way must be provided. Street lighting design plans must be approved by the director in compliance with applicable standards of the department of sustainable development and construction.

(v) Design plans and location of all traffic control devices must be approved by the traffic engineer. The design, size, color, and construction of all traffic control devices must comply with those required in public rights-of-way.

(vi) The fire protection standards in Article XIII of the Dallas fire code must be followed.

(vii) A public school, park or other public facility must be accessible from public rights-of-way in accordance with this code.

(viii) Private streets must comply with the thoroughfare plan and may not interrupt public through streets.

(ix) Private street names and numbers must be approved by the city plan commission.

(x) Private streets and the area they serve must be platted.

(xi) Guard houses may be constructed at any entrance to a private street. All guard houses must be at least 25 feet from a public right-of-way.

(xii) Any structure that restricts access to a private street must provide a passageway 20 feet wide and 14 feet high.

(xiii) One private street entrance must remain open at all times. If an additional private street entrance is closed at any time, it must be constructed to permit opening of the passageway in emergencies by boltcutters or breakaway panels.

(xiv) A private street serving an area containing over 150 dwelling units must have a minimum of two access points to a public street.

(xv) A private street may serve no more than 300 dwelling units.

(xvi) The city has no obligation to maintain a private street. If a private street is not maintained in compliance with the requirements of this chapter, the city, after a public hearing before the city plan commission, shall have the right, but not the obligation, to take those actions necessary to put the private street in compliance. The legal entity responsible for maintaining the private street shall pay the city for the work performed within a period of 180

days from the presentation of the bill, or the private street will become a public street of the city.

(xvii) A court or plaza may be considered a private street for the purpose of creating a building site if a specific use permit for a private street or alley use is obtained.

(6) Railroad passenger station.

(A) Definition: A facility for the loading and discharging of train passengers.

(B) Districts permitted: By right in central area districts. By SUP only in GO(A), RR, CS, industrial, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, and MC-4 districts.

~~————— (C) Required off-street parking: One space per 200 square feet of terminal building floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of terminal building floor area.

(D) Required off-street loading: None.

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(7) Railroad yard, roundhouse, or shops.

(A) Definition: A facility for storing and repairing railroad equipment, and making up trains.

(B) Districts permitted: By right in IM and central area districts. RAR required in the IM district.

~~————— (C) Required off-street parking: One space for each 500 square feet of floor area of roundhouse and shops. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One

space for each 500 square feet of floor area of roundhouse and shops.

(D) Required off-street loading: None.

(8) STOL (short takeoff or landing) port.

(A) Definition: A facility for take-off and landing operations of fixed wing aircraft designed to land on runways of 1000 feet or less.

(B) Districts permitted: By SUP only in IR, IM, and central area districts.

~~————— (C) Required off-street parking: One space per 200 square feet of terminal building floor area; a minimum of five spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of terminal building floor area; a minimum of five spaces is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may include refueling equipment and passenger shelters, but may not include maintenance facilities.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration's rules, regulations, and approval.

(9) Transit passenger shelter.

(A) Definition: A structure which affords protection from the weather to persons who are waiting to board a publicly owned or franchised transit vehicle.

(B) Districts permitted: By right in all residential and nonresidential districts.

~~————— (C) Required off-street parking: None. No handicapped parking is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(ii) Landscaping. Landscaping must be provided to comply with Article X of this chapter, or with a landscape plan approved by the city council. In approving a landscape plan, the city council shall, as a minimum, impose landscaping requirements that are reasonably consistent with the standards and purposes of Article X.

(iii) Screening. Screening must be provided to comply with Section 51A-4.602, or with a site plan approved by the city council.

(iv) Vehicular ingress and egress.

(aa) Vehicular ingress and egress between this use and a residential alley is prohibited. For purposes of this paragraph, the term “residential alley” means a public alley or access easement that abuts or is in a single family, duplex, townhouse, or clustered housing district.

(bb) Any vehicular ingress and egress between this use and a minor street must be shown on a site plan approved by the city council.

~~(v) Minimum setbacks for parking and maneuvering. In residential districts, all off-street parking spaces and bus bays, including maneuvering areas, must be located behind the required setback lines established in this chapter, or behind the established setbacks for the blockface, whichever results in the greater setback. A minimum setback of ten feet must be provided for a side or rear yard adjacent to a residential use.~~

(v) Minimum setbacks for parking and maneuvering. In residential districts, all off-street parking spaces and bus bays, including maneuvering areas, must be located behind the required setback lines established in this chapter, or behind the established setbacks for the blockface, as defined in Section 51A-4.401, whichever results in the greater setback. A minimum setback of ten feet must be provided for a side or rear yard adjacent to a residential use.

(vi) Outside speaker restrictions. Outside speakers are not permitted within 50 feet of another lot in a residential district. Outside speakers, when permitted, must face away from adjacent properties.

(vii) Restrictions on authorization by city council resolution in certain districts. In NO(A), LO(A), MO(A), NS(A), CR, RR, CS, LI, MU-1, MU-

1(SAH), MC-1, and MC-2 districts, authorization by city council resolution is not available unless:

(aa) a traffic impact analysis demonstrates to the satisfaction of the director that the projected traffic from the proposed facility will not

States mail to the property owners as evidenced by the last approved city tax roll.

(dd) The city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the hearing. After the city council holds its public hearing, it shall make a decision regarding the plan. The decision need not be made on the same day that the public hearing is held.

(ee) The city council may approve or deny the site plan. An approval must be by resolution adopted by a majority of those councilmembers present and eligible to vote, and a true and correct copy of the site plan must be attached to the resolution as an exhibit. The city council may impose reasonable conditions upon the approval of a site plan consistent with the purposes stated in Section 51A-1.102 of this chapter. Any conditions imposed must be in writing and made part of the resolution.

(ff) After a final decision is reached by the city council denying a site plan, no further applications for site plan approval may be considered for that particular station or transfer center site for two years from the date of the final decision. If the city council renders a final decision of denial without prejudice, the two year time limitation is waived. A property owner may apply for a waiver of the two year time limitation by submitting a request in writing to the director. Only the city council may waive the time limitation applicable to site plans reviewed under this subsection. A simple majority vote by the city council is required to grant the request. The two year time limitation applicable to site plans reviewed under this subsection does not affect the ability of a property owner to apply for a specific use permit for the same site.

(gg) Authorization by city council resolution shall no longer be available for a particular station or transfer center site when an application is made for a specific use permit for that site unless the application is withdrawn prior to the mailing of notices for the public hearing before the city plan commission. (Ord. Nos. 19455; 19786; 20122; 20493; 20625; 21001; 21663; 22026; 22799; 23735; 23766; 24833; 25047; 28073; 28424; 30890; 30932)

SEC. 51A-4.212.

UTILITY AND PUBLIC SERVICE USES.

(1) Commercial radio or television transmitting station.

(A) Definition: A facility for the transmission of commercial programming by radio or television within the commercial band of the electromagnetic spectrum.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By SUP only in A(A), LO(A), and MO(A) districts.

~~—————(C) Required off-street parking: One space per 1,000 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading: None.

(2) Electrical generating plant.

(A) Definition: A facility franchised by the city that generates electricity from mechanical power produced by gas, coal, or nuclear fission.

(B) Districts permitted: By SUP only in the IM district.

~~—————(C) Required off-street parking: One space per 1,000 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(3) Electrical substation.

(A) Definition: A facility for transforming electricity for distribution to individual customers.

(B) Districts permitted: By right in LO(A), MO(A), GO(A), CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By SUP only in all residential, NO(A), and NS(A) districts.

~~(C) Required off-street parking: Two spaces. No handicapped parking is required.~~

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

(4) Local utilities.

(A) Definitions:

(i) UTILITY SERVICES means air pollution monitoring stations, antennas, cables, dishes, distribution lines, drainage lines, generating facilities, nodes and hubs, pipes, poles, pumping stations, receivers and senders, repeating or regenerating devices, storm water facilities, switching stations, substations, tanks, transmission lines, water wells, wires, or similar equipment operated by a municipality, a transit authority, or a certificated, franchised, or licensed utility company providing cable television, electrical, gas, internet, storm sewer, telecommunications, telegraph, telephone, water, or wastewater service to the public.

(ii) COMMUNICATIONS EXCHANGE FACILITY means a facility for the centralized placement of communications equipment used to store, house and route voice and data transmissions among communications companies.

(B) Districts permitted:

(i) Utility services:

(aa) Except as otherwise provided, by right in all residential and nonresidential districts.

(bb) By SUP only in residential districts if the above-grade facilities exceed 300 square feet in floor area or structure footprint per lot, except that no SUP is required for below-grade facilities, distribution lines, transmission lines, and supporting structures. In this subparagraph, "structure footprint" means the ground area defined by vertical planes extending downward from the outermost projection of the structure.

(cc) RAR is required if this use is more than 150 square feet in floor area or more than 10 feet in height, except that no RAR is required for below-grade facilities, distribution lines, transmission lines, and supporting structures.

(ii) Communications exchange facility: By right in LO(A), MO(A), GO(A), RR, CS, industrial, central area, mixed use, and multiple commercial districts. By right in the CR district if this use does not exceed 50,000 square feet in floor area; otherwise, prohibited in the CR district. By right in nonresidential planned development districts that allow local utilities. Allowed in residential planned development districts only if specifically listed as a permitted use, otherwise prohibited in residential planned development districts.

~~(C) Required off-street parking:~~

~~(i) Utility services: None. No handicapped parking is required.~~

~~(ii) Communications exchange facility: One space per 5,000 square feet of floor area, except that one space per 333 square feet is required for any floor area used for office space. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking:

(i) Utility services: None.

(ii) Communications exchange facility: One space per 5,000 square feet of floor area, except that one space per 333 square feet is required for any floor area used for office space.

(D) Required off-street loading:

(i) Utility services: None.

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Utility services:

(aa) Above-ground storage tanks are not permitted under this use, except accessory above-ground storage tanks to emergency generators. The capacity of accessory above-ground storage tanks may not exceed 11,000 gallons in nonresidential districts and 3,500 gallons in residential districts.

(bb) Except as otherwise provided in Subparagraph (E)(i)(dd), in residential districts, if this use is over seven feet in height, screening that complies with Section 51A-4.602(b) must be constructed and maintained along the side and rear of the use.

(cc) Except as otherwise provided in Subparagraph (E)(i)(dd), if this use is over seven feet in height, a perimeter landscape buffer strip that complies with Section 51A-10.125 must be provided.

(dd) Distribution lines, transmission lines, and supporting structures are exempt from the requirements of Subparagraphs (E)(i)(bb) and (E)(i)(cc).

(ee) No landscape regulations apply to this use except as expressly provided in these additional provisions.

(ff) This use is not subject to compliance proceedings under Section 51A-4.704.

(ii) Communications exchange facility:

(aa) Section 51A-4.408(a)(1), which exempts structures for utility uses from certain height restrictions, does not apply to this use.

(bb) Above-ground storage tanks are not permitted under this use, except accessory above-ground storage tanks to emergency generators. Unless located within an enclosed structure or completely screened from adjacent street right-of-way and all other properties by solid screening, the capacity of accessory above-ground storage tanks may not exceed 11,000 gallons in nonresidential districts and 3,500 gallons in residential districts.

(5) Police or fire station.

(A) Definition: A facility operated by the city as a police or fire station.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in residential, NO(A), LO(A), MO(A), and NS(A) districts.

~~————— (C) Off-street parking:~~

~~————— (i) Required off-street parking:~~

~~————— (aa) Police station: One space per 150 square feet of floor area.~~

~~————— (bb) Fire station: Five spaces plus one additional space per bed.~~

~~————— (ii) If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking:

(i) Police station: One space per 150 square feet of floor area.

(ii) Fire station: Five spaces plus one additional space per bed.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) This use may include emergency medical services.

(6) Post office.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in MF-3(A), MF-4(A), LO(A), MO(A), and NS(A) districts.

~~—————(C) Required off-street parking: One space per 200 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use includes main branches, substation branches, and neighborhood coin-operated self-service stations.

(7) Radio, television, or microwave tower.

(A) Definition: A structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum.

(B) Districts permitted: By right in GO(A), CS, industrial, and central area districts. By SUP only in residential, NO(A), LO(A), MO(A), retail, mixed use, and multiple commercial districts. RAR required in GO(A), CS, and industrial districts.

~~—————(C) Required off-street parking: Two spaces. No handicapped parking is required.~~

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

(8) Refuse transfer station.

(A) Definition: A privately owned facility for the separation, transfer, or packing of solid waste materials from smaller collecting vehicles to larger transport vehicles.

(B) Districts permitted: By SUP only in A(A) and IM districts.

~~—————(C) Required off-street parking: One space per 1,000 square feet of site area exclusive of parking area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 1,000 square feet of site area exclusive of parking area.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must comply with Chapter 18 of the Dallas City Code and all other applicable city ordinances, rules, and regulations.

(9) Sanitary landfill.

(A) Definition: A facility for the collection, handling, storage, and disposal of solid waste.

(B) Districts permitted: By SUP only in A(A) and IM districts.

~~—————(C) Required off-street parking: None. No handicapped parking is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to federal and state law requirements.

(ii) This use must comply with Chapter 18 of the Dallas City Code and all other applicable city ordinances, rules, and regulations.

(10) Sewage treatment plant.

(A) Definition: A facility for receiving and treating sewage from the city sanitary sewer system.

(B) Districts permitted: By SUP only in A(A), IM, and central area districts.

~~—————(C) Required off-street parking: One space for each million gallons of capacity. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space for each million gallons of capacity.

(D) Required off-street loading: None.

(10.1) Tower/antenna for cellular communication.

(A) Definitions:

(i) Mounted cellular antenna means a cellular antenna that is attached to an existing structure, that complies with the requirements of Subparagraph (E)(i), and that is part of a cellular system authorized by the Federal Communications Commission. An auxiliary building housing electronic and communication equipment is permitted as part of this use.

(ii) Monopole cellular tower means a single pole structure that supports a platform and cellular antennas, that complies with the requirements of Subparagraphs (E)(ii) and (iii), and that is part of a cellular system authorized by the Federal Communications Commission. An auxiliary building housing electronic and communication equipment is permitted as part of this use.

(iii) Other cellular communication tower/antenna means any cellular communication tower or antenna that is part of a cellular system authorized by the Federal Communications Commission, but that is not covered by the definitions contained in Subparagraphs (A)(i) and (A)(ii). An auxiliary building housing electronic and communication equipment is permitted as part of this use.

(iv) Platform means that portion of a monopole cellular tower that is located on top of the pole and that supports directional, transmitting, and receiving antennas.

(v) Temporary cellular unit means any cellular communication structure, vehicle, trailer mounted apparatus, or device that is part of a system authorized by the Federal Communications Commission that is used to temporarily provide service where an existing tower/antenna for cellular communication is not operable for one or more of the following reasons:

(aa) The existing tower/antenna for cellular communication use is damaged or destroyed other than by the intentional act of the owner or agent; or

(bb) A demolition or construction permit has been issued on a building site that includes an existing mounted cellular antenna, monopole cellular tower, or other cellular communication tower/antenna.

(B) Districts permitted:

(i) Mounted cellular antennas: By right in A(A), single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), and MH(A) districts when attached to an existing structure that is currently occupied or was last occupied by a nonresidential use. By SUP only in A(A), single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), and MH(A) districts when attached to an existing structure that is currently occupied or was last occupied by a nonresidential use and the mounted cellular antenna exceeds the residential proximity slope height restrictions. The impact of the mounted cellular antenna height on an adjacent residential district must be considered in the SUP process.

(ii) Mounted cellular antennas: By right in MF-3(A), MF-4(A), office, retail, CS, industrial, central area, mixed use, multiple commercial, P(A), and UC-3 districts when attached to any existing structure. By SUP only in MF-3(A), MF-4(A), office, retail, CS, industrial, central area,

mixed use, multiple commercial, P(A), and UC-3 districts when attached to an existing structure and the mounted cellular antenna exceeds the residential proximity slope height restrictions. The impact of the mounted cellular antenna height on an adjacent residential district must be considered in the SUP process.

(iii) Monopole cellular towers: By right in commercial, industrial, and central area districts with RAR required in commercial and industrial districts. By right in LO(A), MO(A), GO(A), mixed use, and multiple commercial districts if the height of the tower does not exceed the maximum height for structures in that district as provided in the district regulations (Divisions 51A-4.100 et seq.) with RAR required in the same districts; otherwise by SUP only. By right in the CR district if the height of the tower does not exceed 65 feet, with RAR required; otherwise by SUP only. By right in the RR district if the height of the tower does not exceed 80 feet, with RAR required; otherwise by SUP only. By SUP only in all residential, NO(A), NS(A) districts, and in any district where a monopole cellular tower is permitted by right but exceeds the residential proximity slope height restrictions. The impact of the monopole cellular tower height on an adjacent residential district must be considered in the SUP process.

(iv) Other cellular communication towers/antennas are permitted by right in GO(A), CS, industrial, and central area districts. By SUP only in residential, NO(A), GO(A), MO(A), retail, mixed use, multiple commercial districts, and in any district where other cellular communication towers/antennas are permitted by right but exceed the residential proximity slope height restrictions. RAR required in GO(A), CS, and industrial districts. The impact of the other cellular communication tower/antenna height on an adjacent residential district must be considered in the SUP process.

(v) Temporary cellular unit is permitted by right in all districts.

~~—————(C) Required off-street parking: None required for temporary cellular units. One space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication~~

~~equipment ("auxiliary building") greater than 120 square feet. Physically separate auxiliary buildings will not be aggregated to determine the area of an auxiliary building for the purpose of determining required off-street parking requirements. No handicapped parking is required.~~

(C) Required off-street parking: None required for temporary cellular units. One space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment ("auxiliary building") greater than 120 square feet. Physically separate auxiliary buildings will not be aggregated to determine the area of an auxiliary building for the purpose of determining required off-street parking requirements.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Mounted cellular antennas may not exceed 12 feet above the structure to which they are attached. Whip antennas are excluded from this calculation.

(ii) The pole portion of a monopole cellular tower may not exceed 42 inches in diameter. Microwave dishes or similar devices up to three feet in diameter may be mounted on the pole portion of a monopole cellular tower. If microwave dishes or similar devices on a monopole cellular tower are concealed within a stealth tower, no maximum; otherwise, no more than two dishes or similar devices may be placed on a monopole cellular tower.

(iii) The platform portion of a monopole cellular tower may not have a horizontal cross sectional area greater than 196 square feet. The depth of the platform may not exceed 4 feet, excluding any whip antenna. Only antennas that are part of a cellular system authorized by the Federal Communications Commission are permitted on a platform.

(iv) The owner of a monopole or other tower for cellular communication shall notify the building official when the tower is no longer operating as part of a cellular system authorized by the Federal Communications Commission. Within 12 months of the date the tower ceases to operate as part of an authorized cellular system, the tower must either be removed from the site, or a certificate of occupancy must be obtained to allow another permitted use of the

(B) Districts permitted: By right in central area and urban corridor districts, except that an SUP is required for the “government installation other than listed” use in the CA-1(A) district. By SUP only in residential, office, retail, industrial, mixed use, and multiple commercial districts.

~~—————(C) Required off-street parking: The ratio of the use that the building official determines is the most equivalent to the proposed use in terms of function. If a specific use permit is required, the off-street parking regulations may be established in the ordinance granting the permit. In such cases, the city council shall consider the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: The ratio of the use that the building official determines is the most equivalent to the proposed use in terms of function. If a specific use permit is required, the off-street parking regulations may be established in the ordinance granting the permit. In such cases, the city council shall consider the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The SUP requirement for this use does not apply to a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency.

(12) Water treatment plant.

(A) Definition: A facility for purifying, supplying, and distributing city water, including a system of reservoirs, channels, mains, and purifying equipment.

(B) Districts permitted: By right in the IM district. By SUP only in A(A), central area, and IR

districts. RAR required in the IM district.

~~—————(C) Required off-street parking: Two spaces. No handicapped parking is required.~~

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.
(Ord. Nos. 19455; 19786; 19808; 20037; 20493; 20731; 21000; 21001; 21314; 21663; 22392; 22639; 24543; 24718; 24898; 25440; 26578; 29984; 30808; 30890)

**SEC. 51A-4.213. WHOLESALE,
DISTRIBUTION, AND
STORAGE USES.**

(1) Auto auction.

(A) Definition: A facility for the auction of automobiles.

(B) Districts permitted: By SUP only in CS and IM districts.

~~—————(C) Required off-street parking: One space per 500 square feet of site area exclusive of parking area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 500 square feet of site area exclusive of parking area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(2) Building mover's temporary storage yard.

(A) Definition: A site where a building or structure which has been removed from its original construction site is temporarily stored.

(B) Districts permitted: By SUP only in CS and IM districts.

~~—————(C) Required off-street parking: None. No handicapped parking is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must be surrounded by a solid visual screen of at least nine feet in height and constructed of solid masonry, solid concrete, corrugated sheet metal, or a chain link fence with strips of metal through all links.

(ii) This use must be landscaped with plants meeting the requirements of the specific use permit.

(iii) Buildings temporarily stored under this use may not be placed upon a foundation.

(iv) This use does not include bona fide sales lots on which new buildings or structures are located displaying examples of workmanship or appearance of the buildings or structures to be constructed on other sites and sold.

(3) Contractor's maintenance yard.

(A) Definition: A facility for the storage and maintenance of contractor's supplies and operational equipment.

(B) Districts permitted: By right in CS and IM districts. RAR required in CS and IM districts.

~~(C) Required off-street parking: One space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must be surrounded by screening.

(4) Freight terminal.

(A) Definition: A facility for the transfer or storage of freight.

(B) Districts permitted: By right in CS, industrial, and central area districts. RAR required in CS and industrial districts. DIR required in central area districts.

~~(C) Required off-street parking: One space per 1,000 square feet of floor area. If more than ten off-street parking spaces are required for this use,~~

~~handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(5) Livestock auction pens or sheds.

(A) Definition: A facility for the auction of livestock.

(B) Districts permitted: By SUP only in A(A) and IM districts.

~~(C) Required off-street parking: One space per 28 square feet of seating area, plus one space per 600 square feet of sales area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 28 square feet of seating area, plus one space per 600 square feet of sales area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot. Outside storage on less than five percent of the lot may qualify as an accessory use if it is customarily incidental to a main use. See Section 51A-4.217.

(iii) Outside storage is prohibited in required yards, landscaping areas, and parking areas.

(iv) All nonconforming open storage uses must comply with Subparagraphs (F) and (G) before September 22, 2018. The owner or operator may request from the board of adjustment an extension of this time period by filing an application with the director on a form provided by the city. The application must be filed before the September 22, 2018 deadline expires. The application is not considered filed until the fee is paid. The board of adjustment may grant an extension of this time period if it determines, after a public hearing, that strict compliance would result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this Paragraph (9), "Outside Storage." The fee to request that the board of adjustment extend time is the same fee as the fee for a nonresidential special exception set forth in Article I, "General Provisions," of the Dallas Development Code.

(10) Petroleum product storage and wholesale.

(A) Definition: A facility for the storage and wholesale trade and distribution of petroleum products.

(B) Districts permitted: By right in the IM district with RAR required. By SUP only in the CS district.

~~(C) Required off-street parking: One space for each 2,000 square feet of site area exclusive of parking area; a minimum of four spaces required. If more than ten off-street parking spaces are required for~~

~~this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space for each 2,000 square feet of site area exclusive of parking area; a minimum of four spaces required.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In an IM district, petroleum product storage and wholesale must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an IM district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.

(11) Recycling buy-back center.

(A) Definitions: In these use regulations:

(i) HOUSEHOLD METALS means items that are:

(aa) customarily used in a residential dwelling;

(bb) comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended; and

(cc) not included in the definition of industrial metals. Examples of household metals include, but are not limited to kitchen pots and pans, cooking and serving tools, barbeque equipment, window screens, gardening tools, and aluminum foil.

(ii) INDUSTRIAL METALS means pipes, wires, coils, condensers, guard rails, automotive parts, bulky appliances, and similar industrial or construction materials which are comprised of any quantity of ferrous or nonferrous

(bb) comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended; and

(cc) not included in the definition of industrial metals. Examples of household metals include, but are not limited to kitchen pots and pans, cooking and serving tools, barbeque equipment, window screens, gardening tools, and aluminum foil.

(ii) INDUSTRIAL METALS means pipes, wires, coils, condensers, guard rails, automotive parts, bulky appliances, and similar industrial or construction materials which are comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended.

(iii) RECYCLABLE MATERIALS means aluminum cans, steel cans, glass, paper, plastics, and household and industrial metals.

(iv) RECYCLING COLLECTION CENTER means a facility for the collection and temporary storage of recyclable materials as provided in Subparagraph (B).

(v) RECYCLING USE means any use listed in Paragraphs (11) through (11.3) of this section.

(B) Districts permitted:

(i) If this use is located on property controlled, managed, or maintained by the park and recreation board: By right in all districts.

(ii) For the collection of aluminum cans, steel cans, glass, paper, and plastics: By right with RAR required in industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, and MC-4 districts. By SUP in CR, RR, CS, MU-1, MU-1(SAH), and MC-1 districts.

(iii) For the collection of household metals: By SUP in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts.

(iv) For the collection of industrial metals: By SUP in industrial districts.

~~(C) Required off-street parking: A minimum of one space is required. If the use is operated by an attendant, one additional space is required. No handicapped parking is required.~~

(C) Required off-street parking: A minimum of one space is required. If the use is operated by an attendant, one additional space is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may only be located on an improved surface in an enclosed container or a trailer that is not more than 45 feet in length.

(ii) A trailer may only be placed on an improved surface of a building site containing a minimum of 30,000 square feet of land area, and a minimum of 10,000 square feet of building area. The area occupied by this use may not exceed 2,000 contiguous square feet, excluding area for required parking and maneuvering.

(iii) No more than one recycling use is permitted on a building site. A collection center is limited to one trailer and two containers of no more than 40 cubic yards each. An additional 40-cubic-yard container may be substituted for the permitted trailer.

(iv) A collection center located on a parking lot may not occupy required off-street parking spaces. A collection center must be arranged so as to not impede free traffic flow. This use may not be located in a required yard.

(v) Mechanical processing of recyclable materials is prohibited on site.

(vi) Materials stored at the collection center must be removed at least once a week or before reaching capacity.

(vii) The collection center must be maintained in proper repair and the exterior must have a neat and clean appearance. All containers must be constructed of solid materials.

(viii) Collection centers must be attended at all times or closed.

park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.

(xvi) The collection of hazardous waste, as defined in Section 51A-4.206(1.1), is prohibited.

(12) Sand, gravel, or earth sales and storage.

(A) Definition: A facility for storing and selling sand, gravel, and earth.

(B) Districts permitted: By right in the IM district with RAR required. By SUP only in A(A) and CS districts.

~~—————(C) Required off-street parking: One space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) No mining is permitted under this use.

(ii) In an IM district, sand, gravel, or earth sales and storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjoining property that is not zoned an IM district.

(13) Trade center.

(A) Definition: A facility for exhibitions, trade shows, and conventions.

(B) Districts permitted: By right in CS, industrial, central area, MU-3, MU-3(SAH), and MC-4 districts.

~~(C) Required off-street parking: One space for each 700 square feet of floor area, exclusive of atriums, mechanical rooms, stairwells, and hallways. Required off-street parking must be provided on the site within 500 feet of a public entrance to the trade center. However, parking may be located at a distance greater than 500 feet if a satisfactory system of transportation between the trade center and parking area is established and maintained by the owner of the use. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space for each 700 square feet of floor area, exclusive of atriums, mechanical rooms, stairwells, and hallways. Required off-street parking must be provided on the site within 500 feet of a public entrance to the trade center. However, parking may be located at a distance greater than 500 feet if a satisfactory system of transportation between the trade center and parking area is established and maintained by the owner of the use.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must have a minimum floor area of 2,000,000 square feet.

(ii) This use must have a site area of at least 100 acres. The site area may be divided by streets. The area of the dividing streets is not included in the computation of the site area.

(iii) No more than 40 percent of the floor area may be used for retail sales.

(14) Vehicle storage lot.

(A) Definition: A facility for the storage of vehicles that have been towed, repossessed, or are otherwise in the care and custody of the operator of the

lot.

(B) Districts permitted: By right in the IM district. By SUP only in the CS district.

~~(C) Required off-street parking: None. No handicapped parking is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No servicing of vehicles or sales of vehicles or parts are permitted under this use.

(ii) A person shall not store outside a legally or mechanically inoperative or wrecked motor vehicle for a continuous period in excess of 60 days.

(iii) This use must have a visual screen of at least six feet in height which consists of solid masonry, concrete, brick, stucco, stone, or wood.

(iv) Access through required screening may be provided only by a solid gate equalling the height of the screening. The gate must be located at least 20 feet from the back of the existing street curb, and must remain closed except when in actual use.

(v) No stacking, crushing, dismantling, or repair of vehicles is permitted.

(vi) A landscape plan must be submitted to the building official with any application for a building permit in connection with the creation or expansion of this use. The point values and standards contained in Section 51A-10.107 of this chapter apply to the building official's review of the landscape plan required for this use. The landscape plan must show at least 20 points of landscaping located between the required screening and the perimeter of the lot. The requirements contained in Article X of this chapter related to acceptable landscape materials, soil requirements, protection of landscape areas, irrigation requirements, completion, and maintenance apply to this use.

(vii) A minimum distance of 500 feet is required between this use and a single family, duplex, townhouse, clustered housing, multifamily, or manufactured home district.

(viii) This use must comply with all applicable licensing requirements.

(ix) Paving surface requirements may be provided in an ordinance granting or amending a specific use permit or a planned development district. Otherwise, the paving surface requirements contained in Subsection 51A-4.301(d)(3.1) apply.

(15) Warehouse.

(A) Definition: A facility for the inside storage and distribution of items.

(B) Districts permitted: By right in CS, industrial, and central area districts. RAR required in CS and industrial districts.

~~(C) Required off-street parking: One space per 1,000 square feet of floor area up to 20,000 square feet, and one space per 4,000 square feet of floor area over 20,000 square feet. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(C) Required off-street parking: One space per 1,000 square feet of floor area up to 20,000 square feet, and one space per 4,000 square feet of floor area over 20,000 square feet.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales are permitted as part of the warehouse use if the sales are conducted in compliance with the following subparagraphs:

(aa) Up to 100 percent of the total warehouse floor area may be devoted to retail sales activities during an occasional warehouse sale. No more than six occasional warehouse sales may be conducted during any 12 month period. Each

occasional warehouse sale must be limited in duration to no more than three consecutive calendar days.

(bb) Retail sales are permitted at all times as part of the warehouse use when the retail sales area does not exceed 10 percent of the total warehouse floor area. (Ord. Nos. 19455; 19786; 20363; 20380; 20493; 20806; 20928; 20950; 21001; 21289; 21663; 21697; 24792; 27314; 28803; 29208; 29917; 30890)

SECS. 51A-4.214 THRU

51A-4.216. RESERVED. (Ord. 19455)

SEC. 51A-4.217. ACCESSORY USES.

(a) General provisions.

(1) An accessory use must be a use customarily incidental to a main use. A use listed in Sections 51A-4.201 through 51A-4.216 may be an accessory use if the building official determines that the use is customarily incidental to a main use and otherwise complies with this section. Except as otherwise provided in this article, an accessory use must comply with all regulations applicable to the main use.

(2) Except as otherwise provided in this article, an accessory use must be located on the same lot as the main use.

(3) Except as otherwise provided in this article, accessory uses listed in Subsection (b) or in Sections 51A-4.201 through 51A-5.216 are subject to the following area restrictions: If the use is conducted outside, it may not occupy more than five percent of the area of the lot containing the main use. If the use is conducted inside, it may not occupy more than five percent of the floor area of the main use. Any use which exceeds these area restrictions is considered to be a separate main use.

(4) Except as otherwise provided in Subsection (b), an accessory use is permitted in any district in which the main use is permitted.

(5) Except as provided in this paragraph, an alcohol related establishment that is customarily

incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, is not limited to the five percent area restriction in Section 51A-4.217(a)(3), and will be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on-premise consumption. Accessory microbrewery, micro-distillery, or winery uses and accessory alcoholic beverage manufacturing uses may not occupy more than 40 percent of the total floor area of the main use. Any use that exceeds these area restrictions is considered a separate main use.

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations and restrictions outlined below:

(1) Accessory community center (private).

(A) Definition: An integral part of a residential project or community unit development that is under the management and unified control of the operators of the project or development, and that is used by the residents of the project or development for a place of meeting, recreation, or social activity.

(B) District restrictions:

(i) This accessory use is not permitted in A(A), office, retail, CS, industrial, multiple commercial, and P(A) districts.

(ii) An SUP is required for this accessory use in single family, duplex, townhouse, CH, and urban corridor districts.

(C) Required off-street parking:

(i) Except as provided in this subparagraph, one space for each 100 square feet of floor area.

(ii) No off-street parking is required if this use is accessory to a multifamily use and is used primarily by residents.

(D) Required off-street loading: None.

in Section 51A-4.219 apply except as modified by this subsection.

(i) Notification. The director shall send written notice of a public hearing on an application for an SUP for a pedestrian skybridge to all owners of real property lying within 750 feet of the properties on which the skybridge will be located.

(ii) Protest. For purposes of the protest provisions, the area of request is the properties on which the skybridge will be located.

(iii) Residential adjacency. An SUP for a pedestrian skybridge must be approved by the affirmative vote of three-fourths of all members of the city council if the pedestrian skybridge is within 750 feet of a residential zoning district or planned development district that allows residential uses or is sited within a planned development district that is adjacent to residential districts.

(iv) Term. The term of an SUP for a pedestrian skybridge must coincide with the term of any related license.

~~_____ (F) Mandatory pedestrian skybridge standards. Additional provisions concerning construction of pedestrian walkways are contained in Section 509 of Chapter 53, "Dallas Building Code," of the Dallas City Code. Pedestrian skybridges must be constructed and maintained in accordance with the following regulations:~~

~~_____ (i) Pedestrian sky-bridges must be properly maintained at all times. If a pedestrian skybridge connects two buildings which are separately owned, an operating agreement assigning maintenance and liability responsibilities is required.~~

~~_____ (ii) No more than one pedestrian skybridge may be located within any block or 700 feet of frontage, whichever is less.~~

~~_____ (iii) Pedestrian sky-bridges must have clearance above the public right-of-way of at least 18 feet above grade.~~

~~_____ (iv) If the pedestrian skybridge has a length of less than 150 feet, the interior passageway~~

~~must be no less than 10 feet and no greater than 20 feet in width. If the pedestrian skybridge has a length equal to or greater than 150 feet, the interior passageway must be no less than 12 feet and no greater than 20 feet in width.~~

~~_____ (v) The interior height of the passageway must be at least 7 1/2 feet. The interior height at the springline of vaulted ceilings must be at least 7 1/2 feet.~~

~~_____ (vi) Supports must not be located within the public right-of-way.~~

~~_____ (vii) A sign must be posted within the adjoining structures indicating whether the skybridge is open to the public, the location of the pedestrian skybridge, and where the pedestrian skybridge leads.~~

~~_____ (viii) Pedestrian sky-bridges must meet state and federal standards for accessibility to and usability by individuals with disabilities.~~

~~_____ (ix) Pedestrian sky-bridges connected to structures with air conditioning must be enclosed and air conditioned.~~

~~_____ (x) Any change in slope of the pedestrian skybridge greater than one percent must be over private property or concealed within the pedestrian skybridge.~~

~~_____ (xi) Pedestrian sky-bridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees.~~

~~_____ (xii) At least 70 percent of the side walls must be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than 6 percent. "Light transmission" means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.~~

~~_____ (xiii) Minimum artificial lighting of 15 foot candles must be provided. Lighting must not~~

produce glare of an intensity that creates a nuisance for motor vehicles or pedestrians.

~~(xiv) No exterior signs, other than government signs, may be applied to or suspended from any pedestrian skybridge.~~

~~(xv) Pedestrian sky-bridges must not be located within 300 feet of an historic overlay district.~~

~~(xvi) Pedestrian sky-bridges must be designed to prevent people from jumping or throwing objects from the pedestrian skybridge.~~

~~(xvii) Structural materials must be durable and easily maintained. Construction must comply with the City of Dallas Building and Fire Codes.~~

~~(xviii) Pedestrian sky-bridges must not interfere with or impair use of the right-of-way by existing or proposed communication and utility facilities.~~

~~(xviii) The applicant must post bond for the estimated cost to the city to remove the pedestrian skybridge if it becomes a public nuisance.~~

(F) Mandatory pedestrian skybridge standards. Additional provisions concerning construction of pedestrian walkways are contained in Chapter 53, "Dallas Building Code," of the Dallas City Code. Pedestrian skybridges must be constructed and maintained in accordance with the following regulations:

(i) Pedestrian skybridges must be properly maintained at all times. If a pedestrian skybridge connects two buildings which are separately owned, an operating agreement assigning maintenance and liability responsibilities is required.

(ii) No more than one pedestrian skybridge may be located within any blockface or 700 feet of frontage, whichever is less.

(iii) Pedestrian skybridges must have clearance above the public right-of-way of at least 18 feet above grade.

(iv) If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. If the pedestrian skybridge has a length equal

to or greater than 150 feet, the interior passageway must be no less than 12 feet and no greater than 20 feet in width.

(v) The interior height of the passageway must be at least 7 1/2 feet. The interior height at the springline of vaulted ceilings must be at least 7 1/2 feet.

(vi) Supports may be located within the public right-of-way if the placement of the support structure does not impede pedestrian traffic and maintains minimum sidewalk clearance widths required in the zoning district and in conformance with the Americans with Disabilities Act, 42 U.S.C. Chapter 126.

(vii) A sign must be posted within the adjoining structures indicating whether the skybridge is open to the public, the location of the pedestrian skybridge, and where the pedestrian skybridge leads.

(viii) Pedestrian skybridges must meet state and federal standards for accessibility to and usability by individuals with disabilities.

(ix) Pedestrian skybridges connected to structures with air conditioning must be enclosed and air conditioned.

(x) Any change in slope of the pedestrian skybridge greater than one percent must be over private property or concealed within the pedestrian skybridge.

(xi) Pedestrian skybridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees.

(xii) At least 70 percent of the side walls must be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than six percent. "Light transmission" means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.

(xiii) Minimum artificial lighting of

15 foot candles must be provided. Lighting must not produce glare of an intensity that creates a nuisance for motor vehicles or pedestrians.

(xiv) No exterior signs, other than government signs, may be applied to or suspended from any pedestrian skybridge.

(xv) Pedestrian skybridges must not be located within 300 feet of an historic overlay district.

(xvi) Pedestrian skybridges must be designed to prevent people from jumping or throwing objects from the pedestrian skybridge.

(xvii) Structural materials must be durable and easily maintained. Construction must comply with the City of Dallas Building and Fire Codes.

(xviii) Pedestrian skybridges must not interfere with or impair use of the right-of-way by existing or proposed communication and utility facilities.

(xix) The applicant must post bond for the estimated cost to the city to remove the pedestrian skybridge if it becomes a public nuisance.

(xx) Skybridges may be placed in the required front, side, or rear yard.

~~(G) Recommended pedestrian skybridge standards. Pedestrian skybridges are recommended to be constructed and maintained in accordance with the following guidelines:~~

~~(i) Pedestrian sky-bridges which are open to the public should penetrate the second story of the adjoining structures, or, if not possible, as close as possible to the street level.~~

~~(ii) Pedestrian sky-bridges should penetrate the adjoining structures as close as possible to escalators or elevators having access to the entire structure and the street.~~

~~(iii) Free-standing pedestrian skybridges and pedestrian skybridges connected to structures without air conditioning should have a roof, wind breaks, and adequate ventilation that maximize the comfort and safety of pedestrians. A pedestrian skybridge should be open only when the adjoining structures are open.~~

~~(iv) If the length of the pedestrian skybridge exceeds 250 feet, the passageway should be interrupted by interior visual breaks, such as turns, courts or plazas.~~

~~(v) Primary lighting sources should be recessed and indirect. Accent lighting is encouraged. Natural lighting should be used in addition to artificial lighting.~~

~~(vi) The pedestrian skybridge should be designed so as to coordinate with the adjoining structures to the extent possible. Where coordination is not possible, the pedestrian skybridge should be of a neutral color, such as brown or grey.~~

(G) Recommended pedestrian skybridge standards. Pedestrian skybridges are recommended to be constructed and maintained in accordance with the following guidelines:

(i) Pedestrian skybridges which are open to the public should penetrate the second story of the adjoining structures, or, if not possible, as close as possible to the street level.

(ii) Pedestrian skybridges should penetrate the adjoining structures as closely as possible to escalators or elevators having access to the entire structure and the street.

(iii) Free-standing pedestrian skybridges and pedestrian skybridges connected to structures without air conditioning should have a roof, wind breaks, and adequate ventilation that maximize the comfort and safety of pedestrians. A pedestrian skybridge should be open only when the adjoining structures are open.

(iv) If the length of the pedestrian skybridge exceeds 250 feet, the passageway should be interrupted by interior visual breaks, such as turns, courts, or plazas.

(v) Primary lighting sources should be recessed and indirect. Accent lighting is encouraged. Natural lighting should be used in addition to artificial lighting.

(vi) The pedestrian skybridge should be designed so as to coordinate with the adjoining structures to the extent possible. Where coordination is not possible, the pedestrian skybridge should be of a neutral color, such as brown or grey.

~~(H) Special exception. The board of adjustment may grant a special exception to the~~

~~pedestrian skybridge standards contained in this paragraph if the board finds that:~~

~~_____ (i) strict compliance with the requirements will unreasonably burden the use of either of the properties;~~

~~_____ (ii) the special exception will not adversely affect neighboring property; and~~

~~_____ (iii) the special exception will not be contrary to the public interest.~~

(H) Waiver. The city council may, by a three-fourths vote, grant a waiver to the pedestrian skybridge standards contained in this paragraph if the council finds that:

(i) strict compliance with the requirements will unreasonably burden the use of either of the properties;

(ii) the waiver will not adversely affect neighboring property;

(iii) the waiver will not be contrary to the public interest; and

(iv) the waiver will not be contrary to the public health, safety, or welfare.

(I) Compliance regulations. Pedestrian skybridge uses are not subject to the compliance regulations contained in Section 51A-4.704. (Ord. Nos. 19455; 19786; 20411, ~~eff. 10/8/89~~; 20478; 20845; 21001; 21002; 21289; 21454; 21663; 21735; 22004; 22204; 22392; 23012; 23031; 23258; 24205; 24718; 24843; 24899; 24915; 26334; 26746; 28021; 28700; 28737; 28803; 29024; 30257; 30894)

SEC. 51A-4.218. LIMITED USES.

(a) A limited use must be contained entirely within a building and be primarily for the service of the occupants of the building.

(b) A limited use may not have a floor area that in combination with the floor areas of other limited uses in the building exceeds 10 percent of the floor area of the building.

(E) Strings of lamps or bare bulbs are prohibited.

(3) Special exception. The board of adjustment may grant a special exception to the height restrictions in this subsection if the board determines, after a public hearing, that the special exception will not adversely affect neighboring property. In determining whether to grant a special exception, the board shall consider the following factors:

(A) Hours of use for the parking area.

(B) Size and configuration of the lot on which the parking area is located.

(C) Distances between the parking area and surrounding uses.

(f) Screening provisions for off-street parking.

(1) The owner of off-street parking must provide screening to separate the parking area from:

(A) a contiguous residential use or vacant lot if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district and the parking area serves a nonresidential use; or

(B) a contiguous single family or duplex use or a vacant lot if any of these are in an R, R(A), D, D(A), TH, TH(A), or CH district and the parking area serves a multifamily use.

(2) If an alley separates a parking area from another use, the use is considered contiguous to the parking area. If a street separates a parking area from another use, the use is not considered contiguous to the parking area.

(3) Screening for off-street parking required under Subsection (f)(1) must be a brick, stone, or concrete masonry, stucco, concrete, or wood wall or fence that is not less than six feet in height. The wall or fence may not have more than ten square inches of open area for each square foot of surface area, and may not contain any openings or gates for vehicular access. The owner of off-street parking must maintain the screening in compliance with these standards.

(4) The board may not grant a special exception to the height requirements for screening around off-street parking.

(5) In an office district, all off-street surface parking lots, excluding driveways used for ingress or egress, must be screened from the street by using one or more of the following three methods to separately or collectively attain a minimum height of three feet above the parking surface:

(i) Brick, stone, or concrete masonry, stucco, concrete, or wood wall or fence.

(ii) Earthen berm planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each two feet of width.

~~(iii) Evergreen plant materials recommended for local area use by the director of parks and recreation. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years.~~

(iii) Evergreen plant materials recommended for local area use by the building official. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years.

(6) For purposes of Subsection (f)(5):

(A) the height of screening is measured from the horizontal plane passing through the nearest point of the surface of the parking lot; and

(B) screening may be placed in a visibility triangle as defined in the visual obstruction

(h) Residential alley access restrictions for nonresidential uses.

(1) The following residential alley access restrictions are established in order to promote safety and protect the public from disturbances that interfere with the quiet enjoyment of residential properties. Between the hours of 10 p.m. and 7 a.m., no person may use a public alley or access easement that abuts or is in an R, R(A), D, D(A), TH, TH(A), or CH district for the purpose of delivering or receiving any goods or services to or from a nonresidential use in a nonresidential district. It is a defense to prosecution under this paragraph that the person is:

(A) a governmental entity;

(B) a communications or utility company, whether publicly or privately owned; or

(C) the operator of an authorized emergency vehicle as defined in Section 541.201 of the Texas Transportation Code.

(2) The board of adjustment may grant a special exception to the alley access restriction in Paragraph (1) if the board finds, based on evidence presented at a public hearing, that strict compliance with the restriction would result in the material and substantial impairment of access to the property as a whole. In determining whether access would be materially and substantially impaired, the board shall consider the following factors:

(A) The extent to which access to the restricted alley between the hours of 10 p.m. and 7 a.m. is essential to the normal operation of the use or uses to which the special exception would apply.

(B) The extent to which the property as a whole has reasonable access to other public streets, alleys, or access easements in addition to the restricted alley.

(C) The extent to which strict compliance with the alley access restriction will necessarily have the effect of substantially reducing the market value of the property.

(3) In granting a special exception under this subsection, the board shall:

(A) specify the use or uses to which the special exception applies; and

(B) establish a termination date for the special exception, which may not be later than five years after the date of the board's decision.

(4) In granting a special exception under this subsection, the board may:

(A) authorize alley access only during certain hours; or

(B) impose any other reasonable condition that would further the purpose and intent of the alley access restriction.

(5) Notwithstanding any of the above, a special exception granted by the board under this subsection for a particular use automatically and immediately terminates if and when that use is changed or discontinued. (Ord. Nos. 19455; 19786; 20361; 20383; 20884; 21200; 21209; 21210; 21290; 21658; 21663; 22053; 22026; 23013; 24843; 25047; 28073; 29128; 30893)

SEC. 51A-4.302.

PARKING [P(A)] DISTRICT REGULATIONS.

(a) General provisions.

(1) The parking district must be either contiguous to or perpendicularly across an adjoining street or alley from a main use.

(2) The owner of a lot in a parking district contiguous to an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district shall provide and maintain a minimum front yard of ten feet.

(b) Procedures for establishing a parking district.

(1) The applicant for a parking district shall comply with the zoning amendment procedure for a change in a zoning district classification.

Division 51A-4.320. Special Parking Regulations.

SEC. 51A-4.321. DEFINITIONS.

In this division:

(1) **LICENSEE** means a person in whose name a license has been issued under this division, as well as the individual listed as an applicant on the application for a license. The term includes any employee, agent, or independent contractor of the person in whose name the license is issued.

(2) **PACKED PARKING** means off-street parking that is governed by special dimensional standards for parking spaces, allowing maximal parking on the lot when an attendant is used.

(3) **PERSON** means an individual, assumed name entity, partnership, joint-venture, association, corporation, or other legal entity.

(4) **REMOTE PARKING** means off-street parking provided on a lot not occupied by the main use.

(5) **SHARED PARKING** means the use of the same off-street parking stall to satisfy the off-street parking requirements for two or more uses.

(6) **SHUTTLE** means a vehicle used to transport patrons between the drop-off point at the main use and the remote parking lot serving the use.

(7) **SPECIAL PARKING** means packed parking, remote parking, and shared parking as those terms are defined in this section.

(8) **WALKING DISTANCE** means the distance from the nearest point of the special parking lot to the nearest public entrance of the main use, measured along the most convenient pedestrian walkway. (Ord. Nos. 19786; 21660)

SEC. 51A-4.322. PURPOSE.

This division provides alternatives to the standard parking and loading regulations in Division 51A-4.300. Packed parking provides alternative dimensional requirements for parking spaces to allow maximal parking on a lot when an attendant is used to park vehicles. Remote parking allows an exception to the requirement that all off-street parking be provided on the lot occupied by the main use. Shared parking allows an exception to the requirement that no off-street parking space for one use be included in the calculation of the parking required for any other use. (Ord. Nos. 19786; 21660)

SEC. 51A-4.323. PROCEDURES FOR SPECIAL PARKING APPROVAL.

(a) In general. All special parking must be approved by the building official in accordance with this division. A person seeking approval of special parking shall submit an application to the building official pursuant to Subsection (b).

~~—(b) Application. An application for special parking approval and five duplicates must be filed with the building official. An application form may be obtained from the building official. The application must include the following:~~

~~—(1) The application fee.~~

~~—(2) A site plan illustrating the applicable items listed in Subsection (c).~~

~~—(3) For packed parking, a statement describing the operational plan, including:~~

~~—(A) the days and hours of operation of the main use;~~

~~—(B) staffing required to park the vehicles; and~~

(b) Application. An application for special parking approval must be filed with the building official. An application form may be obtained from the building official. The application must include the following:

(1) The application fee.

(2) A site plan illustrating the applicable items listed in Subsection (c).

(3) For packed parking, a statement describing the operational plan, including:

(A) the days and hours of operation of the main use;

(B) staffing required to park the vehicles;
and

(C) the location of any parking service stand.

~~_____ (C) the location of any parking service stand.~~

~~_____ (4) For remote parking:~~

~~_____ (A) a map illustrating the walking distance from the special parking to the use providing the parking; and~~

~~_____ (B) if applicable, a statement pointing out the factors justifying an extension of walking distance including discussion of the following factors:~~

~~_____ (i) The type of use involved.~~

~~_____ (ii) The parking demand generated by the use involved.~~

~~_____ (iii) The percentage of required off-street parking that will be provided as remote parking.~~

~~_____ (iv) The availability and condition of sidewalks.~~

~~_____ (v) The availability and frequency of a local shuttle or transit service.~~

~~_____ (vi) The availability of or proposal for shelters for users of any local shuttle or transit service.~~

~~_____ (vii) Any other factors that may have the effect of encouraging patrons of the use to use or discouraging patrons of the use from using the remote parking.~~

~~_____ (5) For shared parking, a study of parking demand and accumulation during all days and hours of operation for all uses sharing parking.~~

~~_____ (6) Any other reasonable and pertinent information that the building official determines to be necessary for special parking review.~~

(4) For remote parking:

(A) a map illustrating the walking distance from the special parking to the use providing the parking; and

(B) if applicable, a statement pointing out the factors justifying an extension of walking distance including discussion of the following factors:

(i) The type of use involved.

(ii) The parking demand generated by the use involved.

(iii) The percentage of required off-street parking that will be provided as remote parking.

(iv) The availability and condition of sidewalks.

(v) The availability and frequency of a local shuttle or transit service.

(vi) The availability of or proposal for shelters for users of any local shuttle or transit service.

(vii) Any other factors that may have the effect of encouraging patrons of the use to use or discouraging patrons of the use from using the remote parking.

(5) For shared parking, a study of parking demand and accumulation during all days and hours of operation for all uses sharing parking.

(6) Any other reasonable and pertinent information that the building official determines to be necessary for special parking review.

(c) Site plan requisites.

(1) The following information must be illustrated on the site plan:

(B) Average daily traffic counts on streets adjacent to the special parking lot.

(C) Estimated peak hour turning movements at intersections located within 250 feet of the special parking lot. (Ord. Nos. 19786; 21660; 30892)

SEC. 51A-4.324. REVIEW BY THE DIRECTOR.

(a) Conformity with standards required. The building official shall deny an application for special parking unless it meets all of the applicable standards in this section.

(b) General standards.

(1) Special parking may not be located in a residential district, except that Chapter 51 community service, religious, and educational uses, and Chapter 51A institutional and community service uses may share parking in residential districts on the same lot where both uses are located. Nonresidential uses in residential districts may also use special parking if the special parking is not located in a residential district.

(2) Except as otherwise expressly provided in this subsection, special parking may not account for more than 50 percent of the off-street parking required for any use.

(3) The 50 percent limitation in Paragraph (2) does not apply to:

(A) remote parking within a walking distance of 300 feet of the main use; and

(B) shared parking on the same lot as the main use if all uses sharing the parking have mutually exclusive hours of operation.

(4) Special parking must comply with all codes, ordinances, rules, and regulations of the city.

(5) Special parking may not create safety hazards.

(c) Packed parking standards. Packed parking may not be used unless a license is obtained pursuant to Section 51A-4.329.

(d) Remote parking standards.

(1) Walking distance. Remote parking must be located within a walking distance of 300 feet from the use served by the remote parking unless an extension of walking distance is approved by the building official.

(2) Extension of walking distance.

(A) The building official may extend the walking distance for remote parking to no more than 600 feet unless the extension would:

(i) significantly discourage patrons of the use from using the remote parking;

(ii) unreasonably endanger the safety of persons or property; or

(iii) not otherwise be in the public interest.

(B) A license is required to authorize an extension of walking distance beyond 600 feet. (See Section 51A-4.329.)

(3) Signs required at main use and at parking lot. A sign must be prominently displayed at all entrances of a remote parking lot and at all entrances of a parking lot providing on-site parking for the main use. Each sign must:

(A) illustrate or describe the location of the remote parking in relation to the main use;

(B) be constructed of weather resistant material;

(C) be no less than 30 inches wide and 24 inches long; and

(2) An aboveground mechanized parking facility must be concealed by a facade that is:

(A) compatible in appearance with the facade of the main building it serves, or

(B) compatible in appearance with other buildings within a one block radius.

(3) The burden is on the property owner or applicant to supply proof of compatibility.

(4) Aperture area or articulation must be provided at a minimum of 20 percent and a maximum of 80 percent for any street facing facade.

(5) Articulation must be provided at least every 30 feet, measured horizontally and vertically.

(6) Except for pedestrian and vehicular entrances, the aperture area must be screened with an opaque or translucent material that may be permeable or impermeable. Screening materials for the aperture area may have no more than 36 square inches of transparent material in any given square foot of surface and may have no more than 25 percent transparency.

(7) The board of adjustment may grant a special exception to the standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property. The alternative facade must provide adequate screening of equipment and structures and mitigate noise. (Ord. 29128)

Division 51A-4.400. Yard, Lot, and Space Regulations.

SEC. 51A-4.401. MINIMUM FRONT YARD.

(a) General provisions.

~~—————(1) Required front yards must be open and unobstructed except for fences. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required front yard. A fireplace chimney may project up to two feet into the required front yard if its area of projection does not exceed 12 square feet. Cantilevered roof eaves and balconies may project up to five feet into the required front yard.~~

(1) Required front yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required front yard. A fireplace chimney may project up to two feet into the required front yard if its area of projection does not exceed 12 square feet. Cantilevered roof eaves and balconies may project up to five feet into the required front yard.

(2) The front yard setback is measured from the front lot line of the building site or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback. On minor streets, the front yard setback is measured from the front lot line of the building site or the existing right-of-way, whichever creates the greater setback. When the city council by ordinance establishes a specific right-of-way line for a street, the front yard setback is measured from that right-of-way line.

(3) If a building line that is established by ordinance requires a greater or lesser front yard than prescribed by this section, the building line established by ordinance determines the minimum required front yard.

~~—————(4) Reserved.~~

(4) The building official may approve a ramp that projects into the required front yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal

encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp must be completed in 10 days.

(5) If a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets. If access is prohibited on one frontage by plat or by the city, the following structures or portions of structures in the yard along that frontage are governed by the rear yard regulations in Section 51A-4.403:

(A) Swimming pools.

(B) Game courts.

(C) Fences.

(D) Garages.

(E) Accessory storage buildings.

~~———— (6) If street frontage within a block is divided by two or more zoning districts, the front yard for the entire block must comply with the requirements of the district with the greatest front yard requirement.~~

(6) Except as provided in this paragraph, if a blockface is divided by two or more zoning districts, the front yard for the entire blockface must comply with the requirements of the district with the greatest front yard requirement.

(A) If the greatest front yard is in a district with only one or more of the following uses being conducted as a main use and having a minimum of 80 feet of frontage, the blockface terminates at the boundary of that use:

(i) Utility and public service uses listed in Section 51A-4.212.

(ii) A railroad right-of-way.

(iii) A cemetery or mausoleum.

(iv) Recreation uses listed in Section 51A-4.208.

(B) In this section BLOCKFACE means:

(i) the distance along one side of a street between the two nearest intersecting streets;

(ii) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(iii) where a street centerline contains a change of direction greater than 45 degrees, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.

(7) Reserved.

(8) The minimum front yard requirements in a planned development district are controlled by the planned development district regulations.

(9) In an A(A), multifamily, MH(A), office, retail, CS, LI, IR, IM, central area, mixed use, or multiple commercial district, the board of adjustment may allow a special exception from the front yard requirements of this section to permit the erection of a permanently constructed porte-cochere, covered walkway, or canopy if the structure is rectilinear in shape and does not exceed 25 feet in width at the building line, and if the board finds that the structure will not adversely affect neighboring property.

(b) Front yard provisions for residential districts.

(1) If a corner lot in a single family, duplex, or agricultural district has two street frontages of equal distance, one frontage is governed by the front yard regulations of this section, and the other frontage is governed by the side yard regulations in Section 51A-4.402. If the corner lot has two street frontages of unequal distance, the shorter frontage is governed by this section, and the longer frontage is governed by side yard regulations in Section 51A-4.402. Notwithstanding this provision, the continuity of the established setback along street frontage must be maintained.

(2) Reserved.

~~———— (3) If a TH or TH(A) district abuts another residential district in the same block and fronts on the same side of the street, the residential district with the greater front yard requirement determines the minimum front yard. The minimum front yard for the residential district with the greater front yard~~

requirement must extend at least 150 feet into the TH or TH(A) district.

factors:

(3) If a TH or TH(A) district abuts another residential district in the same blockface and fronts on the same side of the street, the residential district with the greater front yard requirement determines the minimum front yard. The minimum front yard for the residential district with the greater front yard requirement must extend at least 150 feet into the TH or TH(A) district.

(4) through (7) Reserved.

(c) Special exception for carports.

(1) The board may grant a special exception to the minimum front yard requirements in this section for a carport for a single family or duplex use when, in the opinion of the board:

(A) there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and

(B) the carport will not have a detrimental impact on surrounding properties.

(2) In determining whether to grant this special exception, the board shall consider the following factors:

(A) Whether the requested special exception is compatible with the character of the neighborhood.

(B) Whether the value of surrounding properties will be adversely affected.

(C) The suitability of the size and location of the carport.

(D) The materials to be used in construction of the carport.

(3) Storage of items other than motor vehicles is prohibited in a carport for which a special exception has been granted under this subsection.

(d) Special exception for tree preservation.

(1) The board may grant a special exception to the minimum front yard requirements in this section to preserve an existing tree.

(2) In determining whether to grant this special exception, the board shall consider the following

(A) Whether the requested special exception is compatible with the character of the neighborhood.

(B) Whether the value of surrounding properties will be adversely affected.

(C) Whether the tree is worthy of preservation.

(e) Schedule of minimum front yards.

(1) Except as provided in this section, a person shall not erect, alter, convert, or maintain a structure or part of a structure in violation of the minimum front yard requirements in the district regulations (Divisions 51A-4.100 et seq.). A schedule of minimum front yards is provided in Section 51A-4.410. (Ord. Nos. 19455; 19786; 20236; 21186; 21290; 22053; 26531; 30895; 30932)

SEC. 51A-4.402. MINIMUM SIDE YARD.

(a) General provisions.

~~————— (1) Required side yards must be open and unobstructed except for fences. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard.~~

~~————— (2) The side yard setback is measured from the side lot line of the building site, except when a front yard is treated as a side yard, the setback is measured from the lot line or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback. On minor streets, the setback is measured from the lot line or the existing right-of-way, whichever creates the greater setback.~~

~~————— (A) When city council by ordinance establishes a specific right-of-way line for a street, the~~

~~required setback is measured from that right-of-way line.~~

~~————— (3) Reserved.~~

~~————— (4) A unitary air conditioning unit which has a standard sound rating number (SRN) designation of 20 or less according to the Air Conditioning and Refrigeration Institute may be located in the required side yard, but not nearer than three feet to the property line as follows:~~

~~————— (A) No more than three units with a SRN designation of 18 or less with a minimum separation of 10 feet between units.~~

~~————— (B) No more than two units with a SRN designation of 19 or less with a minimum separation of 10 feet between units; or~~

~~————— (C) No more than one unit with a SRN designation of 20.~~

~~————— (5) The minimum side yard requirements in a planned development district are controlled by the planned development district regulations.~~

(1) Required side yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard.

(2) The side yard setback is measured from the side lot line of the building site, except when a front yard is treated as a side yard, the setback is measured from the lot line or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback. On minor streets, the setback is measured from the lot line or the existing right-of-way, whichever creates the greater setback.

(A) When city council by ordinance establishes a specific right-of-way line for a street, the required setback is measured from that right-of-way line.

(3) Reserved.

(4) A unitary air conditioning unit may be located in the required side yard, but not nearer than three feet to the property line.

(5) The building official may approve a ramp that projects into the required side yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp must be completed in 10 days.

(b) Side yard provisions for residential districts.

(1) In a single family district, one required side yard may be reduced below the setback required in this section, if the other side yard is increased to at least double the side yard required in this section, subject to the following conditions:

(A) The minimum side yard between structures on contiguous lots must not be less than the minimum side yard required in this section.

(B) To reduce the required side yard, a subdivision plat must be approved by the commission and filed with the county clerk showing the location of all building lines, and showing the proposed distances between the building lines and property lines, streets lines and alley lines.

(C) A person may not erect an accessory structure except for a swimming pool and its appurtenances in the double side yard.

(2) Reserved.

~~(3) In a residential district, a person need not provide a side yard setback for a structure accessory to a residential use if the structure:~~

~~_____ (A) does not exceed 15 feet in height; and~~

~~_____ (B) is located in the rear 30 percent of the lot.~~

(3) In a residential district, a person need not provide a side yard setback for a structure accessory to a residential use, including a generator, if the structure:

(A) does not exceed 15 feet in height; and

(B) is located in the rear 30 percent of the lot.

Note: This paragraph does not apply to a front yard governed by the side yard regulations in Section 51A-4.402 (such as a front yard treated as a side yard on a corner lot).

(4) through (6) Reserved.

(c) Special exception for carports.

(1) The board may grant a special exception to the minimum side yard requirements in this section for a carport for a single family or duplex use when, in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

(2) In determining whether to grant this special exception, the board shall consider the following factors:

(A) Whether the requested special exception is compatible with the character of the neighborhood.

(B) Whether the value of surrounding properties will be adversely affected.

(C) The suitability of the size and location of the carport.

(D) The materials to be used in construction of the carport.

(3) Storage of items other than motor

vehicles is prohibited in a carport for which a special exception has been granted under this subsection.

(d) Special exception for tree preservation.

(1) The board may grant a special exception to the minimum side yard requirements in this section to preserve an existing tree.

(2) In determining whether to grant this special exception, the board shall consider the following factors:

(A) Whether the requested special exception is compatible with the character of the neighborhood.

(B) Whether the value of surrounding properties will be adversely affected.

(C) Whether the tree is worthy of preservation.

(e) Schedule of minimum side yards.

(1) Except as provided in this section, a person shall not erect, alter, convert, or maintain a structure or part of a structure in violation of the minimum side yard requirements in the district regulations (Divisions 51A-4.100 et seq.). A schedule of minimum side yards is provided in Section 51A-4.410. (Ord. Nos. 19455; 20236; 21186; 21290; 22053; 30895)

SEC. 51A-4.403. MINIMUM REAR YARD.

(a) General provisions.

(1) Required rear yards must be open and unobstructed except for fences. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required rear yard. A fireplace chimney may project up to two feet into the required rear yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required rear yard. Balconies may not project into the required rear yard.

(2) The rear yard setback is measured from the rear lot line of the building site.

(3) Reserved.

~~———— (4) The minimum rear yard requirements in a planned development district are controlled by the planned development district regulations.~~

(4) The building official may approve a ramp that projects into the required rear yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp must be completed in 10 days.

(b) Rear yard provisions for residential districts.

(1) Reserved.

~~———— (2) In a residential district, a person need not provide a full rear yard setback for a structure accessory to a residential use if the structure does not exceed 15 feet in height. Where the rear yard is adjacent to an alley, a three-foot setback must be provided. Where the rear yard is not adjacent to an alley, no setback is required.~~

(2) In a residential district, a person need not provide a full rear yard setback for a structure accessory to a residential use, including a generator, if the structure does not exceed 15 feet in height. Where the rear yard is adjacent to an alley, a three-foot setback must be provided. Where the rear yard is not adjacent to an alley, no setback is required.

(c) Reserved.

(d) Special exception for tree preservation.

(1) The board may grant a special exception to the minimum rear yard requirements in this section to preserve an existing tree.

(2) In determining whether to grant this special exception, the board shall consider the following factors:

(A) Whether the requested special exception is compatible with the character of the neighborhood.

(B) Whether the value of surrounding properties will be adversely affected.

(C) Whether the tree is worthy of preservation.

(e) Schedule of minimum rear yards.

(1) Except as provided in this section, a person shall not erect, alter, convert, or maintain a structure or part of a structure in violation of the minimum rear yard requirements in the district

regulations (Divisions 51A-4.100 et seq.). A schedule of minimum rear yards is provided in Section 51A-4.410. (Ord. Nos. 19455; 20236; 20440; 22053; 30895)

SEC. 51A-4.404. MINIMUM LOT AREA FOR RESIDENTIAL USE.

(a) General provisions.

(1) A person shall not reduce a lot below the minimum area requirements of this section, unless:

(A) the lot is replatted for a community unit development; or

(B) the city or other governmental agency reduces the lot size by widening an abutting street. In this situation the minimum lot area is computed on the basis of the original lot size before the street widening.

(2) The area requirements in a planned development district are controlled by the planned development district regulations.

(b) Reserved.

(c) Schedule of minimum lot area for residential use.

(1) Except as otherwise provided in this section, a person shall not erect, alter, or convert any residential structure or part of a structure to have a smaller lot area than is allowed in the district regulations (Divisions 51A-4.100 et seq.). A schedule of minimum lot area for residential use is contained in Section 51A-4.410. (Ord. 19455)

SEC. 51A-4.405. MINIMUM LOT WIDTH FOR RESIDENTIAL USE.

(a) General provisions.

(1) A person may not reduce a lot below the minimum width requirements of this section, unless:

(A) the lot is platted for a community unit development; or

any public street in the corridor. The city shall, upon approval of a landscape plan for such easement by the Park and Recreation Board, to be carried out by the property owner, either maintain the same or arrange for its maintenance, and the Tax Assessor shall make such tax reassessments as the facts justify. Any property dedicated or granted for a landscape easement shall be considered in computing floor-area ratio, coverage, and density. (Ord. Nos. 26026; 26248)

SEC. 51A-4.509. PARKING MANAGEMENT OVERLAY DISTRICT.

See Section 51A-13.410, "Parking Management Overlay (-PM)," for the regulations governing the parking management overlay. (Ord. 27495)

SEC. 51A-4.510. ACCESSORY DWELLING UNIT OVERLAY.

(a) Definitions. In this section:

(1) **ACCESSORY DWELLING UNIT (ADU)** means a rentable additional dwelling unit, subordinate to the main unit, located on a building site with a single family use.

(2) **NEIGHBORHOOD COMMITTEE** means the owners of at least 10 properties within a proposed overlay.

(b) Petition, initiation, and process.

(1) Except as provided in this subsection, the procedures for zoning amendments contained in Section 51A-4.701, "Zoning Amendments," apply.

(2) An accessory dwelling unit overlay may only be placed on an area that allows single family uses and does not expressly prohibit accessory dwelling units.

(3) An overlay must contain at least 50 single family structures in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family structures. Boundary lines should be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided.

(4) As soon as possible after the department provides the neighborhood committee with a petition form or city council authorizes a hearing, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed overlay as evidenced by the last approved city tax roll at least 10 days before the neighborhood meeting.

(5) The neighborhood committee may request a petition form by submitting a request to the department on a form furnished by the department. The request must include the boundaries of the proposed overlay. The boundaries of the proposed overlay must comply with the requirements of this section.

(6) The petition must be on a form furnished by the department. The petition form must include a map of the boundaries of the proposed overlay, a list of the proposed regulations (including a proposed off-street parking reduction), the name and address of all property owners within the proposed overlay, and a statement that by signing the petition the signers are indicating their support of the overlay.

(7) The petition must be submitted with the following:

(A) The dated signatures of property owners within the proposed overlay in support of the proposed overlay.

(i) For a proposed overlay with 50 or fewer single family structures, the signatures on the petition must be dated within three months following the date of the neighborhood meeting.

(ii) For a proposed overlay with more than 50 single family structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.

(B) The application fee, if applicable.

(i) If a petition is signed by more than 50 percent but less than 75 percent of the lots within the proposed overlay, the application fee must be paid.

(ii) If a petition is signed by 75 percent or more of the lots within the proposed overlay, the application fee is waived.

(iii) If the proposed overlay is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(C) A map showing the boundaries of the proposed overlay.

(D) A list of any neighborhood associations that represent the interests of property owners within the proposed overlay.

(E) A list of the names and addresses of the neighborhood committee members.

(F) Any other information the director determines is necessary.

(8) For purposes of Section 51A-4.701, "Zoning Amendments," once a complete petition has been submitted to the director, the accessory dwelling unit overlay shall be treated as a city plan commission authorized public hearing. If the overlay is initiated by petition, the notice of authorization contained in Section 51A-4.701(a)(1) is not required.

(9) Along with any other required notice, at least 10 days before consideration by the city plan commission, the director shall mail a draft of the proposed accessory dwelling unit overlay ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed accessory dwelling unit overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition, and summarize any comments.

(c) Accessory dwelling unit overlay.

(1) In general.

(A) The provisions of Section 51A-4.704(c), regarding renovation, remodeling, repair, rebuilding, or enlargement of nonconforming structures, remain in effect.

(B) An accessory dwelling unit may not be sold separately from the main building.

(C) For an accessory dwelling unit, the prohibition on advertisements in Section 51A-4.209(b)(6)(E)(vii)(bb) do not apply.

(D) The yard, lot, and space regulations of the accessory dwelling unit overlay must be read together with the yard, lot, and space regulations in

Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.

(E) If there is a conflict between this section and the single-family use regulations in Section 51A-4.209, this section controls.

(2) Yard, lot, and space regulations.

(A) In general. Except as provided in this subsection, the yard, lot, and space regulations of the underlying zoning remain in effect.

(B) Side and rear yard.

(i) If the structure containing the accessory dwelling unit is less than 15 feet in height and is located in the rear 30 percent of the lot, minimum side yard is three feet.

(ii) If the structure containing the accessory dwelling unit is less than 15 feet in height, minimum rear yard is three feet.

(iii) Structures 15 feet or more in height containing accessory dwelling units must comply with the side and rear yard setbacks of the base zoning.

(C) Floor area.

(i) Detached accessory dwelling unit.

(aa) Minimum floor area is 200 square feet.

(bb) Maximum floor area is the greater of 700 square feet or 25 percent of the main structure.

(ii) Attached accessory dwelling unit. Maximum floor area is the greater of 700 square feet or 25 percent of the main use.

(D) Height.

(i) General. Except as provided in this subparagraph, the maximum height of the structure containing the accessory dwelling unit cannot exceed the height of the main dwelling unit.

(ii) Accessory dwelling units located above detached garages. For accessory dwelling units located over detached garages, maximum height is the maximum height allowed in that zoning overlay.

(E) Location.

(i) An accessory dwelling unit may not be located in front of a main structure.

(ii) The board may grant a special exception to authorize the placement of an accessory dwelling unit in front of a structure when, in the opinion of the board, the accessory dwelling unit:

(aa) will not adversely affect neighboring properties;

(bb) will not be contrary to the public interest; and

(cc) denial of the special exception will unduly burden the property.

(F) Off-street parking.

(i) Except as provided in this paragraph, a minimum of one space is required.

(ii) Off-street parking is not required for an accessory dwelling unit located within 1,200 feet of a DART bus or transit stop.

(iii) Off-street parking may be reduced if 75 percent of the property owners within the proposed overlay sign the petition agreeing to the reduction.

(iv) City council may also reduce the off-street parking requirement if a reduction is recommended by the neighborhood steering committee during the authorized hearing process.

(G) Stories. Maximum number of stories for an accessory dwelling unit is one.

(3) Utility meters. A lot with an accessory dwelling unit may be supplied by not more than two electrical utility services, and metered by not more than two electrical meters.

(4) Owner occupancy.

(A) Except as provided in this paragraph, if one dwelling unit is used as rental accommodations, the property owner must reside in the main structure or the accessory dwelling unit during the tenancy.

(B) The owner may be absent for one year with director approval.

(5) Single family rental program. The rental unit must be registered in the city single family rental program. (Ord. 30931)

or more above grade and does not project beyond the property line.

(10) All fences must provide firefighting access to the side and rear yard.

(11) The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.

(b) Required screening. Unless otherwise specifically provided for in this chapter, screening must be constructed and maintained in accordance with the following regulations.

(1) Screening required in this article must be not less than six feet in height.

(2) The board may grant a special exception to the height requirement for screening when, in the opinion of the board, the special exception will not adversely affect neighboring property, except that the board may not grant a special exception to the height requirements for screening around off-street parking.

~~_____ (3) Required screening must be constructed of:~~

~~_____ (A) brick, stone, concrete masonry, concrete, or wood;~~

~~_____ (B) earthen berm planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each two feet of width;~~

~~_____ (C) evergreen plant materials recommended for local area use by the director of parks and recreation. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years; or~~

~~_____ (D) any combination of the above.~~

(3) Required screening must be constructed of:

(A) brick, stone, concrete masonry, concrete, or wood;

(B) earthen berm planted with turf grass or ground cover recommended for local area use by the building official. The berm may not have a slope that exceeds one foot of height for each two feet of width;

(C) evergreen plant materials recommended for local area use by the building official. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years; or

(D) any combination of the above.

(4) A required screening wall or fence may not have more than 10 square inches of openings in any given square foot of surface. Plant materials used for required screening must obtain a solid appearance and provide a visual barrier of the required height within three years after their initial planting.

(5) Access through required screening may be provided only by a solid gate equalling the height of the screening. The gate must remain closed:

(A) between the hours of 10 p.m. and 7 a.m.; and

(B) at all other times except when in actual use.

(6) Garbage storage areas must be visually screened on any side visible from a street or an adjoining property by a brick, stone, concrete masonry, concrete, or wood wall or fence or by landscape screening. Screening is not required on a side adjacent to an alley or easement used for garbage pick-up service. Screening is not required if the garbage storage area is 200 feet or more from the street or adjoining property. To allow air circulation and

nonconforming rights attendant to the structure have been lost or terminated under Section 51A-4.704. (Ord. Nos. 19455; 19786; 20236; 20362; 20539; 21663; 22994; 25831; 26288; 27495; 29917; 30198; 30893)

**SEC. 51A-4.603. USE OF CONVEYANCE AS
 A BUILDING.**

(a) For the purposes of this section, conveyance means a railway coach or car, streetcar, bus, airplane, trailer, or similar structure, vehicle, or device originally intended for transporting people or goods.

(b) A person shall not place or use a conveyance as a building for the operation of a use. It is a defense to prosecution that the use of a conveyance is permitted under this section.

(c) A person may obtain permission to use a conveyance as a building for the operation of a use at

(b) Provision of single family uses. It is assumed that all SAH units provided will be multifamily uses. A property owner may, however, reduce the number of SAH units required to obtain a density bonus by providing one or more single family uses as SAH units in accordance with this subsection and Sections 51A-4.901 through 51A-4.909. The provision of a single family use reduces the number of multifamily bedrooms required as shown:

NUMBER OF BEDROOMS IN THE SINGLE FAMILY USE PROVIDED ("SIZE")	REDUCTION IN NUMBER OF MULTIFAMILY BEDROOMS REQUIRED
1	2
2	3
3	4
4	5

The number of multifamily bedrooms required to obtain a density bonus if a person provides one or more single family uses is calculated as follows. First, determine the number of each size of single family use provided. (For example, a person may provide two two-bedroom and three four-bedroom single family uses as SAH units.) Then, multiply the number of each size of single family use provided by the number of multifamily bedrooms that will not be required by reason of the provision of those single family uses. Next, add these numbers to determine the total number of multifamily bedrooms that will not be required. (In the above example, 21 multifamily bedrooms would not be required because of the provision of the single family uses.) This number is then subtracted from the total number of bedrooms of SAH units that would otherwise be required by Section 51A-4.906(b)(4) to obtain the density bonus. The result is then broken down into the number of different sizes of SAH units required by Section 51A-4.906(b)(4) to obtain the density bonus. (Ord. 21663)

Division 51A-4.1000. Park Land Dedication.

SEC. 51A-4.1001. PURPOSE.

Dedication of park land provides new residents and visitors with recreational amenities and green infrastructure consistent with the current level of park services for existing residents. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1002. APPLICABILITY.

(a) In general. Except as provided in this section, park land dedication requirements apply to:

(1) a single family or duplex residential plat or building permit for new construction; and

(2) a development plan or building permit that includes multifamily residential units or a hotel or motel use.

(b) Exceptions. These regulations do not apply to:

(1) plats, replats, or issuance of building permits for new construction on land owned by a governmental unit; and

(2) developments in planned development districts, existing on July 1, 2019, with open space or park land requirements.

(c) Waivers. Only developments that are enrolled in a program administered by the housing and neighborhood revitalization department and authorized by the city council, that furthers the public purposes of the city's housing policy may be eligible to have some or all of these requirements waived. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1003. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this division:

(1) **COMMUNITY PARK** means a park that is larger than a neighborhood park and serves several neighborhoods.

(2) **DIRECTOR** means the director of the park and recreation department.

(3) HOTEL AND MOTEL USE means a hotel or motel use, extended stay hotel or motel use, lodging or boarding house use, or residential hotel.

(4) MULTIFAMILY USE means a college dormitory, fraternity, or sorority house, group residential facility, multifamily use, or retirement housing.

(5) NEIGHBORHOOD PARK means a park that serves a variety of age groups within a limited area or neighborhood.

(6) PARK DEDICATION ZONE means an area as illustrated on the park land dedication map created by the park and recreation department defining the area where dedication may occur.

(7) PRIVATE PARK LAND means privately owned park land, common area, or green spaces provided on-site that is accessible to the residents of a development.

(8) SINGLE FAMILY OR DUPLEX USE means a duplex use, handicapped group dwelling unit, or single family use.

(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. 30934, eff. 7/1/19)

SEC. 51A-4.1004. DEDICATION.

(a) General. Dedication may be accomplished by dedication to and acceptance of suitable land by the city or by payment of a fee-in-lieu of dedication.

(b) On-site dedication. For single family or duplex residential subdivisions, on-site dedication must be shown on the preliminary and final plat. For multifamily or hotel and motel uses, on-site dedication must be shown on the development plan or other plan submitted with a building permit application.

(c) Off-site dedication. Off-site dedication must be evidenced by a deed to the city that has been accepted by the director.

(d) Deferral. Payment of the fee-in-lieu may be deferred from the time of platting to the time of issuance of building permits.

(e) Dedication calculation. The following formula applies to determine the amount of land required to be dedicated.

(1) For a single family or duplex residential development:

One acre per 100 dwelling units. Less than 100 dwelling units on a pro rata basis.

(2) For a multi-family development:

One acre per 255 single bedroom dwelling units. Less than 255 dwelling units on a pro rata basis.

One acre per 127 two bedroom or greater dwelling units. Less than 127 dwelling units on a pro rata basis.

For a college dormitory, fraternity, or sorority house, one acre for 255 sleeping rooms. Less than 255 sleeping rooms on a pro rata basis.

(3) For a hotel or motel use development:

One acre per 233 guest rooms. Less than 233 guest rooms on a pro rata basis.

(f) Single family and duplex development. For single family or duplex developments, park land dedication may occur at either the subdivision or permitting phase. Dedication is only required once.

(1) Residential subdivision.

(A) Unless dedication has been deferred to the permitting phase, final approval of a single family or duplex residential subdivision plat requires at least one of the following to satisfy the requirements of Subsection (e) of this section including any credits or off-sets authorized pursuant to Section 51A-4.1007

(i) For park land dedicated within the subdivision, a fee simple dedication on the subdivision plat of the required park land approved by the director.

(ii) For park land dedicated outside the subdivision, evidence of recording in the appropriate real property records of a general warranty deed of the required park land approved and accepted by the director.

(iii) For land platted as a private park, the land must be identified on the plat.

(iv) Confirmation of deposit into the park land dedication fund of the fee-in-lieu of dedication in the amount established pursuant to Section 51A-4.1005.

(B) Land established as a private park for the purposes of this section may not be replatted to change the designation without the approval of the city plan commission. The city plan commission shall not approve a replat that would change the designation unless it determines that:

(i) alternative private park land that satisfies the requirements of this subsection is identified within the original subdivision that meets the dedication requirement; or

(ii) park land dedication requirements are met with an off-site dedication or fee-in-lieu meeting the requirements of this division.

(C) For phased plats, park land dedication plats may only be accepted for the active phase.

(2) Residential building permit. Issuance of a building permit for a single family or duplex development requires at least one of the following to satisfy the requirements of Subsection (e) of this section including any credits or off-sets authorized pursuant to Section 51A-4.1007:

(A) For dedicated park land, evidence of recording in the appropriate real property records of a general warranty deed for the required park land approved and accepted by the director; or

(B) Confirmation of deposit into the park land dedication fund of the fee-in-lieu of dedication in the amount established pursuant to Section 51A-4.1005.

(C) For private park land and publicly accessible private park land, the final plat must be filed or an instrument acceptable to the city attorney must be filed in deed records.

(g) Multifamily and hotel or motel use developments. Issuance of a building permit for a multifamily or hotel or motel use development requires at least one of the following to satisfy the requirements of Subsection (e) of this section including any credits or off-sets authorized pursuant to Section 51A-4.1007:

(1) For dedicated park land, evidence of recording in the appropriate real property records of a general warranty deed for the required park land approved and accepted by the director;

(2) Identification of the required amount of private park on the preliminary and final plats or development plan if applicable; or

(3) Confirmation of deposit into the park land dedication fund of the fee-in-lieu of dedication in the amount established pursuant to Section 51A-4.1005.

(h) Minimum size. If the calculation in Subsection (e) of this section results in less than one acre, the director may require the developer to pay the fee-in-lieu of land dedication as provided in Section 51A-4.1005. The director may approve the dedication of less than one acre of property if the proposed park meets or addresses a need in the park system or presents an opportunity to enhance the city parks system as recommended by the comprehensive plan. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1005. FEE-IN-LIEU.

(a) The owner of property for which dedication is required may pay a fee-in-lieu of dedication in the amount determined in Subsection (c) of this section, and the director shall not refuse any payment of a fee-in-lieu of dedication.

(1) In some instances, the director may require the developer to pay fees-in-lieu of dedicating land. In making this determination, the director shall consider the following factors:

(A) Whether sufficient park land and open space exists in the area of the proposed development; and

(B) Whether recreation potential for an area would be better served by expanding or improving existing parks, by adding land or additional recreational amenities.

(2) The director shall notify the developer in writing of the director's decision to require a fee-in-lieu of dedication and the reason for the decision. The developer may appeal the decision to the park and recreation board by filing a written notice with the director within 15 days after the date of the decision.

(b) Payment of the fee-in-lieu is required at the time of approval of the final plat or issuance of building permits. Cash payments may be used only for acquisition or improvement of park land and facilities located within the same park dedication zone as the development. Fees may be applied to any type of park site or improvement within the park dedication zone in accordance with park and recreation department prioritization.

(c) For developments in more than one park

dedication zone, or that about another park dedication zone, fees-in-lieu may be spent in either park dedication zone.

(d) For Park Dedication Zone Seven (the Downtown/Uptown Zone) as shown on the parkland dedication zone map, fees-in-lieu may be used to increase connectivity in the city's trail system for the recreational benefit of the residents of that area. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1006. PARK DEVELOPMENT FEE.

(a) In general. To provide recreational amenities on existing park land for new residents and visitors, a park development fee is required to be paid at the time of dedication or payment of fee-in-lieu. Except as provided in this section, park development fees must be applied to parks within the park dedication zone in accordance with park and recreation department prioritization.

(1) Credit may be provided on a dollar for dollar basis for capital improvements on adjacent park land if the capital improvements:

(A) meet minimum park and recreation standards;

(B) are needed and are appropriate for the park land; and

(C) are accepted by the director.

(2) Credit may be provided on a dollar for dollar basis for capital improvements on publicly accessible private park land if the capital improvements:

(A) meet minimum park and recreation standards;

(B) are needed and are appropriate for the park land; and

(C) are accepted by the director.

(3) A maximum credit of 50 percent of the total requirement may be provided for capital improvements on non-publicly accessible private park land if the capital improvements:

(A) meet minimum park and recreation standards;

(B) are needed and are appropriate for

the park land; and

(C) are accepted by the director.

(b) Location. For developments in more than one park dedication zone, or that about another park dedication zone, park development fees may be spent in either park dedication zone.

(c) Timing. Park development fees must be paid at the time all other dedications or payments are made. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1007. CALCULATIONS, DEDUCTIONS, AND CREDITS.

(a) Initial calculations. The director shall determine the amount of land required to be dedicated, or fees-in-lieu of dedication to be paid, in accordance with Sections 51A-1.105(z), 51A-4.1004, 51A-4.1005, and this section.

(1) The director shall first calculate the amount of park dedication required in Section 51A-4.1004;

(2) If the owner of the subdivision or development elects to pay a fee-in-lieu of dedication, or the director requires the payment of a fee-in-lieu of dedication, the director shall calculate the fee according Section 51A-4.105(z);

(3) If the owner of the subdivision or development chooses to satisfy the requirements of this division by a combination of dedication of land and payment of a fee-in-lieu of dedication, the director shall:

(A) First, calculate the total park dedication requirement;

(B) Second, subtract from the total park land dedication requirement the amount of park land to be dedicated;

(C) Third, calculate amount of fee-in-lieu for the remaining amount of park land dedication required by multiplying the remaining land area by the fee-in-lieu per square foot cost factor.

(b) Deductions and credits.

(1) The number of dwelling units, guest rooms, or sleeping rooms requiring dedication is based on a total increase in dwelling units, guest rooms, or

sleeping rooms. The director shall deduct from the initial calculation the number of dwelling units, guest rooms, or sleeping rooms in existence within five years of the approval of the preliminary plat or the issuance of the first building permit for the proposed new development. The burden is on the applicant to demonstrate to the satisfaction of the director that the dwelling units, guest rooms, or sleeping rooms existed before the application for the subdivision plat or building permits generating the dedication requirement;

(2) The director shall reduce the dedication requirement of Section 51A-4.1004 or the fee-in-lieu of dedication requirement of Section 51A-4.1005, as applicable, by one or more of the following credits:

(A) The director shall grant a maximum credit of 100 percent of the total dedication requirement for publicly accessible private park land provided within the subdivision or development generating the dedication requirement that meets the requirements of this paragraph.

(i) To be eligible for credit, publicly accessible private park land must be:

(aa) made accessible to the public on an instrument approved by the city attorney;

(bb) of a size approved by the director to appropriately meet the needs of the development;

(cc) provide landscaping and recreational amenities approved by the director; and

(dd) be open to the public during all times it is accessible to the residents of the development.

(ii) Equipment in a private park must comply with city standards applicable to the type of equipment.

(iii) A publicly accessible private park land instrument must:

(aa) contain a legal description of the development and the publicly accessible private park land;

(bb) be signed by all owners and lienholders of the development property and is binding on lienholders by a subordination clause;

(cc) be approved by the

director;

(dd) be approved as to form by the city attorney;

(ee) create a covenant running with the land;

(ff) provide that the owners of the property development are responsible for all general park maintenance at a level consistent with minimum park and recreation standards;

(gg) provide necessary easements for access to the publicly accessible private park land;

(hh) give the city the right, but not the obligation, to take any action needed to make necessary repairs or improvements within the publicly accessible private park land, and to place a lien on all lots within the development until the city has received full compensation for that action;

(ii) provide that the owners of property in the development agree to defend and indemnify the city, and to hold the city harmless from and against all claims or liabilities arising out of or in connection with publicly accessible private park land or publicly accessible private park land instrument;

(jj) provide that it is governed by the laws of the State of Texas; and

(kk) provide that it may only be amended or terminated:

(I) with the consent of all the owners and lienholders of property in the development;

(II) upon the dedication of any park land or payment of a fee-in-lieu necessary to meet the requirements of this section; and

(III) after approval as to form by the city attorney, and approval by the director.

(B) A maximum credit of 50 percent of the total requirement will be given for non-publicly accessible private park land provided within the subdivision or development generating the dedication requirement that meets the requirement of this subparagraph. Private park land eligible for credit must:

(i) be of a size approved by the

director to appropriately meet the needs of the development;

(ii) be maintained at a level consistent with minimum park and recreation maintenance standards;

(iii) provide landscaping and recreational amenities approved by the director;

(iv) have equipment that complies with city standards applicable to the type of equipment; and

(v) not be an interior common area.

(C) Developments located within a community unit development with open space meeting the requirements of Subparagraph (A) or Subparagraph (B) may receive credit for park land dedication as provided in this section.

(3) Credits are cumulative, up to a maximum of 100 percent of the required dedication and are only applicable to the original property being developed. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1008. PARK LAND DEDICATION STANDARDS.

(a) Park land location standards. It is the purpose of this section to ensure that parks are easy to access, can be linked with nearby park and recreational facilities, and are generally open to public view or accessible by easement to benefit area development, enhance the visual character of the city, protect public safety, and minimize conflict with adjacent land uses. Land proposed to be dedicated for parks must meet the following location standards:

(1) Where physically feasible, parks should be bound by streets or by other public uses (e.g., school, library, recreation center) to facilitate access and possible joint use.

(2) Where residential lots directly abut a park, consideration should be given to future owners' access to the facility and protection from future park uses, such as lighting and noise.

(3) Dedicated park land must be in a location that is accessible by the public.

(4) The director may accept dedication of

property within the park dedication zone that provides for access to parks other than community and neighborhood parks.

(5) The land must comply with current park standards.

(b) Park land acceptance standards.

(1) The city may accept or reject an offer of dedication, after consideration of the recommendation of the director, and require the payment of fees in lieu of dedication as provided in Section 51A-4.1005.

(2) Land dedicated for park and recreational areas must be of such size, dimensions, topography and general character as is reasonably required by the city for the type of use necessary to meet the current park system requirements.

(3) Land proposed to be dedicated for parks must generally meet the following requirements. The director may recommend the acceptance of the dedication of property that does not meet these criteria if the property is adjacent to an existing park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the park and recreation department's comprehensive plan update.

(A) Minimum size and configuration standards.

(i) Unless determined otherwise by the director pursuant to Subsection 51A-4.1004(h), the minimum size of land dedicated for a park is one acre.

(ii) Land dedicated for a park must be a contiguous piece of property that can physically accommodate improvements associated with a neighborhood or community park.

(B) Location and access standards.

(i) The land must meet the applicable location requirements of Paragraph (4).

(ii) The land must have connectivity to a public street appropriate for the size and use of the park.

(C) Physical characteristics standards.

(i) Unless otherwise approved by the director, land must be vacant and cleared of nonvegetative material.

(ii) The land must be in full compliance with all ordinances, rules, and regulations of the city.

(iii) Except when approved by the director, the land must not have severe slopes or unusual topography that would not allow the park to be used for its intended purpose without recontouring the property.

(D) Minimum environmental conditions standards. Unless provided otherwise in rules promulgated by the director, the land must be reasonably free of recognized environmental conditions.

(i) If land is proposed to be dedicated by plat, before submittal of a final plat, the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.

(ii) If land is proposed to be dedicated by separate instrument, before acceptance the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.

(4) Land in a federally designated floodplain or floodway may be dedicated as park land if the land otherwise meets the acceptance standards for park land in this section and all other ordinances, rules, and regulations of the city. Floodplain and floodway areas may only be used to meet a maximum of 50 percent of the dedication requirements. Stormwater detention/retention areas and associated access easements do not meet the standards for acceptance of park land.

(5) For developments in more than one park dedication zone, property may be dedicated in either park dedication zone. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1009. PARK LAND DEDICATION FUND.

(a) In general.

(1) There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this section. The fund will be known as the "Park Land Dedication Fund." Except as provided in this section and Section 51A-4.1005, funds will only be released from the Park Land Dedication Fund to buy, build, or enhance a park within the park

dedication zone, from which the funds originated.

(2) Fees paid into the park land dedication fund must be spent by the city within 10 years after the payment of the required fees. If the funds cannot be spent within the 10 year period, the owners of the property on the last day of the 10 year period will be entitled to a refund of the unexpended sum upon request. The owners of the property, as shown on the current tax roll or proven by other instrument, must request a refund within one year of the expiration of the 10 year period. The request must be made in writing to the director.

(3) Where funds have been paid or a dedication for a phased development has been made in accordance with this section, and the original developer does not complete all phases of the entire development, credit for any prior dedication or payment will be applied to subsequent replats or development plans for the same land on a pro-rata basis by dwelling unit for a period of 10 years. Increased density requires the dedication of additional park land or payment of additional fees.

(b) Expenditures. The park land dedication fund must be used for the acquisition and improvement of parks and may not be used for park maintenance or city staff overhead expenses. Indirect costs reasonably incurred in connection with park acquisition and improvement, such as appraisal fees, environmental assessment costs, legal expenses, and engineering and design costs, are limited to a maximum of 10 percent of total acquisition or improvement costs. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1010. TREE MITIGATION.

(a) In general. Trees on dedicated park land may be used to meet tree mitigation requirements in accordance with Article X.

(b) Tree mitigation credits. To be eligible for Article X tree mitigation credits, dedicated park land and private park land must meet the conservation easement standards in Sections 51A-10.135(f)(1), 51A-10.135(f)(3), and 51A-10.135(f)(5).

(c) Conservation easements. Park land dedication requirements may be met on an acre for acre basis for any land dedicated as a conservation easement under Article X that meets the conservation easement standards in Article X and the requirements for publicly accessible private park land in Section 51A-4.1007(b)(2)(A)(i) and is accepted by the director. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1011. APPEALS.

Except for appeals of apportionment of exactions, all appeals of the director's decisions are appealable to the park and recreation board following the same procedure as an appeal of an administrative official's decision to the board of adjustment. Notice of appeal 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)

(2) Grading is not permitted within the 100 year flood plain boundaries of watercourses unless it is:

(A) in conjunction with the construction of approved drainage facilities; or

(B) authorized by a city council approved fill permit. All grading must comply with Section 51A-5.207 of this division.

~~—————(3) Indigenous vegetation must be retained and protected except in immediate areas of development so that a minimal amount of vegetation is removed or replaced. If vegetation is removed, it must be replaced with new vegetation of the same variety unless the director of parks and recreation approves an alternative variety as being less susceptible to disease or better suited for urban development.~~

(3) Indigenous vegetation must be retained and protected except in immediate areas of development so that a minimal amount of vegetation is removed or replaced. If vegetation is removed, it must be replaced with new vegetation of the same variety unless the building official approves an alternative variety as being less susceptible to disease or better suited for urban development.

(4) Development must be accomplished in a manner which assures that as small an area as possible is exposed to erosion at any one time. When land is exposed during development, the exposure must be kept to the shortest practical period of time not to exceed six months. In extraordinary cases, an extension of the six month time period may be granted in writing by the director. In such cases the director shall seek and consider the recommendation of the escarpment area review committee before making his decision.

(5) Areas where construction activities have ceased for more than 21 days must be stabilized by the developer to minimize erosion through the use of temporary or permanent vegetation, mulching, sod, geotextiles, or similar measures. In cases where permanent measures are not installed, the developer must maintain the temporary measures until the site is either fully developed or permanent vegetation with a density of at least 70 percent of the native background vegetative cover for the area has been installed.

(6) Sediment basins or other installations approved by the director must be installed and maintained to remove sediment from runoff waters accumulating on land undergoing development. These

the director that these velocities do not produce detrimental erosion. If damaging erosion is occurring, site-specific erosion control measures are required. Energy dissipators, if required, must be approved by the director to maintain channel velocities at acceptable levels. (Ord. Nos. 19455; 26000; 30893)

SEC. 51A-5.207. GRADING PLAN.

(a) A grading plan must be submitted for all proposed development within a geologically similar area. Except for items that are expressly waived by the director, the following items must be included as part of the plan:

(1) A soil engineering report. This report must include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of the site to be developed. The report must be signed by a registered professional engineer.

(2) An engineering geology report. This report must include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of the site to be developed. The report must be signed by a registered professional engineer.

(3) Limiting dimensions, elevations or finish contours to be achieved by grading, and proposed drainage channels and related construction.

(4) Detailed plans for all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with or as a part of the proposed work, together with a map showing the drainage area and the estimated runoff of the area.

(b) Development within a geologically similar area must conform to the following performance standards:

(1) Grading must be planned so as to have the least disturbance on the area's natural topography, watercourses, vegetation, and wildlife. This may preclude all development in certain areas. No cleared, graded, or otherwise disturbed land may be left without temporary protective stabilizing cover. (See Section 51A-5.206.)

(2) The maximum slopes permitted in geologically similar areas shall be determined by the director based on the results of the geotechnical investigations of the site materials and other factors analyzed in this division.

(3) Topsoil must be stockpiled and redistributed on areas where vegetation will be grown after the grading is completed. Methods to insure maintenance of these areas until vegetation is established must be detailed. (Ord. Nos. 19455; 26000)

SEC. 51A-5.208. VEGETATION PLAN.

(a) A vegetation plan must be submitted for all proposed development in a geologically similar area. Except for items that are expressly waived by the director, the plan must:

(1) show the location and type of landscape features and plant materials in the areas of proposed development; and

(2) specify all proposed vegetation removal and replacement.

(b) Development in a geologically similar area must conform to the following performance standards:

~~(1) Indigenous vegetation must be retained and protected except in immediate areas of~~

development so that a minimal amount of vegetation is removed or replaced. If vegetation is removed, it must be replaced with new vegetation of the same variety unless the director of parks and recreation approves an alternative variety as being less susceptible to disease or better suited for urban development.

(1) Indigenous vegetation must be retained and protected except in immediate areas of development so that a minimal amount of vegetation is removed or replaced. If vegetation is removed, it must be replaced with new vegetation of the same variety unless the building official approves an alternative variety as being less susceptible to disease or better suited for urban development.

(2) Shrub borders must be maintained around woodlands where practicable.

(3) Landscaping must consist of ecologically suitable plant species. (Ord. Nos. 19455; 26000; 30893)

**SEC. 51A-5.209. ESCARPMENT AREA
REVIEW COMMITTEE.**

(a) In order to assist the director and the board of adjustment in the administration and interpretation of these escarpment regulations, and to establish an efficient forum for city input and review of proposed developments in geologically similar areas, an escarpment area review committee ("the committee") shall be established. The committee shall be advisory in nature and be comprised of at least one representative from the departments of sustainable development and construction, parks and recreation, planning and urban design, and mobility and street services. Members of the committee shall be appointed by the heads of the departments they represent. At least two representatives must be present to constitute a quorum.

(b) The committee shall have the following powers and duties:

(1) To thoroughly familiarize itself with the structures, land, areas, geology, hydrology, and indigenous plant life in the escarpment zone and in geologically similar areas.

(2) To thoroughly familiarize itself with the escarpment regulations.

(3) To identify criteria to be used in evaluating proposed development in the escarpment zone and in geologically similar areas.

(15) SOUND means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

(16) SOUND LEVEL METER means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

(17) SOUND PRESSURE means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

(18) SOUND PRESSURE LEVEL means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals (20×10^{-6} N/m²). The sound pressure level is denoted L_p or SPL and is expressed in decibels.

(19) SPECIAL EVENTS means all public and private school related activities and all events where a special events permit is issued by the city of Dallas.

(20) STATIONARY SOURCE means the point of origin of any noise emitted from a property. Multiple sources on a property shall be treated as a single source.

(21) TIME WEIGHTED means an established period of time during which the sound pressure levels are averaged. (Ord. Nos. 19455; 19995; 21186; 29424)

SEC. 51A-6.102. NOISE REGULATIONS.

(a) General provisions.

(1) A person may not conduct a use that creates a noise level that exceeds the levels established

in Subsections (b) through (e) or that exceeds the background level by five dB(A), whichever is greater.

(2) A sound level meter that meets the standards of the American Standards Association must be used to determine whether the level of noise violates this section. The instrument must be maintained in good working order. A calibration check should be made prior to and following any noise investigation.

(3) Traffic, aircraft, and other background noises are not considered in measuring noise levels except when the background noise level is being determined.

(4) For purposes of this section, any identifiable portion of a planned development (PD) district governed by a distinct set of use regulations is considered to be a separate zoning district. If the PD district or a portion of the district is limited to uses permitted in an expressly stated zoning district, the PD district or portion of the district is considered to be that zoning district; otherwise it is considered to be:

(A) an MF-3(A) zoning district if it is restricted to residential uses and those nonresidential uses permitted in a residential district; otherwise

(B) an IM zoning district if it allows one or more uses that are only permitted in that district; otherwise

(C) an IR zoning district if it allows one or more uses that are only permitted in a CS, LI, or IR district; otherwise

(D) if it does not fit into one of the above categories, an MU-3 district.

~~(5) The requirements of this section do not apply to:~~

~~(A) the side yard placement of a unitary air conditioning unit which complies with the requirements in Section 51A-4.402(a)(4);~~

~~_____ (B) mobile sources;~~
~~_____ (C) construction/demolition activities regulated by Chapter 30;~~
~~_____ (D) special events for which a special events permit is issued under Chapter 42A;~~
~~_____ (E) sound generating equipment or apparatus to warn the public of an emergency or for public safety;~~
~~_____ (F) noise from use-related loading/unloading operations that impact residential areas when conducted during daytime hours; or~~
~~_____ (G) the following activities, as long as they are conducted between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday, Sunday, and legal holidays as a normal function of a permitted use and the equipment is maintained in proper working condition:~~

~~_____ (i) Lawn maintenance.~~
~~_____ (ii) Repair of personal use vehicles.~~
~~_____ (iii) Home repair of place of residence.~~

(5) The requirements of this section do not apply to:

(A) mobile sources;
 (B) construction/demolition activities regulated by Chapter 30;
 (C) special events for which a special events permit is issued under Chapter 42A;
 (D) sound generating equipment or apparatus to warn the public of an emergency or for public safety;
 (E) noise from use-related loading/unloading operations that impact residential areas when conducted during daytime hours; or
 (F) the following activities, as long as

they are conducted between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday, Sunday, and legal holidays as a normal function of a permitted use and the equipment is maintained in proper working condition:

(i) Lawn maintenance.
 (ii) Repair of personal use vehicles.
 (iii) Home repair of place of residence.

(b) Permissible sound pressure level in WR without a shopfront overlay and residential districts.

(1) In a WR without a shopfront overlay or residential district, a person may not conduct a use so as to create a sound pressure level on the bounding lot line that exceeds the decibel limits contained in the following table:

Maximum Permissible Daytime Decibel
Limits at the Bounding Lot Line of a
Use in a CS, LI, or IR District

	A Scale
Decibel Limit (dBA <u>re</u> 0.0002 Microbar)	65

(2) The sound pressure level at the boundary line between a residential district, as defined both in this chapter and in Chapter 51, and a CS, LI, or IR district may not exceed the decibel limits specified in Subsection (b)(1).

(3) The sound pressure level at the boundary line between an office, retail, mixed use, multiple commercial, or parking district, as defined both in this chapter and in Chapter 51, and a CS, LI, or IR district may not exceed the decibel limits specified in Subsection (c)(1).

(e) Permissible sound pressure level in an IM district.

(1) In an IM district, a person may not conduct a use so as to create a sound pressure level on the bounding lot line that exceeds the decibel limits contained in the following table:

Maximum Permissible Daytime Decibel
Limits at the Bounding Lot Line
of a Use in the IM District

	A Scale
Decibel Limit (dBA <u>re</u> 0.0002 Microbar)	70

(2) The sound pressure level at the boundary line between a residential district, as defined both in this chapter and in Chapter 51, and an IM district may not exceed the decibel limits specified in Subsection (b)(1).

(3) The sound pressure level at the boundary line between an office, retail, mixed use, multiple commercial, or parking district, as defined both in this chapter and in Chapter 51, and an IM district may not exceed the decibel limits specified in Subsection (c)(1).

(4) The sound pressure level at the boundary line between an LC, CS, LI, HC, I-1, I-2, or IR district and an IM district may not exceed the decibel limits specified in Subsection (d)(1).

(f) Noise level adjustments.

(1) The maximum permissible noise levels contained in Subsections (b)(1), (c)(1), (d)(1), and (e)(1) are subject to the following adjustments:

Noise is present at nighttime. Subtract 7db

Noise is impulsive (meter reading changes at
a rate greater than 10 decibels per second Subtract 7db

Noise Has An "On Time" Of No More Than:	And an "Off Time" Between Successive "On Times" Of At Least:	
0.5 Minutes	½	Hour /
5.0 Minutes	1	Hour /
10.0 Minutes	2	Hours /
20.0 Minutes	4	Hours /

Add 10 Decibels
to permitted level

(2) "Off-time" is when the level of the primary noise being measured does not exceed that of the background noise by more than five dB(A). (Ord. Nos. 19455; 19786; 19995; 27495; 29424; 30895)

**SEC. 51A-6.103. TOXIC AND NOXIOUS
MATTER.**

These regulations are contained in Chapters 5A and 19 of the Dallas City Code. (Ord. Nos. 19455; 19995)

Division 51A-7.500. Special Provision Sign Districts.**SEC. 51A-7.501. PURPOSE OF SPECIAL PROVISION SIGN DISTRICTS.**

For the purpose of establishing, enhancing, preserving, or developing the character, quality, and property values of areas of unique character and special development potential, and to protect public welfare, districts whose signs are regulated by special provisions may be established from time to time, as provided below. (Ord. Nos. 19455; 24232)

SEC. 51A-7.502. CREATION OF A SPECIAL PROVISION SIGN DISTRICT.

By amendment to this article, the city council may designate an area as a special provision sign district subject to the following conditions:

~~—(1) The district must include frontage on a street, either for an entire block or for not less than 500 feet measured along the way or continuous set of intersecting ways.~~

(1) The district must include frontage on a street, either for an entire blockface or for not less than 500 feet measured along the way or continuous set of intersecting ways.

(2) A special provision sign district is an overlay zoning district that must be created or amended in accordance with Section 51A-4.701.

(3) As a prerequisite to the establishment of such a special provision sign district, the council must determine that the modified rules established for said districts shall:

(A) establish, preserve, enhance, or develop the character of a particular area;

(B) cause no disturbance to neighboring property lying outside the proposed district;

(C) create no hazard or annoyance to motorists or pedestrians; and

(D) not contravene the intent of this chapter. (Ord. Nos. 19455; 20927; 24232; 30932)

SEC. 51A-7.502.1. NON-PREMISE SIGNS IN SPECIAL PROVISION SIGN DISTRICTS.

(a) The city council may expressly authorize one or more non-premise signs in:

(1) all special provision sign districts created on or before October 14, 1999; and

(2) any special provision sign district created after that date if:

(A) the district has an area of at least 50 acres; and

(B) the signs are located in or within one mile of the central business district.

(b) The city council may expressly authorize one or more non-premise athletic field signs in any special provision sign district, regardless of the size or location of the district.

(c) A minimum of 30 percent of the effective area of a detached HBA sign that exceeds 100 square feet in effective area must identify activities conducted or premises located in the special provision sign district. (Ord. 24232)

SEC. 51A-7.503. MODIFICATIONS ALLOWED IN SPECIAL PROVISION SIGN DISTRICTS.

Without changing the definition of this article, or altering its basic structure, the modified rules for special provision sign districts may:

with Section 51A-4.501(b), no sign permit may be issued in a special provision sign district to any applicant unless the application has first been reviewed by the director and a certificate of appropriateness has been issued in accordance with this section.

~~—(2) Application. When applying for a sign permit in a special provision sign district, the applicant shall submit an application in duplicate to the building official. After determining that the proposed sign conforms with the other sections of the code, the building official shall forward a copy of the application to the director within five working days of its receipt. The applicant shall provide the building official, the director, and the committee with specific information in the form of perspectives, renderings, photographs, models, or other representations sufficient to show the nature of the proposed sign and its effect on the immediate premises. Any applicant may request a meeting with the director or the committee before submitting an application and may consult with the director or the committee during the review of the permit application. Every applicant is entitled to appear before the committee and to be present when any vote is taken.~~

(2) Application. When applying for a sign permit in a special provision sign district, the applicant shall submit an application to the building official. After determining that the proposed sign conforms with the other sections of the code, the building official shall forward a copy of the application to the director within five working days of its receipt. The applicant shall provide the building official, the director, and the committee with specific information in the form of perspectives, renderings, photographs, models, or other representations sufficient to show the nature of the proposed sign and its effect on the immediate premises. Any applicant may request a meeting with the director or the committee before submitting an application and may consult with the director or the committee during the review of the permit application. Every applicant is entitled to appear before the committee and to be present when any vote is taken.

(3) Determination of procedure. Upon receipt of an application, the director shall determine whether it is to be reviewed under the director procedure or the committee procedure. The proposed sign must be reviewed under the director procedure if it:

- (A) has an effective area less than 50 square feet;
- (B) is a premise sign;
- (C) does not contain any changeable message or flashing or blinking lights;
- (D) has a setback of at least 10 feet;
- (E) is not located within a historic overlay district;

to the city plan commission. The committee shall consider the proposed sign in terms of its appropriateness to the special provision sign district with particular attention to the effect of the proposed sign upon the economic structure of the special provision sign district and the effect of the sign upon adjacent and surrounding premises without regard to any consideration of the message conveyed by the sign. After consideration of these factors, the committee shall recommend approval or denial of the application and forward that recommendation to the city plan commission.

(6) Decision by the commission. Upon receipt of a recommendation by the committee, the commission shall hold a public hearing to consider the application. At least 10 days before the hearing, notice of the date, time, and place of the hearing, the name of the applicant, and the location of the proposed sign must be published in the official newspaper of the city and the building official shall serve, by hand-delivery or mail, a written notice to the applicant that contains a reference to this section, and the date, time, and location of this hearing. A notice sent by mail is served by depositing it properly addressed and postage paid in the United States mail. In addition, if the application is for a detached sign or for an attached sign that has more than 100 square feet of effective area, the applicant must post the required number of notification signs in accordance with Section 51A-1.106. In making its decision, the commission shall consider the same factors that were required to be considered by the committee in making its recommendation. If the commission approves the application, it shall forward a certificate of appropriateness to the building official within 15 days after its approval. If the commission denies the application, it shall so inform the building official in writing. Upon receipt of the written denial, the building official shall so advise the applicant within five working days of the date of receipt of the written notice.

(7) Authority of building official not affected. Nothing in this section shall be construed to affect or modify the authority of the building official to refuse to

grant a sign permit in any case in which the proposed sign does not conform to specific provisions of height, effective area, setback, or similar restrictions established in this article or the modified restrictions applicable to the special provision sign district, or to the structural requirements of the building code or other codes which the building official is required by law to enforce.

(8) Action required within 60 days. If no action has been taken by the city within 60 days of the receipt of the application by the building official, a certificate of appropriateness shall be deemed issued and the building official shall so advise the applicant.

(9) Change in application. No change may be made in any permit application subsequent to action by the city without resubmittal to the director and approval of the resubmitted application by following the procedures in this section.

(10) Appeal to council. An applicant may appeal a denial of a certificate of appropriateness by the commission to the city council within 60 days of the date of the decision by the commission.

(11) Criminal responsibility. A person commits an offense if he or she erects or maintains a sign in a special provision sign district without first obtaining a certificate of appropriateness expressly authorizing the sign as required by this article. (Ord. Nos. 19455; 20949; 20962; 21402; 22425; 24163; 24232; 30892)

SEC. 51A-7.506.

EXPIRATION OF SPECIAL PROVISION SIGN DISTRICTS.

The city council may establish a special provision sign district for a limited time. At the end of this period, the special provision sign district, and its provisions regulating signs, shall be discontinued, unless renewed for another limited period in accordance with the procedure established in Section 51A-7.502. (Ord. Nos. 19455; 24232)

SEC. 51A-7.507. TEMPORARY SIGNS IN SPECIAL PROVISION SIGN DISTRICTS

(a) Purpose. This section allows persons to erect and maintain temporary signs within special provision sign districts while their applications for permanent signs in those districts are pending. Nothing in this section shall be construed as prohibiting a special provision sign district from having a separate procedure for obtaining a temporary sign permit.

(b) Procedures to obtain permit.

(1) In general. Notwithstanding Section 51A-7.505, an applicant for a sign permit in a special provision sign district may apply for a permit to erect a temporary sign in accordance with this section. The permit must be obtained before erecting or maintaining the sign.

~~———— (2) Application for permit. An application for a permit and two duplicates must be filed with the building official on a form provided by the city. Each application must comply with the requirements of Subchapter 61 of the Dallas Building Code.~~

(2) Application for permit. An application for a permit must be filed with the building official on a form provided by the city. Each application must comply with the requirements of the Dallas Building Code.

(3) Requirements. The building official shall deny the application unless the proposed temporary sign meets all of the following requirements. The sign must:

(A) comply with all provisions of the code, as amended, except for Section 51A-7.505;

(B) be an attached sign;

(C) be a premise sign;

(D) be constructed of cloth, canvas, light fabric, or nylon;

(E) not be an illuminated sign;

(F) not have dimensions that exceed the dimensions of the sign for which the applicant proposes to obtain a certificate of appropriateness; and

(G) not be the same sign for which the applicant proposes to obtain a certificate of appropriateness.

(4) Decision of the building official.

(A) Timing. The building official shall make a decision regarding the application within five working days after it is filed. If the applicant has not provided all the information required by this section, then the five-day period does not begin until the required information is provided.

(B) Failure to act. If the building official fails to make a decision regarding the application within five working days after it is filed, it is approved subject to compliance with all applicable city ordinances.

(C) Form of decision. The decision must take one of the following three forms:

(i) Approval, no conditions.

(ii) Approval, subject to conditions noted.

(iii) Denial.

(D) Approval with no conditions. If there are no grounds for denying the application, the building official shall approve it with no conditions.

(E) Approval subject to conditions noted. As an alternative to denial of the application, the building official may approve it subject to conditions noted if compliance with all conditions will eliminate what would otherwise constitute grounds for denial. If he or she approves it subject to conditions noted, he or she shall state in writing the specific requirements to be met before it is approved.

(F) Denial.

(i) Grounds for denial. The building official shall deny the application if it does not comply with all of the requirements of this section or contain all required information.

(ii) Statement of reasons. If the building official denies the application, he or she shall state in writing the specific reasons for denial.

(G) Notice of decision. The building official shall give written notice to the applicant of his or her decision regarding the application. Notice is given either by hand-delivery or by depositing the notice properly addressed and postage paid in the United States mail. If the notice is mailed, it must be sent to the address shown on the application.

(c) Revocation of permit. The building official shall revoke the permit if he or she determines that the permittee has:

(1) failed to comply with any provision of the code, as amended, except for Section 51A-7.505;

(2) made a false statement of material fact on the application; or

(3) erected or maintained a sign that endangers the safety of persons or property and is not otherwise in the public interest.

(d) Expiration of permit. A permit automatically expires 60 days from the date of its issuance.

(e) Permit limit. Once a permit expires or is revoked, no person may apply for another permit for that sign.

(f) Appeals. In considering an appeal from a decision of the building official made in the enforcement of this section, the sole issue before the board of adjustment shall be whether or not the building official erred in his or her decision. The board shall consider the same standards that the building

official was required to consider in making the decision on the permit.

(g) Criminal responsibility. If a sign violates this section and is not otherwise authorized by the code, a person is criminally responsible for a sign unlawfully erected or maintained if the person:

(1) erects or maintains the sign;

(2) is an owner or operator of a use or business to which the sign refers; or

(3) owns part or all of the land on which the sign is located.

(h) No representation by the city. The grant of a permit to erect a temporary sign does not mean that an applicant will receive a certificate of appropriateness for any sign. (Ord. Nos. 20954; 24232; 30892)

J/384 and a closed portion of Griffin and Ashland Streets, with the shortest line connecting to a point on the southeast line of Ashland Street and the northeast line of an alley in Block G/385;

THENCE northeasterly with said southeast lines of Ashland Street, crossing Summer Street and extending to a point for a corner on the NE line of Wesley Alley;

THENCE southeasterly along said NE line of Wesley Alley to the SE line of Block I/354, a point for a corner;

THENCE northeasterly along the southeast line of Block I/354 and along the northwest line of Cedar Springs Road to a point for a corner on the southwest line of 24 feet wide Yates Alley;

THENCE northeasterly with the northwest lines of Cedar Springs Road, crossing Yates Alley, old Field Street, Alamo Street, right of way for new extension of Field Street, and Caroline Street and extending said northwest line of Cedar Springs Road across Akard Street to a point for a corner on the east line of Cedar Springs Road;

THENCE with the east line of Cedar Springs Road northerly to the south line of Harwood Street, a point for a corner;

THENCE easterly with said south line of Harwood Street and extending same to a point for a corner on the easterly line of McKinney Avenue extended;

THENCE northeasterly along said extension line and the easterly line of McKinney Avenue to a point for a corner on the southwest line of Olive Street;

THENCE crossing Olive Street to a point for a corner on the southeast line of Thomas Street;

THENCE northeasterly along the southeast lines of Thomas Street, crossing Pearl Street, Crockett Court, Leonard Street, Fairmount Street, Routh Street, Boll Street, Worthington Street, Clay Alley, Allen Street, Clyde Alley, Clark Street, Ellis Street and Hugo Street

and continuing to the southwest line of Hall Street and the point of beginning.

(b) Other special provision sign districts created in accordance with this article are not controlled by this division even though such districts may be wholly or partially located within the boundaries described in Subsection (a). (Ord. Nos. 19455; 20167; 21404; 24606)

SEC 51A-7.901.1. DESIGNATION OF SUBDISTRICTS.

~~—(a) This district is divided into seven subdistricts: Retail Subdistrict A, Retail Subdistrict B, the General CBD Subdistrict, the Downtown Perimeter Subdistrict, the Main Street Subdistrict, the Convention Center Subdistrict, and the Akard Station Subdistrict.~~

(a) This district is divided into eight subdistricts: Retail Subdistrict A, Retail Subdistrict B, the General CBD Subdistrict, the Downtown Perimeter Subdistrict, the Main Street Subdistrict, the Convention Center Subdistrict, the Akard Station Subdistrict, and the Whitacre Tower Subdistrict.

~~—(b) Retail Subdistrict A is that central area of downtown within the following described boundaries:~~

(b) Retail Subdistrict A is that central area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

~~BEGINNING at a point being the intersection of the centerlines of Pacific Avenue and Lamar Street;~~

~~THENCE with said centerline of Pacific Avenue proceeding easterly to the intersection of South Field Street;~~

~~THENCE with said centerline of South Field Street proceeding southeasterly to the intersection of Elm Street;~~

~~THENCE with said centerline of Elm Street proceeding northeasterly to the intersection of Akard Street;~~

~~THENCE with said centerline of Akard Street proceeding northwesterly to the intersection of Pacific Avenue;~~

~~THENCE with said centerline of Pacific Avenue~~
~~proceeding easterly to the intersection of Pacific~~
~~Avenue and Bryan Street;~~

~~THENCE with said centerline of Bryan Street~~
~~proceeding northeasterly to the intersection of IH 45;~~

~~THENCE with said centerline of IH-45 proceeding southerly to the intersection of Commerce Street and IH-45;~~

~~THENCE with said centerline of Commerce Street proceeding westerly to the intersection of Harwood Street;~~

~~THENCE with said centerline of Harwood Street proceeding southerly to the intersection of Wood Street;~~

~~THENCE with said centerline of Wood Street proceeding westerly to the intersection of Griffin Street;~~

~~THENCE with the said centerline of Griffin Street proceeding northerly to the intersection of Jackson Street;~~

~~THENCE with the said centerline of Jackson Street proceeding westerly to the intersection of Austin Street;~~

~~THENCE with the said centerline of Austin Street proceeding northerly to the intersection of Main Street;~~

~~THENCE with the said centerline of Main Street proceeding easterly to the intersection of Griffin Street;~~

~~THENCE with the said centerline of Griffin Street proceeding northerly to the intersection of Elm Street;~~

~~THENCE with the said centerline of Elm Street proceeding westerly to the intersection of Lamar Street;~~

~~THENCE with the said centerline of Lamar Street proceeding northerly to the intersection, and point of origin, of Pacific Avenue, save and except that area that is in the Main Street Subdistrict.~~

~~— (c) Retail Subdistrict B is that central area of downtown within the following described boundaries:~~

~~(c) Retail Subdistrict B is that central area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.~~

~~BEGINNING at a point being the intersection of the centerlines of Elm Street and Lamar Street;~~

~~THENCE with said centerline of Elm Street proceeding easterly to the intersection of Griffin Street;~~

~~THENCE with said centerline of Griffin Street proceeding southerly to the intersection of Main Street;~~

~~THENCE with said centerline of Main Street proceeding westerly to the intersection of Lamar Street;~~

~~THENCE with said centerline of Lamar Street proceeding northerly, to the POINT OF BEGINNING.~~

~~— (d) The General CBD Subdistrict is that area of the district within the Freeway Loop, more particularly described in metes and bounds as follows:~~

(d) The General CBD Subdistrict is that area of the district within the Freeway Loop, more particularly described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

~~BEGINNING at a point being the intersection of the centerlines of Woodall Rodgers Freeway and IH-45;~~

~~THENCE with said centerline of IH-45 proceeding southerly to the intersection of IH-30;~~

~~THENCE with said centerline of IH-30 proceeding westerly to the intersection of IH-35E;~~

~~THENCE with said centerline of IH-35E proceeding northerly to the intersection of the Woodall Rodgers Freeway;~~

~~THENCE with said centerline of Woodall Rodgers Freeway easterly to the intersection, and point of origin, of IH-45, except that area that is in the Convention Center Subdistrict, the Main Street Subdistrict, Retail Subdistrict A, Retail Subdistrict B, and the Akard Station Subdistrict or any other special provision sign district created under this article.~~

~~— (e) The Downtown Perimeter Subdistrict is that area outside of the freeway loop within the downtown sign district.~~

~~— (f) The Main Street Subdistrict is that area of downtown near Main Street described in Exhibit A attached to Ordinance No. 24925.~~

~~— (g) The Convention Center Subdistrict is that area of downtown near the convention center, more particularly described in metes and bounds as follows:~~

(e) The Downtown Perimeter Subdistrict is that area outside of the freeway loop within the downtown sign district.

(f) The Main Street Subdistrict is that area of downtown near Main Street described in Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(g) The Convention Center Subdistrict is that area of downtown near the convention center, more particularly described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

~~BEGINNING at a point being the intersection of the centerline of R.L. Thornton Freeway with the centerline of Hotel Street;~~

~~THENCE, in a northwesterly direction along the centerline of Hotel Street to its intersection with the centerline of the Jefferson Boulevard Viaduct/Market Street;~~

~~THENCE, in a northeasterly and northwesterly direction along the centerline of the Jefferson Boulevard Viaduct/Market Street to its intersection with the centerline of Jackson Street;~~

~~THENCE, in a northeasterly direction along the centerline of Jackson Street to its intersection with the centerline of South Griffin Street;~~

~~THENCE, in a southeasterly direction along the centerline of South Griffin Street to its intersection with the centerline of Wood Street;~~

~~THENCE, in a northeasterly direction along the centerline of Wood Street to its intersection with the centerline of Akard Street;~~

~~THENCE, in a southeasterly direction along the centerline of Akard Street to its intersection with the centerline of R.L. Thornton Freeway;~~

~~THENCE, in a southwesterly direction along the centerline of R.L. Thornton Freeway, to the POINT OF BEGINNING.~~

~~— (h) The Akard Station Subdistrict is that area of downtown that is more particularly described in metes and bounds as follows:~~

~~(h) The Akard Station Subdistrict is that area of downtown that is more particularly described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.~~

~~BEGINNING at a point being the intersection of the centerline of Elm Street with the centerline of Field Street;~~

~~THENCE, in a northwesterly direction along the centerline of Field Street to its intersection with the centerline of the Pacific Avenue;~~

~~THENCE, in a northeasterly direction along the centerline of Pacific Avenue to its intersection with the centerline of Akard Street;~~

~~THENCE, in a southeasterly direction along the centerline of Akard Street to its intersection with the centerline of Elm Street;~~

~~THENCE, in a southwesterly direction along the centerline of Elm Street to its intersection with the centerline of the Field Street, the POINT OF BEGINNING.~~

(i) The Whitacre Tower Subdistrict is that area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 30685 passed by the Dallas City Council on October 25, 2017. (Ord. Nos. 24606; 24925; 28346; 29227; 29751; 30685)

SEC. 51A-7.902. PURPOSE.

The purpose of this division is to regulate both the construction of new signs and the alterations of existing signs with a view towards enhancing, preserving, and developing the unique character of the downtown area while addressing the diversity of businesses and promoting the economy of downtown. The general objectives of this division include those listed in Section 51A-7.101 as well as aesthetic considerations to ensure that signs are appropriate to the architecture of the district, do not obscure significant architectural features of its buildings, and lend themselves to the developing retail and residential uses and the pedestrian character of the area. The district regulations are in large part inspired by the high level of pedestrian activity and the need to maximize effective orientation of signage toward the walking public. (Ord. Nos. 19455; 20167; 21404; 24606)

SEC. 51A-7.903. DEFINITIONS.

In this division:

(1) **ACTIVITY DISTRICT** means a group of entertainment, cultural, performance, retail, or restaurant establishments that generate pedestrian activity within a particular geographic area, and that has a known name as a destination such as, but not

(i) 30 square feet if the sign is within 15 feet of the right-of-way; and

(ii) 50 square feet if the sign is more than 15 feet from the right-of-way.

(C) Except as provided in this paragraph, in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B, the maximum effective area for a lower level flat attached sign is:

(i) 40 square feet if the sign is within 15 feet of the right-of-way; or

(ii) 60 square feet if the sign is more than 15 feet from the right-of-way.

(D) In Retail Subdistrict B, if retaining wall signs are erected pursuant to Section 51A-7.912, a maximum of one flat attached sign is permitted per building entry with a maximum effective area of 10 square feet per sign. The provisions of Subparagraph (C) apply in the absence of retaining wall signs.

(2) Middle level flat attached signs.

(A) Each middle level flat attached sign may have a maximum of eight words that contain any character of a height equal to or exceeding four inches.

(B) Middle level flat attached signs must be wholly or partially located within the middle level sign area.

~~—————(C) The maximum effective area for a middle level flat attached sign is 500 square feet.~~

(C) Except as provided in this subparagraph, the maximum effective area for a middle level flat attached sign is 500 square feet. In the Whitacre Tower Subdistrict the maximum effective area for a middle level flat attached sign is 784 square feet.

(D) Middle level flat attached signs may only display the names or symbols or a combination thereof representing tenants occupying one or more full floors or 20,000 square feet or more of leasable building area, whichever is greater.

(E) Middle level flat attached signs are only permitted on buildings with 10 or more stories.

(6) Only an entertainment facility may have a marquee sign.

(g) Projecting attached signs.

(1) Lower projecting attached signs.

(A) No premise may have more than one lower projecting attached sign per pedestrian entrance.

(B) No lower projecting attached sign may exceed 15 square feet in effective area in the general CBD and convention center subdistricts, or 30 square feet in effective area in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B.

(C) No lower projecting attached sign may be lower than 10 feet above grade, or project vertically above the roof of a building, or 25 feet above grade, whichever is lower.

(D) No lower projecting attached sign may project more than five feet into the public right-of-way.

(2) Upper projecting attached signs.

(A) No premise may have more than one upper projecting attached sign.

(B) No upper projecting attached sign may project more than five feet into the public right-of-way.

(C) An upper projecting attached sign:

(i) may be located outside the upper level sign area; and

(ii) may not be lower than 12 feet above grade.

(D) The lowest point of an upper projecting attached sign must be located within 36 feet above grade.

(E) No upper projecting attached sign may exceed 180 square feet in effective area.

(3) The board of adjustment may authorize a special exception to the effective area, height, or location restrictions for a projecting attached sign if the board finds, after a public hearing, that the special exception will not be contrary to the public interest, adversely affect neighboring properties, or create a traffic hazard and that the special exception will be in harmony with the general purpose and intent of this division. In no event may a special exception granted under this paragraph authorize a sign to exceed 300 square feet in effective area or 45 feet in height.

(4) All projecting attached videoboard signs must have videoboard displays on both sides of the sign. (Ord. 20927; 21404; 21694; 24606; 24925; 27481; 27795; 28346; 29227; 30685)

SEC. 51A-7.912.

DETACHED PREMISE SIGNS.

(a) Unless otherwise provided, all detached premise signs must be monument signs or landscape signs.

(b) No detached premise sign may be located within five feet of a public right-of-way, except for monument signs or landscape signs, which may be located at the building line.

(c) Except as provided in this section, detached premise signs located within 15 feet of a public right-of-way may not exceed 20 square feet in effective area, or five feet in height.

(d) Except as provided in this section, detached premise signs with a setback of 15 feet or greater from a public right-of-way may not exceed 50 square feet in effective area, or 15 feet in height.

(e) A detached premise sign may contain only the name, logo, and address of the premise building and its occupants.

Division 51A-7.1000.
West End Historic Sign District.

**SEC. 51A-7.1001. DESIGNATION OF WEST
END HISTORIC SIGN
DISTRICT.**

(a) The West End Historic Sign District is hereby recognized as that area of the city within the boundaries described in the Exhibit A attached to Ordinance No. 30139, passed by the Dallas City Council on June 22, 2016.

(b) The Purse Building subdistrict is hereby created within the West End Historic Sign District. The boundaries of the Purse Building subdistrict are described in Exhibit B attached to Ordinance No. 30139, passed by the Dallas City Council on June 22, 2016.

(c) The Antioch Church subdistrict is hereby created within the West End Historic Sign District. The boundaries of the Antioch Church subdistrict are described in Exhibit C attached to Ordinance No. 30663, passed by the Dallas City Council on September 27, 2017. (Ord. Nos. 19455; 21404; 22112; 26027; 30139; 30663)

SEC. 51A-7.1002. PURPOSE.

The purpose of this division is to regulate the construction of new signage and alterations made to existing signage with a view towards preserving the historic nature of this district. The general objectives of this division include those listed in Section 51A-7.101 as well as aesthetic considerations to insure that new signage is of appropriate historical design and does not visually obscure significant architectural features of a building or the district in general. (Ord. Nos. 19455; 21404; 22112; 26027)

SEC. 51A-7.1003. DEFINITIONS.

In this division:

(1) BANNER means a sign attached to or applied on a strip of cloth and temporarily attached to a building or structure. Canopy signs and political flags

are not banners.

(i) encourage the use of illustrative images or other non-repetitive design elements;

(ii) encourage visually interesting, vibrant, and colorful designs;

(iii) discourage use of solid colors or repetitive design elements; and

(iv) discourage an image of a single product or product logo without other graphic elements.

(C) The supergraphic sign may be internally or externally illuminated. If internally illuminated, the supergraphic sign may consist of translucent materials, but not transparent materials.

(D) The supergraphic sign may not extend beyond the edge of the face of the building to which it is attached.

(3) Effective area. Minimum permitted effective area is 2,500 square feet. Maximum permitted effective area is 6,500 square feet.

(4) Height. The supergraphic sign may not be lower than 10 feet above grade level.

(5) Location. The supergraphic sign may only be located on the east facade of the building.

(6) Additional provisions.

(A) The supergraphic sign is intended to be compatible with the West End Historic District as determined by the Landmark Commission.

(B) All hardware fasteners for the supergraphic sign must comply with the Dallas Building Code and all other ordinances, rules, and regulations of the City of Dallas.

(C) The supergraphic sign may not be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.

(D) The existing painted sign on the east facade must remain uncovered and visible. (Ord. 30139)

SEC. 51A-7.1007.2.

ANTIOCH CHURCH SUBDISTRICT.

(a) In general. Except as provided in this division, the provisions of the West End Historic Sign District apply in this subdistrict.

(b) Definitions. In this subdistrict:

(1) **SUPERGRAPHIC SIGN** means a large attached premise or non-premise sign on a mesh or fabric surface, a projection of a light image onto a wall face without the use of lasers, or painted or vinyl adhesive signage.

(2) **WALL FACE** means an uninterrupted blank plane of a wall, from vertical edge to vertical edge, from its highest edge to its lowest edge. Edges can be established by a distinct change in materials or off-set which runs across (transects) the entire wall in a straight line.

(c) Supergraphic sign.

(1) **Number**. A maximum of one supergraphic sign is permitted.

(2) **Visual display and coverage**.

(A) The supergraphic sign must have one large visual display with a minimum of 80 percent non-textual graphic content (no more than 20 percent text).

(i) Multiple displays giving an appearance of multiple signs are prohibited.

(ii) The effective area of text is the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word.

(B) The supergraphic sign is intended to be creative and artful and not strictly a representation of an advertised product. It is the intent of this provision to:

(i) encourage the use of illustrative images or other non-repetitive design elements;

(ii) encourage visually interesting, vibrant, and colorful designs;

(iii) discourage use of solid colors or repetitive design elements; and

(iv) discourage an image of a single product or product logo without other graphic elements.

(C) The supergraphic sign may be internally or externally illuminated. If internally illuminated, the supergraphic sign may consist of translucent materials, but not transparent materials.

(D) The supergraphic sign may not extend beyond the edge of the face of the building to which it is attached.

(3) Effective area. Minimum permitted effective area is 2,500 square feet. Maximum permitted effective area is 6,500 square feet.

(4) Height. The supergraphic sign may not be lower than 10 feet above grade level.

(5) Location. The supergraphic sign may only be located on the east facade of the building.

(6) Additional provisions.

(A) The supergraphic sign is intended to be compatible with the West End Historic District as determined by the Landmark Commission.

(B) All hardware fasteners for the supergraphic sign must comply with the Dallas Building Code and all other ordinances, rules, and regulations of the City of Dallas.

(C) The supergraphic sign may not be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.

(D) The supergraphic sign may not display the same message for more than six consecutive months in any 12 month period.

(E) The supergraphic sign must be removed on or before September 27, 2027. This section does not confer a nonconforming or vested right to maintain a supergraphic sign after September 27, 2027 and all permits authorizing a supergraphic sign automatically expire on that date.

(d) This section expires on September 27, 2027, unless re-enacted before that date. The city plan commission and city council shall review this section before its expiration date. (Ord. 30663)

SEC. 51A-7.1008. BANNERS ON STREETLIGHT POLES.

Banners may be mounted on streetlight poles subject to the following regulations:

(a) A banner must display a promotional message, a welcome message, or generic graphics. No sponsorship identification is permitted on a banner.

(b) No more than 10 percent of the effective area of a banner may contain a welcome message that identifies and greets a group using city property in accordance with a contract, license, or permit.

(c) Up to 10 percent of the effective area of a banner may contain the words or logos that identify a sponsor of a cultural event or activity if the sponsor's name is part of the name of the activity or event.

(d) A banner having either a promotional message or a welcome message may not be erected more than 90 days prior to the beginning of the advertised activity or event, and must be removed no later than 15 days after that activity or event has ended. The sign hardware for a banner may be left in place between displays of a banner.

(e) A banner and its sign hardware must:

(1) be mounted on a streetlight pole;

(2) meet the sign construction and design standards in the Dallas Building Code;

(D) be a trailer sign with changeable copy; or

(E) contain flashing or blinking lights.
(Ord. Nos. 19649; 20037)

SEC. 51A-7.1109. SIGN PERMIT REQUIREMENT.

Pursuant to the authority of Section 51A-7.503 of this article, the sign permit requirements for signs in the Uptown Sign District are expressly modified as follows:

(a) A person shall not alter, place, maintain, expand, or remove a sign in the Uptown Sign District without first obtaining a sign permit from the city.

(b) The procedure for obtaining a sign permit is outlined in Section 51A-7.505 of this article. Section 51A-7.602 of this article does not apply to signs in the Uptown Sign District.

(c) A person who violates Subsection (a) is guilty of a separate offense for each day or portion of a day during which the violation is continued.

(d) The erection of signs within the public right-of-way, as specified herein, is permitted if the owner of the land as well as the owner of the improvements agree in writing, prior to the issuance of a permit, that the signs will be removed at no expense to the city upon notice from the city that the street is to be widened or the license with the city is terminated or expires, whichever occurs first. (Ord. Nos. 19649; 20037)

Division 51A-7.1200. Provisions for Arts District Sign District.

SEC. 51A-7.1201. DESIGNATION OF ARTS DISTRICT SIGN DISTRICT.

~~—(a) A special provision sign district is hereby created to be known as the Arts District Sign District. For purposes of this article, the boundaries of the Arts District Sign District are the same as those of the Dallas Arts District (Planned Development District No. 145) established by Ordinance No. 17710, passed by the Dallas City Council on February 16, 1983.~~

~~—(b) Subdistrict A is hereby created within the Arts District Sign District. For the purposes of this division, Subdistrict A is the area bounded by Flora Street to the northwest, Leonard Street to the northeast, Ross Avenue to the southeast, and Crockett Street to the southwest.~~

~~—(c) The property described in Subsection (a), which was formerly part of the Downtown Special Provision Sign District, is no longer considered to be part of that district. This division completely supersedes Division 51A-7.900 with respect to the property described in Subsection (a).~~

(a) A special provision sign district is hereby created to be known as the Arts District Sign District. For purposes of this article, the boundaries of the Arts District Sign District are described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.

(b) Subdistrict A is hereby created within the Arts District Sign District. For the purposes of this division, Subdistrict A is the area bounded by Flora Street to the northwest, Leonard Street to the northeast, Ross Avenue to the southeast, and Crockett Street to the southwest and more particularly particularly described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.

(c) Subdistrict B is hereby created within the Arts District Sign District. For the purposes of this division, Subdistrict B is the area bounded by Woodall

Rodgers Freeway to the northwest, Crockett Street to the northeast, Munger Avenue to the southeast, and Pearl Street to the southwest, and more particularly particularly described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.

(d) The property described in Subsection (a), which was formerly part of the Downtown Special Provision Sign District, is no longer considered to be part of that district. This division completely supersedes Division 51A-7.900 with respect to the property described in Subsection (a). (Ord. Nos. 20345; 28471; 30731)

SEC. 51A-7.1202. PURPOSE.

The Dallas Arts District (Planned Development District No. 145) was established by Ordinance No. 17710, which was passed by the Dallas City Council on February 16, 1983. This approximately 17-block, 60-acre area in the northeast section of the central business district represents a concerted effort on the part of the city and arts organizations to consolidate major art institutions in one mixed-use area.

The guideline for development in the Arts District is an urban design plan known as the "Sasaki Plan." This plan is based on district-wide design and land use concepts, which include the creation of a

pedestrian-oriented environment and a distinctive visual image for the district. Flora Street is defined as the major pedestrian spine and focus of development in the district. As a wide, tree-lined environment, Flora Street connects three subdistricts (Museum Crossing, Concert Lights, and Fountain Plaza) and provides continuity in a development framework for public institutions and private owners.

The sign regulations in this division have been developed with the following objectives in mind:

(1) To protect the character of Flora Street and the Arts District from inappropriate signs in terms of number (clutter), size, style, color, and materials.

(2) To enhance the image and liveliness of the Arts District by encouraging compatible signs that are colorful, decorative, entertaining, and artistic in style, while being functional and informative in purpose.

(3) To promote the commercial success of each individual tenant in the Arts District and, in turn, the commercial success of all the tenants in the district collectively.

(4) To create a sense of design uniformity between signs and the other streetscape elements of the Arts District.

(5) To help make the Arts District an attractive place for the public to frequent by providing ease of direction to specific cultural institutions.

(6) To create a means of identifying the various types or categories of retail establishments along Flora Street.

(7) To identify and promote cultural events and activities consistent with the purposes of the Arts District.

(8) To recognize that sign hardware is a part of the overall visual design of a sign, and to ensure that investments in signs and other structures in the Arts

District are not devalued by inappropriate or poor quality sign hardware. (Ord. 20345)

SEC. 51A-7.1203. DEFINITIONS.

~~—(a) In this division:~~

~~—(1) ARTS DISTRICT means Planned Development District No. 145 (the Dallas Arts District).~~

~~—(2) ARTS DISTRICT OFFICIAL LOGO means the official logo of the Arts District as depicted in Exhibit A, which is attached to and made a part of this ordinance.~~

~~—(3) AWNING SIGN means a sign that is or appears to be part of an awning.~~

~~—(4) BLOCK means an area bounded by streets on all sides.~~

~~—(5) BLOCKFACE means all of the lots on one side of a block.~~

~~—(6) BUILDING CORNICE AREA means that portion of a building facade above the highest story, but below the actual roof structure.~~

~~—(7) BUILDING IDENTIFICATION SIGN means any sign composed of one or more characters that identify a specific building's name.~~

~~—(7.1) CANOPY means a permanent non-fabric architectural element projecting from the face of a building.~~

~~—(7.2) CANOPY FASCIA SIGN means a sign with a digital display that is attached to, applied on, or supported by the fascia or soffit of a canopy.~~

~~—(8) CBD STREETSCAPE PLAN means the Dallas Central Business District Streetscape Guidelines approved by the Dallas City Council on April 15, 1981, by Resolution No. 81-1118.~~

(a) In this division:

(1) ARTS DISTRICT means Planned Development District No. 145 (the Dallas Arts District).

(2) **ARTS DISTRICT OFFICIAL LOGO** means the official logo of the Arts District as depicted in Exhibit A, which is attached to Ordinance No. 20345, passed by the Dallas City Council on June 14, 1989.

(3) **AWNING SIGN** means a sign that is or appears to be part of an awning.

(4) **BLOCK** means an area bounded by streets on all sides.

(5) **BLOCKFACE** means all of the lots on one side of a block.

(6) **BUILDING CORNICE AREA** means that portion of a building facade above the highest story, but below the actual roof structure.

(7) **BUILDING IDENTIFICATION SIGN** means any sign composed of one or more characters that identify a specific building's name.

(8) **CANOPY** means a permanent non-fabric architectural element projecting from the face of a building.

(9) **CANOPY FASCIA SIGN** means a sign with a digital display that is attached to, applied on, or supported by the fascia or soffit of a canopy.

~~———— (9) CHARACTER means a symbol, as a letter or number, that represents information.~~

~~———— (9.0) CONSTRUCTION BARRICADE SIGN means a sign that is affixed to a construction barricade.~~

~~———— (9.1) CULTURAL INSTITUTION means any facility used primarily for the visual or performing arts; open to the public, such as a museum, concert hall, theater, or similar facility; and established by a public or philanthropic entity.~~

~~———— (9.1.1) CULTURAL INSTITUTION DIGITAL SIGN means a monument sign with a digital display that identifies the cultural institution; the district; a sponsor of the cultural institution; district, or arts organization; or an arts organization such as a symphony, dance troupe, or theatre group that uses that cultural institution.~~

~~———— (9.2) CULTURAL INSTITUTION IDENTIFICATION SIGN means a premise sign that identifies the cultural institution or the primary arts organization such as a symphony, dance troupe, or theater group that uses that cultural institution.~~

~~———— (10) DETACHED PREMISE SIGN means a sign that is both a detached sign and a premise sign as defined in Section 51A-7.102.~~

~~———— (11) FLAT ATTACHED SIGN means an attached sign projecting four inches or less from a building.~~

~~———— (12) FLORA STREET FRONTAGE AREA means the “Flora Street Frontage Area” as defined in the Arts District PD ordinance (Ordinance No. 17710, as amended).~~

~~———— (12.1) FREESTANDING IDENTIFICATION SIGN means a monument sign that identifies the cultural institution; the district; a sponsor of the cultural institution; district, or arts organization; or an arts organization such as a symphony, dance troupe, or theater group that uses that cultural institution.~~

~~———— (13) GENERIC RETAIL IDENTIFICATION SIGN means a sign identifying a type or category of retail establishment without identifying a specific establishment.~~

~~———— (14) GOVERNMENTAL TRAFFIC SIGN means a sign, signal, or other traffic control device installed by a governmental agency for the purpose of regulating, warning, or guiding vehicular or pedestrian traffic on a public highway. Examples of these signs include stop signs, one-way signs, no parking signs, and electronic pedestrian and vehicular signalization devices and their fixtures.~~

~~———— (15) INSTITUTIONAL MOVEMENT INFORMATION SIGN means a sign showing the location of or route to a specific cultural institution or a parking area serving that institution.~~

~~———— (15.1) INTEGRATED SIGN means a premise sign within Subdistrict A that is integrated into the design of the building and may be a monument sign.~~

~~———— (16) KIOSK means a small structure with one or more open sides used to display artwork or temporary signs.~~

~~———— (17) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels, words, or characters.~~

~~———— (17.1) MONUMENT SIGN means a detached sign applied directly onto a grade-level support structure (instead of a pole support) with no separation between the sign and grade.~~

~~———— (18) PLAQUE means a permanent tablet, the contents of which are either commemorative or identifying.~~

~~———— (18.1) PREMISE means the entire Arts District Sign District land area as defined in 51A-7.1201(a).~~

(10) CBD STREETSCAPE PLAN means the Dallas Central Business District Streetscape Guidelines approved by the Dallas City Council on April 15, 1981, by Resolution No. 81-1118.

(11) CHARACTER means a symbol, as a letter or number, that represents information.

(12) CONSTRUCTION BARRICADE SIGN means a sign that is affixed to a construction barricade.

(13) CULTURAL INSTITUTION means any facility used primarily for the visual or performing arts; open to the public, such as a museum, concert hall, theater, or similar facility; and established by a public or philanthropic entity.

(14) CULTURAL INSTITUTION DIGITAL SIGN means a monument sign with a digital display that identifies the cultural institution; the district; a sponsor of the cultural institution, district, or arts organization; or an arts organization such as a symphony, dance troupe, or theatre group that uses that cultural institution.

(15) CULTURAL INSTITUTION IDENTIFICATION SIGN means a premise sign that identifies the cultural institution or the primary arts organization such as a symphony, dance troupe, or theater group that uses that cultural institution.

(16) DETACHED PREMISE SIGN means a sign that is both a detached sign and a premise sign as defined in Section 51A-7.102.

(17) FLAT ATTACHED SIGN means an attached sign projecting four inches or less from a building.

(18) FLORA STREET FRONTAGE AREA means the "Flora Street Frontage Area" as defined in the Arts District PD ordinance (Ordinance No. 17710, as amended).

(19) FREESTANDING IDENTIFICATION SIGN means a monument sign that identifies the cultural institution; the district; a sponsor of the cultural institution, district, or arts organization; or an arts organization such as a symphony, dance troupe, or theater group that uses that cultural institution.

(20) GENERIC RETAIL IDENTIFICATION SIGN means a sign identifying a type or category of retail establishment without identifying a specific establishment.

(21) GOVERNMENTAL TRAFFIC SIGN means a sign, signal, or other traffic control device

installed by a governmental agency for the purpose of regulating, warning, or guiding vehicular or pedestrian traffic on a public highway. Examples of these signs include stop signs, one-way signs, no parking signs, and electronic pedestrian and vehicular signalization devices and their fixtures.

(22) INSTITUTIONAL MOVEMENT INFORMATION SIGN means a sign showing the location of or route to a specific cultural institution or a parking area serving that institution.

(23) INTEGRATED SIGN means a premise sign within Subdistrict A or Subdistrict B that is integrated into the design of the building and may be a monument sign.

(24) KIOSK means a small structure with one or more open sides used to display artwork or temporary signs.

(25) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels, words, or characters.

(26) MONUMENT SIGN means a detached sign applied directly onto a grade level support structure (instead of a pole support) with no separation between the sign and grade.

(27) PLAQUE means a permanent tablet, the contents of which are either commemorative or identifying.

(28) PREMISE means the entire Arts District Sign District land area as defined in 51A-7.1201(a).

~~———— (19) PRIVATE SIGNS means those signs that are not “public signs” as defined in this section.~~

~~———— (20) PROJECTING ATTACHED SIGN means an attached sign projecting more than four inches from a building.~~

~~———— (21) PROMOTIONAL SIGN means a sign that promotes a cultural event or activity.~~

~~———— (22) PUBLIC SIGNS means governmental traffic signs, institutional movement control signs, generic retail identification signs, promotional signs, or plaques as defined in this section.~~

~~———— (23) SASAKI PLAN means the urban design plan prepared by Sasaki Associates, Inc. in August, 1982 to serve as the guideline for development in the Dallas Arts District. The Sasaki Plan is attached to and made a part of the Arts District PD ordinance (Ordinance No. 17710, as amended).~~

~~———— (24) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure a sign to a building facade or pole.~~

~~———— (24.1) SPONSORSHIP CONTENT means goods and services sold by the sponsor of the cultural institution, district, or arts organization whether sold on or off the premises.~~

~~———— (24.2) TENANT IDENTITY SIGN means an attached premise sign within Subdistrict A located on a building that is primarily used for office uses that identifies a specific office tenant.~~

~~———— (25) THIS DISTRICT means the Arts District Sign District.~~

~~———— (26) WINDOW SIGN means a sign temporarily or permanently attached to, applied on, or supported by a window.~~

(29) PRIVATE SIGNS means those signs that are not “public signs” as defined in this section.

(30) PROJECTING ATTACHED SIGN means an attached sign projecting more than four inches from a building.

(31) PROMOTIONAL SIGN means a sign that promotes a cultural event or activity.

(32) PUBLIC SIGNS means governmental traffic signs, institutional movement control signs, generic retail identification signs, promotional signs, or plaques as defined in this section.

(33) RESTAURANT/RETAIL IDENTITY SIGN means an attached premise sign located on a building in Subdistrict B that has a restaurant, retail, or personal service use located on the ground floor and that identifies that specific restaurant, retail, or personal service tenant.

(34) SASAKI PLAN means the urban design plan prepared by Sasaki Associates, Inc. in August, 1982 to serve as the guideline for development in the Dallas Arts District. The Sasaki Plan is attached to and made a part of the Arts District PD ordinance (Ordinance No. 17710, as amended).

(35) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure a sign to a building facade or pole.

(36) SPONSORSHIP CONTENT means goods and services sold by the sponsor of the cultural institution, district, or arts organization whether sold on or off the premises.

(37) TENANT IDENTITY SIGN means an attached premise sign within Subdistrict A or Subdistrict B located on a building that is primarily used for office uses that identifies a specific office tenant.

(38) THIS DISTRICT means the Arts District Sign District.

(39) WINDOW SIGN means a sign temporarily or permanently attached to, applied on, or supported by a window.

(b) Except as otherwise provided in this section, the definitions contained in Sections 51A-2.102 and

51A-7.102 apply to this division. In the event of a conflict, this section controls. (Ord. Nos. 20345; 26768; 28071; 28471; 30731)

**SEC. 51A-7.1204. ARTS DISTRICT SIGN
PERMIT REQUIREMENT.**

(a) A person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city, except that no sign permit is required for:

- (1) governmental traffic signs; and
- (2) promotional signs other than banners.

(b) The procedure for obtaining a sign permit is outlined in this section. Section 51A-7.602 does not apply to signs in this district.

(c) No sign permit may be issued to authorize a sign in this district unless the director has first issued a certificate of appropriateness in accordance with this section.

(d) There is hereby created a committee to be known as the Arts District Sign Review Committee ("the committee"). The committee shall be composed of five members appointed by the city plan commission. One member of the committee must be an architect or graphic designer. The commission shall solicit a list of nominees from entities operating in the Arts District. Appointments to the committee shall be for a term of two years ending on September 1 of each odd-numbered year, and the members shall serve without compensation. The commission may appoint up to three alternate members to the committee who serve in the absence of one more regular members when requested to do so by the chairperson or by the city manager. The alternate members serve for the same period and are subject to removal the same as regular members. The commission shall fill vacancies occurring in the alternate membership the same as in the regular membership.

(e) The committee shall meet upon the call of the chair or a simple majority of the committee members. A simple majority of members present shall constitute a quorum, and issues shall be decided by a simple majority vote of the members present. The department shall furnish staff support to the committee.

(f) The function of the committee shall be to familiarize itself thoroughly with the character, special conditions, and economics of the Arts District. In addition, the committee shall provide guidance, advice, and assistance to the director in reviewing applications for permits to authorize signs in this district.

(g) Section 51A-7.504, which establishes the special sign district advisory committee for special provision sign districts in the city generally, does not apply to this district. The Arts District Sign Review Committee is the exclusive advisory committee for reviewing and making recommendations to the director concerning applications for permits to authorize signs in this district.

(h) Upon receipt of an application for a permit to authorize a sign in this district, the building official shall refer the application and plans to the director for a review to determine whether the work complies with this ordinance. The director shall conduct his or her review so that a decision on issuance of the permit can be made within 30 calendar days from the date the completed application is submitted to the building official.

(i) The director shall solicit a recommendation from the committee before making a decision to approve or disapprove a certificate of appropriateness. The recommendation of the committee is not binding upon the director, and the director may decide a matter contrary to the recommendation of the committee.

(j) A decision by the director to grant a certificate of appropriateness may be appealed by the committee only. A decision to deny the certificate may be appealed by either the applicant or the committee. An appeal is made by filing a written request with the director for review by the city plan commission. An

appeal must be made within 10 days after notice is given to the applicant of the director's decision. In considering the appeal, the sole issue shall be whether or not the director erred in making the decision, and, in this connection, the commission shall consider the same standards that were required to be considered by the director in making the decision. Decisions of the commission are final as to available administrative remedies and are binding on all parties.

(k) If the city plan commission fails to make a decision on an appeal by the applicant within 30 calendar days of the date the written request for an appeal is filed with the director, the application shall be considered approved subject to compliance with all other applicable city codes, ordinances, rules, and regulations.

(l) A person who violates Subsection (a) or any other provision in this division is guilty of a separate offense for each day or portion of the day during which the violation is continued. (Ord. Nos. 20345; 20927; 25047; 28073)

SEC. 51A-7.1205. SPECIAL PROVISIONS FOR ALL SIGNS.

(a) This division does not apply to signs that are not visible from outside the premise on which they are located.

(b) Signs in this district are permitted in or overhanging the public way subject to city franchise requirements.

~~(c) Except in Subdistrict A, no sign may obscure a window or a significant architectural element of a building.~~

(c) Except in Subdistrict A and Subdistrict B, no sign may obscure a window or a significant architectural element of a building.

(d) Sign hardware may be visible if its structural elements have been specifically devised for their intrinsic contribution to an overall visual effect. Utilitarian hardware intended only for functional purposes must be concealed from normal view.

(e) Mounting devices supporting a projecting attached sign must be fully integrated with the overall design of the sign.

(f) Materials, fasteners, and anchors used to manufacture and install signs must be resistant to corrosion.

(g) Paints and coatings must contain a UV inhibitor to retard the discoloration and fading effects of ultraviolet light. In addition to finish coats, bare metals must have a primer coat or other surface pretreatment as recommended by the paint or coating manufacturer.

(h) Electrical power required for signs must be supplied by means of concealed conduit from an appropriate power source to the sign in accordance with city codes and accepted practices of the trade. Electrical disconnects, transformers, and related apparatus, including wiring and conduit, must be concealed from normal view.

(i) No signs may be illuminated by an independent external light source.

(j) Burned out or defective lights in signs must be replaced within a reasonable time. Failure to comply with this provision may result in sign permit revocation.

(k) Banners are only allowed as promotional signs. (Ord. Nos. 20345; 28471; 30731)

SEC. 51A-7.1205.1.

OPERATIONAL REQUIREMENTS FOR SIGNS WITH DIGITAL DISPLAYS.

(a) Display. All signs with digital display:

(1) must contain a default mechanism that freezes the image in one position in case of a malfunction;

(2) must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:

(A) the ambient light level measured in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then

(B) the dimming level, multiplied by .0039 equals the brightness level; then

(C) the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed sign brightness, measured in nits. For example:

32768	=ambient
÷ 256	
128	=dimming level
x .0039	
.4992	=brightness level
x 9000	=(maximum brightness of the example sign)
4492.8	=allowed brightness in nits;

(3) may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance;

(4) must have a full color display able to display a minimum of 281 trillion color shades; and

(5) must be able to display a high quality image with a minimum resolution equivalent to the following table:

Digital Display Sign Resolution Chart

<u>Size of LED Panel</u>	<u>Maximum Pixel Size</u>
100 s/f to 125 s/f	16 mm
Greater than 126 s/f	19 mm

(b) Light intensity. Before the issuance of a sign permit for a sign with a digital display, the applicant shall provide written certification from the sign manufacturer that:

white cylindrical poles. On other streets they must be mounted on white cylindrical poles or on other fixtures recommended in the CBD Streetscape Plan.

(3) The backs of these signs must be white in color and incorporate the Arts District official logo.

(d) Plaques. Plaques must be made of bronze or stone and contain an inscription that relates to the Arts District.

(e) Promotional signs.

(1) This subsection applies only to promotional signs as defined in Section 51A-7.1203.

(2) These signs must promote cultural events and activities. The portion of a sign devoted to sponsor identification, if any, must not exceed 10 percent of its effective area. No sign or portion of a sign may be used to advertise a specific product or service other than the cultural event or activity.

(3) Banners must be either flat against a building facade or mounted on streetlight poles. All other signs must be affixed to city-franchised kiosks.

(4) No sign other than a banner may be larger than 30 inches by 40 inches.

(5) No sign may be permanent in nature. Each sign must be removed no later than 30 days after its specific advertised event or activity has ended. (Ord. 20345)

SEC. 51A-7.1207. ATTACHED PRIVATE SIGNS.

(a) In general.

~~(1) This section applies to all attached private signs except building identification signs, cultural institution identification signs, canopy fascia signs, and tenant identity signs within Subdistrict A. For the regulations governing building identification~~

~~signs, see Section 51A-7.1209. For the regulations governing cultural institution identification signs, see Section 51A-7.1210. For the regulations governing canopy fascia signs, see Section 51A-7.1211. For the regulations governing tenant identity signs within Subdistrict A, see Section 51A-7.1214.1.~~

(1) This section applies to all attached private signs except building identification signs, cultural institution identification signs, canopy fascia signs, and tenant identity signs within Subdistrict A and Subdistrict B. For the regulations governing building identification signs, see Section 51A-7.1209. For the regulations governing cultural institution identification signs, see Section 51A-7.1210. For the regulations governing canopy fascia signs, see Section 51A-7.1211. For the regulations governing tenant identity signs within Subdistrict A, see Section 51A-7.1214.1. For the regulations governing tenant identity and restaurant/retail identity signs within Subdistrict B, see Section 51A-7.1214.2.

(2) These signs are only allowed on building facades that are in the Flora Street Frontage Area.

(3) No sign may project above the building cornice area.

(4) At grade structural supports are prohibited.

(5) No establishment may have a mix of awning signs, projecting attached signs, flat attached signs, and/or marquee signs, except that awning signs may be mixed with flat attached signs.

(b) Awning signs.

(1) This subsection applies only to awning signs as defined in Section 51A-7.1203.

(2) Letters and numbers on these signs must:

(A) be parallel or perpendicular to the front building facade; and

(B) not exceed 18 inches in height.

(3) No letters or numbers are allowed on

(6) Opaque painted backgrounds on windows are prohibited. (Ord. Nos. 20345; 26768; 28071; 28471; 30731)

SEC. 51A-7.1208. DETACHED PRIVATE SIGNS.

(a) Detached non-premise signs. Detached non-premise private signs are prohibited in this district. This provision does not apply to:

(1) sponsorship messages on canopy fascia signs, cultural institution digital signs, and freestanding identification signs; or

(2) non-premise messages allowed on construction barricade signs.

(b) Detached premise signs.

~~————(1) This subsection applies to all detached premise signs except building identification signs, cultural institution identification signs, cultural institution digital signs, freestanding identification signs, construction barricade signs, and integrated signs within Subdistrict A. For the regulations governing building identification signs, see Section 51A-7.1209. For the regulations governing cultural institution identification signs, see Section 51A-7.1210. For the regulations governing cultural institution digital signs, see Section 51A-7.1212. For the regulations governing freestanding identification signs, see Section 51A-7.1213. For the regulations governing construction barricade signs, see Section 51A-7.1214. For the regulations governing integrated signs within Subdistrict A, see Section 51A-7.1214.1.~~

(1) This subsection applies to all detached premise signs except building identification signs, cultural institution identification signs, cultural institution identification signs, cultural institution digital signs, freestanding identification signs, construction barricade signs, and integrated signs within Subdistrict A and Subdistrict B. For the regulations governing building identification signs, see Section 51A-7.1209. For the regulations governing cultural institution identification signs, see Section 51A-7.1210. For the regulations governing cultural institution digital signs, see Section 51A-7.1212. For the regulations governing freestanding identification signs,

see Section 51A-7.1213. For the regulations governing construction barricade signs, see Section 51A-7.1214. For the regulations governing integrated signs within Subdistrict A, see Section 51A-7.1214.1. For the regulations governing integrated signs within Subdistrict B, see Section 51A-7.1214.2.

(2) No detached premise sign may exceed 20 square feet in effective area.

(3) Each premise may have no more than one sign on each blockface.

(4) The pole support element of these signs must be a cylindrical metal column that is six inches in diameter and white in color.

(5) No sign may exceed 13 feet 6 inches in height.

(6) The face of these signs must be flat. Vacuum-formed sign faces are prohibited.

(7) No sign may move or rotate.

(8) No sign may be more than 12 inches thick.

(9) No illuminated sign or element of a sign may turn on or off or change its brightness. (Ord. Nos. 20345; 26768; 28071; 28471; 30731)

**SEC. 51A-7.1209. BUILDING
IDENTIFICATION SIGNS.**

(a) This section applies only to building identification signs as defined in Section 51A-7.1203.

(b) Illumination of these signs, if any, must be from within to illuminate the building facade or monument and produce a “halo” around the characters. No illuminated sign or element of a sign may turn on or off or change its brightness.

(c) These signs must be located:

(1) on a building facade above an entrance;

(2) in the building cornice area; or

(3) on a monument in a landscaped area between a building facade and the property line.

(d) Signs located above building entrances are limited to the building name and/or street address. A

(5) This sign may be located within five feet of a public right-of-way.

(6) The maximum height for the sign is eight feet measured from the bottom of the sign face to the top of the sign face.

(7) The maximum effective area for the sign is 50 square feet.

(8) All elements of an integrated sign must be consistent in color and materials.

(d) Detached premise sign. Detached premise signs may not exceed 30 square feet. (Ord. Nos. 28471; 29339)

SEC. 51A-7.1214.2.

SUBDISTRICT B.

(a) In general. Except as provided in this division, the provisions of the Arts District Sign District apply in this subdistrict.

(b) Tenant identity signs and building identification signs.

(1) Number.

(A) Two tenant identity signs or building identification signs are permitted on the Woodall Rodgers Freeway facade and must be located at or above the third story.

(B) Tenant identity signs are prohibited on the Munger Avenue and Crockett Street facades.

(2) Composition and illumination. Tenant identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may turn on or off or change its brightness.

(3) Color. All tenant identity signs and building identification signs must be the same white and silver color.

(4) Facade coverage. Tenant identity signs and building identification signs may not exceed four percent of the facade to which it is affixed.

(c) Restaurant/retail identity signs.

(1) Two restaurant/retail identity signs are allowed on the Pearl Street facade and two restaurant/retail signs are allowed on the Woodall Rodgers Freeway facade.

(2) Restaurant/retail identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may turn on or off or change its brightness.

(3) All restaurant/retail signs must be the same white and silver color.

(4) Restaurant/retail identity signs may not exceed four percent of the facade to which it is affixed.

(5) Restaurant/retail identity signs may be located a maximum of 24 feet above grade.

(d) Integrated sign.

(1) Only one integrated sign is permitted.

(2) This sign must be a monument sign.

(3) This sign may be located at the building line.

(4) This sign may be located within five feet of a public right-of-way. This sign must be located on Pearl Street a minimum of 15 feet from Woodall Rodgers Freeway and 100 feet from Munger Avenue.

(5) The maximum height for the sign is eight feet measured from the bottom of the sign face to the top of the sign face.

(6) The maximum effective area for the sign is 175 square feet. Tenant names are limited to a maximum effective area of 60 square feet. The portion of the sign that contains the address and that does not contain tenant names must have a clear or transparent appearance.

(7) All elements of an integrated sign must be a consistent color and materials to the building. (Ord. 30731)

(c) Special provisions for detached signs.

~~———— (1) Except district identification, and kiosk signs, all detached signs must be monument premise signs.~~

~~———— (2) Detached signs may be located on a premise with attached signs.~~

(1) Except detached movement control signs, district identification, and kiosk signs, all detached signs must be monument premise signs.

(2) Detached signs may be located on a premise with attached signs.

(3) A detached movement control sign is not a monument sign.

(d) District identification signs.

(1) A maximum of five district identification signs are permitted.

(2) Except as otherwise provided in this paragraph, district identification signs may only be located over and span across the rights-of-way at the following locations:

(A) Marilla Street and Pearl Street;

(B) Taylor Street and Cesar Chavez Boulevard;

(C) Taylor Street and Harwood Street;
and

(D) Cesar Chavez Boulevard and Farmers Way.

(3) Minimum clearance for a district identification sign located over and spanning across a right-of-way must be determined by the director of the department of transportation before a district identification sign permit may be issued.

(4) A district identification sign that is located over and spanning across a right-of-way may not resemble or obstruct any traffic control devices.

(5) One district identification sign may be

located on top of a building at the southeast corner of Farmers Way and Pearl Street. Maximum height of the district identification sign on top of a building at the southeast corner of Farmers Way and Pearl Street is 30 feet.

(A) has been factory programmed to comply with the maximum brightness and dimming standards in Provision (j)(2)(A)(ii)(cc); and

(B) is protected from end-user manipulation by password-protected software, or other method satisfactory to the building official.

(4) Change of message. Except as provided in this paragraph, changes of message must comply with the following:

(A) Each message must be displayed for a minimum of eight seconds.

(B) Changes of message must be accomplished within two seconds.

(C) Changes of message must occur simultaneously on the entire sign face.

(D) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

(5) Streaming information. If a special events permit has been issued for subdistrict activities, streaming video and audio is permitted, except that ticker tape streaming is permitted at all times when the videoboard sign is operating. Ticker tape streaming must be located within the bottom 10 percent of the effective area.

(6) Malfunction. Videoboard sign operators must respond to a malfunction or safety issue within one hour after notification.

(j) Detached movement control signs in the Market Center Sign Subdistrict.

(1) A maximum of five detached movement control signs may be erected in this subdistrict.

(2) No minimum distance is required between a detached movement control sign and any other sign in this subdistrict.

(3) Maximum effective area is 24 square feet on each sign face.

(4) Each face of a detached movement control sign may have a maximum of six panels and a minimum of three panels.

(5) Maximum height is eight feet. Maximum width is three and a half feet.

(6) No maximum letter size.

(7) Maximum number of words on a panel is five.

(8) A detached movement control sign may identify businesses and uses within this subdistrict and may include district identification.

(9) Minimum clearance for pedestrian access on the sidewalk must be determined by the director before a detached movement control sign permit may be issued. (Ord. Nos. 29233; 29557; 30802)

SEC. 51A-7.1706. VICTORY DISTRICT SIGN PERMIT REQUIREMENTS.

(a) In general. Except as provided in this subsection, a person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city. A sign permit is not required to:

(i) Erect an illuminated projection sign in accordance with Section 51A-7.1727(i).

(ii) change the text on a changeable message sign or a kiosk.

(iii) Erect or replace a banner using the existing sign hardware. A sign permit is required to install sign hardware for a banner.

(b) Sign permit procedures. Except as provided in Subsection (c) below, the procedures for obtaining a sign permit in Division 51A-7.600 apply in this district.

(c) Roof Signs in Subdistrict B.

(i) Certificate of appropriateness required. No sign permit may be issued to authorize a roof sign in Subdistrict B unless the commission has first issued a certificate of appropriateness in accordance with this subsection.

~~—————(ii) Application for a roof sign. When applying for a roof sign in Subdistrict B, the applicant shall submit an application in duplicate to the building official. After determining that the proposed roof sign conforms with all building, electrical, and mechanical codes and all sign regulations in this ordinance, the building official shall forward a copy of the application to the director within five working days of its receipt. The applicant shall provide the building official and the director with specific information in the form of perspectives, renderings, photographs, models, or other representations sufficient to show the nature of the proposed sign and its effect on the building on which it is located as well as its effect on surrounding premises.~~

~~Any applicant may request a meeting with the director before submitting an application and may consult with the director during the review of the permit application.~~

(ii) Application for a roof sign. When applying for a roof sign in Subdistrict B, the applicant shall submit an application to the building official. After determining that the proposed roof sign conforms with all building, electrical, and mechanical codes and all sign regulations in this ordinance, the building official shall forward a copy of the application to the director within five working days of its receipt. The applicant shall provide the building official and the director with specific information in the form of perspectives, renderings, photographs, models, or other representations sufficient to show the nature of the proposed sign and its effect on the building on which it is located as well as its effect on surrounding premises. Any applicant may request a meeting with the director before submitting an application and may consult with the director during the review of the permit application.

(iii) Review of application by director. The director shall review the application and make a recommendation within 10 days of its receipt. In reviewing an application, he shall first consider whether the applicant has submitted sufficient information to allow an informed decision. If he finds that the proposed roof sign is consistent with the special character of this district, he shall make a recommendation of approval to the commission. The director shall consider the proposed sign in terms of its appropriateness for this district without regard to any consideration of the message conveyed by the sign. After consideration of these factors, the director shall recommend approval or denial of the application and forward that recommendation to the commission.

(iv) City plan commission review. Upon receipt of a recommendation by the director, the commission shall hold a public hearing to consider the application. At least 10 days before the hearing, notice of the date, time, and place of the hearing, the name of the applicant, and the location of the proposed roof sign must be published in the official newspaper of the city. In addition, the building official shall serve, by hand-delivery or mail, a written notice to the applicant that contains a reference to this subsection, and the date, time, and location of the hearing. A notice sent

not deny the application within 60 days of its receipt by the building official, the building official shall issue a certificate of appropriateness to the applicant.

(v) Authority of building official not affected. Nothing in this subsection shall affect or modify the authority of the building official to refuse to grant a sign permit when the proposed roof sign does not conform to the height, effective area, setback, or similar restrictions established by this ordinance or the structural requirements of the construction codes of the city.

(vi) Appeal to council. A decision to deny the certificate may be appealed by the applicant. An appeal is made by filing a written request with the director for review by the city council. An appeal must be made within 10 days after notice is given to the applicant of the commission's decision. In considering the appeal, the sole issue shall be whether or not the commission erred in making its decision, and in this connection, the city council shall consider the same standards that were required to be considered by the commission. Decisions of the city council are final as to available administrative remedies. (Ord. Nos. 24348; 25918; 30892)

SEC. 51A-7.1707. IMITATION OF TRAFFIC AND EMERGENCY SIGNS PROHIBITED.

No person shall cause to be erected or maintained any sign using any combination of forms, words, colors, or lights that imitate standard public traffic regulatory, emergency signs, or signals. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1708. OTHER CODES NOT IN CONFLICT, APPLICABLE.

All signs erected or maintained pursuant to the provisions of this division shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code, and other applicable ordinances of the city. In the event of conflict

between this division and other laws, the most restrictive standard applies. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1709. CREATION OF SITE.

Except for signs located wholly within the public right-of-way, the building official shall not issue a permit for construction, erection, placement, or maintenance of a sign until a site is established in one of the following ways:

(1) A lot is part of a plat which is approved by the city plan commission and filed in the plat records of Dallas County, Texas.

(2) Tracts that are governed by a detached sign unity agreement in accordance with Section 51A-7.1710. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1710. DETACHED SIGN UNITY AGREEMENTS.

(a) The building official may authorize the dissolution of common boundary lines between lots for the limited purpose of allowing those lots to be considered one premise for the erection of detached signs if a written agreement is executed in accordance with this section on a form provided by the city.

(b) The agreement must:

(1) contain legal descriptions of the properties sharing the common boundary line(s);

(2) set forth adequate consideration between the parties;

(3) state that all parties agree that the properties sharing the common boundary line(s) may be collectively treated as one lot for the limited purpose of erecting detached signs;

(4) state that the dissolution of the common boundary line(s) described in the agreement is only for

SEC. 51A-8.405. APPORTIONMENT OF EXACTIONS AND PARK LAND DEDICATION.

~~— See Section 51A-1.109 for regulations and procedures concerning apportionment of exactions. —~~

(a) See Section 51A-1.109 for regulations and procedures concerning apportionment of exactions.

(b) See Division 51A-4.1000 for regulations and procedures concerning park land dedication. (Ord. Nos. 26530; 30934, eff. 7/1/19)

Division 51A-8.500. Subdivision Layout and Design.

SEC. 51A-8.501. COMPLIANCE WITH ZONING.

(a) Except as otherwise provided in Subsection (c), all plats must be drawn to conform to the zoning regulations currently applicable to the property. If a zoning change is contemplated for the property, the zoning change must be completed before the approval of any final plat of the property. A plat submission reflecting a condition not in accordance with the zoning requirements must not be approved by the commission until any available relief from the board of adjustment has been obtained.

(b) Except as otherwise provided in Subsection (c), no plat or replat may be approved which leaves a structure located on a remainder lot.

(c) Subsections (a) and (b) do not apply to a parcel, lot, or remainder lot that constitutes or is a part of a building site established pursuant to Section 51A-4.601(a)(5), (6), or (7) of this chapter. (Ord. Nos. 20092; 23384; 25809)

SEC. 51A-8.502. DESIGNATION OF ABANDONED, FRANCHISED, OR LICENSED PROPERTY.

(a) Indication of abandonment. Any abandoned public right-of-way that is to be incorporated into a platted lot must be indicated by a dashed line on the plat. The ordinance number for the ordinance abandoning the property must be reflected on the plat. Incorporation of property improperly abandoned is prohibited.

(b) Indication of franchise or license. Any franchise or license agreements affecting the property must be indicated on the plat.

(iii) a minimum of 24 by 24 inches; and

(iv) installed pursuant to city traffic standards.

(11) Private streets and the area they serve must be platted.

(12) A guard house may be constructed at any entrance to a private street. All guard houses must be at least 30 feet from a public right-of-way.

(13) Any structure that restricts access to a private street must provide a passageway 20 feet wide and 14 feet high.

(14) One private street entrance must remain open at all times. If an additional private street entrance is closed at any time, it must be constructed to permit opening of the passageway in emergencies by boltcutters or breakaway panels.

(15) A private street system serving an area containing over 150 dwelling units must have a minimum of two access points to a public street.

(16) A private street system may serve no more than 300 dwelling units.

(17) The city has no obligation to maintain a private street. (Ord. Nos. 20092; 21186; 22392; 23384; 23535; 25047; 27495; 28073; 28424; 29478; 30239)

SEC. 51A-8.605.

SANITATION COLLECTION ACCESS REQUIRED.

(a) Access required. The owner or homeowners' association must provide access for city sanitation collection. If unmanned gates are used, the gates must remain open during routine collection hours (Monday through Saturday between 7 a.m. and 7 p.m.) A notation must be placed on a plat for single family or duplex lots indicating that it is the responsibility of the

owner or homeowners' association to provide adequate access for city sanitation collection.

(b) Indemnity agreement. If sanitation collection occurs on a private access easement, the owner or homeowners' association must execute an agreement with the city department of street, sanitation, and code enforcement services indemnifying the city against damages to any private streets in the development caused by the city's provision of routine sanitation collection. The agreement must be approved as to form by the city attorney's office. (Ord. Nos. 20092; 23384)

SEC. 51A-8.606.

SIDEWALKS.

~~— (a) Required. Sidewalk construction is required along all public and private streets unless waived by the director and the chief planning officer.~~

~~— (b) Design. All sidewalks must be designed and constructed to be barrier-free to the handicapped, and in accordance with the requirements contained in the Paving Design Manual, the Standard Construction Details, and, in the central business district, the Dallas Central Business District Pedestrian Facilities Plan, as amended. When poles, standards, and fire hydrants must be placed in the proposed sidewalk alignment, the sidewalk must be widened as delineated in the Standard Construction Details to provide a three-foot-wide clear distance between the edge of the obstruction or overhang projection and the edge of the sidewalk. All sidewalks must be constructed of Portland cement concrete having a minimum compressive strength of 3000 pounds per square inch.~~

~~— (c) Timing of construction. All sidewalks in the parkways of thoroughfares must be constructed concurrently with the thoroughfare or, if the thoroughfare is already constructed, before the acceptance of any improvements. Construction of sidewalks along improved minor streets must be completed before a certificate of occupancy is issued or before a final inspection of buildings or improvements constructed on the property.~~

(a) Required. Sidewalk construction is required along all public and private streets unless waived by the director.

(b) Design. All sidewalks must be designed and

constructed to be barrier-free to the handicapped, and in accordance with the requirements contained in the Paving Design Manual, the Standard Construction Details, and any other council approved plan as amended. When poles, standards, and fire hydrants must be placed in the proposed sidewalk alignment, the sidewalk must be widened as delineated in the Standard Construction Details to provide a three-foot-wide clear distance between the edge of the obstruction or overhang projection and the edge of the sidewalk.

(c) Timing of construction. All sidewalks in the parkways of thoroughfares must be constructed concurrently with the thoroughfare or, if the thoroughfare is already constructed, before the acceptance of any improvements. Construction of sidewalks along improved minor streets must be completed before a certificate of occupancy is issued or before a final inspection of buildings or improvements constructed on the property.

~~— (d) Waiver of sidewalks. A person desiring a waiver of a sidewalk requirement shall make application to the director and the chief planning officer. The director and the chief planning officer shall take into account any specific pedestrian traffic need such as a project recommended by the school children safety committee, transit stops, parks and playgrounds, and other population intensive areas when considering the request for sidewalk waivers. Should the director and the chief planning officer waive the required sidewalks, the waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation. A waiver of the sidewalk requirement may be appropriate in the following instances:~~

~~— (1) The potential pedestrian traffic in the area is so minimal that sidewalks are not warranted.~~

~~— (2) In a single family or duplex zoning district, at least 50 percent of the lots located on the same side of the block as the proposed plat have been developed with completed, approved structures without sidewalks.~~

~~— (3) A permanent line and grade cannot be set within the public street right-of-way.~~

~~— (4) It is desirable to preserve natural topography or vegetation preexisting the proposed plat, and pedestrian traffic can be accommodated internally on the property.~~

(d) Waiver of sidewalks. A person desiring a waiver of a sidewalk requirement shall make application to the director.

(1) In this subsection:

(A) MID-BLOCK LOT means a lot that is not a corner lot.

(B) CORNER LOT means a lot that is located at the intersection of two or more streets.

(2) The director may grant a waiver under these conditions:

(A) In general. These conditions apply to all waiver requests.

(i) If sidewalk construction would cause drainage, safety, or other engineering issues that cannot be feasibly addressed as determined by the director.

(ii) If a city approved and funded sidewalk construction project is planned to begin within one year of the waiver application submittal.

(iii) If the waiver will not have an adverse effect on neighboring properties.

(B) Mid-block lot. If sidewalks do not exist on the adjacent lots and on more than 80 percent of the lots on the same blockface.

(C) Corner lot. If sidewalks do not exist on any of the mid-block lots on the same blockface and the lot is not located within one-quarter mile, as measured along street frontages, from a transit stop, school, park, playground, or other pedestrian accessible destination.

(3) The denial of a waiver application must clearly state the specific reasons why the waiver conditions were not satisfied.

(4) Waivers for sidewalks on separate frontages of corner lots shall be determined independently for each blockface, but will require only one fee.

(5) Granting a waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation. (Ord. Nos. 20092; 23384; 25047; 28073; 29478; 30933)

SEC. 51A-8.607.

MEDIAN OPENINGS, EXTRA LANES, AND DRIVEWAYS.

(a) Generally. All median openings, driveway approaches, driveways, and extra lanes including left turn lanes, right turn lanes, acceleration/deceleration lanes, and other extra lanes must be located, designed, and constructed in accordance with the current standards of the department of mobility and street services.

ARTICLE X.

**LANDSCAPE AND TREE PRESERVATION
CONSERVATION
REGULATIONS.**

Division 51A-10.100. In General.

SEC. 51A-10.101. DEFINITIONS.

— In this article:

— (1) ~~ARTIFICIAL LOT~~ means an area within the building site that is delineated by the building official or the director of park and recreation for the sole purpose of satisfying the requirements of this article (see Section 51A-10.122).

— (2) ~~CALIPER~~ means:

— (A) for a single-stem tree, the diameter of the trunk measured 12 inches above the ground for a tree having a diameter up to and including eight inches, and measured at four and one-half feet above the ground for a tree having a diameter of more than eight inches.

— (B) for multi-stem trees, the diameter of the trunk measured at the narrowest point below branching when branching occurs higher than 12 inches above the ground. When branching occurs at or lower than 12 inches above the ground, caliper means the diameter of the largest stem plus the average diameter of the remaining stems, measured at four and one-half feet above the ground.

— (3) ~~CANOPY TREE~~ means a species of tree that normally bears crown foliage no lower than six feet above ground level upon maturity.

— (4) ~~CLEARING~~ means any activity that removes or seriously injures one or more trees or the vegetative ground cover of one or more trees, such as root mat removal or topsoil removal.

— (5) ~~CRITICAL ROOT ZONE~~ means the circular area of ground surrounding a tree extending a distance of one foot per caliper inch of the tree, measured from the tree trunk or stem.

— (6) ~~ENHANCED PAVEMENT~~ means any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use. Examples of enhanced pavement include brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.

— (7) ~~EVERGREEN TREE OR SHRUB~~ means a tree or shrub of a species that normally retains its leaves throughout the year.

— (8) ~~FLOOD PLAIN~~ means any land area susceptible to inundation by the hundred-year frequency flood.

— (9) ~~GRADING~~ means any digging, scooping, removing, depositing or stockpiling, of earth materials.

— (10) ~~GROUND COVER~~ means natural mulch, or plants of species that normally reach a height of less than three feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

— (11) ~~HUNDRED-YEAR FREQUENCY FLOOD~~ means the flood having a one percent chance of being equalled or exceeded in any given year. This flood is based upon the drainage area being fully developed to current zoning limitations.

— (12) ~~LANDSCAPE ARCHITECT~~ means a person licensed to use the title of “landscape architect” in the State of Texas in accordance with state law.

— (13) ~~LANDSCAPE AREA~~ means an area at least 80 percent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).

In this article:

(1) **AGE CLASS** means a distinct group of trees originating from a single natural event or regeneration activity (i.e., a 10-year age class), as used in inventory management.

(2) ANSI A300 means the American National Standard for Tree Care Operations, including all parts, as amended.

(3) APPROVED TREE LIST means the list of replacement and landscape trees approved by the director.

(4) ARTIFICIAL LOT means an area within the building site that is delineated by the building official or the director of park and recreation for the sole purpose of satisfying the requirements of this article (see Section 51A-10.122).

(5) BOUNDARY TREE means:

(A) a tree growing on a property boundary line between two private lots resulting in joint ownership by the adjacent property owners when the trunk exists on each property; or

(B) a tree that has 20 percent or more of its tree canopy cover extending over a property line into an adjacent building site.

(6) BROWNFIELD means a building site, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

(7) CALIPER means the thickness of a tree trunk measured in inches.

(8) CANOPY TREE means a species of tree that normally bears crown foliage no lower than six feet above ground level upon maturity.

(9) CLASS 1 TREE means a tree located in a primary natural area or a geologically similar area within 50 feet above the escarpment zone.

(10) CLASS 2 TREE means a tree that is not otherwise classified as a Class 1 tree or Class 3 tree.

(11) CLASS 3 TREE means Arizona ash, black willow, cottonwood, hackberry, honeylocust, mesquite, mimosa, mulberry, ornamentals, *pinus spp.*, Siberian elm, silver maple, sugarberry, or a small tree.

(12) CLEARING means any activity that removes or seriously injures one or more trees or the vegetative ground cover of one or more trees, such as root mat removal or topsoil removal.

(13) COVERED SOIL AREA means an area of soil that is under nonpermeable pavement and is designed to accommodate tree root growth.

~~————— (14) LANDSCAPE BUFFER STRIP means a landscape area that serves a buffer function.~~

~~————— (15) LARGE SHRUB means a shrub that normally reaches a height of six feet or more upon maturity.~~

~~————— (16) LARGE TREE means a tree of a species that normally reaches a height of 30 feet or more upon maturity.~~

~~————— (17) LOT means:~~

~~————— (A) a “lot” as defined in Section 51A-2.102; and~~

~~————— (B) an “artificial lot” as defined in this section.~~

~~————— (18) LOT WITH RESIDENTIAL ADJACENCY means any of the following:~~

~~————— (A) A building site containing a multifamily use that is adjacent to or directly across:~~

~~————— (i) a street 64 feet or less in width; or~~

~~————— (ii) an alley;~~

~~from private property in a single family, duplex, townhouse, or CH district.~~

~~————— (B) A building site containing a nonresidential use that is adjacent to or directly across:~~

~~————— (i) a street 64 feet or less in width; or~~

~~————— (ii) an alley;~~

~~from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, or manufactured housing district.~~

~~————— (C) An artificial lot containing a multifamily use if the lot is less than 200 feet from private property in a single family, duplex, townhouse, or CH zoning district.~~

~~————— (D) An artificial lot containing a nonresidential use if the lot is less than 200 feet from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, or manufactured housing zoning district.~~

~~————— (19) NONPERMEABLE COVERAGE means coverage with any pavement that is not “permeable pavement” as defined in this section.~~

~~————— (20) PERMEABLE PAVEMENT means a paving material that permits water penetration to a soil depth of 18 inches or more. Permeable pavement may consist of nonporous surface materials poured or laid in sections not exceeding one square foot in area and collectively comprising less than two-thirds of the total surface area.~~

~~————— (21) PRIVATE PROPERTY means any property not dedicated to public use, except that “private property” does not include the following:~~

~~————— (A) A private street or alley.~~

~~————— (B) Property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.~~

~~————— (C) A railroad right-of-way.~~

~~————— (D) A cemetery or mausoleum.~~

~~————— (22) PROTECTED TREE means:~~

~~————— (A) a tree that has a caliper of eight inches or more and is not one of the following trees:~~

~~————— (i) *Acer saccharinum* (Silver Maple).~~

~~————— (ii) *Ailanthus altissima* (Tree of Heaven).~~

(14) CRITICAL ROOT ZONE means the circular area of ground surrounding a tree extending a distance of one foot per diameter inch of the tree,

measured from the tree trunk or stem.

(15) **DEVELOPMENT IMPACT AREA** means the area of land or vegetation alteration within a property including, but not limited to, clearing, grading, excavating, filling, and any construction site operations, paving, or any other installation.

(16) **DIAMETER** means the thickness of a tree trunk.

(17) **DRIP LINE** means a vertical line that runs from the outermost point of the crown of a tree to the ground.

(18) **ENHANCED PAVEMENT** means any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use approved by the director. Examples of enhanced pavement include, but are not limited to, brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.

(19) **EVERGREEN TREE OR SHRUB** means a tree or shrub of a species that normally retains its leaves throughout the year.

(20) **FACADE PLANTING AREA** means the portion of a lot abutting a storefront, office, or mixed use building facade.

(21) **FLOOD PLAIN** means any land area susceptible to inundation by the hundred-year frequency flood.

(22) **FOREST STAND DELINEATION** ("FSD") means a comprehensive assessment of the conditions of a property using multiple types of information, including, but not limited to, a tree survey, aerial imagery collected from private or public sources, natural resources assessments, topographic maps, management plans, a map of conservation areas, land use maps, etc., to provide the required data to determine tree replacement requirements and forest conservation objectives.

(23) **GRADING** means any digging, scooping, removing, depositing or stockpiling, of earth materials.

(24) **GREEN INFRASTRUCTURE** means the ecological framework of trees and vegetation used in conjunction with engineered systems for the effective

and resilient processes of stormwater management, climate adaptation, urban heat abatement, biodiversity, improved air quality, clean water, and healthy soils, for sustainable social, health, and economic benefits of the urban community.

(25) **GROUND COVER** means natural mulch, or plants of species that normally reach a height of less than three feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

(26) **HABITAT PRESERVATION AND RESTORATION AREA** means a designated area on a landscape plan dedicated to the restoration and preservation of an undeveloped site through active or passive management practices.

(27) **HISTORIC TREE** means a tree, or grove of trees, that has been recognized by resolution of the city council as having cultural or historical significance.

(28) **HUNDRED-YEAR FREQUENCY FLOOD** means the flood having a one percent chance of being equalled or exceeded in any given year. This flood is based upon the drainage area being fully developed to current zoning limitations.

(29) **INTERIOR ZONE** means the area of a lot not included in a street buffer zone or a residential buffer zone.

(30) **INVASIVE PLANT** means a plant that has been classified as invasive to the Dallas region by Texas Parks and Wildlife or the Texas Department of Agriculture.

(31) **LANDSCAPE ARCHITECT** means a person licensed to use the title of "landscape architect" in the State of Texas in accordance with state law.

(32) **LANDSCAPE AREA** means an open soil area covered by natural grass, ground cover, stone aggregate or river rock, or other plant materials for the purpose of landscaping or the growth and establishment of trees and other vegetation.

(33) **LANDSCAPE BUFFER STRIP** means a landscape area that serves a buffer function.

(34) **LARGE SHRUB** means a shrub that normally reaches a height of six feet or more upon

maturity.

(35) **LARGE TREE** means a tree species that typically attains a height and canopy width of at least 50 feet at maturity, or as classified by the director.

(36) **LEGACY TREE** means a large or medium tree planted in a landscape area in accordance with Section 51A-10.104 and Section 51A-10.135.

(37) **LOT** means:

(A) a "lot" as defined in Section 51A-2.102; and

(B) an "artificial lot" as defined in this section.

(38) **LOT WITH RESIDENTIAL ADJACENCY** means any of the following:

(A) A building site containing a multifamily use that is adjacent to or directly across:

- (i) a street 64 feet or less in width;
- or
- (ii) an alley;

from private property in a single family, duplex, townhouse, CH, or RTN district or a residential planned development district.

(B) A building site containing a nonresidential use that is adjacent to or directly across:

- (i) a street 64 feet or less in width;
- or
- (ii) an alley;

from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, manufactured housing, or RTN district, or a residential planned development district.

(C) An artificial lot containing a multifamily use if the lot is less than 200 feet from private property in a single family, duplex, townhouse, CH, or RTN district, or a residential planned development district.

(D) An artificial lot containing a

nonresidential use if the lot is less than 200 feet from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, manufactured housing, or RTN district, or a residential planned development district.

(39) **MEDIUM TREE** means a tree that typically attains a canopy height of at least 30 feet and a width between 15 feet and 50 feet in width at maturity, or as otherwise classified by the director.

(40) **NONPERMEABLE COVERAGE** means coverage with any pavement that is not "permeable pavement" as defined in this section.

(41) **NURSERY STOCK** means a plant grown in or obtained from a nursery.

(42) **OPEN SOIL AREA** means an unpaved area of soil.

(43) **PEDESTRIAN PATHWAY** means an area intended for use by pedestrians or non-motorized vehicles that is physically or visually distinguishable from parking and driving surfaces by concrete curbs, wheel stops, or other permanent barriers, landscape barriers, or a change in surface materials such as pavers, patterned concrete, or flagstones.

(44) **PERMEABLE PAVEMENT** means director approved paving systems, pavers, or other structural surfaces that allow stormwater infiltration.

(45) **PREVIOUSLY DEVELOPED SITE** means a building site that has been substantially altered through paving, construction, or other activity that requires or required permitting or licensing through a regulatory agency.

(46) **PRIMARY NATURAL AREA** means an ecologically sensitive area including 100-year flood plain and riparian areas, wetlands or 50-foot wetland buffer, perennial and intermittent streams measured to 50 feet above top of bank, and the escarpment zone.

(47) **PRIVATE PROPERTY** means any property not dedicated to public use, except that "private property" does not include the following:

(A) A private street or alley.

(B) Property on which a utility and public service use listed in Section 51A-4.212 is being

conducted as a main use.

(C) A railroad right-of-way.

(D) A cemetery or mausoleum.

~~_____ (iii) *Albizzia julibrissen* (Mimosa or Silk tree):~~

~~_____ (iv) *Celtis occidentalis/ laevigata* (Hackberry or Sugarberry):~~

~~_____ (v) *Fraxinus velutina* (Arizona Ash):~~

~~_____ (vi) *Juniperus virginiana* (Eastern Red Cedar)[unless protected under subparagraph (B).]~~

~~_____ (vii) *Maclura pomifera* [female only] (Bois d'Arc or Horseapple):~~

~~_____ (viii) *Melia azedarach* (Chinaberry):~~

~~_____ (ix) *Prosopis glandulosa* (Mesquite) [unless protected under subparagraph (B).]~~

~~_____ (x) *Salix nigra* (Black Willow):~~

~~_____ (xi) *Sabium sebiferum* (Chinese Tallow):~~

~~_____ (xii) *Ulmus pumila* (Siberian Elm):~~

~~_____ (B) an Eastern Red Cedar (*Juniperus virginiana*) or Mesquite (*Prosopis glandulosa*) tree that has a caliper of eight inches or more and the trunk is located:~~

~~_____ (i) in, or within 120 feet of the boundary of: a floodplain [as defined in Article V]; a wetland area [as defined in federal environmental regulations]; or an escarpment zone [as defined in Article V]; or~~

~~_____ (ii) within 50 feet of a natural channel setback line [as defined in Article V].~~

~~_____ (C) an Eastern Red Cedar (*Juniperus virginiana*) or Mesquite (*Prosopis glandulosa*) tree that has a caliper of at least 12 inches; or~~

~~_____ (D) a tree that was planted as a replacement tree:~~

(48) PROTECTED TREE means:

(A) a tree of any species that has a minimum diameter of eight inches that is not classified as unprotected in this article;

(B) any tree in a stand which projects a tree canopy over a building site when identified within a forest stand delineation review; or

(C) a tree that was planted as a replacement tree.

~~_____ (23) REMOVE OR SERIOUSLY INJURE means an intentional or negligent action that will more likely than not cause a tree to decline and die within five years of the act. Actions that constitute removing or seriously injuring a tree include, but are not limited to: cutting down a tree; excessively pruning or topping a~~

tree; compacting the soil above the root system of a tree; changing the natural grade above the root system of a tree; damaging the root system or the trunk of a tree (such as by operating machinery near, or by clearing or grading the area around, the trunk of a tree); failing to repair an injury to a tree from fire or other causes, which results in or permits tree infections or pest infestations into or on the tree; applying herbicidal or other lethal chemicals; and placing nonpermeable pavement over the root system of a tree.

———— (24) ~~RESPONSIBLE PARTY~~ means the property owner and any other person or entity responsible for removing or seriously injuring a protected tree.

———— (25) ~~REPLACEMENT TREE~~ means a tree that is planted in accordance with Section 51A-10.134.

———— (26) ~~SCREENING~~ means screening that complies with Section 51A-4.602, except as those regulations may be expressly modified in this article.

———— (27) ~~SMALL TREE~~ means a tree of a species that normally reaches a height of less than 30 feet upon maturity.

———— (28) ~~SOIL~~ means a medium that plants will grow in.

———— (29) ~~TREE SURVEY~~ means a report that meets all of the requirements for a tree survey in Section 51A-10.132.

———— (30) ~~UNDERSTORY~~ means a grouping of natural low-level woody, herbaceous plant species, or plants that normally reach a height of less than three feet upon maturity.

———— (31) ~~VISIBILITY TRIANGLE~~ means the term “visibility triangle” as defined in Section 51A-4.602.

———— (32) ~~WATER COURSE~~ means a natural or constructed channel for the flow of water.

(49) REMOVE OR SERIOUSLY INJURE means an intentional or negligent action that will more likely than not cause a tree to decline and die within five years of the act. Actions that constitute removing or seriously injuring a tree include, but are not limited to: cutting down a tree; excessively pruning or topping a tree; compacting the soil above the root system of a tree; changing the natural grade above the root system of a tree; damaging the root system or the trunk of a tree

(such as by operating machinery near, or by clearing or grading the area around, the trunk of a tree); failing to repair an injury to a tree from fire or other causes, which results in or permits tree infections or pest infestations into or on the tree; applying herbicidal or other lethal chemicals; and placing nonpermeable pavement over the root system of a tree.

(50) RESPONSIBLE PARTY means the property owner and any other person or entity responsible for removing or seriously injuring a protected tree.

(51) REPLACEMENT TREE means a tree that is planted in accordance with Section 51A-10.134.

(52) ROOT PATH means a path constructed using aeration or drainage strips providing roots a route under pavement from a tree to an adjacent landscape area.

(53) SCREENING means screening that complies with Section 51A-4.602, except as those regulations may be expressly modified in this article.

(54) SECONDARY NATURAL AREA means undisturbed areas on a building site other than primary natural areas.

(55) SIGNIFICANT TREE means a protected healthy tree whose age, size, unique type, or natural or historical character are of special importance to the city, and meets the following species and size requirements:

(A) Post oaks with a minimum diameter of 12 inches.

(B) Trees of the following species having a minimum 24-inch diameter: American elm, bois d'arc, cedar elm, chittamwood, common persimmon, eastern red cedar, green ash, all other oaks, pecan, all walnut species, and white ash.

(56) SMALL TREE means a tree that typically attains a maximum height of 30 feet at maturity or is classified as a small tree by the director.

(57) SOIL means a medium that plants will grow in.

(58) STAND means a group of trees or other growth occupying a specific area that is sufficiently

similar in species composition, size, age, arrangement, and condition, to be distinguishable from adjacent forest.

(59) SUSTAINABLE DEVELOPMENT INCENTIVE ("SDI") means a method of compliance that applies sustainable development, tree preservation practices, and tree mitigation reductions.

(60) TOPPING means the reduction of tree size using internodal cuts without regard to tree health or structural integrity.

(61) TREE CANOPY COVER means the amount of ground area directly beneath a tree's crown to the drip line or the combined crowns of a stand of trees, measured in square feet.

(62) TREE REMOVAL PROPERTY means the lot, parcel, right-of-way, or tract of land where a protected tree will be or has been removed or seriously injured.

(63) TREE SURVEY means a report that meets all of the requirements for a tree survey in Section 51A-10.132.

(64) UNPROTECTED TREE means the following:

(A) Callery pear (all cultivars).

(B) Chinaberry.

(C) Chinese tallow.

(D) Ilex species (except for yaupon holly and Possumhaw holly.)

(E) Palm (all plants in *Palmae*).

(F) Tree-of-heaven or *Ailanthus*.

(G) Other trees listed as invasive plants.

(H) Trees with a diameter of less than 10 inches at the point on the trunk 4.5 feet above the ground, located on a lot with an existing single family or duplex use that is occupied at the time of removal.

(65) UNRESTRICTED ZONE means the area on a lot where tree mitigation is not required.

(66) URBAN STREETSCAPE means the pedestrian-oriented street environment between the back of curb and building facade for frontages that have a required front yard of 15 feet or less in depth.

(67) WATER COURSE means a natural or constructed channel for the flow of water. (Ord. Nos. 19455; 20496; 22053; 25155; 30929)

SEC. 51A-10.102. PURPOSE.

~~—The process of development with its alteration of the natural topography, vegetation, and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the city can and should be protected through the preservation and enhancement of the unique natural beauty, environment, and vegetative space in this area. Recognizing that the general objectives of this article are to promote and protect the health, safety, and welfare of the public, the city council further declares that this article is adopted for the following specific purposes:~~

~~—(1) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground-water recharge, and storm water runoff retardation, while at the same time aiding in noise, glare, wind, and heat abatement.~~

~~—(2) To provide visual buffering between land uses of differing character to alleviate the harshness of urban life.~~

~~—(3) To enhance the beautification of the city.~~

~~—(4) To safeguard and enhance property values and to protect public and private investment.~~

~~—(5) To conserve energy.~~

~~—(6) To provide habitat for wildlife.~~

~~—(7) To encourage the preservation of large trees which, once removed, can be replaced only after generations.~~

The process of urban growth and development with its alteration of the natural topography, vegetation, and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the city can and should be protected through the conservation and enhancement of the unique natural beauty, environment, and vegetative space in this area. Recognizing that the general

objectives of this article are to promote and protect the health, safety, and welfare of the public, the city council further declares that this article is adopted for the following specific purposes:

(1) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground-water recharge, and storm water runoff retardation and filtration, while at the same time aiding in noise, glare, wind, and heat abatement.

(2) To provide visual buffering between land uses of differing character to alleviate the harshness of urban life.

(3) To enhance the beautification of the city.

(4) To safeguard and enhance property values and to protect public and private investment.

(5) To conserve energy.

(6) To provide habitat for wildlife.

(7) To encourage the preservation of large trees which, once removed, can be replaced only after generations.

(8) To conserve water.

(9) To recognize and conserve the urban forest as part of the city's green infrastructure. (Ord. Nos. 19455; 22053; 30929)

SEC. 51A-10.103. ACCEPTABLE PLANT MATERIALS.

~~—(a) No artificial plant materials may be used to satisfy the requirements of this article.~~

~~—(b) In satisfying the requirements of this article, the use of high-quality, hardy, and drought-tolerant plant materials is recommended and encouraged.~~

(a) Artificial plant materials, including synthetic turf, may not be used to satisfy the requirements of this article.

(b) In satisfying the requirements of this article, the use of high-quality, hardy, and drought-tolerant plant materials is recommended and encouraged.

(c) For a lot or tract of land two acres in size or greater, no one species of tree may constitute more than 35 percent of the replacement trees planted on the lot or tract of land.

(d) Palm trees may not be used to satisfy the requirements of this article.

(e) Invasive plants are prohibited in required landscapes.

(f) The director shall maintain a list of acceptable plant materials for required landscapes. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.104. SOIL AND PLANTING AREA REQUIREMENTS.

~~—(a) Planting areas in general must have the following soil depths and dimensions:~~

~~—(1) For each large shrub or small tree installation, a minimum of 24 inches of soil depth and 16 square feet of surface area (total of 32 cubic feet).~~

~~—(2) For each large tree installation, a minimum of 36 inches of soil depth and 25 square feet of surface area (total of 75 cubic feet).~~

~~—(b) Planting areas located above underground buildings or structures must have the following soil depths and dimensions:~~

~~—(1) For each large shrub or small tree installation, a minimum of 30 inches of soil depth and~~

~~25 square feet of surface area (total of 62.5 cubic feet).~~

~~—(2) For each large tree installation, a minimum of 40 inches of soil depth and 36 square feet of surface area (total of 120 cubic feet).~~

~~—(c) The building official may waive the minimum planting area requirements if a landscape architect certifies that the proposed alternative soil depths and dimensions are sufficient to support the healthy and vigorous growth of the plant materials affected.~~

(a) In general. Planting areas dedicated to the growth of roots may include open soil areas, covered soil areas, root paths, and drainage.

(b) Soil areas. Except as provided in this section, required landscape areas must include the following:

(1) Soil resource plan. A soil resource plan is required with the submission of a landscape plan or tree protection plan. A soil resource plan is used to distinguish landscaping zones from construction zones on the building site and to determine soil protection or soil modification for vegetation, if applicable. Zones that are required to be shown include:

(A) protected zones where existing soil and vegetation will not be disturbed;

(B) zones for soil amendment or treatment with minimal disturbance;

(C) zones where construction traffic and staging will be allowed; and

(D) zones for stockpiling topsoil and imported soil amendments.

(2) Soil resource assessment. A soil resource assessment is only required in conjunction with sustainable development incentive requirements and installation of legacy trees.

(A) A soil resource assessment must be provided before submittal of a building permit.

(B) A soil resource assessment may be included in other engineering site assessments for the property.

(C) A soil resource assessment must include information on all proposed landscape

planting areas that delineates, quantifies, and characterizes the topsoils and subsoils of a site before these materials are excavated for reuse on site.

(D) The ranges for physical, chemical, and biological indicators of soil quality for urban trees is determined from the *ISA Best Management Practices for Soil Management for Urban Trees*, or in another publication approved by the building official.

(3) Additional minimum soil quality requirements. Soils used in landscape areas for tree planting must be shown on a landscape plan or a tree protection plan in protected zones where existing soil and vegetation is not disturbed, or in zones modified to correct limiting factors for tree establishment and longevity.

(c) Planting area requirements. Except as provided in this section, planting areas must meet the following requirements:

(1) For each small tree installation, a minimum of 24 inches of soil depth and 25 square feet of open soil area (total of 50 cubic feet) must be provided.

(2) For each large or medium tree installation, a minimum of 36 inches of soil depth and 160 square feet of open soil area (total of 480 cubic feet) must be provided.

(3) Except as provided in this section, trees may share open soil areas.

(4) Except as provided in this section, large trees and medium trees must be planted a minimum of four feet from pavement.

(5) The planting areas must have native soils, prepared soils, or structural soils, and may include permeable pavement, sidewalk support, and soil cells.

(6) Required areas for plant materials must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.

(7) Planters may be used to satisfy the requirements of this article provided that the soil requirements in Section 51A-10.104(b) are met.

(d) Legacy tree soil and planting area requirements.

(1) Except as provided in this paragraph, large legacy trees must be planted in a minimum 500 square foot open soil area with a minimum average soil depth of 36 inches (1500 cubic feet) per tree. For locations with shallow soils of less than 36 inches in average depth, the open soil area must be a minimum 750 square feet.

(2) Except as provided in this paragraph, medium legacy trees must be planted in a minimum 400 square foot open soil area with a minimum average soil depth of 36 inches (1200 cubic feet) per tree. For locations with shallow soils of less than 36 inches in average depth, the open soil area must be a minimum 750 square feet.

(3) Legacy trees must be a minimum of 30 feet measured horizontally from the closest point of a building or other structure on the property or an adjacent property at the time of installation.

(4) Legacy trees may not share required minimum open soil areas with large or medium trees.

(e) Alternative planting area requirements.

(1) Planting areas in an urban streetscape or located above underground buildings or structures must have the following open soil area depths and dimensions:

(A) For each small tree installation, a minimum of 30 inches of soil depth and 25 square feet of open soil area (total of 62.5 cubic feet).

(B) For each large or medium tree installation, a minimum of 36 inches of soil depth and 25 square feet of open soil area and a combination of open soil area, covered soil area, and root paths for a minimum of 240 cubic feet of soil volume. Large or medium trees planted in less than 480 cubic feet of soil volume do not count as replacement trees for purposes of Division 51A-10.1300.

(2) Trees may share open soil areas.

(f) Waiver. The building official may waive the minimum open soil and planting area requirements if a landscape architect certifies that:

(1) the proposed alternative soil depths and dimensions are sufficient to support the healthy and vigorous growth of the plant materials affected;

(2) the depth to impermeable subsurface prohibits minimum soil depth requirements; or

(3) that the proposed structural soils or suspended paving system are sufficient to support the healthy and vigorous growth of the plant materials.

(g) Adequate space. All required trees must be planted in adequate space to allow unobstructed growth to maturity.

(h) Tree locations.

(1) In general. All required trees must be located a minimum distance of:

(A) two feet from side yard and rear yard property boundaries;

(B) 20 feet from traffic signs and light poles;

(C) two-and-one-half feet from pavement; and

(D) five feet from electrical transmission boxes, fire hydrants, in-ground or above-ground utility access, underground local utility lines, and water meters.

(2) Small trees. Small trees must be located a minimum distance of:

(A) five feet from buildings; and

(B) 10 feet from all other trees.

(3) Medium trees. Medium trees must be located a minimum distance of:

(A) 12 feet from buildings;

(B) 10 feet from small trees;

(C) 20 feet from other medium trees;

(D) 20 feet from large trees; and

(E) 15 feet from the closest point of an

overhead electric line.

(4) Large trees. Large trees must be located a minimum distance of:

(A) 15 feet from buildings;

(B) 10 feet from small trees;

(C) 20 feet from medium trees;

(D) 25 feet from other large trees; and

(E) 20 feet from the closest point of an overhead electric line.

(5) Legacy trees. Legacy trees must be located a minimum distance of 30 feet from the closest point of an overhead electric line.

(6) Measurement. For purposes of this subsection, all distances are measured horizontally from the center of the tree trunk. (Ord. Nos. 22053; 25155; 30929)

**SEC. 51A-10.105. PROTECTION OF
PLANTING AREAS
MEASUREMENTS.**

~~Required areas for plant materials must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.~~

(a) Caliper. For nursery stock trees:

(1) caliper is measured at six inches above soil level; which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, four and one-half inches);

(2) if the caliper measured at six inches is four and one-half inches or more, the caliper must be measured at 12 inches above the ground level, soil line, or root flare, as appropriate; and

(3) if a tree has multiple stems, caliper is one-half of the combined caliper of the three largest trunks.

(b) Diameter.

(1) Diameter at breast height. Diameter at breast height ["DBH"] is the measurement of a tree trunk at a height of four and one-half feet above the ground, on the uphill side of the tree, or as recommended in the Landscape and Tree Manual for special situations for tree fork, leaning trees, or on slopes.

(2) Multiple stems. For trees with multiple stems, the diameter of the trunk is measured at the narrowest point below branching when branching occurs below DBH, or near DBH.

(3) Branching. When branching occurs at or lower than 12 inches above the ground, diameter of the trunk includes the diameter of the largest stem plus the average diameter of the remaining stems, measured at DBH. (Ord. Nos. 22053; 25155; 30929)

**SEC. 51A-10.106. IRRIGATION
REQUIREMENTS.**

~~All plant materials used as screening under this article must be irrigated by an automatic irrigation system installed to comply with industry standards. Other plant materials used to comply with this article must be located within 100 feet of a verifiable water supply. Proposed watering methods (irrigation or otherwise) must be:~~

~~(a) indicated on the landscape plan, if any; and~~

~~(b) adequate to maintain the plant materials in a healthy, growing condition at all times.~~

(a) In general.

(1) Except as provided in this section, automatic irrigation systems must be installed in conjunction with new required landscaping for commercial and multifamily uses with combined landscape areas of 500 square feet or more per building site.

(2) The automatic irrigation system must be:

(A) shown on a landscape plan or irrigation plan; and

(B) adequate to maintain the plant materials in a healthy, growing condition at all times.

(b) Renovations and additions that require landscaping. For building sites or artificial lots with an area of two acres or less, all required plant materials must be located a maximum of 100 feet from an irrigation source with a permanently installed threaded hose connection. Proposed watering methods (irrigation or otherwise) must be:

(1) shown on the landscape plan, if any; and

(2) capable of maintaining the plant materials in a healthy, growing condition at all times.

(c) Alternate irrigation. The building official may authorize an alternate method of irrigation for required landscape areas if the alternate irrigation method is:

(1) certified by a landscape architect or licensed irrigator;

(2) shown on a stamped landscape plan or irrigation plan; and

(3) capable of maintaining the plant materials in a healthy, growing condition at all times.
(Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.107. ~~PLANTERS ALLOWED~~ RESERVED. (Ord. 30929)

~~—Planters may be used to satisfy the requirements of this article provided that the soil requirements in Section 51A-10.104 are met. (Ord. 22053)~~

SEC. 51A-10.108. GENERAL MAINTENANCE.

~~—(a) Required plant materials must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with this article and the approved landscape plan, if any, within 90 days after notification by the city.~~

~~—(b) Any damage to utility lines resulting from the negligence of the property owner or his agents or employees in the installation and maintenance of required plant materials in a utility easement is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the plant materials and return them to their prior locations after the utility work. If, nonetheless, some plant materials die, it is the obligation of the property owner to replace the plant materials.~~

(a) Required plant materials must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any required plant that dies or is removed must be replaced with another living plant that complies with this article and the approved landscape plan, if any, within 90 days after notification by the city.

(b) Any damage to utility lines resulting from the negligence of the property owner or his agents or employees in the installation and maintenance of required plant materials in a utility easement is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the plant materials and return them to their prior locations after the utility work. If, nonetheless, some plant materials die, it is the obligation of the property owner to replace the plant materials. (Ord. Nos. 22053; 30929)

~~SEC. 51A-10.109. References to this section, or paragraphs or subsections of this section, now refer to Section 51A-10.135, or corresponding paragraphs or subsections of Section 51A-10.135.~~

SEC. 51A-10.109. LANDSCAPE AND TREE MANUAL.

A landscape and tree manual is provided by the director as a technical guide for conserving, protecting, maintaining, and establishing the green infrastructure, landscape, and urban forest of the city in conjunction with this article. The director shall maintain the landscape and tree manual. (Ord. Nos. 22053; 22581; 25047; 25155; 30929)

SEC. 51A-10.110. SPECIAL EXCEPTIONS.

~~—(a) The board may grant a special exception to the requirements of this article upon making a special finding from the evidence presented that:~~

~~—(1) strict compliance with the requirements of this article will unreasonably burden the use of the property;~~

~~—(2) the special exception will not adversely affect neighboring property; and~~

~~—(3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.~~

~~—(b) In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:~~

~~—(1) The extent to which there is residential adjacency.~~

~~—(2) The topography of the site.~~

(a) In general and landscaping.

(1) The board may grant a special exception to the requirements of Division 51A-10.100 and Division 51A-10.120, other than fee and notice requirements, upon making a special finding from the evidence presented that:

(A) strict compliance with the requirements of Division 51A-10.100 or Division 51A-10.120 will unreasonably burden the use of the property;

(B) the special exception will not adversely affect neighboring property; and

(C) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:

(A) The extent to which there is residential adjacency.

(B) The topography of the site.

(C) The extent to which landscaping

exists for which no credit is given under this article.

(D) The extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

~~_____ (3) The extent to which landscaping exists for which no credit is given under this article.~~

~~_____ (4) The extent to which other existing or proposed amenities will compensate for the reduction of landscaping.~~

(b) In general and urban forest conservation.

(1) The board may grant a special exception to the requirements of Division 51A-10.130, other than fee and notice requirements, upon making a special finding from the evidence presented that:

(A) strict compliance with the requirements of Division 51A-10.130 will unreasonably burden the use of the property;

(B) the special exception will not adversely affect neighboring property; and

(C) the requirements are not imposed by a site-specific landscape plan or tree mitigation plan approved by the city plan commission or city council.

(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:

(A) The extent to which there is residential adjacency.

(B) The topography of the site.

(C) The extent to which landscaping exists for which no credit is given under this article.

(D) The ability to plant replacement trees safely on the property.

(E) The extent to which alternative methods of replacement will compensate for a reduction of tree mitigation or extended time for tree replacement. (Ord. Nos. 22053; 25155; 30929)

Division 51A-10.120. Landscaping.

SEC. 51A-10.121. APPLICATION OF DIVISION.

~~_____ (a) This division does not apply to the following:~~

~~_____ (1) Property governed by a landscape plan approved by the city council or the city plan commission.~~

~~_____ (2) Property lots in the following districts:~~

~~_____ (A) The Dallas Arts District (Planned Development District Nos. 145 and 145-H/18).~~

~~_____ (B) The Deep Ellum/Near East Side District (Planned Development District No. 269).~~

~~_____ (C) The Oak Lawn Special Purpose District (Planned Development District No. 193).~~

~~_____ (D) Central area districts.~~

~~_____ (3) Restoration of a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind. For purposes of this section, "restoration" means the act of putting back into a former or original state.~~

~~_____ (4) Property located within or in close proximity to an airport boundary if the city's director of aviation determines that the required landscape materials will threaten public health or safety.~~

~~_____ (b) Only Section 51A-10.125(a) of this division applies to lots containing single family or duplex uses.~~

~~_____ (c) This division only becomes applicable to a lot or tract when the nonpermeable coverage on the lot or tract is increased by more than 2,000 square feet within a 24-month period, or when an application is made for a building permit for construction work that:~~

(a) Except as provided in this article, this division does not apply to the following:

(1) Property governed by a landscape plan approved by the city council, the city plan commission,

or the board of adjustment.

(2) Property lots in the following districts:

(A) The Dallas Arts District (Planned Development District Nos. 145 and 145-H/18).

(B) The Deep Ellum/Near East Side District (Planned Development District No. 269).

(C) The Oak Lawn Special Purpose District (Planned Development District No. 193).

(D) Central area districts.

(3) Restoration of a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind. For purposes of this section, "restoration" means the act of putting back into a former or original state.

(4) Property located within or in close proximity to an airport boundary if the city's director of aviation determines that the required landscape materials will threaten public health or safety.

(b) Only Section 51A-10.125(a) of this division applies to lots containing single family or duplex uses.

(c) This division only becomes applicable to a lot or tract when the nonpermeable coverage on the lot or tract is increased by more than 2,000 square feet within a 24-month period, not including portions of pedestrian pathways, that are between three feet in width and 15 feet in width, or when an application is made for a building permit for construction work that:

~~—— (1) increases the number of stories in a building on the lot; or~~

~~—— (2) increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period. The increase in combined floor area is determined by adding the floor area of all buildings on the lot within the 24 months prior to application for a building permit, deducting any floor area that has been demolished in that time or will be demolished as part of the building permit, and comparing this figure with the total combined floor area after construction.~~

~~—— (d) When this division becomes applicable to an individual lot or tract, its requirements are binding on all current and subsequent owners of the lot or tract.~~

~~—— (e) The city council shall, as a minimum, impose landscaping requirements that are reasonably consistent with the standards and purposes of this division as a part of any ordinance establishing or amending a planned development district, or granting or amending a specific use permit. (Note: This subsection does not apply to ordinances that merely renew a specific use permit when no substantive changes are made other than to extend the time limit of the permit.) All landscaping requirements imposed by the city council must be reflected in a landscape plan that complies in form and content with the requirements of Section 51A-10.123.~~

(1) increases the number of stories and increases the height of a building on the lot; or

(2) increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period. The increase in combined floor area is determined by adding the floor area of all buildings on the lot within the 24 months prior to application for a building permit, deducting any floor area that has been demolished in that time or will be demolished as part of the building permit, and comparing this figure with the total combined floor area after construction.

(d) When this division becomes applicable to an individual lot or tract, its requirements are binding on all current and subsequent owners of the lot or tract.

(e) The city council shall, as a minimum, impose

landscaping requirements that are reasonably consistent with the standards and purposes of this division as a part of any ordinance establishing or amending a planned development district, or granting or amending a specific use permit. (Note: This subsection does not apply to ordinances that merely renew a specific use permit when no substantive changes are made other than to extend the time limit of the permit.) All landscaping requirements imposed by the city council must be reflected in a landscape plan that complies in form and content with the requirements of Section 51A-10.123 and complies with Division 51A-10.100.

(Ord. Nos. 19455; 19786; 20496; 22053; 25155; 30929)

SEC. 51A-10.122. ARTIFICIAL LOT DELINEATION.

~~—— (a) In general. If the building site is over two acres in size, the applicant may request that the building official create an artificial lot to satisfy the requirements of this division. The building official shall not create an artificial lot which would, in his or her opinion, violate the spirit of the landscape regulations. Any artificial lot created by the building official must:~~

~~—— (1) wholly include the area on which the construction work is to be done; and~~

~~—— (2) have an area that does not exceed 50 percent of the area of the building site.~~

~~—— (b) In city parks over five acres. In city parks over five acres in size, the director of park and recreation may create an artificial lot to satisfy the requirements of this division. Any artificial lot created by the director of park and recreation must wholly include the area on which the construction work is to be done.~~

~~—— (c) Platting not required. An artificial lot need not be platted; however, it must be delineated on plans approved by the building official prior to the issuance of a building permit.~~

(a) In general. If the building site is over two acres in size, the applicant may request that the building official create an artificial lot to satisfy the requirements of this division. The building official shall not create an artificial lot which would, in his or her opinion, violate the spirit of the landscape regulations. Any artificial lot created by the building official must:

(1) wholly include the area on which the construction work is to be done;

(2) have an area that does not exceed 50 percent of the area of the developed or undeveloped building site;

(3) include all new exterior paving additions except portions of pedestrian pathways, that are between three feet in width and 15 feet in width;

(4) include the street buffer zone for new construction or additions that are located wholly, or in part, within 60 feet of the nearest street frontage; and

(5) include the residential buffer zone for new construction or additions that are located wholly, or in part, within 60 feet of the nearest residential adjacency.

(b) In city parks over five acres. In city parks over five acres in size, the director of park and recreation may create an artificial lot to satisfy the requirements of this division.

(1) Except as provided in this subsection, any artificial lot created by the director of park and

recreation must wholly include the area on which the construction work is to be done.

(2) Portions of pedestrian pathways that are between three feet and 15 feet in width are excepted from this requirement.

(c) Platting not required. An artificial lot need not be platted; however, it must be delineated on plans approved by the building official prior to the issuance of a building permit. (Ord. Nos. 19455; 20496; 22053; 30929)

SEC. 51A-10.123. LANDSCAPE PLAN SUBMISSION.

~~—— (a) If this division applies to a lot pursuant to Section 51A-10.121, a landscape plan must be submitted to the building official with the application for a building permit for work on the lot. A landscape plan submission must consist of two blueline or blackline prints. The plan must have a scale of one inch equals 50 feet or larger (e.g. one inch equals 40 feet, one inch equals 30 feet, etc.) and be on a standard drawing sheet of a size not to exceed 36 inches by 48 inches. A plan which cannot be drawn in its entirety on a 36 inch by 48 inch sheet must be drawn with appropriate match lines on two or more sheets.~~

~~—— (b) Any person may prepare the landscape plan required under this division. There is no requirement that the plan be prepared by a landscape architect or by a person engaged in the landscape business.~~

~~—— (c) A landscape plan required under this division must contain the following information:~~

(a) If this division applies to a lot pursuant to Section 51A-10.121, a landscape plan must be submitted to the building official with the application for a building permit for work on the lot. For landscape plans that are not submitted electronically, a landscape plan submission must consist of two blueline or blackline prints. The plan must have a scale of one inch equals 50 feet or larger (e.g. one inch equals 40 feet, one inch equals 30 feet, etc.) and be on a standard drawing sheet of a size not to exceed 36 inches by 48 inches. A plan which cannot be drawn in its entirety on a 36 inch by 48 inch sheet must be drawn with appropriate match lines on two or more sheets.

(b) Except as provided in this article, any person may prepare the landscape plan required under this division.

————— (1) ~~Date, scale, north point, and the names, addresses, and telephone numbers of each property owner and the person preparing the plan.~~

————— (2) ~~Location of existing boundary lines and dimensions of the lot, the zoning classification of the lot, and the zoning classification of adjacent properties. A vicinity map should also be attached to or made a part of the plan.~~

————— (3) ~~Approximate centerlines of existing water courses and the location of the flood plain, the escarpment zone, and geologically similar areas, as those terms are defined in Article V, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, driveways, and sidewalks on or adjacent to the lot.~~

————— (4) ~~Project name, street address, and lot and block description.~~

————— (5) ~~Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).~~

————— (6) ~~Locations and dimensions of proposed landscape buffer strips.~~

————— (7) ~~Complete description of plant materials shown on the plan, including names (common and scientific name), locations, quantities, container or caliper sizes at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six inches in caliper must be specifically indicated.~~

————— (8) ~~Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas and the number and location of required off-street parking and loading spaces.~~

————— (9) ~~An indication of which protected trees will be removed during construction and how existing healthy trees proposed to be retained will be protected from damage during construction.~~

————— (10) ~~Size, height, location, and material of proposed seating, lighting, planters, sculptures, and water features.~~

————— (11) ~~A description of proposed watering methods.~~

————— (12) ~~Location of visibility triangles on the lot (if applicable).~~

(c) A landscape plan required under this division must contain the following information:

(1) Date, scale, north point, and the names, addresses, and telephone numbers of each property owner and the person preparing the plan.

(2) Location of existing boundary lines and dimensions of the lot, the zoning classification of the lot, and the zoning classification of adjacent properties. A vicinity map should also be attached to or made a part of the plan.

(3) Approximate centerlines of existing water courses and the location of the flood plain, the escarpment zone, and geologically similar areas, as those terms are defined in Article V, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, driveways, and sidewalks on or adjacent to the lot.

(4) Location of centerlines of overhead and underground utility lines within and adjacent to the building site, and the location of all utilities, utility easements, including the location of utility poles, generators, and equipment, and any items listed in Section 51A-10.104(h).

(5) Project name, street address, and lot and block description.

(6) Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).

(7) Locations and dimensions of required landscape areas.

(8) Complete description of plant materials shown on the plan, including names (common and scientific name), locations, quantities, container or caliper sizes at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six inches in diameter must be specifically indicated to be counted as required landscape trees.

(9) Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas and the number and location of required off-street parking and loading spaces.

(10) An indication of which protected trees will be removed during construction and how existing healthy trees proposed to be retained will be protected from damage during construction.

(11) Size, height, location, and material of proposed seating, lighting, planters, sculptures, and water features.

(12) A description of proposed watering methods or an irrigation plan.

(13) Location of visibility triangles on the premises (if applicable).

(14) Existing and proposed locations of trees transplanted on-site. (Ord. Nos. 19455; 10496; 22053; 30929)

SEC. 51A-10.124. LANDSCAPE PLAN REVIEW.

~~—The building official shall review each landscape plan submitted to determine whether it complies with the requirements of this division. All landscape plans must comply with the mandatory provisions in Section 51A-10.125. In addition, all landscape plans must comply with at least two “design standards” as described in Section 51A-10.126. The same landscape features and elements may be strategically placed so as to comply with more than one provision. (For example, the same large trees might be located so as to be classified as “street trees” and “parking lot trees.”)~~

(a) In general. The building official shall review each landscape plan submitted to determine whether it complies with the requirements of this division. All landscape plans must comply with the mandatory provisions in Section 51A-10.125. In addition, all landscape plans must meet the minimum number of landscape design option points described in Section 51A-10.126. Except as provided in this article, the same landscape features and elements may be strategically placed so as to comply with more than one provision. (For example, the same trees may be located so as to qualify as required street buffer zone trees and required parking lot trees.)

(b) Landscape plan revisions. If requested by the applicant, the building official may approve revisions to staff-approved landscape plans and related permits if the revisions further the spirit and intent of this article. Revisions of elements required by this article are limited to:

(1) Substitution of more appropriate plant species.

(2) Revisions required by utility conflicts.

(3) Locations of plant materials up to a maximum of 10 feet. (Ord. Nos. 19455; 20496; 22053; 30929)

SEC. 51A-10.125. MANDATORY LANDSCAPING REQUIREMENTS.

~~—(a) Single family and duplex uses.~~

~~—(1) General. Except as provided in Section 51A-10.127, a lot containing a single family or duplex use established after May 29, 1994, must comply with this subsection before the final inspection of any building on the lot. The lot must have at least three~~

trees with a caliper equal to or exceeding two inches. At least two of these trees must be located in the front yard. The trees must be species listed in Section 51A-10.134. The trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met.

~~(2) Shared access development.~~

~~(A) Single family districts. Shared access developments in single family districts must comply with the following requirements:~~

~~(i) Three trees with a caliper equal to or exceeding two inches are required for each individual lot in the shared access development. One of the three required trees per lot may be located on the individual lot, but at least two trees per individual lot must be located in the front yard of the shared access development, where all of the property in the shared access development is considered to be one lot ("shared trees").~~

~~(ii) If there is more than one front yard to the shared access development, where all of the property in the shared access development is considered to be one lot, the shared trees must be evenly distributed within those front yards.~~

~~(iii) The trees must be species listed in Section 51A-10.134. The trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met.~~

~~(B) Districts other than single family districts. Shared access developments in districts other than single family districts must comply with the following requirements:~~

~~(i) A minimum of 20 percent of the shared access development must be designated as landscape area. Permeable pavement does not count as landscape area.~~

~~(ii) One site tree must be provided for every 4,000 square feet within the shared access~~

development. Every site tree must have a planting area of at least 25 square feet. The trunk of any site tree must be located at least two and one-half feet from any pavement. Site trees must be species listed in Section 51A-10.134.

~~(iii) In addition to any site trees, one large canopy street tree must be provided for every 25 feet of street frontage, excluding shared access points, with a minimum of two street trees required. Street trees may be located within the front yard or parkway if all private licensing requirements of the city code and charter are met. In this subparagraph, parkway means the portion of a street right-of-way between the projected street curb and the front lot line or corner side lot line. If the director determines that a large canopy tree would interfere with utility lines, a substitute street tree from a species listed in Section 51A-10.134 may be provided.~~

~~(b) Other uses. Lots containing a use other than single family or duplex must comply with the following requirements:~~

~~(1) Perimeter landscape buffer strip. A landscape buffer strip must be provided along the entire length of the portion of the perimeter of the lot where a residential adjacency exists, exclusive of driveways and accessways at points of ingress and egress to and from the lot. The buffer strip must be at least 10 feet wide, except that:~~

~~(A) any portion of the buffer strip adjacent to public street frontage need not exceed 10 percent of the lot depth; and~~

~~(B) any portion of the buffer strip in the front yard and adjacent to the side lot line need not exceed 10 percent of the lot width.~~

~~(2) Screening of off-street loading spaces.~~

~~(A) All off-street loading spaces on a lot with residential adjacency must be screened from that residential adjacency.~~

(a) Single family and duplex uses.

(1) General. Except as provided in Section 51A-10.127, a lot containing a single family or duplex use established after May 29, 1994, must comply with

this subsection before the final inspection of any building on the lot. The minimum number of trees required on a lot is determined by the lot size. The trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met.

(A) Lots 7,500 square feet or greater in area. A minimum of three large or medium nursery stock trees per lot with a minimum of two nursery stock trees in the front yard.

(B) Lots between 4,000 square feet and 7,499 square feet in area. A minimum of two large or medium nursery stock trees per lot with a minimum of one nursery stock tree located in the front yard.

(C) Lots 4,000 square feet or less in area. A minimum of one large or medium nursery stock tree per lot.

(D) Additional requirements:

(i) Nursery stock trees must be a species listed in the approved tree list maintained by the director.

(ii) Trees must have a minimum caliper of two inches.

(iii) Trees must be planted a minimum of 20 feet on center from the nearest point of an overhead electric line.

(iv) An existing, healthy, and protected tree on the lot or parkway may count as a required tree if it is not a boundary tree abutting adjacent private property.

(2) Shared access development.

(A) Shared access developments must comply with the following requirements:

(i) A landscape plan meeting the requirements of Section 51A-10.104 and Section 51A-10.123 must be approved before a building permit for grading is issued or a private development contract pursuant to Section 51A-8.612 is approved, in conjunction with construction.

(ii) The minimum required landscape area for a shared access development is

determined by the number of individual lots. Landscape areas in individual lots may be included in the total landscape area measurement for developments with a maximum of 36 individual lots. Permeable pavement does not count as landscape area.

(aa) Shared access developments with a maximum of 10 individual lots must provide a minimum landscape area equal to 10 percent of the total shared access development area.

(bb) Shared access developments with a minimum of 11 and a maximum 36 individual lots must provide a minimum landscape area equal to 15 percent of the total shared access development area.

(iii) One site tree must be provided for every 4,000 square feet within the shared access development. The trunk of any site tree must be located at least two-and-one-half feet from any pavement. Site trees must be species listed in the approved tree list. Large or medium nursery stock trees may not be planted within 20 feet on center of the nearest point of an overhead electric line.

(iv) One plant group must be provided for every 40 feet of street frontage. Plant groups may be located within the front yard or parkway if all private licensing requirements of the city code and charter are met. In this subparagraph, parkway means the portion of a street right-of-way between the projected street curb and the front lot line or corner side lot line. If the director determines that a large or medium tree would interfere with utility lines, one substitute small tree from a species listed in the approved tree list may be provided.

(B) Plant groups for shared access developments must include the following:

(i) one large tree and two small trees;

(ii) one large tree and three large evergreen shrubs; or

(iii) one large tree, two small trees, and one large evergreen shrub.

(b) Other uses. Lots containing a use other than single family or duplex must comply with the following requirements:

(1) Street buffer zone. Except as provided in this subsection, the landscape area provided along the entire length of the lot adjacent to a public right-of-way, excluding paved surfaces at points of vehicular ingress and egress, must meet the following minimum requirements:

Right-of-way	Average Depth	Minimum Depth	Maximum Depth
Freeways	15 feet	5 feet	50 feet
Arterials and community collectors	10 feet	5 feet	30 feet
Local and residential collectors	7.5 feet	5 feet	25 feet

(A) Urban streetscape. The building official may approve a landscape plan for an urban streetscape that meets the following requirements:

(i) A minimum six foot wide planting area is required that meets the minimum soil area and volume requirements in Section 51A-10.104.

(ii) The planting area may be designed with open soil areas or covered soil areas.

(iii) The planting area is measured from the property line unless the building official determines that the planting area may be measured from the back of curb if necessary due to physical restraints of the property, including conflicts with local utilities.

(iv) A minimum of one design option must be provided in the front yard or right-of-way area.

(B) Right-of-way. The right-of-way adjacent to the property line may be used to satisfy the required street buffer zone subject to:

(i) a minimum depth of five foot maintained along the property as a street buffer zone;

(ii) local utility location;

(iii) appropriate planting conditions; and

(iv) city licensing and permit requirements.

(C) Required planting.

(i) Except as provided in this subparagraph, one large or medium street buffer tree must be provided for every 40 linear feet of frontage.

(ii) For frontages less than 20 linear feet, a large or medium street buffer tree is not required.

(iii) Large or medium trees must have a minimum caliper of three inches.

(iv) When existing conditions prohibit planting large trees or medium trees, the building official may approve two small trees be substituted for each large tree or medium tree.

(D) Buffer zone reduction. Properties less than 10,000 square feet may reduce the street buffer zone to the greater of:

(i) a minimum depth of five feet; or

(ii) an area no less than five percent of the total lot area.

(2) Residential buffer zone.

(A) A landscape area must be provided along that portion of the perimeter of a lot where residential adjacency exists. The residential buffer zone must have an average depth of 10 feet, a minimum depth of five feet, and a maximum depth of 30 feet. No portion of the residential buffer zone may exceed 10 percent of the lot depth excluding paved surfaces at points of vehicular and pedestrian ingress or egress.

(B) The residential buffer zone must include a minimum of one plant group every 40 feet. Plant groups must include:

(i) Where screening is required, one minimum three-inch caliper large or medium tree.

(ii) Where screening is not required:

(aa) one large or medium tree and three small trees;

(bb) one large or medium tree and three large evergreen shrubs;

(cc) one large or medium tree, two small trees, and one large evergreen shrub; or

(dd) one large or medium tree, one small tree, and two large evergreen shrubs.

(C) If the building official determines that the location of a local utility prohibits planting large trees or medium trees, two small trees may be planted for each large tree or medium tree.

(D) Large or medium trees must have a minimum caliper of two inches.

(3) Interior zone.

(A) Surface parking lots in industrial districts. The requirements in Section 51A-10.125 (b)(3)(B)(iv) for surface parking lots with 100 spaces or more, do not apply to industrial and warehouse uses in IM or IR districts that provide a minimum of one tree meeting the requirements for trees in the street buffer zone for each 25 feet of frontage.

(B) Surface parking lots.

(i) Required large and medium trees.

(aa) Minimum caliper is three inches.

(bb) Planting must be within a landscape area.

(cc) The center of the trunk at grade must be planted a minimum of four feet from pavement.

(ii) Minimum landscape area. Individual landscape areas must be a minimum of 160 square feet, with a minimum width of eight feet.

(iii) Parking lots with 21 to 100 spaces. No parking space may be located more than 70 feet from the trunk of a large tree or medium tree.

(iv) Parking lots with 101 spaces or more. Except as provided in Paragraph (A):

(aa) No parking space may be located more than 70 feet from the trunk of a large or medium tree.

(bb) Except as provided in this item, a landscape area must be located at each end of a single row of parking spaces and contain a minimum of one large or medium tree.

(I) The building official may waive this requirement in order to preserve existing trees and natural features or due to unique natural site features.

(II) Parking island landscape areas are not required adjacent to handicapped parking spaces.

(cc) Except as provided in this romanette, maximum number of parking spaces allowed between parking island landscape areas is 12. The building official may waive this requirement in order to preserve existing trees and natural features or due to the presence of unique natural site features.

(dd) No maximum number of parking spaces when a parking row:

(I) abuts a median landscape area running the length of the parking row with a minimum of one tree per 40 linear feet;

(II) abuts a residential buffer zone landscape area; or

(III) abuts a street buffer zone landscape area.

(4) Additional provisions.

(A) Screening of off-street loading spaces.

(i) All off-street loading spaces on a lot with residential adjacency must be screened from that residential adjacency.

(ii) In all districts except CS and industrial districts, all off-street loading spaces on a lot must be screened from all public streets adjacent to that lot.

(iii) The screening required under

Subparagraphs (A) and (B) 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 for providing screening described in Section 51A-4.602(b)(3).

(B) Site trees.

(i) One tree having a caliper of at least two inches must be provided for each 4,000 square feet of lot area, or fraction thereof, except for industrial and warehouse uses in IM and IR districts, where one tree having a caliper of at least two inches must be provided for each 6,000 square feet of lot area, or fraction thereof.

(ii) Existing protected tree species that are determined by the building official to be healthy may be used to satisfy the site tree requirement, in accordance with the tree credit chart below:

~~————— (B) In all districts except CS and industrial districts, all off-street loading spaces on a lot must be screened from all public streets adjacent to that lot.~~

~~————— (C) The screening required under Subparagraphs (A) and (B) 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 for providing screening described in Section 51A-4.602(b)(3).~~

~~————— (3) Site trees.~~

~~————— (A) One tree having a caliper of at least two inches must be provided for each 4,000 square feet of lot area, or fraction thereof, with a minimum of four trees being provided, except for industrial uses in IM and IR districts, where one tree having a caliper of at least two inches must be provided for each 6,000 square feet of lot area, or fraction thereof, with a minimum of four trees being provided.~~

~~————— (B) Existing trees that are determined by the building official to be healthy may be used to satisfy the site tree requirement, in accordance with the tree credit chart below:~~

<u>CALIPER OF RETAINED TREE</u>	<u>NUMBER OF SITE TREES CREDIT GIVEN FOR RETAINED TREE</u>
Less than 2 inches	0
2 inches or more but less than 8 inches	1
8 inches or more but less than 14 inches	2
14 inches or more but less than 20 inches	4
20 inches or more but less than 26 inches	8
26 inches or more and less than 32 inches	10
32 inches or more but less than 38 inches	18
38 inches or more	20

~~————— (4) Street trees. A large tree must be provided for each 50 feet of frontage, with a minimum of two trees being provided. These trees must be located within 30 feet of the projected street curb. The~~

~~trees may be located in the public right-of-way provided that all private licensing requirements of the city code and charter are met. For purposes of this paragraph, "projected street curb" means the future location of the street curb consistent with the city thoroughfare plan as determined by the director of mobility and street services.~~

~~————— (5) Parking lot trees.~~

~~————— (A) No required parking space may be located more than 120 feet from the trunk of a large canopy tree. No parking space in excess of required parking may be located more than 100 feet from the trunk of a large canopy tree, and the tree must be located in a landscape area of a minimum of 120 square feet. Each tree required by this subparagraph must have a caliper of at least two inches and may not be planted closer than two and one-half feet to the paved portion of the parking lot.~~

~~————— (B) An industrial use in an IM or IR district need not comply with Subparagraph (A) if it provides at least one tree meeting the requirements for street trees in Paragraph (4) for each 25 feet of frontage.~~

~~————— (6) Minimum sizes. Except as provided in Subsections (a), (b)(3), and (b)(5) of this section, plant materials used to satisfy the requirements of this division must comply with the following minimum size requirements at the time of installation:~~

~~————— (A) Large trees must have a minimum caliper of three inches, or a minimum height of six feet, depending on the standard measuring technique for the species.~~

~~————— (B) Small trees must have a minimum height of six feet.~~

~~————— (C) Large evergreen shrubs must have a minimum height of three feet.~~

~~For purposes of this paragraph, "height" is measured from the top of the root ball or, if the plant is in a container, from the soil level in the container.~~

(C) Minimum sizes. Except as provided in Subsection (b) of this section, plant materials used to satisfy the requirements of this division must comply with the following minimum size requirements at the

time of installation:

(i) Large and medium trees must have a minimum caliper of two inches, or a minimum height of six feet, depending on the standard measuring technique for the species.

(ii) Small trees must have a minimum height of six feet.

(iii) Large evergreen shrubs must have a minimum height of two feet.

For purposes of this paragraph, "height" is measured from the top of the root ball or, if the plant is in a container, from the soil level in the container.

~~(7) Buffer plant materials:~~

~~(A) If a fence with a buffer strip is required along any part of the perimeter of a lot, the buffer strip must contain either one large canopy tree or two large non-canopy trees at a minimum average density of one large canopy tree or two large non-canopy trees for each 50 linear feet of the buffer strip, with new trees spaced no less than 25 feet apart.~~

~~(B) In all other cases, a landscape buffer strip provided to comply with this section or Section 51A-10.126 must contain one of the following groups of plant materials at a minimum average density of one group for each 50 linear feet of the buffer strip:~~

~~(i) One large canopy tree and one large non-canopy tree.~~

~~(ii) One large canopy tree and three small trees.~~

~~(iii) One large canopy tree and three large evergreen shrubs.~~

~~(iv) One large canopy tree, two small trees, and one large evergreen shrub.~~

~~(v) One large canopy tree, one small tree, and two large evergreen shrubs.~~

~~(iv) Two large non-canopy trees.~~
(Ord. Nos. 19455; 19786; 20496; 22053; 24731; 25155; 26333; 28424; 28803; 30239; **30929**)

SEC. 51A-10.126. DESIGN STANDARDS.

~~An applicant shall comply with at least two of the following design standards:~~

~~(a) Enhanced perimeter buffers. An applicant may enhance the perimeter landscape buffer strip to a minimum average width equal to or greater than 15 feet.~~

~~(b) Street buffers. An applicant may provide a landscape buffer strip along public street frontage. The landscape buffer strip must:~~

~~(1) be provided along the entire adjacent public street frontage, exclusive of driveways and accessways at points of ingress and egress to the lot; and~~

~~(2) have a minimum width of 10 feet or 10 percent of the lot depth, whichever is less.~~

~~(c) Screening of off-street parking. An applicant may provide screening for all parking lots on the building site or artificial lot, whichever is applicable, from all adjacent public streets in accordance with the following paragraphs:~~

~~(1) The screening must be voluntary (not required by ordinance);~~

~~(2) The screening must extend along the entire street frontage of the parking lot, exclusive of:~~

~~(A) driveways and accessways at points of ingress and egress to and from the lot; and~~

~~(B) visibility triangles.~~

~~(3) The screening must be at least three feet in height.~~

~~(4) Underground parking is considered to be screened for purposes of this subsection.~~

~~(d) Enhanced vehicular pavement. An applicant may provide enhanced pavement. This pavement must be at least 25 percent of all outdoor vehicular pavement area on the lot. The same pavement cannot satisfy both Subsections (d) and (e). (Note: All vehicular pavement must comply with the construction and maintenance provisions for off-street parking in this chapter.)~~

~~(e) Permeable vehicular pavement. An applicant may provide permeable enhanced pavement. This pavement must be at least 25 percent of all~~

outdoor vehicular pavement on the lot. The same pavement cannot satisfy both Subsections (d) and (e). (Note: All vehicular pavement must comply with the construction and maintenance provisions for off-street parking in this chapter.)

— (f) Pedestrian facilities. An applicant may provide publicly accessible special pedestrian facilities and features such as plazas, covered walkways, fountains, lakes and ponds, seating areas, and outdoor recreation facilities. These facilities and features must occupy at least five percent of the lot area.

— (g) Foundation planting strip. An applicant may plant large shrubs along the foundation of the main building. The planting area for the shrubs must be a minimum of three feet in width and extend along at least 50 percent of the portion of the foundation that faces a street. The shrubs must be spaced no more than six feet apart measured from trunk to trunk.

— (h) Understory preservation. The applicant may preserve existing healthy understory. The preserved understory must occupy at least five percent of the lot area.

— (i) Enhanced pedestrian walkways. The applicant may provide enhanced pedestrian walkways. These walkways must consist of enhanced pavement intended for pedestrian use and occupy at least five percent of the lot.

SEC. 51A-10.126. LANDSCAPE DESIGN OPTIONS.

(a) Points required for a building site. The minimum number of landscape design option points required for a building site are:

Lot Size	Points Required
0 to 999 sf	0
1,000 sf to 1,999 sf	1
2,000 sf to 9,999 sf (One point for every 1000 sf)	2-9
10,000 sf to 19,999 sf	10
20,000 sf to 39,999 sf	15
40,000 sf to 2.99 acres	20
3 acres to 9.99 acres	30
10 acres to 19.99 acres	35
20 acres to 49.99 acres	40

50 acres and greater

50

(b) Design options. Points are obtained by meeting design option requirements in order to achieve the total number of points required for the property. Design options and possible points are listed in this subsection. Examples of the design options and their application are provided in the Landscape and Tree Manual.

(1) Plant material bonus. Points may be provided for plant materials added to the landscape design when the required amount of points for a standard design option is deficient by five points or less. All added plant materials must be provided in the front yard. The maximum number of points allowed per building site for the plant material bonus is five.

(A) Large or medium tree caliper increase: One point per additional caliper inch for each required tree (up to a maximum caliper of six inches.)

(B) Additional large shrub plant: 0.25 points.

(C) Additional small tree: 0.5 points.

(D) Additional large or medium tree: one point.

(2) Buffer zones enhancements. The maximum number of points allowed per building site for buffer zone enhancements is 20.

(A) Large enhanced buffer zone. Each required buffer zone depth may be increased by a minimum of five feet. This design option is not available if the buffer zone is reduced to no more than five percent of the lot area. Five points.

(B) Small enhanced buffer zone. A required buffer zone depth may be increased by a minimum of two feet. This design option is not available if the buffer zone is reduced to no more than five percent of the lot area. Two points.

(3) Application of engineered solutions for soil volume. Points may be obtained when using

engineered solutions for soil volume when required trees are planted in impervious environments and meet the minimum requirement for soil volume for a maximum total of 10 points. A minimum of 75 percent of required street buffer trees must meet the soil volume minimum for credits to apply.

(A) Minimum required soil volume: five points.

(B) Increase in soil volume 10 percent above minimum requirement: six points.

(C) Increase in soil volume 15 percent above minimum requirement: seven points.

(D) Increase in soil volume 20 percent above minimum requirement: eight points.

(E) Increase in soil volume 25 percent above minimum requirement: nine points.

(F) Increase in soil volume 30 percent or greater above minimum requirement: 10 points.

(4) Screening. An applicant may provide screening from all adjacent public streets for all surface parking lots on a building site or artificial lot that meets the following requirements.

(A) The screening may not be required screening.

(B) The screening must extend along the entire street frontage of the parking lot, excluding:

(i) driveways and accessways at points of ingress and egress to and from the lot; and

(ii) visibility triangles.

(C) Underground parking and enclosed garage parking structures are not considered to be surface parking lots for purposes of this subsection.

(D) The screening may be designed with the following options for a maximum total of 20 points:

(i) Option 1. Standard design is provided with screening materials in accordance with Section 51A-4.602 and shrubs with a minimum height of two feet at time of installation and a single row of material. Five points for complete frontage.

(ii) Option 2. Enhanced design is provided by a landscape architect and must include a minimum of two plant species in order to provide the full screening effect. 10 points for complete frontage.

(iii) Option 3. Grouped beds may be added to Option 1 or Option 2 to complement the screening row with planting beds placed at intervals of a minimum of one per 50 feet of frontage. Five points for complete frontage.

(iv) Option 4. A minimum three-foot-tall screening wall may be provided along with the screening plant materials of Option 1 or Option 2. Five points for complete frontage.

(v) Option 5. A minimum three-foot-tall berm with groundcover may complement standard screening materials or be used to replace Option 1 or Option 2. Five points for complete frontage.

(5) Building facade. Facade planting areas on a building site or artificial lot adjacent to public streets or private driveways may be designed with the following options for a maximum total of 15 points:

(A) Option 1. Design is provided along the foundation of the structure. The planting area for the shrubs must be a minimum of three feet in depth and extend along at least 50 percent of the portion of the foundation that faces a street. The shrubs must be spaced no more than six feet apart measured from trunk to trunk. Five points.

(B) Option 2. An enhanced design may be provided as designed by a landscape architect. The design may vary from the standard foundation row to create depth and layering of landscaping for visual enhancement contiguous to and extending 15 feet or more from the building facade to complement and soften the foundation of the building. The planting area must be a minimum of five feet in depth. A minimum of two perennial plant species and water conservation irrigation method are required. The landscape area must extend for a minimum of 50 percent of the street-facing facade or a combination of the street-facing facade and the building facade facing a surface parking lot. 10 points.

(C) Option 3. An additional grouping of medium or small trees may be added to Option 2 to provide an improved pedestrian environment a

maximum of 25 feet from the facade of the structure. A minimum of one tree per 50 feet of front or side yard building facade is required. Five points.

(D) Option 4. One small tree or two large shrubs per 30 feet of front facade located a maximum of 15 feet from the facade. Five points.

(6) Pedestrian uses. An applicant may provide private or publicly accessible pedestrian amenities. These amenities must occupy a minimum of five percent of the lot area. The amenities may be designed for the following options for a maximum total of 25 points.

(A) Option 1. Urban streetscape. A minimum of two of the following types of pedestrian amenities must be provided along street frontages. This option may only be used in an urban streetscape within the street buffer zone. 10 points.

(i) Benches located at one per 60 feet of street frontage (minimum of two).

(ii) Pedestrian street lamps (free-standing or wall mounted) at one per 50 feet of street frontage.

(iii) Enhanced sidewalk with stamped concrete or brick pavers for pedestrian uses for the full width of the sidewalk, along the entire frontage. Pavement cannot be used to meet the enhanced pavement option in Paragraph (7).

(iv) Minimum unobstructed sidewalk width of eight feet.

(v) Water feature.

(B) Option 2. Special amenities. An applicant may provide private or publicly accessible special amenities to the building site including plazas, covered walkways, fountains, lakes and ponds, seating areas, and outdoor recreation facilities. The credited facilities must occupy at least five percent of the lot area provided in no more than two locations on the lot. The special amenities area must be fully identified on a landscape plan. Private or interior courtyards are excluded. Five points for private amenities and 10 points for publicly accessible amenities.

(C) Option 3. Adjacency to habitat restoration areas. Amenities built contiguous to habitat

preservation and restoration areas will be credited for their location in or around the habitat when constructed according to a design supporting or enhancing habitat protection. 10 points for private amenities and 15 points for publicly accessible amenities.

(D) Option 4. Athletic fields. Open spaces maintained for athletic fields that are a minimum of five percent of the lot. 10 points. For athletic fields on lots greater than 10 acres. 20 points.

(7) Pavements. An applicant may provide enhanced pavement. The same pavement cannot satisfy multiple categories. (Note: All vehicular pavement must comply with the construction and maintenance provisions for off-street parking in this chapter.) Maximum total of 15 points.

(A) Option 1: Enhanced vehicular pavement. Pavement must be a minimum of 25 percent of all outdoor vehicular pavement on the lot.

(i) Enhanced texture. Stamped concrete, sand-blasted, rock-salt finished, pavers on concrete base, stone, etc.: Three points.

(ii) Enhanced color. Color is integrated into textured pavement: Three points.

(B) Option 2: Permeable vehicular pavement. Pavement must be a minimum of 25 percent of all outdoor vehicular pavement on the lot. Five points.

(C) Option 3: Enhanced pedestrian walkways. Enhanced pedestrian walkways must consist of enhanced pavement intended for pedestrian use and occupy at least five percent of the lot.

(i) Enhanced texture. Stamped concrete, sand-blasted, rock-salt finished, pavers on concrete base, stone, etc.: Three points.

(ii) Enhanced color. Color is integrated into textured pavement: Three points.

(8) Conservation. The applicant may create a conservation area on the property. The conservation area must occupy at least five percent of the lot area. Maximum of 25 points.

(A) Option 1: Tree preservation in the

development impact area. Large or medium trees maintained in the development impact area may be used to meet design option requirements and to meet the requirements for site tree credit in Section 51A-10.125. The trees must be protected and maintained in areas required by this article. Two points for each tree up to a maximum of 10 points. Significant trees may attain five points.

(B) Option 2: Habitat preservation. The applicant must preserve existing healthy native and mixed species grassland or woodland areas. Five points.

(C) Option 3: Habitat preservation and restoration using an active management plan. The applicant may create or restore natural habitat conditions if designed and implemented by a qualified professional. Site maintenance must be continual for the purpose of sustaining the vegetated area. The option may be combined with low impact development design for the drainage functions of the property. 10 points.

(D) Option 4: Habitat preservation and restoration - adjacent to primary natural areas. The applicant may preserve and restore land areas adjacent to wetlands, creeks, floodplain, and slopes which help protect creeks, habitat, slopes, and woodland in primary natural areas from the site construction. This option may be combined with pedestrian amenities. The area must be at least five percent of building site area. 15 points.

(9) Low impact development (LID). The applicant may improve the property with low impact development design to manage stormwater flow and provide surface heat abatement. The improvements may be combined for a maximum of 20 points.

(A) Rain garden. Maximum six points.

(i) 1 to 5,000 square feet: three points; and

(ii) each additional 1,000 square feet: one point.

(B) Bioswale. Maximum 10 points per bioswale.

(i) 50 to 100 feet long: three points; and

(ii) each additional 50 feet: one point.

(C) Water-wise plant materials and planting beds. The applicant may provide landscaping that uses water conservation techniques including water-wise plants, mulch, and efficient irrigation. Maximum 10 points.

(i) In a minimum of 50 percent of landscape areas: three points.

(ii) In a minimum of 80 percent of landscape areas: five points.

(iii) Low-water consumption grasses for 80 percent of turf surfaces: three points.

(iv) Low-water consumption grasses for all turf surfaces: five points.

(10) Parking lots. The applicant may improve the surface parking and vehicle outside display and storage areas in an interior zone on the property to provide wider landscape areas and an improved shade tree environment. The improvements may be combined for a maximum of 30 points for development impact areas 10 acres or larger and 20 points for development impact areas less than 10 acres.

(A) Option 1: Pedestrian pathways. Provide a protected pedestrian pathway, between three feet and 15 feet in width, through a parking lot to a building from a public or private street in an expanded landscape area median with trees and a walkway. A minimum of one large or medium tree is required for each 40 linear feet of pedestrian pathway or landscape area median. Five points.

(B) Option 2: Reduce distance between parking lot landscape islands. Provide no more than 10 parking spaces between landscape areas. Five points.

(C) Option 3: Increase size of parking lot landscape islands. Increase the landscape area to a minimum of 200 square feet for each large or medium tree.

(i) Increase landscape area of 50 percent of the required parking lot landscape islands. Five points.

(ii) Increase landscape area of 75 percent of the required parking lot landscape islands. 10 points.

(D) Option 4: Increase landscape area of parking lot landscape islands. Increase the landscape area a minimum of 300 square feet for each large or medium tree.

(i) Increase landscape area of 50 percent of the required parking lot landscape islands. Seven points.

(ii) Increase landscape area of 75 percent of the required parking lot landscape islands. 12 points.

(E) Option 5: Additional parking lot landscape islands. Each additional parking lot landscape island provided - Three points.

(F) Option 6: Landscape medians. Provide a minimum 10-foot-wide landscape median with large or medium trees extending the length of a minimum 12-space parking row. Five points for each full median for a maximum of 20 points on the Property.

(G) Option 7: Landscape medians. Provide a 12-foot-wide landscape median with large or medium trees extending the length of a minimum 12-space parking row. Seven points for each full median for a maximum of 28 points on the Property.

(H) Option 8: Landscape medians. Provide a 16-foot-wide landscape median with large or medium trees extending the length of a minimum 12-space parking row. 10 points for each full median for a maximum of 30 points on the Property.

(I) Option 9: Large legacy tree. Provide a large legacy tree in a minimum 500 square foot dedicated open soil area. Two points per tree for a maximum of 20 points.

(J) Option 10: Pocket park. Provide a minimum of 2,500 square feet of contiguous open soil landscape area. 20 points.

(11) General. The applicant may provide documentation and demonstrate ability to achieve certain conditions.

(A) Option 1. Provide Sustainable SITES Initiative documentation and demonstrate ability to attain SITES certified level or greater. 10 points.

(B) Option 2. Provide and implement a landscape maintenance plan for a minimum three year period. Three points. (Ord. Nos. 19455; 20496; 22053; 30929)

SEC. 51A-10.127. WHEN LANDSCAPING MUST BE COMPLETED.

~~—(a) Except as otherwise provided in Subsection (b), all landscaping must be completed before the final inspection of any building on the lot. If there is an approved landscape plan for the lot, the landscaping must comply with that plan before the final inspection.~~

~~—(b) If the property owner provides the building official with documented assurance that the landscaping will be completed within six months, the building official may permit the property owner to~~

~~complete his landscaping during the six-month period. For purposes of this subsection, "documented assurance" means:~~

~~———— (1) a copy of a valid contract to install the landscaping in accordance with the landscape plan within the six-month period; or~~

~~———— (2) a set of deed restrictions containing a covenant to install the landscaping in accordance with the landscape plan within the six-month period. The deed restrictions must:~~

~~———— (A) expressly provide that they may be enforced by the city of Dallas;~~

~~———— (B) be approved as to form by the city attorney; and~~

~~———— (C) be filed in the deed records of the county in which the land is located.~~

~~———— (c) If, at the end of the six-month period, the landscaping has not been installed in accordance with the landscape plan, the owner of the property is liable to the city for a civil penalty in the amount of \$200 a day for each calendar day thereafter until the landscaping is properly installed. The building official shall give written notice to the property owner of the amount owed to the city in civil penalties, and shall notify the city attorney of any unpaid civil penalty. The city attorney shall collect unpaid civil penalties in a suit on the city's behalf.~~

~~———— (d) The civil penalty provided for in Subsection (c) is in addition to any other enforcement remedies the city may have under city ordinances and state law.~~

(a) Except as otherwise provided in Subsection (b), all landscaping must be completed before the final inspection of any building on the lot. If there is an approved landscape plan for the lot, the landscaping must comply with that plan before the final inspection.

(b) If the property owner provides the building official with documented assurance that the landscaping will be completed within six months, the building official may permit the property owner to complete his landscaping during the six-month period. For purposes of this subsection, "documented assurance" means:

(1) a copy of a valid contract to install the landscaping in accordance with the landscape plan

within the six-month period; or

(2) a set of deed restrictions containing a covenant to install the landscaping in accordance with the landscape plan within the six-month period. The deed restrictions must:

(A) expressly provide that they may be enforced by the city of Dallas;

(B) be approved as to form by the city attorney; and

(C) be filed in the deed records of the county in which the land is located.

(c) If, at the end of the six-month period, the landscaping has not been installed in accordance with the landscape plan, the owner of the property is liable to the city for a civil penalty in the amount of \$200 a day for each calendar day thereafter until the landscaping is properly installed. The building official shall give written notice to the property owner of the amount owed to the city in civil penalties, and shall notify the city attorney of any unpaid civil penalty. The city attorney shall collect unpaid civil penalties in a suit on the city's behalf.

(d) The civil penalty provided for in Subsection (c) is in addition to any other enforcement remedies the city may have under city ordinances and state law. (Ord. Nos. 19455; 20496; 22053; 30929)

SEC. 51A-10.128.

ENFORCEMENT BY BUILDING OFFICIAL.

———— Whenever any work is being done contrary to the provisions of this division, the building official may order the work stopped by notice in writing served on

any person engaged in the work or causing the work to be done. A person issued this notice shall stop work immediately until authorized by the building official to proceed with the work.

Whenever any work is being done contrary to the provisions of this division, the building official may order the work stopped by notice in writing served on any person engaged in the work or causing the work to be done. A person issued this notice shall stop work immediately until authorized by the building official to proceed with the work. (Ord. Nos. 25155; 30929)

Division 51A-10.130. ~~Tree Preservation, Removal, and Replacement.~~ Urban Forest Conservation.

SEC. 51A-10.131. APPLICATION OF DIVISION.

~~This division applies to all property in the city except for:~~

~~_____ (1) lots smaller than two acres in size that contain single-family or duplex uses; and~~

~~_____ (2) lots in a planned development district with landscaping and tree preservation regulations that vary appreciably from those in this article, as determined by the building official.~~

(a) This division applies to all property in the city except for:

(1) except as provided in this section, lots smaller than two acres in size that contain single-family or duplex uses in residential districts; and

(2) lots in an overlay district or a planned development district with tree preservation regulations that vary appreciably from those in this article, as determined by the building official.

(b) In this section, a tree removal property with an area of two acres or less in a residential district is considered to be vacant when an application is made for a demolition permit to demolish a single family or duplex structure. The tree removal property is considered to be vacant until:

(1) the demolition permit is closed (not expired) by the building inspector (reinstating the single family or duplex use); or

(2) a certificate of completion is provided to the tree removal property owner for a new single family or duplex structure for occupancy on the property.

(c) Historic trees on lots smaller than two acres in size that contain single-family or duplex uses in residential districts may be recognized in accordance with Section 51A-10.133. (Ord. Nos. 22053; 25155; 28553; 30929)

SEC. 51A-10.131.1. INTENT.

The city council intends that this division fully comply with state law to encourage the active planting of new trees and the replacement of damaged, injured, or removed trees by providing alternatives and options that will enhance the urban forest. (Ord. 30929)

SEC. 51A-10.131.2. PLANNED DEVELOPMENT DISTRICTS.

Deviations from this division require a three-quarters vote of the city council. (Ord. 30929)

SEC. 51A-10.132. TREE REMOVAL APPLICATIONS.

~~—(a) When a tree removal application must be approved and posted. A responsible party must post either an approved tree removal application in accordance with this section or a building permit in a conspicuous place at the entrances to the lot or tract, before removing or seriously injuring a protected tree on that lot or tract.~~

~~—(b) Application for review. An application required under this section must be filed with the building official on a form furnished by the city for that purpose. The application must include the following:~~

~~—(1) The name, address, telephone number, and signature of the applicant. If the applicant is not the owner of the lot or tract, he shall submit a letter from the owner authorizing him to act on the owner's behalf.~~

~~—(2) The name, address, and telephone number of each owner of the lot or tract.~~

~~—(3) The street address of the lot or tract.~~

(a) Tree removal application and posting.

(1) Except as provided in this subsection, a responsible party must post either an approved tree removal application in accordance with this section or a building permit in a conspicuous place at the entrances to the tree removal property, before removing or seriously injuring a protected tree on that tree removal property.

(2) A tree removal application must be posted in a conspicuous place at the entrance to the tree removal property in conjunction with a demolition permit or a grading permit.

(3) For trees removed from public right-of-way, posting of the required tree removal application is not required.

(b) Application for review. An application required under this section must be filed with the building official on a form furnished by the city for that purpose. The application must include the following:

(1) General. The name, address, telephone number, and signature of the applicant. The applicant may be the owner of the tree removal property or a contracted agent acting for the owner.

(2) Owner information. The name, address, and telephone number of each tree removal property owner.

(3) Tree removal property information. The street address, zoning district, and any overlay district of the tree removal property.

~~———— (4) A tree survey that shows the location, caliper, and name (both common and scientific) of all trees on the lot or tract (trees in close proximity that all have a caliper of less than eight inches may be designated as a "group of trees" with only the number noted), or an estimate of the total caliper inches of protected trees, calculated and documented in a manner determined by the building official to be reasonably accurate. The survey does not have to be prepared by a registered surveyor, architect, or landscape architect. Trees not proposed for removal or serious injury, or located within 50 feet of proposed construction activity need not be shown on the survey unless the building official determines it would help evaluation of the application.~~

~~———— (5) All permits and approvals related to floodplain, wetland, or escarpment regulations required by city departments or other agencies.~~

~~———— (6) Any other reasonable and pertinent information that the building official determines to be necessary for review.~~

~~———— (c) Form of approval of tree removal application. A tree removal application is not approved until it has been signed by the building official.~~

~~———— (d) Separate offense for each tree removed or seriously injured without a permit. A responsible party commits a separate violation of this section for each tree removed or seriously injured without authorization by a building permit or approved tree removal application that is posted at the lot or tract.~~

~~———— (e) Decision of the building official. The building official shall deny a tree removal application if the removal or serious injury is not in the public interest. This decision must be based on the following factors:~~

~~———— (1) The feasibility of relocating a proposed improvement that would require the removal or serious injury of the tree.~~

~~———— (2) The cost of preserving the tree.~~

~~———— (3) Whether the lot or tract would comply with this article after the removal or serious injury.~~

~~———— (4) Whether the removal or serious injury is contrary to the public health, safety, or welfare.~~

~~———— (5) The impact of the removal or serious injury on the urban and natural environment.~~

~~———— (6) Whether an economically viable use of the property will exist if the application is denied.~~

~~———— (7) Whether the tree is worthy of preservation.~~

~~———— (8) Whether the tree is diseased or has a short remaining life expectancy.~~

~~———— (9) The effect of the removal or serious injury on erosion, soil moisture retention, flow of surface waters, and drainage systems.~~

~~———— (10) The need for buffering of residential areas from the noise, glare, and visual effects of nonresidential uses.~~

~~———— (11) Whether a landscape plan has been approved by the board of adjustment, city plan commission, or city council.~~

~~———— (12) Whether the tree interferes with a utility service.~~

~~———— (13) Whether the tree is near existing or proposed structures.~~

~~———— (14) Whether the proposed mitigation for tree removal or serious injury is sufficient.~~

(4) Tree survey or forest stand delineation.
One of the following must be provided.

(A) A tree survey that shows the location, diameter, and name (both common and scientific) of all trees on the tree removal property (trees in close proximity that all have a diameter of less than eight inches may be designated as a "group of trees" with only the number noted), or an estimate of the total diameter inches of protected trees, calculated and documented using a tree sampling method determined by the building official to be reasonably

accurate. The survey does not have to be prepared by a registered surveyor, architect, or landscape architect. Trees not proposed for removal or serious injury, or located further than 20 feet from proposed construction activity need not be shown on the survey unless the building official determines it would help evaluation of the application.

(B) A forest stand delineation ("FSD") used for the purpose of calculating the total square footage of forest canopy coverage of building sites and providing an ecological assessment of a property. An FSD must be approved by the building official. The building official shall determine the information required to be provided in an FSD. The FSD is applicable to and may be used to calculate:

(i) Tree canopy cover assessment for old-field tree stands and undeveloped lots, two acres or larger, in early succession stages when:

(aa) a stand, or partial stand, with a minimum of 60 percent Class 3, eastern red cedar, or unprotected trees is located in a proposed development impact area;

(bb) the forest stand delineation excludes areas within 50 feet of a 100-year floodplain, 50 feet of a wetland, 50 feet of an escarpment zone, or 150 feet of a stream bank;

(cc) the trees in the stand, or partial stand, is designated in an age class of 60 years or less by the building official based on site and historical data; and

(dd) the stand is assessed and surveyed using tree sampling methods which provide general species quantity and tree size determinations based on the use of quadrat plots, a transect line sampling method, point-quarter sampling method, or other method approved by the building official.

(ii) Tree canopy cover credit for single family and duplex construction.

(iii) Tree canopy cover assessment of development impact areas in conjunction with sustainable development incentives.

(iv) Tree canopy cover assessment on properties five acres or larger with institutional and community service uses or recreation uses when the

measured tree canopy coverage is the baseline for determining the number of trees required for replacement when using the canopy cover replacement calculation for legacy trees in Section 51A-10.134(c)(7).

(v) Forest analysis for baseline documentation to create a conservation easement.

(vi) Tree canopy cover assessment where trees are removed without authorization.

(5) All permits and approvals related to floodplain, wetland, or escarpment regulations required by city departments or other agencies.

(6) Any other reasonable and pertinent information that the building official determines to be necessary for review.

(c) Form of approval of tree removal application. A tree removal application is not approved until it has been signed by the building official.

(d) Separate offense for each tree removed or seriously injured without a permit. A responsible party commits a separate violation of this section for each tree removed or seriously injured without authorization by a building permit or approved tree removal application.

(e) Decision of the building official. The building official shall deny a tree removal application if the removal or serious injury is not in the public interest. This decision must be based on the following factors:

(1) The feasibility of relocating a proposed improvement that would require the removal or serious injury of the tree.

(2) The cost of preserving the tree.

(3) Whether the lot or tract would comply with this article after the removal or serious injury.

(4) Whether the removal or serious injury is contrary to the public health, safety, or welfare.

(5) The impact of the removal or serious injury on the urban and natural environment.

(6) Whether an economically viable use of the property will exist if the application is denied.

(7) Whether the tree is worthy of preservation, is a significant tree, or a historic tree.

(8) Whether the tree is diseased or has a short remaining life expectancy.

(9) The effect of the removal or serious injury on erosion, soil moisture retention, flow of surface waters, and drainage systems.

(10) The need for buffering of residential areas from the noise, glare, and visual effects of nonresidential uses.

(11) Whether a landscape plan has been approved by the board of adjustment, city plan commission, or city council.

(12) Whether the tree interferes with a utility service.

(13) Whether the tree is near existing or proposed structures.

(14) Whether the proposed mitigation for tree removal or serious injury is sufficient.

(f) Development impact area waiver. Except as provided in this section, if tree removal is authorized by a building permit for construction of a main structure, a property owner may apply for a waiver of the tree replacement requirements in Section 51A-10.134. The waiver applies to protected trees in the development impact area on properties not listed in Sections 51A-10.131 and 51A-10.134(b), all single family and duplex permits, and properties excepted from Article X landscape requirements in Section 51A-10.121.

(1) Qualifications. The owner must demonstrate a good faith effort to design the building project to preserve the most, the biggest, and the best trees, by providing the following:

(A) a tree survey and a tree protection plan implemented as required by this division; and

(B) proof of consultation with a qualified consulting arborist or landscape architect for planning and implementing best management practices to reduce the negative impacts of construction on protected trees before submitting the building permit for approval.

(2) Tree removal property waiver

requirements.

(A) Tree removal properties two acres and larger. All tree removal properties two acres and larger must:

(i) meet the qualification requirements of Section 51A-10.135(d)(1) for sustainable development incentives;

(ii) reduce mitigable inches of protected trees on the tree removal property by a minimum of 50 percent through application of tree canopy coverage credit using Sustainable Development Incentives procedures; and

(iii) develop and implement the sustainable landscape plan and tree preservation plan in Section 51A-10.135(d)(4).

(B) Tree removal properties less than two acres. The owner must meet all qualifications in Section 51A-10.132(f)(1).

(3) Waivers. The building official shall waive tree replacement requirements for protected trees within the development impact area if the building official determines that all requirements in this subsection are met.

(A) Limitations. Except as provided in this subsection, the waiver is limited to protected trees in the development impact area on the tree removal property growing within the building footprint, minimum required parking areas, driveways, sidewalks, utility easements, detention areas, areas of grading, excavation areas, and staging areas necessary for construction.

(B) Waiver calculations. Except as provided in this subparagraph, the number of inches to be waived is determined by providing the total number of inches of protected trees in the applicable locations in the development impact area.

(i) The building official shall not waive mitigation of protected trees for non-required off-street parking spaces. The number of inches waived must be reduced on a pro-rata basis determined by the percentage of non-required parking spaces provided in the parking area. (Example: If the number of parking spaces required is 450; and 521 spaces are being provided on the lot, then the tree

mitigation requirements shall not be waived for the 71 excess parking spaces. $[71/450=15.78\%]$).

(ii) The building official shall not waive mitigation of protected trees for an area greater than 70 percent of the tree removal property. Trees must be mitigated on a pro-rata basis if the development impact area exceeds 70 percent of the tree removal property. (Example: If the development impact area is 85 percent of the tree removal property, 15 percent of the trees removed must be mitigated, $[0.85-0.70=0.15]$).

(C) Significant trees. Any significant tree on the tree removal property removed or seriously injured must be replaced and is not eligible for this mitigation waiver.

(D) Primary natural area. The development impact area waiver may not include trees within a primary natural area.

(E) Special exception. A tree removal property with a waiver must fully comply with the minimum landscape requirements without a special exception.

(F) Completion. No waiver is complete until the tree removal property passes a final tree mitigation inspection or landscape inspection and obtains a permanent certificate of occupancy.

(G) Denial. The building official shall deny a development impact area waiver if the building official determines that the owner is in violation of any of the applicable requirements of this division during the period between initial review and final tree mitigation or landscape inspection. If a waiver is denied, the required tree replacement must be completed in accordance with Section 51A-10.134. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.133. —RESERVED. (Ord. 25155)

SEC. 51A-10.133. HISTORIC TREES.

(a) A property owner must agree, on a form approved by the director, to have a tree designated as historic before the historic designation can be approved by city council.

(b) Except as provided in this section, historic status lasts for the life of the tree.

(c) A certified copy of the resolution declaring a tree historic must be filed in the deed records of the county where the historic tree is located.

(d) Except as provided in Section 51A-10.140, historic trees may only be removed by authorization of the city council. (Ord. 30929)

SEC. 51A-10.133.1. TRANSPLANTED TREES.

(a) Procedure. Established and healthy protected trees on a tree removal property may be transplanted within the city. The transplanting process must conform to operational and safety standards stated in ANSI A300 (Part 6), as amended, and with ISA Best Management Practices for Tree Planting, as amended.

(1) A protected tree that meets the requirements of this section is not considered removed, or seriously injured, if the transplanted tree is planted and maintained in a healthy growing condition.

(2) Building official approval is required before beginning the transplantation for credit as a landscape tree, for tree replacement, or for acceptance in tree canopy coverage measurements.

(3) The following information is required to obtain building official approval.

(A) An initial assessment report describing transplanting practices from beginning to end of the process, including post-planting care practices.

(B) A tree survey or landscape plan identifying the original and final locations of the protected tree after transplant, as applicable.

(C) Names and contact information of the property owners and contractors.

(D) Contractor credentials and a statement of equipment and procedures to be used for the operation.

(E) Other information required by the building official.

(b) Credit for transplanted trees.

(1) Healthy small trees qualify for one inch of replacement credit for each inch of the transplanted tree.

(2) Healthy large and medium protected trees six inches in diameter or less qualify for one inch of replacement credit for each inch of the transplanted tree.

(3) Healthy large and medium protected trees between seven inches and 12 inches in diameter qualify for two inches replacement credit for each inch of the transplanted tree.

(4) Healthy large and medium protected trees between 12 inches and 24 inches in diameter qualify for three inches of replacement credit for each inch of the transplanted tree.

(5) Healthy large and medium protected trees 24 inches or more in diameter qualify for five inches of replacement credit for each inch of the transplanted tree.

(c) Tree canopy coverage. Transplanted trees may be measured as part of the overall tree canopy coverage of a property in a forest stand delineation as a preserved tree. (Ord. 30929)

SEC. 51A-10.134. REPLACEMENT OF REMOVED OR SERIOUSLY INJURED TREES.

~~—If the tree removal application is approved, one or more healthy replacement trees must be planted in accordance with the following requirements:~~

~~—(1) Quantity. The total caliper of replacement trees must equal or exceed the total caliper of the protected trees removed or seriously injured.~~

~~—(2) Species. A replacement tree must be one of the following trees, and no one species of tree may constitute more than 30 percent of the replacement trees planted on a lot or tract.~~

(a) In general. Except as provided in this section, if a tree removal application is approved, a building permit is issued, an unauthorized tree removal occurs, or when a tree is removed from a public right-of-way in conjunction with a private development, one or more healthy replacement trees must be planted in accordance with the requirements in this article.

(b) Exception. Trees removed with a building permit for construction of a single family or duplex dwelling on a lot one acre or less in a residential district are not required to be replaced if the tree was located in the unrestricted zone on the tree removal property. Trees not in the unrestricted zone are subject to replacement.

(1) For front and rear yards, the unrestricted zone does not include required setbacks or the area 15 feet from the property line, whichever is greater.

(2) For side yards, the unrestricted zone does not include required setbacks or the area five feet from the property line, whichever is greater.

(c) Requirements.

(1) Quantity.

(A) Except as provided in this section, the minimum total caliper of replacement trees must equal or exceed the total classified diameter inches of the protected trees removed or seriously injured as listed below.

(B) Tree classification for mitigation:

(i) Historic trees: 3:1

(ii) Significant: 1.5:1

(iii) Class 1: 1:1

(iv) Class 2: 0.7:1

(v) Class 3: 0.4:1

(2) Species.

(A) A replacement tree must be an approved tree determined by the director.

(B) For a tree removal property two acres in size or more, no one species of tree may constitute more than 35 percent of the replacement trees planted on the tree removal property.

APPROVED REPLACEMENT TREES

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<i>Acer barbatum</i> var. <i>Caddo</i>	Caddo Maple
<i>Acer grandidentatum</i>	Bigtooth Maple
<i>Acer buergerianum</i>	Trident Maple
<i>Carya illinoensis</i>	Pecan
<i>Cercis canadensis</i>	Redbud
<i>Chilopsis linearis</i>	Desert Willow
<i>Diospyros texana</i>	Texas Persimmon
<i>Diospyros virginiana</i> [male only]	Common or American Persimmon
<i>Fraxinus americana</i>	White Ash
<i>Fraxinus texensis</i>	Texas Ash
<i>Gleditsia triacanthos</i> var. <i>inermis</i>	Thornless Honeylocust
<i>Gymnocladus dioica</i>	Kentucky Coffeetree
<i>Ilex decidua</i>	Possumhaw or Deciduous Holly
<i>Ilex vomitoria</i>	Yaupon Holly
<i>Juglans microcarpa</i>	Texas Black Walnut
<i>Juniperus ashei</i>	Ashe Juniper
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Lagerstroemia indica</i> —	Crape Myrtle
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Pinus eldarica</i>	Eldarica, Mondell, or Afghan Pine
<i>Pinus nigra</i>	Austrian or Black Pine
<i>Pinus thunbergii</i>	Japanese Black Pine
<i>Pistacia chinensis</i>	Chinese Pistachio
<i>Prosopis glandulosa</i>	Mesquite
<i>Prunus mexicana</i>	Mexican Plum
<i>Quercus buckleyi</i>	Texas Red Oak
<i>Quercus durandii</i>	Durand Oak
<i>Quercus fusiformis</i>	Escarpment Live Oak
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus muhlenbergii</i>	Chinkapin Oak
<i>Quercus shumardii</i>	Shumard Oak
<i>Quercus virginiana</i>	Live Oak
<i>Sapindus drummondii</i>	Western Soapberry
<i>Sideroxylon lanuginosum</i>	Chittamwood or Gum Bumelia
<i>Sophora affinis</i>	Eve's Necklace
<i>Taxodium ascendens</i>	Pond Cypress
<i>Taxodium distichum</i>	Bald Cypress
<i>Ulmus crassifolia</i>	Cedar Elm
<i>Ulmus parvifolia</i>	Lacebark Elm
<i>Viburnum rufidulum</i>	Rusty Blackhaw

— (3) Location. The replacement trees must be planted on the lot from which the protected tree was removed or seriously injured, except as otherwise allowed by Section 51A-10.135. Replacement trees may not be planted within a visibility triangle, a water course, or an existing or proposed street or alley.

— (4) Minimum size. A replacement tree must have a caliper of at least two inches.

— (5) Timing.

— (A) Except as otherwise provided in Subparagraphs (B) and (C), all replacement trees must be planted within 30 days after the removal or serious injury of the protected trees.

— (B) If the property owner provides the building official with an affidavit that all replacement trees will be planted within six months, the building official may permit the property owner to plant the replacement trees during the six-month period.

— (C) If the property owner provides the building official with a performance bond or a letter of credit in the amount of the total cost of purchasing and planting replacement trees, the building official may permit the property owner up to 18 months to plant the replacement trees, with the following restrictions:

— (i) for single family or multifamily developments, at least 50 percent of the total caliper of replacement trees must be planted before 65 percent of the development has received a final building inspection or a certificate of occupancy, and all replacement trees must be planted prior to the completion of the development; and

— (ii) in all other cases, the replacement trees must be planted prior to the issuance of a certificate of occupancy.

— (D) A replacement tree that dies within two years of the date it was planted must be replaced by another replacement tree that complies with this section.

(3) Location. The replacement trees must be planted on the lot from which the protected tree was removed or seriously injured, except as otherwise allowed by Section 51A-10.135. Replacement trees may

not be planted within a visibility triangle, a water course, in an area within 15 feet horizontally to the closest point of an overhead electric line, or an existing or proposed street or alley unless the tree is authorized by a license and permit and is required to be in that location by other ordinance.

(4) Minimum size. A replacement tree must have a caliper of at least two inches.

(5) Timing.

(A) Except as provided in this section, all replacement trees must be planted within 30 days of removal.

(B) If the property owner provides the building official with an affidavit stating that all replacement trees will be planted within six months, the building official may allow the replacement trees to be planted during that six-month period.

(i) If the property owner submits an application for a building permit for construction on the tree removal property within the six-month period, the tree replacement requirements may be transferred to the building permit for final completion of all tree replacement prior to a final certificate of occupancy or certificate of completion for the property.

(ii) If the property owner does not submit an application for a building permit for construction within the six-month period, all tree replacement must be completed within 30 days after the expiration of the six-month period.

(C) For residential subdivision developments and multi-phase commercial developments, tree replacement may be completed in accordance with a comprehensive tree replacement plan for the development. The building official may allow the property owner additional time to complete the development project to plant the replacement trees, with the following restrictions:

(i) A proposed landscape plan identifying all conceptual landscaping for the properties within the subdivision must be provided by a landscape architect and designed according to the soil and area requirements of this article. The proposed

plan will specify the minimum tree size and general species distribution for the properties in accordance with this article. The tree replacement for the development identified on the proposed plan must be completed prior to the final certificate of occupancy or certificate of completion for the project.

(ii) All required tree replacement that is not scheduled by an approved design for the property under the comprehensive tree replacement plan must be completed within six months of issuance of the tree removal application or building permit for removing trees.

(6) Forest stand delineation exceptions for old-field and undeveloped lots. When an FSD, under Section 51A-10.132(b)(4)(B) is used to assess tree canopy coverage:

(A) except as provided in this paragraph, no mitigation is required for a tree stand when:

(i) at least 60 percent of the trees in the stand are Class 3, eastern red cedar, or unprotected species; and

(ii) the average tree diameters in the stand are less than 12 inches DBH.

(B) significant trees in a stand located on an old-field or undeveloped lots must be mitigated.

(7) Additional requirements for forest stand delineation for properties five acres or greater with institutional uses or recreational uses. When an FSD under Section 51A-10.132(b)(5)(D) is used to assess tree canopy coverage:

(A) the tree removal property must maintain or increase the tree canopy coverage for the property recorded in the most recent FSD; and

(B) significant trees that are included in the FSD tree canopy coverage must be replaced according to the diameter standards for significant trees in this article.

(C) A replacement tree that dies within five years of the date it was planted must be replaced by another replacement tree that complies with this section. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.135.

ALTERNATIVE METHODS OF COMPLIANCE WITH TREE REPLACEMENT REQUIREMENTS.

~~— (a) If the building official determines that, due to inhospitable soil conditions or inadequate space, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the lot where the protected tree was removed or seriously injured (the “tree removal property”), the responsible party shall comply with one or more of the following requirements:~~

~~— (1) Donate the replacement tree to the city’s park and recreation department. If the director of the park and recreation department does not accept the tree, the responsible party must comply with one or more of the other alternative methods of compliance listed below.~~

~~— (2) Plant the replacement tree on other property in the city that is within one mile of the tree removal property, as long as the responsible party obtains the written approval of the building official for:~~

~~— (A) a site plan indicating the location of the tree to be removed or seriously injured, the address of the property where the replacement tree will be planted, and a site plan indicating the location of the replacement tree; and~~

~~— (B) a written agreement between the owner of the property where the replacement tree will be planted and the responsible party, to assume mutual responsibility for the replacement tree under this article.~~

~~— (3) Make a payment into a special city account, to be known as the Reforestation Fund, in accordance with Subsection (c).~~

~~— (4) Grant a conservation easement to the city in accordance with Subsection (d) and the following paragraphs:~~

(a) In general. If the building official determines that, due to restrictive site conditions, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the tree removal property, the responsible party shall comply with one or more of the mitigation methods in this section.

(b) Mitigation by legacy trees.

(1) Lots or artificial lots smaller than five acres on properties that are not using sustainable development incentives may attain replacement credit for planting legacy trees on the tree removal property.

(2) Each tree planted and designated as a legacy tree is given a 12 inch replacement credit.

(3) For lots containing a single-family or duplex use, credit will only be provided for legacy trees planted in the portion of the lot that abuts a street and extends across the width of the lot between the street and a main building and lines parallel to and extending outward from the front facade of a main building.

(c) Habitat preservation and restoration areas.

(1) Habitat preservation and restoration areas that are established to provide a dedicated open landscape area for native flora and fauna habitat preservation or restoration may be credited toward tree mitigation.

(2) To receive credit, habitat preservation and restoration areas must be a minimum of 1,200 square feet of contiguous area, as shown on a landscape plan.

(3) Credit will only be given for a maximum of 2,400 square feet of habitat and preservation area or 20 percent of the tree canopy cover goal for the property, as determined by the street typology of the adjacent street in Section 51A-10.135(d)(2)(A), whichever is greater.

(4) Every 1,200 square feet of habitat preserved that is not under a tree canopy may be counted as 12 diameter inches of tree replacement credit.

(5) These areas must be actively monitored and managed to be fully sustained as a protected habitat area including compliance with a maintenance plan provided to the building official.

~~_____ (A) The conservation easement area must contain protected trees with a combined caliper equal to or exceeding the caliper for which replacement tree credit is being requested.~~

~~_____ (B) If the conservation easement area is 25 percent or less than the area of the tree removal property, the responsible party will get credit for trees in the conservation easement area, on an inch for inch basis, up to a maximum of 50 percent of the total caliper of replacement trees required.~~

~~_____ (C) If the conservation easement area is more than 25 percent and less than 50 percent of the area of the tree removal property, the responsible party will get credit for trees in the conservation easement area, on an inch for inch basis, up to a maximum of 65 percent of the total caliper of replacement trees required.~~

~~_____ (D) If the conservation easement area is 50 percent or more of the area of the tree removal property, the responsible party will get credit for trees in the conservation easement area, on an inch for inch basis, up to a maximum of 80 percent of the total caliper of replacement trees required.~~

The replacement trees that cannot be planted on the tree removal property, and for which credit cannot be given through a conservation easement under this paragraph, must be replaced by other methods set forth in this subsection, such that the replacement trees equal in total caliper the total caliper of the trees removed or seriously injured.

~~_____ (b) Use of other property for tree replacement. A responsible party who obtains permission to plant the replacement tree on other tree replacement property in the city shall ensure that the planting and maintenance of the tree on the other tree replacement property complies with the requirements of this article. The building official shall maintain a list of publicly or privately owned properties for which replacement trees are sought by groups such as homeowner's associations or school districts.~~

~~_____ (c) Reforestation fund.~~

~~_____ (1) The director shall administer the reforestation fund to purchase trees to plant on public property or to acquire conservation easements or wooded property.~~

~~_____ (2) The amount of the payment required is calculated by using the formula for appraising the value of a tree, as derived from the most recent edition of the *Guide for Establishing Values of Trees and Other Plants* published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official. If more than one tree is being removed or seriously injured or not planted, the values of the trees are added when calculating the payment required.~~

~~_____ (3) All property purchased through this fund must be in or partly in the city of Dallas and may not extend further than five miles from the Dallas city limit.~~

~~_____ (d) Conservation easement.~~

~~_____ (1) The city manager is authorized to accept and approve on behalf of the city a conservation easement to conserve trees and other natural features, upon:~~

~~_____ (A) approval as to form by the city attorney; and~~

~~_____ (B) a determination by the building official that the easement area is suitable for conservation purposes, based on:~~

~~_____ (i) the likelihood that the proposed conservation easement area would preserve vegetation on a parcel otherwise attractive for development;~~

~~_____ (ii) the overall health and condition of the trees on the conservation easement property;~~

(d) Sustainable development incentives. Sustainable development incentives must be calculated on a form provided by the director.

(1) Requirements. For a development to

qualify for sustainable development incentives it must meet the requirements in this subsection.

(A) Properties must be a minimum of two acres with no residential uses except multifamily uses and shared access developments.

(B) Properties must contain commercial or multifamily uses or a shared access development.

(C) Before a building permit is issued, a consulting arborist or landscape architect must provide the following to the building official:

(i) A forest stand delineation.

(ii) A conceptual landscape plan identifying tree preservation, areas, natural features, landscape areas, proposed buildings, and any other site elements or improvements in as much detail as possible.

(iii) A soil resource assessment for all landscape areas.

(D) All healthy top soils disturbed during construction must be restored.

(E) Development must be fitted to the topography and soils to minimize cut-and-fill sections.

(F) Grading and clearing in or around the development impact area may not encroach in a primary natural area, except in conjunction with the construction of drainage facilities, approved through engineering review.

(i) Grading near preserved trees and around the edge of the development impact area must be planned and implemented to insure minimal impact to natural topography, watercourses, vegetation, and wildlife.

(ii) Indigenous vegetation must be retained and protected except in development impact areas or to control or remove invasive plants.

(G) Utility easement planning and locations must be designed to insure minimal impact to preserved trees and primary natural areas.

(H) All tree preservation and legacy tree plantings must fully comply with the tree protection

requirements and soil area and tree spacing standards of this article.

(I) A consulting arborist is required;

(i) for design and implementation of a tree protection plan and soil resource assessment;

(ii) to periodically inspect preserved trees;

(iii) to insure the standards for legacy tree plantings are implemented; and

(iv) to confirm compliance with these requirements to the building official before the final landscape inspection.

(J) Irrigation standards must be designed for efficient water conservation management on the property including dedicated irrigation for all legacy trees.

(K) A site maintenance schedule and implementation plan for site sustainability covering a minimum of five years must be approved by a consulting arborist or landscape architect and fully implemented. The schedule and plan must be available at the property.

(2) Pre-development assessment.

(A) Tree canopy cover goal and credit. The combined tree canopy cover of existing preserved trees, planted legacy trees, and planted landscape trees, shown on the final approved landscape plan, determines the tree canopy cover credit for sustainable development incentives.

(i) The combined preserved and planted legacy and landscape tree canopy cover measured in square feet is compared to the tree canopy cover goal for the property to determine the percentage of tree replacement reduction to be provided.

(ii) The tree canopy cover goal for the property is determined by the street typology of the adjacent streets. In this subsection, street typology is determined using the *Complete Streets Manual*, unless another publication is designated by the building official. Where a building site faces two or more street

frontages with differing typologies, the greater canopy cover goal controls.

Street Typology	Canopy Cover Goal
Residential	40 percent
Mixed Use	35 percent
Commercial & Freeways	30 percent
Industrial	25 percent
Parkways	45 percent

Canopy cover goal percentages are converted to square feet by multiplying the percent and the total square footage of the building site.

(B) Tree mitigation deductions. Tree mitigation deductions are subtracted from the total replacement tree requirements for the building site to calculate the base mitigation requirement in diameter inches. Available tree mitigation deductions are:

(i) Old-field mitigation reduction credit under Section 51A-10.134(c)(6).

(ii) Transplanted tree on site credit under Section 51A-10.133.1(c).

(3) Sustainable development credits.

(A) Tree canopy cover credit.

(i) Canopy cover credit square footage is divided by the tree canopy goal for the building site, measured in square feet, to obtain the percentage reduction.

(ii) The base mitigation requirement is reduced by the percentage above to determine the number of inches of mitigation remaining due.

(B) Preserved tree canopy credit.

(i) Preserved tree canopy cover is determined by completing a forest stand delineation and a conceptual landscape plan showing the protected trees to be preserved.

(ii) Preserved tree canopy cover credit, measured in square feet, must be confirmed before final inspection. Preserved tree canopy cover in a primary natural area is calculated at a rate of 0.25:1.

(C) Landscape tree canopy credit. Large

and medium nursery stock landscape trees may be counted towards the tree canopy cover total for a building site at a rate of 300 square feet per tree.

(D) Legacy tree canopy credit. Large or medium legacy trees may be installed in enhanced landscape areas for legacy tree credit. Legacy tree credit is determined as follows:

(i) Large legacy trees are counted towards the tree canopy cover total at a rate of 1,200 square feet per tree.

(ii) Medium legacy trees are counted towards the tree canopy cover total at a rate of 750 square feet per tree.

(4) Green site points.

(A) Additional tree mitigation reductions are available through enhanced site planning and design, landscape, and water conservation improvements that directly promote urban forest conservation.

(B) Required green site points are calculated by determining the percentage of the tree canopy cover goal or the percentage of existing tree canopy cover compared to the overall building site area before development. The percentage is rounded and converted to points at a 1:1 ratio (i.e., 30 percent = 30 points).

(i) For building sites three acres or less, the required number of points is determined by the tree canopy cover goal or the tree canopy cover before construction, whichever is greater.

(ii) For all other building sites, the required number of points is determined by the tree canopy cover before construction, but must be a minimum of 50 points.

(C) Green site points from enhanced landscaping are determined as follows:

(i) Green site landscape plan. Five points. A green site landscape plan must meet the minimum standards of this article, be designed by a landscape architect, and include the following:

(aa) a plan for the design, implementation, and maintenance of a water-wise

program and water-wise planting materials on a minimum of 75 percent of development impact area; and

(bb) a soil resource assessment throughout development for all landscape areas and required trees.

(ii) Tree preservation plan. Five points. A tree preservation plan must include a tree protection plan, soil resource assessment, and a complete tree survey performed by a consulting arborist. The tree preservation plan must be implemented and monitored by a consulting arborist. A report of soil planting conditions and tree protection during construction is required before a final landscape inspection.

(iii) Engineered solutions in an urban streetscape for replacement trees. 10 points maximum. A building site must have a minimum of five landscape design option points to qualify. Green site points are awarded when engineered solutions allow required large or medium trees in the street buffer zone to be planted in impervious environments. Soil volume must be a minimum of 480 cubic feet per required tree. A minimum of 75 percent of required street buffer trees must meet the soil volume minimum for credits to apply.

(aa) Minimum required soil volume: five points

(bb) Increase in soil volume 10 percent above minimum requirement: six points.

(cc) Increase in soil volume 15 percent above minimum requirement: seven points.

(dd) Increase in soil volume 20 percent above minimum requirement: eight points.

(ee) Increase in soil volume 25 percent above minimum requirement: nine points.

(ff) Increase in soil volume 30 percent or greater above minimum requirement: 10 points.

(iv) Enhanced buffer zone and increased landscape area. 15 points maximum. A building site must have a minimum of 10 landscape design option points in street buffer zone and

residential buffer zone enhancements to qualify. A street buffer zone or residential buffer zone may be enlarged by a minimum average of five feet deeper than the required average buffer depth. Five points for each five feet average increase in depth along each buffer zone on the building site.

(v) Conservation through tree preservation or habitat restoration. 20 points maximum. A building site must have a minimum of 10 landscape design option points to qualify. Conservation or preservation programs on the tree removal property may qualify for credits where primary natural areas and secondary natural areas are retained for conservation purposes. Each individual area must be identified on the landscape plan and must be a minimum of five percent of the building site.

(aa) Habitat preservation. Five points. The applicant must preserve existing healthy native and mixed species grassland or woodland areas.

(bb) Habitat preservation and restoration using an active management plan. 10 points. The applicant may create or restore natural habitat conditions if designed and implemented by a qualified professional. Site maintenance must be continual for the purpose of sustaining the vegetated area. Five additional points is available for each additional area.

(cc) Habitat preservation, restoration, and maintenance of natural forest edge using an active management plan - adjacent to primary natural areas. 15 points. The applicant may preserve and restore land areas adjacent to wetlands, creeks, floodplain, and slopes which help buffer the protected creeks, slopes, habitat and woodland in primary natural areas from the development impact area. An additional five points may be allotted if 90 percent of the development impact area boundary adjacent to the primary natural area is a minimum of 100 feet from the primary natural area.

(D) Low impact development. 20 points maximum. A building site must have a minimum of six landscape design option points to qualify.

(i) Rain garden. Maximum 10 points.

(aa) One to 5,000 square feet:

three points; and

(bb) each additional 1,000 square feet: one point.

(ii) Bioswale. Maximum 15 points per bioswale.

(aa) 50 to 100 feet long: three points; and

(bb) each additional 50 feet: one point.

(iii) Water-wise plant materials and planting beds. Maximum 10 points. The applicant may provide landscaping that uses water conservation techniques including water-wise plants, mulch, and efficient irrigation.

(aa) For providing water conservation techniques in a minimum of 50 percent of landscape areas: three points; or

(bb) in a minimum of 80 percent of landscape areas: five points.

(cc) For providing low-water consumption grasses for 80 percent of turf surfaces: three points; or

(dd) low-water consumption grasses for all turf surfaces: five points.

(E) Surface parking lots. The applicant may improve the interior zone to provide wider landscape areas and an enhanced shade tree environment. The enhancements may be combined for a maximum of 30 points. An additional five points are available if the building site achieves a 50 percent or greater projected tree canopy coverage over the parking lot with combined existing trees, legacy trees, and landscape trees.

(i) Option 1. Provide a protected pedestrian pathway that is between three feet in width and 15 feet in width, through a parking lot to a building from a public or private street or the expansion of a wide landscape median with trees and a walkway through the parking lot. A minimum of one large or medium tree is required for each 40 linear feet of pedestrian pathway or landscape median. Five points.

(ii) Option 2. Provide a maximum of 10 parking spaces between parking lot landscape islands. Five points.

(iii) Option 3. Increase the parking lot landscape area to a minimum of 200 square feet for each large or medium tree.

(aa) Increase of 50 percent of the required parking lot landscape islands. Five points.

(bb) Increase of 75 percent of the required parking lot landscape islands. 10 points.

(iv) Option 4. Increase the parking lot landscape area to a minimum of 300 square feet for each large or medium tree.

(aa) Increase of 50 percent of the required parking lot landscape islands. Five points.

(bb) Increase of 75 percent of the required parking lot landscape islands. 10 points.

(v) Option 5. Each additional parking lot landscape island provided. Three points.

(vi) Option 6. Provide a minimum 10-foot-wide landscape median with large or medium trees extending the length of a minimum 12 space parking row. Five points.

(vii) Option 7. Provide a 12-foot-wide landscape median with large or medium trees extending the length of a minimum 12 space parking row. 10 points for each full median for a maximum of 20 points on the lot.

(viii) Option 8. Provide a 16-foot-wide landscape median with large or medium trees extending the length of a minimum 12 space parking row. 15 points for each full median for a maximum of 30 points on the lot.

(ix) Option 9. Provide a minimum of 2,500 square feet of contiguous open soil surface area to serve as a pocket park. 20 points.

(F) Conservation easement. 10 points. The applicant may protect the primary and secondary natural areas on the building site adjacent to the

development indefinitely through a conservation easement.

(G) Public deed restriction. Five points.

The applicant may protect the primary and secondary natural areas on a building site with a public deed restriction for a minimum time-period of 25 years with 25 year automatic renewal provisions.

~~_____ (iii) the suitability of the area as a wildlife habitat; and~~

~~_____ (vi) other unique features worthy of preservation, e.g. water channels, rock formations, topography, or rare herbaceous or woody plant species.~~

~~_____ (2) The conservation easement may be structured to be monitored and managed by a nonprofit association dedicated to the conservation of land, with the city as a joint grantee having the right, but not the duty, to monitor the management of the conservation area. The joint grantee of a conservation easement may be an eligible grantee such that the grantor will have the option of receiving a property tax benefit on the assessed value of the conservation easement area.~~

~~_____ (3) The city manager may not accept a sole or joint conservation easement on behalf of the city, unless and until the owner provides the building official with:~~

~~_____ (A) a tree survey as set forth in Section 51A-10.132, or an estimate of the caliper and type of protected trees documented in a manner determined to be reasonably accurate by the building official; and~~

~~_____ (B) a preservation strategy for the conservation easement area.~~

~~_____ (4) No person may place playground equipment or park amenities in a conservation easement area unless the building official has made a written determination that the amenities indicated on a site plan are unlikely to be detrimental to the conservation easement area.~~

~~_____ (5) Conservation easement areas must be in or partly in the city of Dallas and may not extend further than five miles from the Dallas city limit.~~

~~(e) Tree canopy cover credit for single family and duplex uses. To reduce tree replacement requirements, a portion of existing tree canopy coverage over a single family or duplex construction building site must be preserved.~~

~~(1) The tree canopy cover goal is 40 percent of the building site.~~

~~(2) Healthy large and medium trees~~

preserved on the building site, including boundary trees, may be included in tree canopy cover calculations. Invasive trees and trees located within 20 feet on center of the nearest overhead public electric line are not included in the calculation.

(3) Each large and medium nursery stock tree planted as landscaping may also qualify as 300 square feet of tree canopy cover. If the tree canopy cover goal is met, additional landscape trees are not required, except that one tree must be provided in the front yard.

(4) Healthy large and medium trees preserved in the required front yard setback may qualify for double the total square footage of preserved tree canopy coverage.

(5) Boundary trees located on adjacent private property must be protected to the drip line according to the tree protection plan.

(6) The tree canopy cover must be measured by a forest stand delineation, verified and approved by the building official. The forest stand delineation must be provided by a consulting arborist.

(f) Conservation easement. Tree mitigation requirements may be reduced by granting a conservation easement to the city in accordance with this subsection.

(1) The conservation easement area must contain protected trees with a combined diameter equal to or exceeding the classified diameter inches for which replacement tree credit is being requested.

(2) The conservation easement area must be a minimum of 20 percent of the size of the development impact area on the tree removal property and must be:

(A) configured primarily for urban forest conservation and preservation by protecting natural topography, waterways, forest vegetation, and wildlife habitation; and

(B) a suitable size, dimension, topography, and general character for its intended purpose.

(3) No portion of the conservation easement may be narrower than 50 feet in width.

(4) A conservation easement must have frontage on an improved public street or have public access through private property to a public street.

(5) The city manager is authorized to accept and approve on behalf of the city a conservation easement to conserve trees and other natural features, upon:

(A) approval as to form by the city attorney;

(B) submission by the applicant of a metes and bounds property description prepared by a licensed surveyor; and

(C) a determination by the building official that the easement area is suitable for conservation purposes, based on:

(i) the submission of baseline documents prepared by a qualified professional describing the property's physical and biological conditions, the general age of any tree stands, locations of easements and construction, and the conservation values protected by the easement;

(ii) the likelihood that the proposed conservation easement area would preserve vegetation on a parcel otherwise attractive for development;

(iii) the overall health and condition of the trees on the conservation easement property, and the extent of invasive and exotic plants on the property and a strategy to manage the population;

(iv) the suitability of the area as a wildlife habitat;

(v) other unique features worthy of preservation, e.g. water channels, rock formations, topography, or rare herbaceous or woody plant species; and

(vi) the preservation of undeveloped areas located in a flood plain on a building site before and after construction, except as authorized by the director for engineering infrastructure.

(6) The conservation easement may be structured to be monitored and managed by a nonprofit association dedicated to the conservation of land, with the city as a joint grantee having the right, but not the duty, to monitor the management of the conservation area.

(7) The city manager may not accept a sole or joint conservation easement on behalf of the city, unless and until the owner provides the building official with:

(A) a tree survey as set forth in Section 51A-10.132, or an estimate of the caliper and type of protected trees documented in a manner determined to be reasonably accurate by the building official, or a forest stand delineation verified and approved by the building official; and

(B) a preservation strategy for the conservation easement area.

(8) No person may place playground equipment or park amenities in a conservation easement area unless the building official has made a written determination that the amenities indicated on a site plan are unlikely to be detrimental to the conservation easement area.

(9) Conservation easement areas must be located wholly within the Dallas city limit.

(g) Use of other property for tree replacement. Replacement trees that cannot be planted on the tree removal property, and for which credit is not given through a conservation easement, may be replaced by the methods in this subsection. The applicant may:

(1) provide a replacement tree to a city department for planting on city property, with the approval of the director of the city department.

(2) plant a replacement tree on property in the city that is within five miles of the tree removal property as long as the responsible party obtains the written approval of the building official and provides:

(A) a site plan indicating the location of the tree to be removed or seriously injured, the address of the property where the replacement tree will be planted, and a site plan indicating the location of the replacement tree; and

(B) a written agreement between the owner of the property where the replacement tree will be planted and the responsible party, to transfer responsibility for the replacement tree under this article to the receiving party.

(i) The agreement may be structured to allow a non-profit association dedicated to tree advocacy or the conservation of land to monitor and manage the replacement trees.

(ii) The agreement must include a written affidavit by the owner of the property where the replacement tree will be planted agreeing to maintain the tree for five years and to be the responsible party for the replacement tree.

(C) A responsible party who obtains permission to plant the replacement tree on other tree replacement property in the city shall ensure that the planting and maintenance of the tree on the other tree replacement property complies with the requirements of this article.

— (h) Reforestation fund.

— (1) Mitigation requirements may be met by making a payment into a special city account, to be known as the Reforestation Fund in accordance with this subsection.

— (2) The director shall administer the reforestation fund to purchase trees to plant on public property, to create an urban forest master plan and to update it periodically, to fund a staff position for managing and directing the fund for planting and urban forest education, or to acquire conservation easements or wooded property. A minimum of 50 percent of all funds provided for each fiscal year must be available to planting trees on public property or to acquire conservation easements or wooded property.

— (3) The amount of the payment required is calculated by using the formula for appraising the value of a tree, as derived from the most recent edition of the *Guide for Plant Appraisal* published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official. If more than one tree is being removed or seriously injured or not planted, the values of the trees are added when calculating the payment required.

— (4) All property purchased through this

fund must be located within the city of Dallas.

(h) Park land dedication. Preserved protected trees on dedicated park land and private park land may be used to meet tree mitigation requirements in accordance with Subsection (f).

(1) Except as provided in this subsection, to be eligible for tree mitigation credits, dedicated park land and private park land must meet the conservation easement standards in Sections 51A-10.135(f)(1), 51A-10.135(f)(3), and 51A-10.135(f)(5).

(2) Park land dedication requirements may be met on an acre for acre basis for any land dedicated as a conservation easement under this section that meets the conservation easement standards in this section and the requirements for publicly accessible private park land in Section 51A-4.1007(b)(2)(A)(i) and is accepted by the director of the park and recreation department.

(i) Reforestation fund.

(1) Mitigation requirements may be met by making a payment into a special city account, to be known as the Reforestation Fund in accordance with this subsection.

(2) The director shall administer the reforestation fund to purchase trees to plant on public property, to create an urban forest master plan and to update it periodically, to fund a staff position for managing and directing the fund for planting and urban forest education, or to acquire conservation easements or wooded property. A minimum of 50 percent of all funds provided for each fiscal year must be available to planting trees on public property or to acquire conservation easements or wooded property.

(3) The amount of the payment required is calculated by using the formula for appraising the value of a tree, as derived from the most recent edition of the *Guide for Plant Appraisal* published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official. If more than one tree is being removed or seriously injured or not planted, the values of the trees are added when calculating the payment required.

(4) All property purchased through this fund must be located within the city of Dallas. (Ord. Nos. 25155; 28073; 28553; 30929; 30934, eff. 7/1/19)

SEC. 51A-10.136.

**PRESERVATION
CONSERVATION AND
MAINTENANCE OF
PROTECTED TREES
DURING
CONSTRUCTION OR
OTHER DISTURBANCE.**

~~Where a property owner plans to retain protected trees on a site to be developed or otherwise disturbed in a manner that may affect protected trees, the following requirements must be met:~~

~~(a) Tree protection plan. A tree protection plan submitted to the building official must include the following:~~

~~(1) A site plan drawn to scale, indicating the location of land disturbance, clearing, grading, trenching, tree protection zones, proposed underground utilities, staging areas for parking, material storage, concrete washout, and debris burn and burial holes where these areas might affect tree protection, and areas where soil compaction is likely to occur in a tree protection zone due to traffic or materials storage.~~

~~(2) A complete tree survey in accordance with the requirements set forth in Section 51A-10.132.~~

~~(3) Detailed drawings of any of the following tree protection measures that will be used during development:~~

~~(A) Tree protection fencing. Tree protection fences must be a minimum of four feet high, constructed with adequate, durable material (e.g. orange plastic construction fencing) approved by the building official, and located at the drip line or the edge of the critical root zone, whichever is farthest from the trunk, unless the building official determines that a fence line closer to the trunk will not be likely to result in damage to the tree. For purposes of this subsection, "drip line" means a vertical line that runs from the outermost portion of the crown of a tree to the ground.~~

(a) City property. Except as provided in this section, trees on city property:

(1) must be established and maintained in accordance with ANSI A300 standards for tree care operations and the ISA Best Management Practices; or

(2) the American Standard for Nursery Stock Z60.

(b) In general. Where a property owner plans to retain protected trees on a site to be developed or otherwise disturbed in a manner that may affect protected trees, the following requirements must be met:

(1) Tree protection plan in general. A tree protection plan submitted to the building official must meet the specifications found in ANSI A300 Standards for Tree Care Operations, as amended, and ISA Best Management Practices.

(2) Tree protection plan additional requirements. A tree protection plan must include the following:

(A) A site plan drawn to scale, indicating the location of land disturbance, clearing, grading, trenching, tree protection zones, general projection of the tree canopy area over the property, proposed underground utilities, staging areas for parking, material storage, concrete washout, and debris burn and burial holes where these areas might affect tree protection, and areas where soil compaction is likely to occur in a tree protection zone due to traffic or materials storage.

(B) A complete tree survey in accordance with the requirements set forth in Section 51A-10.132, or a forest stand delineation approved by the building official. Significant and historic trees must be specifically designated on the survey.

~~—————(B) Erosion control fencing or screening. All protected trees or stands of trees, and tree protection zones must be protected from the sedimentation of erosion material. Silt screening must be placed along the outer uphill edge of tree protection zones.~~

~~—————(C) Tree protection signs.~~

~~—————(D) Transplanting specifications.~~

~~—————(E) Tree wells and aeration systems.~~

~~—————(F) Staking specifications.~~

~~————(b) Implementation of tree protection plan.~~

~~—————(1) The responsible party must install and maintain all tree protection measures indicated in the approved plan prior to and throughout the land disturbance process and the construction phase.~~

~~—————(2) No person may disturb the land or perform construction activity until the required tree protection measures have been inspected by the building official.~~

~~—————(3) The responsible party must mulch areas where soil compaction is likely to occur as indicated on the plan with a minimum four-inch layer of processed pine bark or wood chips, or a six-inch layer of pine straw.~~

~~—————(4) If a cut is made to the root of a tree that is not intended to be removed or seriously injured as indicated on the plan, the cut must be made at a 90 degree angle.~~

~~—————(5) The responsible party must tunnel utilities if utilities are to run through a tree protection zone, rather than being placed along corridors between tree protection zones.~~

~~————(c) Damage to protected trees. Where the building official has determined that irreparable damage has occurred to trees within tree protection~~

zones, the responsible party must remove and replace those trees.

(C) Detailed drawings and descriptions of any of the following tree protection measures that will be used during development.

(i) Tree protection fencing. Tree protection fences must be constructed within the development impact area unless an alternative is approved by the building official on the tree protection plan.

(aa) Except as provided in this subparagraph, tree protection fences must be a minimum of four feet high, constructed with adequate, durable material (e.g. orange plastic construction fencing) approved by the building official, and located at the drip line or the edge of the critical root zone, whichever is farthest from the trunk, unless the building official determines that a fence line closer to the trunk will not be likely to result in damage to the tree. The building official may require an expansion of the critical root zone or approved encroachment. Once established, the fence line must remain in place as approved.

(bb) Tree protection fences located in the development impact area within 15 feet of construction activity must be a minimum of six-feet-high and constructed of chain-link, wire-mesh, or wood fence materials, and be solidly anchored to the ground if:

(I) a required tree protection fence located within the critical root zone of a protected tree on the property is determined by the building official to be in violation of this subsection;

(II) a significant or historic tree is located within a development impact area;

(III) a tree preservation plan for sustainable development incentives is designed for the preservation of protected trees within the area of construction activity; or

(IV) tree canopy cover credit for single family or duplex uses is applied to protected trees in the construction activity area.

(ii) Erosion control fencing or screening. All protected trees or stands of trees, and tree protection zones must be protected from the sedimentation of erosion material. Silt screening must be placed along the outer uphill edge of tree protection zones.

(iii) Tree protection signs.

(iv) Transplanting specifications. Trees to be transplanted on property, or relocated from a remote property, must conform to the specifications found in ANSI A300 Standard for Tree Care Operations, as amended.

(v) Tree wells, islands, retaining walls, and aeration systems.

(vi) Staking specifications.

(vii) Soil and root protection.

(viii) Trunk protection.

(ix) Tree and site watering plan.

(c) Clearing. For clearing invasive, exotic, or unprotected vegetation on a building site, a forest stand delineation is required. The building official may require a tree protection plan to be provided on all or a portion of the building site.

(d) Implementation of tree protection plan.

(1) The responsible party must install and maintain all tree protection measures indicated in the approved plan prior to and throughout the land disturbance process and the construction phase.

(2) No person may disturb the land or perform construction activity until the required tree protection measures have been inspected by the building official.

(3) The responsible party must mulch areas where soil compaction is likely to occur as indicated on the plan with a minimum four-inch layer of wood chip mulch, or by other options listed in ISA Best Management Practices, or methods and materials recommended by a consulting arborist and approved by the building official.

(4) If a cut is made to the root of a tree that

is not intended to be removed or seriously injured as indicated on the plan, the cut must be made at a 90 degree angle.

(5) The responsible party must tunnel utilities if utilities are to run through a tree protection zone, rather than being placed along corridors between tree protection zones.

(6) The responsible party must provide water to the tree protection zone as needed due to weather or site conditions, with penetration between six and 18 inches of soil.

(e) Damage to protected trees. Where the building official has determined that irreparable damage has occurred to trees within tree protection zones, the responsible party must remove and replace those trees. The building official may determine that irreparable damage to a tree has occurred based on, but not limited to, the following factors:

(1) site evaluation;

(2) visible extensive damage to a tree root system;

(3) extensive soil compaction around the tree protection zone;

(4) visual evidence that required tree protection has been removed or is in disrepair; or

(5) a tree risk assessment by a consulting arborist that includes the current condition and proposed remedial measures.

(f) Topping. Topping is not an acceptable practice. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.137. VIOLATION OF THIS DIVISION.

—Whenever any work is being done contrary to the provisions of this division, the building official may order the work stopped by notice in writing served on any person engaged in the work or causing the work to be done. A person issued this notice shall stop work immediately until authorized by the building official to proceed with the work.

(a) Stop work order. Whenever any work is being done contrary to the provisions of this division,

the building official may order the work stopped by notice in writing served on any person engaged in the work or causing the work to be done. A person issued this notice shall stop work immediately until authorized by the building official to proceed with the work.

(b) Mitigation. The building official may require mitigation for the removal, or serious injury, of protected trees without a tree removal application or a building permit upon written notice of a violation of this division.

(1) Mitigation may include:

(A) replacement of nursery stock trees on the property based on a tree mitigation plan provided by the responsible party, if it is determined by the building official that it is practicable to plant trees on the tree removal property;

(B) other alternative methods of compliance in this article when approved by the building official; or

(C) a fee to be applied to the Reforestation Fund, with the amount determined in Section 51A-10.135.

(2) The responsible party must provide a tree survey or a forest stand delineation identifying all tree sizes and species, or tree canopy coverage, on the property.

(A) If the responsible party fails to provide the required information within 30 days of the notice of violation the building official may conduct a forest stand delineation using aerial imagery, field analysis, or other reasonable and pertinent information to review and identify the square footage of tree canopy coverage on the property.

(B) Required mitigation is calculated as follows:

(i) When tree size and species are identified in a verifiable survey provided by a consulting arborist and approved by the building official. Mitigation is required in accordance with Section 51A-10.134.

(ii) When protected trees have been removed with no measurable remaining evidence.

Mitigation is required in accordance with Section 51A-10.134 as determined using the following calculation.

(aa) The tree canopy coverage area is estimated by measuring the tree canopy coverage area shown in an aerial image no older than three years before notice of violation.

(bb) The estimated tree canopy coverage area, in square feet, on the tree removal property is divided by 1,200 square feet to determine an estimated number of trees for the area.

(cc) The number of trees is multiplied by eight inches as the estimated average of trees to determine the inches of the trees to be replaced.

(iii) Reforestation fund.

(aa) The number of inches to be replaced for trees not located in a primary natural area is multiplied by the Class 2 base rate (0.7:1) to calculate reforestation fund value.

(bb) The number of inches to be replaced for trees located in a primary natural area is multiplied by the Class 1 base rate (1:1) to calculate reforestation fund value.

(3) Upon a finding by the building official that tree canopy coverage removal has occurred, the building official shall give written notification to the responsible party. Tree replacement or mitigation must be completed within 90 days of the date of the notification. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.138. APPEALS.

In considering an appeal from a decision of the building official made in the enforcement of this division, the sole issue before the board of adjustment shall be whether or not the building official erred in his or her decision. The board shall consider the same standards that the building official was required to consider in making the decision. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.139. FINES.

~~— A person convicted of violating this division shall be subject to a fine of not less than \$2,000.00 per protected tree removed or seriously injured without authorization, and not less than \$2,000.00 per day for any other violation of this division.~~

A person convicted of violating this division shall be subject to a fine of not less than \$2,000.00 per protected tree removed or seriously injured without authorization, and not less than \$2,000.00 per day for any other violation of this division. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.140. CRIMINAL
 RESPONSIBILITY, AND
 DEFENSES TO
 PROSECUTION.

~~— (a) A person is criminally responsible for a violation of this division if the person:~~

(a) A person is criminally responsible for a violation of this division if the person:

_____ (1) ~~removes or seriously injures, or assists in the removal or serious injury of, a protected tree without complying with the requirements of this division; or~~

_____ (2) ~~owns part or all of the land where the violation occurs.~~

_____ (b) ~~It is a defense to prosecution under this section that the act is included in one of the enumerated categories listed in this section. No approval of a tree removal application is required if the tree:~~

_____ (1) ~~was dead and the death was not caused by an intentional or negligent act of the owner or an agent of the owner;~~

_____ (2) ~~had a disease or injury that threatened the life of the tree and was not caused by an intentional act of the owner or an agent of the owner;~~

_____ (3) ~~was in danger of falling or had partially fallen and the danger or the fall was not due to an intentional act of the owner or an agent of the owner;~~

_____ (4) ~~was in a visibility triangle (unless the owner was legally required to maintain the tree there) or obstructed a traffic sign;~~

_____ (5) ~~interfered with service provided by a public utility within a public right-of-way;~~

_____ (6) ~~threatened public health or safety, as determined by one of the following city officials:~~

_____ (A) ~~the chief of the police department;~~

_____ (B) ~~the chief of the fire-rescue department;~~

_____ (C) ~~the director of mobility and street services;~~

_____ (D) ~~the director of sanitation services;~~

_____ (E) ~~the director of code compliance;~~

_____ (F) ~~the director of park and recreation;~~
or

_____ (G) ~~the director of sustainable development and construction;~~

_____ (7) ~~was designated for removal in a landscape plan approved by the city council, city plan commission, or board of adjustment;~~

_____ (8) ~~interfered with construction or maintenance of a public utility;~~

_____ (9) ~~was removed or seriously injured to allow construction, including the operation of construction equipment in a normal manner, in accordance with infrastructure engineering plans approved under Article V of Chapter 49 or Section 51A-8.404; or~~

_____ (10) ~~was removed or seriously injured to allow construction of improvements in accordance with a building permit.~~

(1) removes or seriously injures, or assists in the removal or serious injury of, a protected tree without complying with the requirements of this division; or

(2) owns part or all of the land where the violation occurs.

(b) It is a defense to prosecution under this section that the act is included in one of the enumerated categories listed in this section. A tree removal application or tree replacement is not required if the tree:

(1) was dead and the death was not caused by an intentional or negligent act of the owner or an agent of the owner;

(2) had a disease or injury that threatened the life of the tree and was not caused by an intentional act of the owner or an agent of the owner;

(3) was in danger of falling or had partially fallen and the danger or the fall was not due to an intentional act of the owner or an agent of the owner;

(4) was in a visibility triangle (unless the owner was legally required to maintain the tree there) or obstructed a traffic sign;

(5) interfered with service provided by a public utility within a public right-of-way;

(6) threatened public health or safety, as determined by one of the following city officials:

(A) the chief of the police department;

(B) the chief of the fire-rescue department;

(C) the director of mobility and street services;

(D) the director of sanitation services;

(E) the director of code compliance;

(F) the director of park and recreation;

(G) the director of sustainable development and construction; or

(H) the director of aviation.

(7) was designated for removal without replacement in a landscape plan approved by the city council, city plan commission, or board of adjustment;

(8) interfered with construction or maintenance of a public utility or public right-of-way; or

(9) was removed or seriously injured to allow construction, including the operation of construction equipment in a normal manner, in accordance with infrastructure engineering plans approved under Article V of Chapter 49 or street paving and grading in a public right-of-way, storm drainage easement, detention or retention pond designation, or bridge construction, for private development. (Ord. Nos. 22053; 23694; 25047; 25155; 28073; 28424; 30239; 30929)

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>
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)

[Intentionally left blank]

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>
30477	5-24-17		2	Amends 51A-4.122(b)(2)(J)
			3	Amends 51A-4.122(c)(2)(J)
			4	Amends 51A-4.123(a)(2)(J)
			5	Amends 51A-4.123(b)(2)(J)
			6	Amends 51A-4.123(c)(2)(J)
			7	Amends 51A-4.123(d)(2)(J)
			8	Amends 51A-4.125(d)(2)(J)
			9	Amends 51A-4.125(e)(2)(J)
			10	Amends 51A-4.125(f)(2)(J)
			11	Adds 51A-4.210(b)(21.1)
30481	5-24-17		1	Amends 51A-5.102(a)(3)
30663	9-27-17		1	Adds 51A-7.1001(c)
			2	Adds 51A-7.1007.2
30685	10-25-17		1	Amends 51A-7.901.1
			2	Amends 51A-7.911(e)(2)(C)
30731	12-13-17		1	Amends 51A-7.1201
			2	Amends 51A-7.1203(a)
			3	Amends 51A-7.1205(c)
			4	Amends 51A-7.1207(a)(1)
			5	Amends 51A-7.1208(b)(1)
			6	Adds 51A-7.1214.2
30802	2-28-18		1	Amends 51A-7.1608(c)
			2	Adds 51A-7.1608(j)
30808	3-28-18		1	Amends 51A-1.105(k)(3)(note)
			2	Amends 51A-4.212(10.1)(B)(iii)
			3	Amends 51A-4.702(h)(2)
			4	Amends 51A-4.702(i)(2)
30889	6-13-18		1	Adds 51A-13.201(15.1)
			2	Amends 51A-13.201(34)
			3	Amends 51A-13.302(d)
			4	Adds 51A-13.304(a)(5)
			5	Adds 51A-13.304(a)(6)
			6	Amends 51A-13.304(b)(4)
			7	Amends 51A-13.304(b)(5)
			8	Amends 51A-13.304(c)(4)
			9	Amends 51A-13.304(c)(5)
			10	Amends 51A-13.304(d)(4)
			11	Amends 51A-13.304(d)(5)
			12	Amends 51A-13.304(e)(4)
			13	Amends 51A-13.304(e)(5)
			14	Amends 51A-13.304(f)(4)
			15	Amends 51A-13.304(f)(5)
			16	Amends 51A-13.304(g)(4)
			17	Amends 51A-13.304(g)(5)

30890

6-13-18

18	Amends 51A-13.304(h)(4)
19	Amends 51A-13.304(h)(5)
20	Amends 51A-13.304(i)(4)
21	Amends 51A-13.304(i)(5)
22	Amends 51A-13.304(j)(4)
23	Amends 51A-13.305(e)(1)
24	Replaces graphic in 51A-13.305(e)
25	Amends 51A-13.305(f)(1)
26	Amends 51A-13.305(f)(3)
27	Replaces Use Chart in 51A-13.306(b)
28	Adds 51A-13.403(c)(1)(C)
29	Amends 51A-13.403(c)(4)
30	Adds 51A-13.411(b)(E)
31	Amends 51A-13.501(a)(4)
5	Amends 51A-4.201(1)(C)
6	Amends 51A-4.201(2)(C)
7	Amends 51A-4.202(1)(C)
8	Amends 51A-4.202(2)(C)
9	Amends 51A-4.202(3)(C)
10	Amends 51A-4.202(4)(C)
11	Amends 51A-4.202(5)(C)
12	Amends 51A-4.202(6)(C)
13	Amends 51A-4.202(7)(C)
14	Amends 51A-4.202(8.1)(C)
15	Amends 51A-4.202(9)(C)
16	Amends 51A-4.202(10)(C)
17	Amends 51A-4.202(11)(C)
18	Amends 51A-4.202(13)(C)
19	Amends 51A-4.202(14)(C)
20	Amends 51A-4.203(b)(1)(C)
21	Amends 51A-4.203(b)(1.1)(C)
22	Amends 51A-4.203(b)(2)(C)
23	Amends 51A-4.203(b)(3.1)(C)
24	Amends 51A-4.203(b)(4.1)(C)
25	Amends 51A-4.203(b)(6)(C)
26	Amends 51A-4.204(1)(C)
27	Amends 51A-4.204(2)(C)
28	Amends 51A-4.204(5)(C)
29	Amends 51A-4.204(7)(C)
30	Amends 51A-4.204(8)(C)
31	Amends 51A-4.204(9)(C)
32	Amends 51A-4.204(11)(C)
33	Amends 51A-4.204(13)(C)
34	Amends 51A-4.204(14)(C)
35	Amends 51A-4.205(1)(C)
36	Amends 51A-4.205(1.1)(C)
37	Amends 51A-4.205(2)(C)
38	Amends 51A-4.206(2)(C)
39	Amends 51A-4.206(6)(C)
40	Amends 51A-4.207(2)(C)
41	Amends 51A-4.207(3)(C)
42	Amends 51A-4.207(4)(C)
43	Amends 51A-4.207(5)(C)
44	Amends 51A-4.208(3)(C)

45	Amends 51A-4.209(b)(1)(C)
46	Amends 51A-4.209(b)(2)(C)
47	Amends 51A-4.209(b)(3)(C)
48	Amends 51A-4.209(b)(3.1)(C)
49	Amends 51A-4.209(b)(4)(C)
50	Amends 51A-4.209(b)(5.1)(C)
51	Amends 51A-4.209(b)(6)(C)
52	Amends 51A-4.210(b)(1)(C)
53	Amends 51A-4.210(b)(2)(C)
54	Amends 51A-4.210(b)(3)(C)
55	Amends 51A-4.210(b)(9)(C)
56	Amends 51A-4.210(b)(10)(C)
57	Amends 51A-4.210(b)(11)(C)
58	Amends 51A-4.210(b)(13)(C)
59	Amends 51A-4.210(b)(16)(C)
60	Amends 51A-4.210(b)(17)(C)
61	Amends 51A-4.210(b)(18)(C)
62	Amends 51A-4.210(b)(19)(C)
63	Amends 51A-4.210(b)(20)(C)
64	Amends 51A-4.210(b)(21)(C)
65	Amends 51A-4.210(b)(22)(C)
66	Amends 51A-4.210(b)(23)(C)
67	Deletes 51A-4.210(b)(24)(C)(iv)
68	Deletes 51A-4.210(b)(25)(C)(iii)
69	Amends 51A-4.210(b)(26)(C)
70	Amends 51A-4.210(b)(27)(C)
71	Amends 51A-4.210(b)(29)(C)
72	Amends 51A-4.210(b)(30)(C)
73	Amends 51A-4.210(b)(30.1)(C)
74	Amends 51A-4.210(b)(31)(C)
75	Amends 51A-4.211(1)(C)
76	Amends 51A-4.211(2)(C)
77	Amends 51A-4.211(3)(C)
78	Amends 51A-4.211(4)(C)
79	Amends 51A-4.211(5)(C)
80	Amends 51A-4.211(6)(C)
81	Amends 51A-4.211(7)(C)
82	Amends 51A-4.211(8)(C)
83	Amends 51A-4.211(9)(C)
84	Amends 51A-4.212(1)(C)
85	Amends 51A-4.212(2)(C)
86	Amends 51A-4.212(3)(C)
87	Amends 51A-4.212(4)(C)
88	Amends 51A-4.212(5)(C)
89	Amends 51A-4.212(6)(C)
90	Amends 51A-4.212(7)(C)
91	Amends 51A-4.212(8)(C)
92	Amends 51A-4.212(9)(C)
93	Amends 51A-4.212(10)(C)
94	Amends 51A-4.212(10.1)(C)
95	Amends 51A-4.212(11)(C)
96	Amends 51A-4.212(12)(C)
97	Amends 51A-4.213(1)(C)
98	Amends 51A-4.213(2)(C)

			99	Amends 51A-4.213(3)(C)
			100	Amends 51A-4.213(4)(C)
			101	Amends 51A-4.213(5)(C)
			102	Amends 51A-4.213(10)(C)
			103	Amends 51A-4.213(11.1)(C)
			104	Amends 51A-4.213(12)(C)
			105	Amends 51A-4.213(13)(C)
			106	Amends 51A-4.213(14)(C)
			107	Amends 51A-4.213(15)(C)
30891	6-13-18		1	Amends 51A-3.102(b)
30892	6-13-18		1	Amends 51A-4.323(b)
			2	Amends 51A-7.505(2)
			3	Amends 51A-7.507(b)(2)
			4	Amends 51A-7.1706(c)(ii)
30893	6-13-18		1	Amends 51A-4.301(f)(5)(iii)
			2	Amends 51A-4.602(b)(3)
			3	Amends 51A-5.206(b)(3)
			4	Amends 51A-5.208(b)(1)
30894	6-13-18		3	Amends 51A-4.217(b)(12)(F)
			4	Amends 51A-4.217(b)(12)(G)
			5	Amends 51A-4.217(b)(12)(H)
30895	6-13-18		8	Amends 51A-4.401(a)(1)
			9	Amends 51A-4.401(a)(4)
			10	Amends 51A-4.402(a)
			11	Amends 51A-4.402(b)(3)
			12	Amends 51A-4.403(a)(4)
			13	Amends 51A-4.403(b)(2)
			14	Amends 51A-6.102(a)(5)
30896	6-13-18		1	Amends 51A-4.204(4)(C)
30929	6-27-18			Amends Ch. 51A, Art. X, 51A-10.101 thru 51A-10.140
30930	6-27-18		2	Amends 51A-4.209(b)(6)(E)
30931	6-27-18		2	Amends 51A-1.105(a)(4)
			3	Adds 51A-4.510
30932	6-27-18		6	Amends 51A-2.102(10)
			7	Adds 51A-2.102(10.1)
			8	Amends 51A-4.124(a)(8)(C)(i)(aa)
			9	Amends 51A-4.124(a)(9)(J)(ii)
			10	Amends 51A-4.211(10)(E)(v)
			11	Amends 51A-4.401(a)(6)
			12	Amends 51A-4.401(b)(3)
			13	Amends 51A-7.502(1)
30933	6-27-18		1	Amends 51A-8.606
30934	6-27-18	7-1-19	1	Adds 51A-1.105(z)
			2	Adds Div. 51A-4.1000
			3	Amends 51A-8.405
			4	Amends 51A-10.135(h)
			5	Adds 51A-10.135(i)

Dallas Development Code Index

HANDICAPPED, SPECIAL EXCEPTIONS FOR.	51A-1.107
HISTORIC PRESERVATION TAX EXEMPTIONS AND ECONOMIC DEVELOPMENT INCENTIVES FOR HISTORIC PROPERTIES	
Other incentives for historic preservation in urban historic districts	
Historic conservation easement program	51A-11.301
Transfer of development rights	51A-11.302
Purpose and definitions	
Definitions	51A-11.102
Purpose and authority.....	51A-11.101
Sunset provision and coordination with pending tax exemptions	
Coordination with pending tax exemptions	51A-11.402
Sunset provision	51A-11.401
Tax exemptions for historic properties	
Citywide tax exemption.....	51A-11.208
Historic property destruction or alteration	51A-11.203
Initial application, completion of rehabilitation, and final application are all required for tax exemption	51A-11.201
Penalties for failure to complete a project or failure to obtain a certificate of occupancy	51A-11.202
Tax exemption for historic properties open to the public and owned by non-profit organizations	51A-11.207
Tax exemptions in historic districts other than urban historic districts, endangered historic districts, and revitalizing historic districts	51A-11.206
Tax exemptions in endangered and revitalizing historic districts	51A-11.205
Tax exemptions in the urban historic districts	51A-11.204
INTERPRETATIONS.	51A-2.101
LANDMARK COMMISSION.	51A-3.103
LANDSCAPE AND TREE PRE-CONSERVATION REGULATIONS	
Acceptable plant materials.....	51A-10.103
Alternative methods of compliance.	51A-10.135
Definitions.	51A-10.101
General maintenance.....	51A-10.108
Irrigation requirements.....	51A-10.106
Landscape and tree manual.	51A-10.109
Landscaping	
Application of division.	51A-10.121
Artificial lot delineation.....	51A-10.122
Design standards.....	51A-10.126
Enforcement by building official.	51A-10.128
Landscape design options.	51A-10.126
Landscape plan review.	51A-10.124
Landscape plan submission.	51A-10.123
Mandatory landscaping requirements.....	51A-10.125
When landscaping must be completed.	51A-10.127
Measurements.	51A-10.105

Dallas Development Code Index

— Planters allowed.	51A-10.107
— Planting area requirements.	51A-10.104
— Protection of planting areas.	51A-10.105
Purpose.	51A-10.102
Soil and planting area requirements.	51A-10.104
Special exceptions.	51A-10.110
— Tree preservation, removal, and replacement	
Urban forest conservation	
Alternative methods of compliance with tree replacement requirements.	51A-10.135
Appeals.	51A-10.138
Application of division.	51A-10.131
Conservation and maintenance of protected trees during construction	
or other disturbance.	51A-10.136
Criminal responsibility.	51A-10.140
Defenses to prosecution.	51A-10.140
Fines.	51A-10.139
Historic trees.	51A-10.133
Intent.	51A-10.131.1
Planned development districts.	51A-10.131.2
— Preservation of protected trees during construction or other disturbance.	51A-10.136
Replacement of removed or seriously injured trees.	51A-10.134
Transplanted trees.	51A-10.133.1
Tree removal applications.	51A-10.132
Violation of this division.	51A-10.137
NOTIFICATION SIGNS REQUIRED TO BE OBTAINED AND POSTED.	51A-1.106
PLAT REGULATIONS	
Approvals and agreements in writing.	51A-8.706
Circumvention of regulations prohibited.	51A-8.703
Definitions.	51A-8.201
Early release of building or foundation permit.	51A-8.702
Function of commission.	51A-8.104
Infrastructure design and construction	
Construction required.	51A-8.603
Cost sharing contract.	51A-8.614
Covenant procedures.	51A-8.613
Dedications.	51A-8.602
General standards.	51A-8.601
Median openings, extra lanes, and driveways.	51A-8.607
Monumentation.	51A-8.617
Nonstandard materials.	51A-8.615
Private development contracts.	51A-8.612
Railroad crossings.	51A-8.609
Retaining walls.	51A-8.620
Sanitation collection access required.	51A-8.605
Screening walls.	51A-8.619
Sidewalks.	51A-8.606
Storm drainage design.	51A-8.611
Street appurtenances.	51A-8.608

Dallas Development Code Index

Jurisdiction.	51A-8.105
Nothing deemed submitted until fees paid.	51A-8.701
Platting in the escarpment zone and in the geologically similar area.	51A-8.707
Policy.	51A-8.102
Procedures	
Apportionment of exactions and park land dedication.	51A-8.405
Engineering plan approval procedure.	51A-8.404
Platting of street right-of-way prohibited.	51A-8.402
Platting process.	51A-8.403
When platting is required.	51A-8.401
Purpose.	51A-8.103
Subdivision layout and design	
Alleys.	51A-8.507
Blocks.	51A-8.504
Building lines.	51A-8.505
Community unit development.	51A-8.510
Compliance with zoning.	51A-8.501
Conservation easement.	51A-8.511
Designation of abandoned, franchised, or licensed property.	51A-8.502
Fire and police access.	51A-8.509
Lots.	51A-8.503
Parks and common areas.	51A-8.508
Shared access development.	51A-8.512
Street layout.	51A-8.506
Taxes.	51A-8.705
Title.	51A-8.101
Utilities.	51A-8.704
Waiver by city council.	51A-8.708
PURPOSE.	51A-1.102
SIGN REGULATIONS	
Arts District Extension Area Sign District	
Attached private signs	51A-7.2107
Building identification signs	51A-7.2109
Dallas Black Dance Theatre Subdistrict	51A-7.2112
Definitions	51A-7.2103
Designation of the Arts District Extension Area Sign District	51A-7.2101
Detached private signs	51A-7.2108
One Arts Plaza Subdistrict	51A-7.2110
Public signs	51A-7.2106
Purpose	51A-7.2102
Sign permit requirement.	51A-7.2104
Special provisions for all signs.	51A-7.2105
Two Arts Plaza And Three Arts Plaza Subdistrict	51A-7.2111

Dallas Development Code Index

Arts District Sign District

All signs.....	51A-7.1205
Application of Highway Beautification Acts.	51A-7.1215
Arts District sign permit requirement.....	51A-7.1204
Attached private signs.....	51A-7.1207
Building identification signs.....	51A-7.1209
Canopy fascia signs.	51A-7.1211
Construction barricade signs.	51A-7.1214
Cultural institution digital signs.	51A-7.1212
Cultural institution identification sign.	51A-7.1210
Definitions.....	51A-7.1203
Designation of arts district sign district.....	51A-7.1201
Detached private signs.....	51A-7.1208
Freestanding identification signs.....	51A-7.1213
Operational requirements for signs with digital displays.....	51A-7.1205.1
Public signs.	51A-7.1206
Purpose.	51A-7.1202
Subdistrict A.	51A-7.1214.1
Subdistrict B.	51A-7.1214.2

Business zoning district provisions

Application.	51A-7.301
Attached signs.....	51A-7.305
Detached non-premise signs prohibited generally.	51A-7.306
Detached signs.	51A-7.304
Digital display on certain detached non-premise signs.	51A-7.308
General provisions applicable to signs in business zoning districts.....	51A-7.303
Non-premise signs.	51A-7.306
Relocation of certain detached non-premise signs.....	51A-7.307

Change and amendment procedures

Authority to amend; submission of proposed amendments to city plan commission....	51A-7.801
Public hearings provided.	51A-7.802
Three-fourths vote of city council in certain cases.....	51A-7.803

Deep Ellum/Near East Side Sign District

All signs.....	51A-7.1305
Attached signs.....	51A-7.1306
Definitions.....	51A-7.1303
Designation of sign district.	51A-7.1301
Detached signs.	51A-7.1307
Parking ad signs.	51A-7.1308
Purpose.	51A-7.1302
Sign permit requirements.	51A-7.1304

Definitions.	51A-7.102
-------------------	-----------

Downtown Special Provision Sign District

Attached non-premise district activity videoboard signs	51A-7.909
Definitions.....	51A-7.903
Designation of Downtown Special Provision Sign District.	51A-7.901
Designation of subdistricts.	51A-7.901.1

Dallas Development Code Index

Provisions applicable to all signs.	51A-7.2006
Purpose	51A-7.2003
Sign permit requirements.	51A-7.2005
West End Historic Sign District	
All signs, general requirements.	51A-7.1004
Antioch Church subdistrict.	51A-7.1007.2
Attached signs.	51A-7.1005
Banners on streetlight poles.	51A-7.1008
Definitions.	51A-7.1003
Designation of West End Historic Sign District.	51A-7.1001
Detached signs.	51A-7.1006
Nondiscrimination between noncommercial messages.	51A-7.1011
Purpose.	51A-7.1002
Purse Building subdistrict.	51A-7.1007.1
Sign permit requirement.	51A-7.1010
Special purpose signs.	51A-7.1007
Window art displays in vacant buildings.	51A-7.1009
West Village Sign District	
Attached signs	51A-7.1907
Definitions	51A-7.1904
Designation of subdistricts	51A-7.1902
Designation of West Village Sign District	51A-7.1901
Detached signs	51A-7.1906
General provisions for all signs	51A-7.1905
Purpose	51A-7.1903
Special provisions for:	
Construction barricade signs	51A-7.1914
District identification signs	51A-7.1917
District signs	51A-7.1916
Facade-mounted banner signs	51A-7.1909
Kiosk signs	51A-7.1910
Movement control signs	51A-7.1913
Newsstand signs	51A-7.1911
Other temporary signs	51A-7.1915
Signs attached to machinery or equipment	51A-7.1912
Special purpose signs	51A-7.1908
THOROUGHFARES	
Approval of alignment of thoroughfares	
Approval of state or county thoroughfare improvements, procedure for.	51A-9.202
Establishment of thoroughfare alignment, procedures for.	51A-9.201
Four-way/all-way stop controls at residential intersections	
Appeals.	51A-9.403
Application.	51A-9.401
Standards of review.	51A-9.402
Plan amendment process.	51A-9.102
Plan defined.	51A-9.101

Dallas Development Code Index

Nonresidential district regulations

Central area districts.	51A-4.124
Commercial service and industrial districts.	51A-4.123
Mixed use districts.	51A-4.125
Multiple commercial districts.	51A-4.126
Office districts.	51A-4.121
Retail districts.	51A-4.122
Urban corridor districts.	51A-4.127

Off-street parking and loading regulations

Handicapped parking regulations.	51A-4.305
Nonconformity as to parking or loading regulations.	51A-4.307
Off-street loading regulations.	51A-4.303
Off-street parking in the central business district.	51A-4.306
Off-street parking regulations.	51A-4.301
Off-street stacking space regulations.	51A-4.304
Parking [P(A)] district regulations.	51A-4.302

Off-street parking reductions

Administrative parking reduction.	51A-4.313
Reductions for providing bicycle parking.	51A-4.314
Special exceptions.	51A-4.311
Tree preservation parking reduction.	51A-4.312

Overlay and conservation district regulations

Accessory dwelling unit overlay.	51A-4.510
Conservation districts.	51A-4.505
D and D-1 liquor control overlay districts.	51A-4.503
Demolition delay overlay district.	51A-4.504
Historic overlay district.	51A-4.501
Institutional overlay district.	51A-4.502
Modified delta overlay district.	51A-4.506
Neighborhood stabilization overlay.	51A-4.507
Parking management overlay district.	51A-4.509
Turtle Creek Environmental Corridor.	51A-4.508

Park land dedication

Appeals.	51A-4.1011
Applicability.	51A-4.1002
Calculations, deductions, and credits.	51A-4.1007
Dedication.	51A-4.1004
Definitions and interpretations.	51A-4.1003
Fee-in-lieu.	51A-4.1005
Park development fee.	51A-4.1006
Park land dedication fund.	51A-4.1009
Park land dedication standards.	51A-4.1008
Purpose.	51A-4.1001
Review.	51A-4.1012
Tree mitigation.	51A-4.1010

Regulations of special applicability

Creation of a building site.	51A-4.601
Design standards.	51A-4.605
Fence, screening and visual obstruction regulations.	51A-4.602
Restrictions on access through a lot.	51A-4.604