

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

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the public hearing to all owners of real property lying within 200 feet of the boundary of the area subject to the proposal. The measurement of the 200 feet includes streets and alleys. The notice must be given not less than 10 calendar days before the date set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll. This notice must be written in English and Spanish if the area subject to the proposal is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census. The director shall also give notice of the public hearing in the official newspaper of the city not less than 10 calendar days before the hearing date. After notice of a public hearing has been given, a nonprofit organization may not amend its proposal without city council approval.

(g) A proposal must be adopted by resolution of the city council and by an appropriate act of the governing body of each of the other affected taxing units before any land may be quitclaimed to a nonprofit organization under this division. (Ord. Nos. 23713; 25047; 27697; 32002; 32760; 33224)

SEC. 2-26.8. MULTIPLE PROPOSALS FOR THE SAME LAND.

If two or more nonprofit organizations request the same land, their proposals will be considered as follows:

(1) A nonprofit organization that needs the land as an outparcel to complete development of an affordable housing project will be given first preference to acquire the land.

(2) A nonprofit organization that is certified by the city as a community housing development organization, as that term is defined in Part 92.02, Title 24 of the Code of Federal Regulations, as amended, will be given second preference to acquire the land if the land is located in its neighborhood area of emphasis

for the development of affordable housing, as that area is defined in its certification by the city.

(3) If none of the nonprofit organizations is entitled to preference under Subsection (1) or (2) of this section, or if more than one of the nonprofit organizations is entitled to preference under Subsection (1) or (2) of this section, the city council will evaluate the competing proposals for the land and accept the one determined to be in the best interest of the city. (Ord. 23713)

SEC. 2-26.9. PURCHASE PRICE OF LAND.

(a) A nonprofit organization that purchases land under this division shall pay the following amounts to the city for the land:

(1) a fixed price of \$1,000 for up to 7,500 square feet of land purchased under a single proposal, plus \$0.133 for each additional square foot of land purchased under the proposal, which amounts will be distributed by the city in accordance with Section 34.06 of the Texas Property Tax Code, as amended; and

(2) a sum equal to the actual fees charged by the county clerk for recording in the real property records the sheriff's deed and the quitclaim deed for the land.

(b) No amount paid under this section may be refunded by the city, even if the land reverts to the city under Section 2-26.12. (Ord. Nos. 23713; 24046)

SEC. 2-26.10. QUITCLAIM DEED.

(a) Upon approval of a proposal under this division by the city council and the governing bodies of all other affected taxing units, the city manager is authorized to execute a quitclaim deed, approved as to form by the city attorney, quitclaiming the land to the nonprofit organization, subject to the possibility of reverter with right of reentry, deed restrictions, and the terms and conditions of this division and the

(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, or for any other lawful municipal purpose not specifically described in this subsection, that requires a city expenditure not exceeding \$300,000, except that no formal administrative action is required for the purchase of non-legal advertising placement (media buys).

(2) A contract for architecture, engineering, or facility construction (public works project), that requires a city expenditure not exceeding \$500,000.

(3) Except as provided in Paragraph (4), 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.

(4) A change order to a contract for facility construction (public works project) 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

\$100,000 or less, provided that the original contract price may never be increased by more than 25 percent.

(5) A contract for personal, professional, or planning services requiring a city expenditure not exceeding ~~\$100,000~~ \$300,000, 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.

(6) 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 \$100,000 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 \$100,000 or less if:

(A) the original contract price does not exceed \$100,000 and the amendment increases the total contract price to an amount greater than \$100,000; or

(B) the original contract price exceeds \$100,000 and the amendment increases the original contract price by more than 25 percent.

(7) 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 \$100,000 or the renewal amount specified in the resolution approving the original contract.

(8) 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 \$100,000 or the renewal amount specified in the resolution approving the original contract.

(1) Supervise and administer the office of economic development.

(2) Represent the city in negotiating contracts with private developers for joint venture projects or development incentives.

(3) Plan and supervise the city's efforts to attract and retain businesses.

(4) Participate in the preparation and revision of the capital improvement program.

(5) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 25834)

SEC. 2-40. RESERVED.

ARTICLE V.

~~DEPARTMENT OF DEVELOPMENT SERVICES.~~ DEPARTMENT OF PLANNING AND DEVELOPMENT.

SEC. 2-41. ~~CREATED; DIRECTOR OF DEVELOPMENT SERVICES.~~

~~There is hereby created the department of development services of the city, the head of which shall be the director of development services who shall be appointed by the city manager. The department of development services will be composed of the director of development services and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.~~

SEC. 2-41. CREATED; DIRECTOR OF PLANNING AND DEVELOPMENT.

There is hereby created the department of planning and development of the city, the head of which shall be the director of planning and development who shall be appointed by the city manager. The department of planning and development will be composed of the director of planning and development and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

(Ord. Nos. 25047; 27697; 32002; 32760)

SEC. 2-42. ~~DUTIES OF THE DIRECTOR OF DEVELOPMENT SERVICES.~~

~~(a) The director of development services shall perform the following duties:~~

~~(1) Supervise and administer the department of development services.~~

~~(2) Add to, delete from, modify or otherwise specify the property area determined to be acquired with community development funds.~~

~~(3) Advise the city manager, in cooperation with the chief planning officer and others designated by the city manager, on matters affecting the urban design and physical development of the city.~~

~~(4) Participate with the chief planning officer in developing and recommending to the city manager a comprehensive plan for the city.~~

~~(5) Participate with the chief planning officer in reviewing and making recommendations regarding proposed actions implementing the comprehensive plan.~~

~~(6) Participate in the preparation and revision of the capital improvement program.~~

~~(7) Administer the regulations governing the subdivision and platting of land in accordance with state and local laws.~~

~~(8) Participate in the planning relating to urban redevelopment, urban rehabilitation, and conservation intended to alleviate or prevent slums, obsolescence, blight, or other conditions of urban deterioration.~~

~~(9) Serve as secretary to the landmark commission.~~

~~(10) Supervise the engineering, construction, and paving of all streets, boulevards, alleys, sidewalks, and public ways when the work is being done by a private developer.~~

~~———— (11) Supervise the engineering and construction of the storm sewers and storm drainage systems when the work is being done by a private developer.~~

~~———— (12) Administer, implement, and enforce city regulations relating to the construction of public water and wastewater infrastructure improvements by private developers.~~

~~———— (13) Provide for the administration, implementation, and enforcement of the city's construction codes.~~

~~———— (14) Perform plan reviews and inspections for new construction and renovation of fixed facilities for food products establishments.~~

~~———— (15) Perform such other duties as may be required by the city manager or by ordinance of the city council.~~

~~———— (b) Whenever the directors of property management, planning and development, and sustainable development are referred to in any city ordinance or resolution or in any contract, license, permit, franchise, or other agreement granted or executed by the city, those terms mean the director of development services.~~

SEC. 2-42. DUTIES OF THE DIRECTOR OF PLANNING AND DEVELOPMENT.

(a) The director of planning and development shall perform the following duties:

(1) Supervise and administer the department of planning and development.

(2) Add to, delete from, modify, or otherwise specify the property area determined to be acquired with community development funds.

(3) Advise the city manager, in cooperation with others designated by the city manager, on matters affecting the urban design and physical development of the city.

(4) Develop and recommend to the city manager a comprehensive plan for the city.

(5) Review and make recommendations regarding proposed actions implementing the comprehensive plan.

(6) Participate in the preparation and revision of the capital improvement program.

(7) Administer the regulations governing the subdivision and platting of land in accordance with state and local laws.

(8) Coordinate all planning relating to urban redevelopment, urban rehabilitation, and conservation intended to alleviate or prevent slums, obsolescence, blight, or other conditions of urban deterioration.

(9) Provide services related to historic districts, historic structures, and potential historic districts and structures; and serve as secretary to the landmark commission.

(10) Supervise the engineering, construction, and paving of all streets, boulevards, alleys, sidewalks, and public ways when the work is being done by a private developer.

(11) Supervise the engineering and construction of the storm sewers and storm drainage systems when the work is being done by a private developer.

(12) Administer, implement, and enforce city regulations relating to the construction of public water and wastewater infrastructure improvements by private developers.

(13) Provide for the administration, implementation, and enforcement of the city's construction codes.

(14) Perform plan reviews and inspections for new construction and renovation of fixed facilities for food products establishments.

(15) Administer the historic district tax incentive programs.

(16) Perform such other duties as may be required by the city manager or by ordinance of the city council.

(b) Whenever the directors of property management, sustainable development, and development services are referred to in any city ordinance or resolution or in any contract, license, permit, franchise, or other agreement granted or executed by the city, those terms mean the director of

planning and development. (Ord. Nos. 25047; 25834; 27697; 29478; 32002; 32760)

ARTICLE V-a.

DEPARTMENT OF FACILITIES AND REAL ESTATE MANAGEMENT.

SEC. 2-43. ~~CREATED;~~ DIRECTOR OF FACILITIES AND REAL ESTATE MANAGEMENT.

There is hereby created the department of facilities and real estate management of the city of Dallas, at the head of which shall be the director of facilities and real estate management who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department. The department will be composed of the director of facilities and real estate management and other assistants and employees the city council may provide by ordinance upon recommendation by the city manager. (Ord. Nos. 23694; 30994; 32789)

SEC. 2-44. DUTIES OF THE DIRECTOR OF FACILITIES AND REAL ESTATE MANAGEMENT.

The director of the department of facilities and real estate management shall perform the following duties:

(1) Supervise and administer the department of facilities and real estate management.

(2) Have responsibility for the design, construction, operation, maintenance, repair, renovation, and expansion of all public buildings belonging to or used by the city, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

(3) Provide for the maintenance and upkeep of the grounds around all public buildings, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council.

(5) Supervise the purchase and sale of all

real property of the city, not to include property operated by the Housing Department or Dallas Water Utilities.

(6) Manage real property under the director's supervision including approval of short term month-to-month leases.

(7) Determine pursuant to the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970 the public necessity for the acquisition of real property, when the property is purchased in whole or in part with community development grant funds.

ARTICLE V-e.

~~DEPARTMENT OF PLANNING AND
URBAN DESIGN.~~**RESERVED.****SEC. 2-52. ~~CREATED; CHIEF PLANNING
OFFICER.~~**

~~There is hereby created the department of planning and urban design, the head of which shall be the chief planning officer who shall be appointed by the city manager. The department of planning and urban design will be composed of the chief planning officer and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 29478; 29882)~~

**SEC. 2-53. ~~DUTIES OF THE CHIEF PLANNING
OFFICER.~~**

~~The chief planning officer shall perform the following duties:~~

~~(1) Supervise and administer the department of planning and urban design.~~

~~(2) Advise the city manager, in cooperation with others designated by the city manager, on matters affecting the urban design and physical development of the city.~~

~~(3) Develop and recommend to the city manager a comprehensive plan for the city.~~

~~(4) Review and make recommendations regarding proposed actions implementing the comprehensive plan.~~

~~(5) Participate in the preparation and revision of the capital improvement program.~~

~~(6) Coordinate all planning relating to urban redevelopment, urban rehabilitation, and conservation~~

~~intended to alleviate or prevent slums, obsolescence, blight, or other conditions of urban deterioration.~~

~~(7) Provide services related to historic districts, historic structures, and potential historic districts and structures.~~

~~(8) Administer the historic district tax incentive programs.~~

~~(9) Perform such other duties as may be required by the city manager or by ordinance of the city council.~~

~~(10) Give advice and provide staff assistance to the board of adjustment, the plan commission, and the landmark commission in the exercise of their responsibilities. (Ord. Nos. 29478; 29882; 30239; 32002; 32557)~~

SECS. 2-52 THRU 2-53. RESERVED.

(Repealed by Ord. 32760)

ARTICLE V-f.

**DEPARTMENT OF EQUIPMENT AND FLEET
MANAGEMENT.****SEC. 2-54. ~~CREATED; DIRECTOR OF
EQUIPMENT AND FLEET
MANAGEMENT.~~**

There is hereby created the department of equipment and fleet management of the city of Dallas, at the head of which shall be the director of equipment and fleet management who shall be appointed by the city manager. The department will be composed of the director of equipment and fleet management and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 30994)

**SEC. 2-55. ~~DUTIES OF THE DIRECTOR OF
EQUIPMENT AND FLEET
MANAGEMENT.~~**

The director of equipment and fleet management shall perform the following duties:

(A) were unforeseen by and beyond the control of the person requesting the reset or continuance; and

(B) require immediate action or attention by the person requesting the reset or continuance; and

(2) no opposing party will be unreasonably damaged or inconvenienced by the reset or continuance.

(c) Notwithstanding Subsection (a) of this section, a party that has been granted one reset of a scheduled hearing may not be granted another reset of any scheduled hearing for the same appeal or request for an exemption unless the city secretary makes the determinations required by Subsection (b) of this section. (Ord. Nos. 23386; 25002)

SEC. 2-98. PUBLIC NOTICE REQUIREMENTS FOR HEARINGS ON EXEMPTIONS FROM LOCATIONAL RESTRICTIONS.

~~—If a permit or license is denied because of a locational restriction and the applicant is seeking an exemption to the locational restriction from the permit and license appeal board, a nonrefundable public notice fee of \$100 must be paid to the director of development services at the time the written request for the exemption hearing is filed. Not less than 10 days before the hearing date, the director of development services shall publish notice of the hearing in a newspaper of general circulation and provide written notice of the hearing to all neighborhood associations registered with the department of development services to receive zoning notices for the area in which the subject of the exemption is located. The director of development services may waive the \$100 public notice fee upon receipt of an affidavit from the applicant showing financial hardship.~~

If a permit or license is denied because of a locational restriction and the applicant is seeking an exemption to the locational restriction from the permit and license appeal board, a nonrefundable public notice fee of \$100 must be paid to the director of planning and development at the time the written request for the exemption hearing is filed. Not less than 10 days before the hearing date, the director of planning and

development shall publish notice of the hearing in a newspaper of general circulation and provide written notice of the hearing to all neighborhood associations registered with the department of planning and development to receive zoning notices for the area in which the subject of the exemption is located. The director of planning and development may waive the \$100 public notice fee upon receipt of an affidavit from the applicant showing financial hardship. (Ord. Nos. 23386; 25002; 25047; 27697; 32002; 32760)

SEC. 2-99. APPEALS TO STATE DISTRICT COURT.

Once the decision of the permit and license appeal board is final under Section 2-96 of this chapter for an appeal of a department director's action on a license or permit or under Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies, for a request for an exemption from a locational restriction, the decision may be appealed to the state district court by the city, by the applicant, licensee, or permittee, or by any other person aggrieved by the decision. An appeal to the state district court must be filed within 20 days after the date of the board's final decision. An appeal to the state district court is limited to a hearing under the substantial evidence rule. (Ord. Nos. 18200; 20279; 21185; 23386; 25002)

SEC. 2-100. RESERVED.

ARTICLE X.

PUBLIC ART PROGRAM.

SEC. 2-101. PURPOSE.

The city recognizes the importance of expanding the opportunities for its citizens to experience public art and other projects resulting from the creative expression of its visual artists in public places of the city. The city further recognizes the substantial economic benefits to be gained in the form of increased tourism through enhancement of public spaces and consequent retail activity throughout the city. A policy is established in this article to include works of art and design services of artists in certain city capital

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

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

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

(f) This section does not apply to:

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

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

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

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

~~_____ (1) Application. An applicant for a variance shall submit the following information to the director of the department of development services:~~

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

(A) The name of the owner of the property where the alcohol business will be located.

(B) The name and address of the applicant for the alcohol permit.

(C) The type of alcohol permit for which application is being made.

(D) The name and address of the protected use that creates the need for the variance. For purposes of this section, "protected use" means a church, public or private school, public hospital, day-care center, or child-care facility as defined in this chapter.

(E) A survey showing the location and distances of the business where alcohol will be sold, the front door of the business where alcohol will be sold, the location of the protected use, and the front door of the protected use.

(F) A statement of why the variance meets the standard of Subparagraph (5)(D).

~~_____ (G) Any other information the director of the department of development services deems necessary.~~

~~_____ (2) Fee. A nonrefundable fee of \$1,200 must be paid to the director of development services when the application for a variance is filed.~~

(G) Any other information the director of the department of planning and development deems necessary.

(2) Fee. A nonrefundable fee of \$1,200 must be paid to the director of planning and development when the application for a variance is filed.

(3) Notification signs.

~~_____ (A) Signs required to be obtained from the city. An applicant is responsible for obtaining the required number of notification signs and posting them on the property that is the subject of the application. Notification signs must be obtained from the director of the department of development services or the building official. An application will not be processed until the fee of \$10 per sign has been paid:~~

(A) Signs required to be obtained from the city. An applicant is responsible for obtaining the required number of notification signs and posting them on the property that is the subject of the application. Notification signs must be obtained from the director of the department of planning and development or the building official. An application will not be processed until the fee of \$10 per sign has been paid.

(B) Number of signs required. A minimum of one notification sign is required for every 500 feet or less of street frontage, with one additional notification sign required for each additional 500 feet or less of street frontage. For tracts without street frontage, a minimum of one notification sign is required for every five acres or less, with one additional notification sign required for each additional five acres or less. A maximum of five notification signs are required.

(C) Posting of signs. The applicant shall post the required number of notification signs on the alcoholic beverage premises, as defined in Section 11.49 of the Texas Alcoholic Beverage Code, within 14 days after an application is filed. The signs must be legible and remain posted until a final decision is made on the application. For tracts with street frontage, signs must be evenly spaced over the length of every street frontage, posted at a prominent location adjacent to a public street, and be easily visible from the street. For tracts without street frontage, signs must be evenly posted in prominent locations most visible to the public.

(D) Failure to comply. If the city council determines that the applicant has failed to comply with the provisions of this paragraph, it shall take no action on the application other than to postpone the public hearing for at least four weeks or deny the applicant's request. If the hearing is postponed, the required notification signs must be posted within 24 hours after the public hearing is postponed and comply with all other requirements of this paragraph.

(E) Illegal removal of signs. A person commits an offense if he intentionally or knowingly removes a notification sign that has been posted pursuant to this paragraph. It is a defense to prosecution under this paragraph that the sign was no longer required to be posted pursuant to this paragraph at the time of its removal.

~~————— (4) Hearing. The director of the department of development services shall set a date for a public hearing before the city council within 60 days after a complete application is filed. Not less than 10 days before the public hearing, the director of the department of development services shall:~~

(4) Hearing. The director of planning and development shall set a date for a public hearing before the city council within 60 days after a complete application is filed. Not less than 10 days before the public hearing, the director of the department of planning and development shall:

(A) publish notice of the public hearing in a newspaper of general circulation;

~~————— (B) provide notice of the public hearing to all neighborhood associations registered with the department of development services to receive zoning notices for the area in which the alcoholic beverage premises, as defined in Section 11.49 of the Texas Alcoholic Beverage Code, is located; and~~

(B) provide notice of the public hearing to all neighborhood associations registered with the department of planning and development to receive zoning notices for the area in which the alcoholic beverage premises, as defined in Section 11.49 of the Texas Alcoholic Beverage Code, is located; and

(C) provide notice of the public hearing to the protected use that creates the need for the variance.

(5) Standard for approval. A main motion to approve a variance must be seconded two times, with each second made by a different city council member. The city council may, but is not required, to allow variances to the spacing requirements of Subsection (a) if the city council finds that:

(A) the application is for:

(i) a brewer's permit pursuant to Chapter 12 of the Texas Alcoholic Beverage Code;

(ii) a distiller's and rectifier's permit pursuant to Chapter 14 of the Texas Alcoholic Beverage Code;

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

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

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

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

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

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

(iii) alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery; or

(iv) alcoholic beverage manufacturing;

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

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

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

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

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

(iv) does not serve its intended purpose;

(v) is not effective or necessary; or

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

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

(7) Renewal and transfer. A variance granted pursuant to this subsection is valid for subsequent renewals of the alcohol permit. A variance granted pursuant to this subsection may not be transferred to another location or to another alcohol permit holder. (Ord. Nos. 8096; 13172; 15669; 21735; 22537; 25174; 25465; 27747; 28444; 28565; 28799; 29208; 29261; 31143; 32002; 32760)

SEC. 6-5. PUBLIC SCHOOL ACTIVITIES.

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

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

appeal board, except that no late-hours permit may be issued if the chief finds that:

(A) the exemption has expired;

(B) the applicant has had a dance hall license suspended, revoked, or denied within the 24 months preceding the application for the late-hours permit; or

(C) the applicant, or any employee of a dance hall of the applicant, has committed a violation of this chapter within the 24 months preceding the application for the late-hours permit.

(2) If the chief of police denies a late-hours permit under Paragraph (1) of this subsection, the dance hall's two-year exemption from the locational restrictions of this section becomes void, and the applicant must obtain another exemption from the permit and license appeal board in accordance with Section 14-2.3 before a late-hours permit may be issued for the dance hall.

(d) Once issued, a late-hours permit is considered a part of the license for a Class A, Class B, or Class C dance hall and is valid only when the dance hall license it accompanies is valid. (Ord. Nos. 18725; 21184; 21837; 23137; 24440; 25002)

SEC. 14-4. FEES.

(a) The following nonrefundable fees will be charged for each license issued under the terms of this chapter:

(1) For a Class A dance hall, the annual license fee is \$817.

(2) For a Class B dance hall, the annual license fee is \$801.

(3) For a Class C dance hall, the daily license fee is \$801.

(4) For a Class E dance hall, the annual license fee is \$801.

(5) For a late-hours permit, the annual fee is \$817 in addition to the license fee for a Class A, B, or C dance hall, whichever is applicable.

(b) In addition to the fees required by Subsections (a) and (c), an applicant for an initial Class E dance hall license or an initial late-hours permit shall, at the time of making application, pay a nonrefundable fee of \$1,908 for the city to conduct a survey to ensure that the proposed dance hall is in compliance with the locational restrictions set forth in Section 14-2.1 or 14-3.1, whichever is applicable.

~~—(c) In addition to the fees required by Subsections (a) and (b), an applicant for an initial dance hall license shall, at the time of making application, pay a nonrefundable fee of \$90 for the chief of police to obtain a letter of zoning verification to ensure that the proposed dance hall is permitted in the zoning district in which it will be located. The chief of police shall request and obtain the letter of zoning verification from the department of development services within 30 days after receipt of the license application. For any dance hall holding a valid license on October 25, 2000, this subsection will apply to the first renewal of that license issued after October 25, 2000.~~

(c) In addition to the fees required by Subsections (a) and (b), an applicant for an initial dance hall license shall, at the time of making application, pay a nonrefundable fee of \$90 for the chief of police to obtain a letter of zoning verification to ensure that the proposed dance hall is permitted in the zoning district in which it will be located. The chief of police shall request and obtain the letter of zoning verification from the department of planning and development within 30 days after receipt of the license application. For any dance hall holding a valid license on October 25, 2000, this subsection will apply to the first renewal of that license issued after October 25, 2000. (Ord. Nos. 15721; 18411; 18725; 18803; 20612; 21184; 21837; 22206; 23137; 24440; 25047; 25048; 27697; 29477; 30653; 32002; 32003; 32760; 33232)

(1) conducting food operations that are licensed, and inspected at least once a year, under federal or state law (as illustrated by, but not limited to, milk producers, day care facilities, nursing homes, and meat processors);

(2) selling, distributing, transporting, or storing a raw agricultural commodity (including, but not limited to, raw vegetables and fruit, and pure honey) by the original producer, provided that the sale, distribution, transportation, or storage is on property owned or leased by the original producer;

~~(3) selling, distributing, or serving food at an event, party, or other special gathering that is not open to persons other than the members or invited guests of the sponsor, provided that there is no public advertisement of the event, public solicitation of funds at or for the event, or participation by the general public in the event;~~

~~(4) conducting the retail sale or distribution of non-time/temperature control for safety food from a fixed facility if the food is acquired and sold or distributed in cans, bottles, or other prepackaged containers that are not opened before obtained by a consumer, and no food manufacturing, processing, or preparing operations are conducted at the facility; or~~

~~(5) serving or distributing food, without charge, to homeless individuals on public or private property, provided that the person:~~

~~(A) sent a notice within the time required by subparagraph (B) to the director (by United States mail, facsimile, electronic mail to the addresses or numbers provided by the director, via the City's 311 call center, or on the City's Code Compliance Department's website) containing the following information:~~

~~(i) the name of the individual or organization that was or will be serving or distributing food to the homeless;~~

~~(ii) the date or dates when food was or will be served or distributed to the homeless;~~

~~(iii) the times of day when food service and distribution is anticipated to or did begin and end on each date listed in the notice;~~

~~(iv) the street address or addresses of where food was or is anticipated to be served or distributed to the homeless or, if the location has no street address, then a description of the location by street block number or by naming the nearest intersecting streets; and~~

~~(v) the approximate or expected number of food preparers and servers on the site where the food was or will be served or distributed and the approximate or expected number of individuals that were or will be served, provided the number of individuals that were or is anticipated to be served exceeds 75 at a single location;~~

~~(B) sent the notice required in subparagraph (A) at least 24 hours before the service or distribution of food to the homeless will commence, if it is anticipated that more than 75 people will be served, or within 48 hours after the service or distribution of food to the homeless has concluded, if it is anticipated that 75 or fewer people will be served at a single location;~~

~~(C) if the person is an individual, had attended a free city-sponsored food safety training class within the 24 months preceding the service or distribution of food to the homeless or, if the person is an organization, had at least one person who has attended a free city-sponsored food safety training class or has taken the class to become a certified food handler in the State of Texas within the 24 months preceding the service or distribution of food to the homeless present at all times when food was being served or distributed to the homeless, although this requirement applies only so long as the city sponsors a free food safety training class at least once during each three month period during a calendar year;~~

~~_____ (D) did not serve or distribute time/temperature control for safety to the homeless, unless the food has been stored at a temperature of:~~

~~_____ (i) 41° F. (5° C.) or below; or~~

~~_____ (ii) 135° F. (57° C.) or above;~~

~~_____ (E) transported the food in a clean conveyance and, if the food was a time/temperature control for safety food, as that phrase is defined in the Texas Food Establishment Rules, as amended, served or distributed it within four hours after preparation;~~

~~_____ (F) used one of the following methods of sanitizing hands before preparing, serving, or distributing food for the homeless:~~

~~_____ (i) a hand sanitizer containing at least 70 percent alcohol or another substance capable of killing 99.9 percent of the bacteria on hands within 30 seconds of application;~~

~~_____ (ii) disposable gloves; or~~

~~_____ (iii) handwashing equipment that included at a minimum:~~

~~_____ (aa) a sink, or a five-gallon container with a spigot that provides free-flowing water and a catch bucket to collect wastewater from handwashing; and~~

~~_____ (bb) soap and individual paper towels;~~

~~_____ (G) properly disposed of any wastewater generated from any handwashing equipment used in the preparation, service, or distribution of food to the homeless into a sanitary sewer system and did not dispose of the wastewater on the ground or into the stormwater drainage system; and~~

~~_____ (H) brought a sufficient number of trash bags to dispose of the solid waste generated by the food~~

~~provided by the servers and used best efforts to remove or cause the removal of all trash or debris from the feeding site that was generated by the service or distribution of food to the homeless, and deposited the trash or debris in a public trash receptacle, or in a private trash receptacle if permission from the receptacle owner was obtained.~~

(3) selling, distributing, or serving food at an event, party, or other special gathering that is not open to persons other than the members or invited guests of the sponsor, provided that there is no public advertisement of the event, public solicitation of funds at or for the event, or participation by the general public in the event; or

(4) conducting the retail sale or distribution of non-time/temperature control for safety food from a fixed facility if the food is acquired and sold or distributed in cans, bottles, or other prepackaged containers that are not opened before obtained by a consumer, and no food manufacturing, processing, or preparing operations are conducted at the facility. (Ord. Nos. 26023; 26556; 29595; 30134; 33283; 33393)

SEC. 17-1.7. ADOPTION OF FOOD CODE.

The 2017 Food Code, as amended, and adopted by reference in Texas Food Establishment Rules, 25 Texas Administrative Code § 228.1(b), is hereby adopted and made a part of this chapter by reference. (Ord. No. 33283)

ARTICLE II.

MANAGEMENT AND PERSONNEL.

SEC. 17-2.1. ADOPTION OF SUBCHAPTER B, TEXAS FOOD ESTABLISHMENT RULES.

Subchapter B of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 26556; 30134; 33283)

SEC. 17-2.2. RESERVED.

(h) Any affidavits required in connection with this article must be made by a natural individual having personal knowledge of the matters certified and duly signed and sworn to under oath before an authority authorized to administer oaths. (Ord. 30236)

ARTICLE VIII.

HABITUAL CRIMINAL AND NUISANCE PROPERTIES.

SEC. 27-45. PURPOSE.

(a) Consistent with the findings of fact in Section 27-1 of this chapter, the purpose of this article is to protect the health, safety, and welfare of the people of the city of Dallas by obtaining an owner's compliance with minimum property conditions and lawful operations, which compliance is likely to reduce certain criminal activity on property where that criminal activity is so prevalent as to render the property a habitual criminal property or a habitual nuisance property. Reducing the crime rate in the city of Dallas is essential to making properties safe, sanitary, and fit for human habitation and for improving quality of life for occupants of surrounding properties.

(b) This article does not create a private cause of action or expand existing tort liability against a property owner. This article is not a prerequisite to any suit and does not in any way impair the city's ability to file a lawsuit under Chapter 125 of the Texas Civil Practice and Remedies Code, as amended, or under any other law. (Ord. Nos. 30714; 32057)

SEC. 27-46. DEFINITIONS.

In this article:

(1) **ABATABLE CRIMINAL ACTIVITY** means those activities listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended. The term does not include crimes of family violence.

(2) **CHIEF OF POLICE OR CHIEF** means the chief of the police department of the city or the chief's designee.

(3) **CODE VIOLATIONS** mean violations of the following provisions of the Dallas City Code:

(A) Section 107.6, "Overcrowding," of Chapter 16, "Dallas Fire Code."

(B) Section 7A-18, "Duty to Maintain Premises Free from Litter."

(C) Section 18-13, "Growth to Certain Height Prohibited; Offenses."

(D) Subsections (c) through (j) of Section 27-11, "Minimum Property Standards; Responsibilities of Owner," of Chapter 27, "Minimum Property Standards."

(E) Section 30-1, "Loud and Disturbing Noises and Vibrations," of Chapter 30, "Noise."

(F) Section 30-4, "Loudspeakers and Amplifiers," of Chapter 30, "Noise."

(G) Chapter 38A, "Promoters."

(H) Sections 43-126.9, 43-126.10, and 43-126.11 of Division 3, "Valet Parking Services," of Article VI, "License for the Use of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks."

(I) Section 51A-1.103(a)(3), "Enforcement," of Article I, "General Provisions," of Chapter 51A, "Dallas Development Code."

(J) Section 51A-1.104, "Certificate of Occupancy," of Article I, "General Provisions," of Chapter 51A, "Dallas Development Code."

(~~H~~K) Section 51A-6.102, "Noise Regulations," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code."

(~~H~~L) Conditions in planned development or specific use permit ordinances regulating outdoor live music, outdoor patios, the operation of outdoor speakers and amplification, and

(4) CPTED means crime prevention through environmental design and is a multi-disciplinary approach to reducing criminal behavior through environmental design by integrating the following concepts, among others, on property: natural surveillance that eliminates hiding places for people to engage in crime unnoticed; clear delineation of private space from public space; and controlled access onto private property.

(5) DIRECTOR means the director of the department of code compliance.

(6) HABITUAL CRIMINAL PROPERTY means a property that is described in Section 27-48(a).

(7) HABITUAL NUISANCE PROPERTY means a property that is described in Section 27-48(b).

(8) OWNER means a person or entity who has ownership or title of real property, including, but not limited to:

- (i) the holder of fee simple title;
- (ii) the holder of a life estate;
- (iii) the holder of a leasehold estate for an initial term of five years or more;
- (iv) the buyer in a contract for deed;
- (v) a mortgagee, receiver, executor, or trustee in control of real property; and
- (vi) the named grantee in the last recorded deed. (Ord. Nos. 30714; 32057; 32239; 32329; 33431)

SEC. 27-47. AUTHORITY OF THE CHIEF OF POLICE AND DIRECTOR.

(a) The chief of police shall implement and enforce this article as it pertains to abatable criminal properties and may by written order establish such

rules, regulations, or procedures, not inconsistent with this article, as the chief of police determines are necessary to discharge any duty under or to effect the purpose of this article as it pertains to abatable criminal properties.

(b) The director, in collaboration with the chief of the fire department, shall implement and enforce this article as it pertains to abatable nuisance properties and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the director determines are necessary to discharge any duty under or to effect the purpose of this article as it pertains to abatable nuisance properties. (Ord. Nos. 30714; 32057)

SEC. 27-48. PRESUMPTIONS.

(a) A property is presumed a habitual criminal property if the property is the site:

(1) of five or more abatable criminal activities within 365 days resulting in either a report of a law enforcement agency documenting an investigation of an abatable criminal activity on the property or enforcement action against any person associated with the abatable criminal activity on the property; and

(2) at which persons have historically committed abatable criminal activities, according to recent crime data.

(b) A property is presumed a habitual nuisance property if the property is the site of three or more citations for code violations within 365 days.

(c) An owner of a habitual criminal or nuisance property is presumed to have knowingly tolerated the abatable criminal activity or code violations at the owner's property by failing to take reasonable steps, including those outlined in Section 27-49(b)(1) of this chapter, as amended, to abate the abatable criminal activity or code violations.

- Sec. 28-81. Parking of vehicles with capacity of more than one and one-half tons in certain districts.
- Sec. 28-81.1. Stopping, standing, or parking prohibited in specified places.

Division 2. Prohibited in Specified Places.

- Sec. 28-82. Parking near railroad tracks; prohibited generally; permitted for loading.
- Sec. 28-83. Reserved.
- Sec. 28-84. Parking for more than 24 hours prohibited.
- Sec. 28-85. Parking for certain purposes and parking on highways and parkways prohibited.
- Sec. 28-86. Parking by parking lot owners.
- Sec. 28-87. Parking in alleys.
- Sec. 28-88. Standing or parking on one-way roadways, two-way roadways, and cul-de-sacs.

Division 3. Stopping for Loading or Unloading Only.

- Sec. 28-89. Curb loading zones - Authority to designate; times operative.
- Sec. 28-90. Reserved.
- Sec. 28-91. Reserved.
- Sec. 28-92. Reserved.
- Sec. 28-93. Same - Use not exclusive.
- Sec. 28-94. Use of passenger curb loading zones.
- Sec. 28-95. Use of freight curb loading zones by commercial vehicles.
- Sec. 28-96. Use of freight curb loading zones by non-commercial vehicles.
- Sec. 28-96.1. Loading zone permit - Application; fee; expiration; transferability.
- Sec. 28-97. Vehicles backed to curb for loading.
- Sec. 28-98. Position of vehicles backed to curb for loading, etc.

- Sec. 28-99. Authority to designate public carrier stands.
- Sec. 28-100. Parking of busses and taxicabs regulated.
- Sec. 28-101. Restricted Use of Bus Stops, Taxicab Stands, and Stands Designated for Other Passenger Common Carrier Motor Vehicles.
- Sec. 28-102. Stopping of busses within intersection or crosswalk.

Division 4. Paid Parking Payment Devices.

- Sec. 28-103. Authority to install and operate paid parking payment devices.
- Sec. 28-103.1. Paid parking area.
- Sec. 28-103.2. Paid parking spaces.
- Sec. 28-103.3. Rate setting for paid parking.
- Sec. 28-103.4. Paid event parking space.
- Sec. 28-104. Indication of expiration of parking time.
- Sec. 28-105. Vehicle to be parked within limit lines of paid parking spaces.
- Sec. 28-106. Payment required.
- Sec. 28-107. Parking where paid parking payment device has expired.
- Sec. 28-108. Parking where paid parking payment device is displaying a violation signal.
- Sec. 28-109. Stopping, standing, or parking beyond maximum legal time limit prohibited.
- Sec. 28-110. Use of paid parking spaces for loading and unloading.
- Sec. 28-111. Tampering with paid parking payment devices.
- Sec. 28-112. Deposit of slugs and non-authorized payment devices prohibited.
- Sec. 28-113. Collection and disposition of money deposited.
- Sec. 28-114. Convenience fee for paid parking payments by telephone or the Internet.
- Sec. 28-114.1. Reserved.

Sec. 28-114.2.	Interim hourly rates for paid parking in the Deep Ellum paid parking area.
Sec. 28-114.3.	Reserved.
Sec. 28-114.4.	Reserved.
Sec. 28-114.5.	Reserved.
Sec. 28-114.6.	Reserved.
Sec. 28-114.7.	Reserved.
Sec. 28-114.8.	Reserved.
Sec. 28-114.9.	Reserved.
Sec. 28-114.10.	Reserved.
Sec. 28-114.11.	Reserved.
Sec. 28-114.12.	Restricted access to paid parking spaces; exceptions.
Sec. 28-114.13.	Paid parking rates in city owned or-operated parking lots.
Sec. 28-114.14.	Paid parking rates in city owned parking lots.

(4) **BOOT** means a lockable vehicle wheel clamp or similar device that is designed to be placed on a parked vehicle to prevent the operation of the vehicle until the device is unlocked and removed.

(5) **CHIEF OF POLICE** means the chief of the police department of the city or the chief's authorized representative.

(6) **CITY MARSHAL** means the city marshal of the city, or the marshal's authorized representative.

(7) **COLLECTOR-DISTRIBUTOR ROAD** means an auxiliary roadway, separated laterally from, but generally parallel to, the freeway through roadway, which serves to collect and distribute traffic from several access connections between selected points of ingress to and egress from the through traffic lanes.

(8) **COMMERCIAL VEHICLE** means any vehicle that displays a valid commercial, truck, or truck-tractor state license plate.

(9) **CURB** means the lateral lines of a roadway, whether constructed above grade or not, which are not intended for vehicular travel.

(10) **DIRECTOR** means the director of the department designated by the city manager to enforce and administer this chapter, and includes representatives, agents, and department employees designated by the director.

(11) **DIVIDED ROADWAY** or **DIVIDED HIGHWAY** means a roadway or highway divided into two roadways by leaving an intervening space or by a physical barrier, or clearly indicated dividing section between the two roadways.

(12) **EVENT** means any scheduled athletic competition, concert, convention, parade, street festival, entertainment or cultural exhibition or show, or any other activity, expected to attract 10,000 or more attendees within a paid parking area or adjacent to a paid parking area.

(13) **EVENT PARKING RATE** means a temporary paid parking rate applied to an area beginning two hours before and ending two hours after a scheduled event.

~~(12-14)~~ **HORSE** means any saddle or harness animal.

~~(13-15)~~ **IMMOBILIZE** means to place a boot on a parked vehicle to prevent the operation of the vehicle until the boot is unlocked and removed.

~~(14-16)~~ **LIMIT LINES** means boundaries of paid parking spaces, loading zones, safety or danger zones, crosswalks, and lines marked for the purpose of excluding traffic and parking.

~~(15-17)~~ **LOADING ZONE** means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

~~(16-18)~~ **ONE-WAY STREET** means any street or highway on which traffic is restricted to movement in one direction only.

~~(17-19)~~ **OPERATOR** means any person in control of a vehicle, including a railroad train or vehicle being towed.

~~(18-20)~~ **PAID PARKING AREA** means any area where parking is regulated by pay-to-park signage and payment is required at the paid parking payment device.

~~(19-21)~~ **PAID PARKING HOLIDAYS** include only the following days:

(A) New Year's Day (January 1);

(B) Martin Luther King's Birthday (third Monday in January);

(C) President's Day (third Monday in February);

(D) Memorial Day (last Monday in May);

(E) Juneteenth National Independence Day (June 19)

(F) Independence Day (July 4);

~~(G) Labor Day/Cesar E. Chavez Day (first Monday in September);~~

September); (G) Labor Day (first Monday in

(H) Indigenous Peoples' Day (second Monday in October);

(I) Veterans Day (November 11)

(J) Thanksgiving Day (fourth Thursday in November); and

(K) Christmas Day (December 25).

(20-22) PAID PARKING PAYMENT DEVICE means any device used to accept payment for parking, such as parking meters, pay station kiosks, mobile devices, or other methods approved by the director.

(21-23) PAID PARKING SPACE means a space that is delineated on a public right-of-way for which payment is required to park a vehicle.

(22-24) PARK or PARKING means the standing of vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(23-25) PARKING BAN means certain hours during the day at which time standing, parking, or stopping of a vehicle is prohibited along the curb of designated streets as indicated by signs authorized by the traffic engineer.

(24-26) PARKING ENFORCEMENT OFFICER means the person designated by the city manager to perform the functions of parking enforcement officer or his authorized representative.

(25-27) PARKING VIOLATION means a violation of any provision of this chapter governing the stopping, standing, or parking of a vehicle.

(26-28) PARKWAY means that portion of a street or highway between the curb lines or the lateral lines of a roadway and the adjacent property lines, not intended for the use of pedestrians; also, the intervening space between the roadways of a divided

street or highway or any island or area, whether or not clearly defined by curbs or markings, which divides any portion of any street, highway, or intersection into separate lanes for vehicular traffic.

(27-29) PEACE OFFICER means officers who are required to obtain and maintain a commission through the Texas Commission on Law Enforcement and listed in Section 2.12 of the Texas Code of Criminal Procedure. This includes police officers, city marshals, and arson investigators.

(28-30) PUBLIC PLACE means any place where the general public has a right to assemble, or to which people commonly resort for purposes of business, amusement, recreation or other lawful purpose.

(29-31) SERVICE ROAD means an auxiliary roadway adjacent to a freeway, expressway, or arterial that is used by traffic desiring access to abutting property and by traffic seeking ingress to or egress from the adjacent freeway, expressway, or arterial.

(30-32) STAND or STANDING means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

(31-33) STOP or STOPPING, when prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(32-34) TIME STANDARD (OFFICIAL), for purposes of designating certain hours in this chapter, means central standard time or central daylight-saving time as may be in current use in the city.

(33-35) TRAFFIC DIVISION means the traffic division of the police department of the city.

(34-36) **TRAFFIC ENGINEER** means the person designated by the city manager to perform the functions of traffic engineer or his authorized representative.

(35-37) **VEHICLE** has the meaning assigned to it by Section 541.201 of the Texas Transportation Code, as amended.

(36-38) **VIADUCT** means a bridge-like structure to carry a roadway over a valley or ravine, or across another roadway.

(b) All other words used in this chapter shall have the meanings assigned to them by the state vehicle laws or their ordinary and commonly accepted meanings as set forth in Webster's New International Dictionary (Unabridged), and other dictionaries of recognized standing. (Ord. Nos. 14584; 15004; 16577; 17226; 19173; 20012; 20269; 20965; 21186; 21194; 27697; 30654; 32470; 32735; 33447)

SEC. 28-3. APPLICABILITY OF TRAFFIC REGULATIONS IN PARKS, PUBLIC HOUSING PROJECTS AND PUBLIC HOSPITAL GROUNDS.

(a) The regulation of vehicular and pedestrian traffic on all ways, roads, streets, alleys, and places, whether named or not, open to the public, whether dedicated or not, in all public parks owned or controlled by the city, in all the public housing projects owned, controlled, or operated by the housing authority of the city, or any other housing project whose streets or ways are open to the public, and in all public hospital grounds located in the city, shall be controlled and regulated in accordance with this chapter.

(b) All traffic-control devices installed within the public parks or public housing projects, including all parking, stop, speed, and directional signs, and any other kind of a traffic control sign, shall be obeyed as

provided in this chapter. This section shall be cumulative of other traffic ordinances now in effect concerning traffic regulations in public parks. (Ord. 14584)

SEC. 28-4. AUTHORITY TO REMOVE VEHICLES; REDEMPTION; FEES.

(a) A city peace officer, or parking enforcement officer is authorized to remove or cause the removal of a vehicle or other property of any description from a street to a place designated by the chief of police or the director, when:

(1) the vehicle or property is left unattended upon a bridge or viaduct or in a tunnel or underpass;

(2) the vehicle is illegally parked so as to block the entrance to any private driveway;

(3) the vehicle is found upon a street and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant issued charging that the vehicle has been unlawfully taken from the owner;

(4) the peace officer or parking enforcement officer has reasonable grounds to believe that the vehicle has been abandoned;

(5) a vehicle upon a street is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(6) a peace officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by law required to take the person arrested immediately before a magistrate;

regarding the days and hours when payment is required, the cost to park, the methods of payment accepted, and the maximum time for which parking is lawfully permitted.

(e) Except as provided in this section, where paid parking payment devices have been installed or paid parking spaces designated, payment between the hours of 7:00 a.m. and 6:00 p.m., Monday through Sunday is required unless it is a paid parking holiday, or the director has modified the paid parking hours.

(f) The director shall consider the following factors when modifying the paid parking hours

(1) The operating hours of nearby businesses.

(2) The measured occupancy on a set of blocks to achieve approximately one to two parking spaces available on each block face. (Ord. No. 32735)

SEC. 28-103.3. RATE SETTING FOR PAID PARKING.

(a) Except as provided in this division, parking rates for paid parking spaces may be set up to \$6.00 per hour ("Maximum Hourly Rate"). When parking rates are in effect, parking rates may be set no lower than \$1.00 per hour ("Minimum Hourly Rate").

(b) The director shall adjust rates based on the measured occupancy on a set of blocks with a policy goal of achieving approximately one to two parking spaces available on each block face throughout the day. (Ord. No. 32735)

SEC. 28-103.4. PAID EVENT PARKING SPACES.

(a) The director is authorized to establish an event parking rate within the ranges in Subsection (b) to manage excessive parking demand, congestion, and traffic circulation associated with an event within a paid parking area or adjacent to a paid parking area.

(b) The applicable event parking rate ranges are determined based on the paid parking rate for that parking area during non-event hours, as follows:

Paid Parking Rate set Under Section 28-103.3	Minimum Event Parking Rate	Maximum Event Parking Rate
\$1.00 - \$2.50/hour	\$3.00/hour	\$6.00/hour
\$2.75 - \$4.75/hour	\$7.00/hour	\$10.00/hour
\$5.00 - \$6.00/hour	\$8.00/hour	\$10.00/hour

(c) The director shall adjust the event parking rates on the basis of expected parking demand, with the policy goal of having one to two parking spaces available throughout the event on block faces in the applicable paid parking area or area adjacent to the paid parking area.

(d) The adjusted event parking rates cannot be lower than the minimum event parking rate or higher than the maximum event parking rate. (Ord. No. 33447)

SEC. 28-104. INDICATION OF EXPIRATION OF PARKING TIME.

(a) Except as provided in Subsection (b) of this section, each paid parking payment device shall display an indicator showing legal parking upon the deposit of an appropriate payment. The parking time allowed by the payment amount must be clearly indicated on the paid parking payment device. Each paid parking payment device shall continue operation from the time payment is made until expiration of the appropriate parking time. At the end of that parking time, the paid parking payment device shall indicate by the display of a signal that the lawful parking period has expired.

(b) Parking time is not required to be displayed on the paid parking payment device if payment has been made by telephone or the Internet. A person who pays for parking by telephone or the Internet will receive an electronic receipt or other form of confirmation of the transaction indicating the parking time allowed by the payment. The owner, operator, manager, or driver of the vehicle parked in the paid parking space is responsible for knowing when the allowed parking time will expire. Parking time allowed through a payment transaction by telephone or the Internet may also be accessed and displayed on a handheld device carried by a police officer or other person authorized to issue parking citations. (Ord. Nos. 14584; 27210; 28792; 32735)

SEC. 28-114.13. PAID PARKING RATES IN CITY OWNED OR OPERATED PARKING LOTS.

~~— A person shall pay an hourly or daily rate for the use of a paid parking space in the following city owned or operated parking lots:~~

Except as provided in Section 28-114.14, a person shall pay an hourly or daily rate for the use of a paid parking space in the following city operated parking lots:

PARKING LOT	BOUNDARIES	RATE EFFECTIVE DAYS	RATE EFFECTIVE HOURS	RATE
City Hall surface parking	Marilla Street to the north, Ervay Street to the east, Canton Street to the south, and Akard Street to the west	Monday through Sunday	7:00 a.m. until 6:00 p.m.	\$1.00/hour
Julius Schepps Freeway (located in the IH 45 right of way)	IH 30 to the north and Botham Jean Boulevard to the south	Monday through Sunday	24 hours per day	\$1.00/hour
Woodall Rodgers Freeway (located in the Spur 366 right of way)	Woodall Rodgers Freeway westbound service road to the north, North Central Expressway southbound service road to the east, Woodall Rodgers Freeway eastbound service road to the south, and Routh Street to the west	Monday through Sunday	24 hours per day	\$1.00/hour
Klyde Warren Park	St. Paul Street to the west, Woodall Rodgers Freeway eastbound service road to the south, Pearl Street to the east, Woodall Rodgers Freeway westbound service road to the north	Monday through Friday	7:00 a.m. until 9:00 a.m. 9:00 a.m. until 6:00 p.m. 6:00 p.m. until 12 midnight	\$1.50/hour \$2.00/hour \$2.50/hour
		Saturday and Sunday	7:00 a.m. until 12 midnight	\$2.00/hour
Brewery Parking Lot (located in the Spur 366 right of way)	Record Street to the east, and Dallas Area Rapid Transit rail tracks to the west Woodall Rodgers Freeway westbound service road to the north, Woodall Rodgers Freeway eastbound service road to the south	Monday through Friday	5:00 a.m. until 5:00 p.m. 5:00 p.m. until 5:00 a.m. (the next day)	\$2.00/day \$5.00/day
		Saturday and Sunday	24 hours per day 5:00 a.m. until 5:00 a.m. (the next day)	\$5.00/day
Deep Ellum Parking Lot A (located in the Interstate 345 right of way)	Elm Street to the north and Main Street to the south Good-Latimer Expressway to the east, and Ceasar Chavez Boulevard to the west	Monday through Friday	5:00 a.m. until 5:00 p.m. 5:00 p.m. until 5:00 a.m. (the next day)	\$2.00/day \$5.00/day
		Saturday and Sunday	24 hours per day 5:00 a.m. until 5:00 a.m. (the next day)	\$5.00/day
Deep Ellum Parking Lot B (located in the Interstate 345 right of way)	Main Street to the north, Good-Latimer Expressway to the east, Commerce Street to the south, and Ceasar Chavez Boulevard to the west	Monday through Friday	5:00 a.m. until 5:00 p.m. 5:00 p.m. until 5:00 a.m. (the next day)	\$2.00/day \$5.00/day
		Saturday and Sunday	24 hours per day 5:00 a.m. until 5:00 a.m. (the next day)	\$5.00/day
Deep Ellum Parking Lot C (located in the Interstate 345 right of way)	Commerce Street to the north, Canton Street to the south, Good-Latimer Expressway to the west, and Henry Street to the east	Monday through Friday	5:00 a.m. until 5:00 p.m. 5:00 p.m. until 5:00 a.m. (the next day)	\$2.00/day \$5.00/day
		Saturday and Sunday	24 hours per day 5:00 a.m. until 5:00 a.m. (the next day)	\$5.00/day
West End Parking Lot No. 1 (located in the Spur 366 right of way)	Broom Street to the north, Field Street to the east, McKinney Avenue to the south, and Laws Street to the west	Monday through Friday	5:00 a.m. until 5:00 p.m. 5:00 a.m. until 5:00 p.m. 5:00 p.m. until 5:00 a.m. (the next day)	\$2.00/day \$5.00/day
		Monday through Sunday Saturday and Sunday	5:00 p.m. until 5:00 a.m. 5:00 a.m. until 5:00 a.m. (the next day)	\$5.00/day
West End Parking Lot No. 2 (located partially in the Spur 366 right of way)	Broom Street to the north, Laws Street to the east, McKinney Avenue to the south, and Lamar Street to the west	Monday through Friday	5:00 a.m. until 5:00 p.m. 5:00 p.m. until 12 midnight	\$1.00/hour \$1.25/hour
		Saturday and Sunday	5:00 a.m. until 12 midnight	\$1.25/hour

Corbin Street Parking Lot (located at 1206 and 1210 Corbin Street)	Corbin Street to the north, Griffin Street to the south and east, and the Hord Street alley and drive to the west	Monday through Friday	5:00 a.m. until 5:00 p.m. 5:00 p.m. until 5:00 a.m. (the next day)	\$6.00/hour \$5.00/hour
		Saturday and Sunday	5:00 a.m. until 5:00 a.m. (the next day)	\$10.00/day
Ross Avenue Parking Lot (located at 2600 Ross Avenue)	Ross Avenue to the north, Routh Street to the west, and San Jacinto Street to the south and east	Monday through Friday	5:00 a.m. until 5:00 p.m. 5:00 p.m. until 5:00 a.m. (the next day)	\$5.00/hour or \$15.00/day \$7.00/hour or \$15.00/day
		Saturday and Sunday	5:00 a.m. until 5:00 a.m. (the next day)	\$6.00/hour or \$15.00/day

(Ord. Nos. 32735; 33447)

SEC. 28-114.14. EVENT PARKING RATES IN CITY OWNED PARKING LOTS.

A person shall pay an event rate for the use of a paid parking space in the following city owned parking lots during an event:

Parking Lot	Boundaries	Event Rate
City Hall surface parking	Marilla Street to the north, Ervay Street to the east, Canton Street to the south, and Akard Street to the west	\$15.00/space
Klyde Warren Park	St. Paul Street to the west, Woodall Rodgers Freeway eastbound service road to the south, Pearl Street to the east, Woodall Rodgers Freeway westbound service road to the north	\$20.00/space
Corbin Street Parking Lot (located at 1206 and 1210 Corbin Street)	Corbin Street to the north, Griffin Street to the south and east, and the Hord Street alley and drive to the west	\$15.00/space
Ross Avenue Parking Lot (located at 2600 Ross Avenue)	Ross Avenue to the north, Routh Street to the west, and San Jacinto Street to the south and east	\$15.00/space

(Ord. No. 33447)

CITY OF DALLAS, TEXAS

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(B) for the placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement;

(C) to care for a spouse, son, daughter, or parent of the employee, if the spouse, son, daughter, or parent has a serious health condition;

(D) for a serious health condition that makes the employee unable to perform the functions of the employee's position;

(E) for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member who is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation; or

(F) to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

(d) Administration of family and medical leave. Specific procedures and requirements for the administration of the Family and Medical Leave Act are outlined in the administrative directives of the city. No procedure or requirement adopted by administrative directive may conflict with the Family and Medical Leave Act or Part 825, Title 29 of the Code of Federal Regulations, as amended.

(e) Disciplinary action. Disciplinary action, up to and including discharge from city employment, may be taken against an employee who:

(1) falsifies or misrepresents any facts in order to obtain family and medical leave; or

(2) shares confidential medical information relating to a request for family and medical leave with any person not authorized to receive the information. (Ord. Nos. 22195; 24873; 28024; 29320; 31745)

SEC. 34-24.2. PAID PARENTAL LEAVE.

On or after October 1, 2021, a maximum of six weeks of paid parental leave is available to employees following the birth of the employee's child or to care for the child after birth, or for the placement of a child with the employee for adoption or foster care or to care for the child after placement. Specific procedures and requirements for the administration of paid parental leave are outlined in the administrative directives of the city. (Ord. Nos. 32035; 32604)

SEC. 34-25. HOLIDAYS.

(a) Days designated.

(1) The following official holidays will be observed:

(A) New Year's Day (January 1);

(B) Martin Luther King's Birthday (third Monday in January);

(C) President's Day (third Monday in February);

(D) Memorial Day (last Monday in May);

(E) Juneteenth (June 19th);

(F) Independence Day (July 4);

~~(G) Labor Day/Cesar E. Chavez Day (first Monday in September);~~

(G) Labor Day (first Monday in September);

(H) Indigenous People's Day (second Monday in October);

(I) Veterans Day (November 11th);

(J) Thanksgiving Day (fourth Thursday in November);

(3) on approved leave without pay the day before and the day following an official holiday, except to the extent the leave is authorized by the City's Family and Medical Leave provisions.

(g) Holiday during vacation or sick leave. When an official holiday occurs during an employee's vacation leave or sick leave, the employee will be paid for the holiday and no deduction from the employee's vacation or sick leave balance will be made for the holiday.

(h) Holiday during injury leave. Any employee who is on injury leave when a holiday occurs will be paid workers' compensation and will be paid for the holiday up to the number of hours needed to supplement the employee's pay. If the employee is on wage supplementation, no wage supplementation payments will be received for the holiday. No compensation will be provided for unused holiday time.

(i) Holiday during other leave. An employee on military leave, court leave, or death-in-family leave when a holiday occurs may take the holiday at a subsequent date convenient to the department.

(j) Death or discharge. Since final settlement of monies due an employee separated from the payroll because of death or discharge is paid in a lump sum, no holiday occurring after the date of death or discharge will be included in the determination of the settlement. (Ord. Nos. 19340; 24622; 24873; 28024; 28794; 29480; 32005; 32342; 32865; 33372)

SEC. 34-26. COURT LEAVE.

(a) Eligibility. Court leave is a privilege extended to every permanent employee.

(b) When granted. An employee shall be granted court leave when:

- (1) summoned for jury duty; or

- (2) subpoenaed to appear as a witness.

(c) Personal litigation. An employee may not be granted court leave when the employee is involved in personal litigation, except as permitted under Subsection (b) of this section.

(d) Notice to supervisor. The employee must notify the employee's supervisor upon receipt of a summons or subpoena for which court leave is requested.

(e) Fees. All fees paid and expenses reimbursed by the court may be retained by the employee, provided that the city did not furnish travel, meals, lodging, or miscellaneous expenses.

(f) Standard work day credit. An employee on court leave is credited with a standard work day on the payroll. No allowance will be made for overtime the employee might have earned if the employee had worked.

(g) Return to work. When an employee on court leave is excused by proper court authority, the employee shall report back to the employee's place of employment when as much as two hours working time remains. (Ord. Nos. 19340; 24873)

SEC. 34-27. DEATH-IN-FAMILY LEAVE.

(a) Eligibility. An allowance of three work days with pay is extended to every permanent employee when a member of the employee's immediate family dies.

(b) Other than immediate family. Death of a relative not included in the immediate family may be considered individually and up to three days leave time allotted as the circumstances warrant.

(c) Multiple deaths. If multiple deaths occur within a family simultaneously, special exceptions to the normal allowance of three days may be made by

the applicant must pay the license fee and obtain the license. The chief of police's approval of the issuance of a license does not authorize the applicant to operate a sexually oriented business until the applicant has paid all fees required by this chapter and obtained possession of the license.

(e) The license, if granted, must state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license must be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time. (Ord. Nos. 19196; 19377; 20552; 21629; 21838; 24206; 24440; 24699; 27139; 27697)

SEC. 41A-6. FEES.

(a) The annual fee for a sexually oriented business license is \$1,907.

(b) In addition to the fees required by Subsection (a) and (c), an applicant for an initial sexually oriented business license shall, at the time of making application, pay a nonrefundable fee of \$1,107 for the city to conduct a survey to ensure that the proposed sexually oriented business is in compliance with the locational restrictions set forth in Section 41A-13.

~~—(c) In addition to the fees required by Subsections (a) and (b), an applicant for an initial sexually oriented business license shall, at the time of making application, pay a nonrefundable fee of \$90 for the chief of police to obtain a letter of zoning verification to ensure that the proposed sexually oriented business is permitted in the zoning district in which it will be located. The chief of police shall request and obtain the letter of zoning verification from the department of development services within 30 days after receipt of the license application. For any sexually oriented business holding a valid license on October 25, 2000, this subsection will apply to the first renewal of that license issued after October 25, 2000.~~

(c) In addition to the fees required by Subsections (a) and (b), an applicant for an initial sexually oriented business license shall, at the time of making application, pay a nonrefundable fee of \$90 for the chief of police to obtain a letter of zoning verification to ensure that the proposed sexually oriented business is permitted in the zoning district in

which it will be located. The chief of police shall request and obtain the letter of zoning verification from the department of planning and development within 30 days after receipt of the license application. For any sexually oriented business holding a valid license on October 25, 2000, this subsection will apply to the first renewal of that license issued after October 25, 2000. (Ord. Nos. 19196; 20612; 21838; 22206; 24051; 24440; 24699; 25047; 25048; 25909; 27697; 29477; 30653; 31657; 32002; 32003; 32760; 33232)

SEC. 41A-7. INSPECTION.

(a) An applicant, licensee, operator, or employee shall permit representatives of the police department, the fire department, the department of code compliance, and the building official to inspect the premises of a sexually oriented business, for the purpose of ensuring compliance with the law, at any time it is occupied or open for business and at other reasonable times upon request.

(b) A person who operates a sexually oriented business or the person's agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the police department, the fire department, the department of code compliance, or the building official at any time the sexually oriented business is occupied or open for business and at other reasonable times upon request.

(c) The provisions of this section do not apply to areas of an adult motel that are currently being rented by a customer for use as a permanent or temporary habitation. (Ord. Nos. 19196; 19377; 22026; 23694; 24440; 24699; 27139; 27697)

SEC. 41A-7.1. IDENTIFICATION RECORDS.

(a) A person commits an offense if he operates a sexually oriented business without maintaining on the premises a current registration card or file that clearly and completely identifies all employees of the sexually oriented business as required by this section.

(b) The registration card or file must contain the following information for each employee:

- (1) Full legal name.

(d) The city may for itself, or for the use and benefit of any person injured or damaged by reason of any defective construction, reconstruction, or repair of any sidewalk, curb, gutter, or driveway approach by any person, firm, or corporation, maintain suit on the bond in any court having jurisdiction, or suit may be maintained by any person injured or damaged by reason of the failure of any person, firm, or corporation who constructs, reconstructs, or repairs any sidewalk, curb, gutters or driveway approach in the city to observe the conditions of the bond. (Ord. Nos. 8590; 22026)

SEC. 43-45. SAME - EFFECT OF ARTICLE ON PERSONS NOW ENGAGED IN CONSTRUCTION, ETC.

Nothing in this article shall affect the bond of any person, firm or corporation now engaged in constructing, reconstructing or repairing such facilities which have already been executed in accordance with the terms of existing city laws, nor shall this be construed to in any manner diminish the liability of any surety or principal on such bond. No person having a bond to construct, reconstruct, alter, repair, remove or replace sidewalks, curbs, gutters or driveways on public property within the city shall be permitted to take out a permit for the reconstruction, alteration or repair of any such facility on any public property within the city and allow any person other than the bona fide holder of such bond to do any of the work. No permit for the construction, alteration or repair of any sidewalk, curb, gutter or driveway on any public property within the city shall be granted unless the five year maintenance bond provided for herein shall be in full force and effect at the time of request for such permit and the doing of the work. (Ord. 8590)

SEC. 43-46. STANDARDS FOR RAW MATERIALS USED IN CONSTRUCTION.

~~Materials used in sidewalks, curbs, drives, gutters, and pavements shall be in accordance with the following standards:~~

~~CEMENT. Portland cement shall conform to the Standard Specifications for Portland Cement (Serial Designation C-150-56) of the A.S.T.M. High-Early-Strength Portland Cement shall conform to the standard specifications for High-Early-Strength Portland Cement (Serial Designation C-150-56) of the A.S.T.M.~~

Materials used in sidewalks, curbs, driveways, gutters, and pavements shall be in accordance with the following standards:

CEMENT. Portland cement shall conform to the Standard Specifications for Portland Cement (Serial Designation C150/C150M-24) of the A.S.T.M. High Early Strength Portland cement shall conform to the Standard Specifications for Portland Cement (Serial Designation C150/C150M-24) of the A.S.T.M. Portland-limestone cement Type IL shall conform to the Standard Specifications for Blended Hydraulic Cements (Serial Designation C595/C595M-24) of the A.S.T.M. Portland-pozzolan cement shall conform to the Standard Specifications for Blended Hydraulic Cements (Serial Designation C595/C595M-24) of the A.S.T.M.

FINE AGGREGATE. Fine aggregate shall consist of a natural sand or a combination of natural sand and not more than 50 percent of stone screenings. Sand shall be uniformly graded, composed of clean, hard, durable particles of natural materials free from adherent coatings. It shall contain no lumps, soft or flaky particles, clay, loam, foreign, organic, or other deleterious matter. Stone screenings shall consist of the clean, dustless product resulting from the crushing of stone or gravel, meeting all the requirements for coarse aggregate except for grading. Fine aggregate containing more than five per cent by weight of deleterious substances shall not be used. Fine aggregate shall be well graded in size from coarse to fine, and shall conform to the city of Dallas Addendum to the Public Works Construction Standards – North Central Texas as Published by the North Central Texas Council of Governments, current edition.

COARSE AGGREGATE. Coarse aggregate shall consist of the uniformly graded, clean, hard, durable, uncoated particles of natural gravel or crushed stone or gravel, free from adhering coatings. Coarse aggregate shall not contain more than five per cent by weight of deleterious substances. Coarse aggregate shall be well graded in size from coarse to fine, and shall conform to the city of Dallas Addendum to the Public Works Construction Standards – North Central Texas as Published by the North Central Texas Council of Governments, current edition.

All tests for coarse aggregate shall be made in accordance with the current applicable methods of tests of the A.S.T.M.

PIT-RUN AGGREGATE. Pit-run aggregate will be permitted provided that portion passing the No. 4 sieve shall conform to these specifications for fine aggregate, and that portion retained on the No. 4 sieve shall conform to these specifications for coarse aggregate.

WATER. Water used in mixing and curing concrete and mortar shall be clean and free from oil, acid, alkali, foreign organic matter, or other deleterious substances. (Ord. Nos. 8590; 31313; 33394)

SEC. 43-47. SPECIFICATIONS FOR CONCRETE REINFORCING STEEL.

Material for reinforcement shall conform to requirements of the Standard Specifications for Billet Steel Bars for Concrete Reinforcement (A.S.T.M. Designation A-15-57T) for structural, intermediate or hard grade; or for Rail Steel Bars for Concrete Reinforcement (A.S.T.M. Designation A-16-57-T) or for Axle Steel Bars for Concrete Reinforcement (A.S.T.M. Designation A-160-57T) or for Cold-Drawn Steel Wire for Concrete Reinforcement (A.S.T.M. Designation A-82-34) or for Welded Steel Wire Fabric for Concrete Reinforcement (A.S.T.M. Designation A-185-56T). All reinforcement shall be free from rust, scale, oil, paint and other substances which prevent bonding to the concrete. (Ord. 8590)

SEC. 43-48. SPECIFICATIONS AND PLACEMENT OF CONCRETE EXPANSION JOINT FILLER.

Expansion joint filler shall be of the pre-moulded type, one-half inch in thickness; the width shall conform to the section of concrete in which incorporated. Expansion joint filler shall be placed where new work abuts old concrete work. Upon completion of the work, expansion joint filler shall be cut off level with the top of the finished concrete. Expansion joint filler shall conform to the Standard Specifications for Bituminous Types (A.S.T.M. Designation D-994-53) or Non-extruding and Resilient Types (A.S.T.M. Designation D-544-56T). (Ord. 8590)

SEC. 43-49. SUBGRADE DETERMINATION.

Foundations or subgrades for all work shall be set at the grades determined by the director. Inspection of such foundation or subgrade must be made and approved by the director before concrete is placed on it. (Ord. Nos. 8590; 22026)

SEC. 43-50. FORM, SPECIFICATIONS, AND PLACEMENT.

Forms must be straight, smooth, free from warps, and aligned with the stakes set by the director and must be of sufficient strength to retain this alignment. Depth must be not less than the total thickness of the section for which used. Forms must be securely staked, anchored, braced, and set to the established

permitted provided joint application is made by all interested parties, and the width set out in Section 43-94 is not exceeded. (Ord. 8590)

SEC. 43-87. MINIMUM ANGLE IN RELATION TO CURB LINE.

The angle of the driveway approach with the curb line shall be not less than 45 degrees. (Ord. 8590)

SEC. 43-88. MINIMUM REQUIREMENTS FOR APPROACHES NEAR STREET INTERSECTIONS.

Where existing right of way permits, driveway approaches nearest an intersection of two streets shall meet the following minimum requirements. The corner rounding shall have curbs constructed with a minimum radius of 20 feet continuously between the points of tangency of the curb lines of both streets. The first driveway may start from the point of tangency of the curb line and corner radius and be cut in with a five foot minimum radius. (Ord. 8590)

SEC. 43-89. LOCATION OF APPROACHES NEAR TRAFFIC INTERCHANGES, ETC.

Driveway approaches at or near streets and traffic interchanges, grade separations and traffic circles shall be so located that traffic entering or leaving the street will not impede, confuse, imperil or otherwise interfere with vehicular traffic. (Ord. 8590)

SEC. 43-90. LOCATION OF APPROACHES AT PEDESTRIAN CROSSINGS, ETC., PROHIBITED.

Driveway approaches shall not be located at street intersections or at established pedestrian crossings. (Ord. 8590)

SEC. 43-91. CONSTRUCTION IN EXISTING ANGLE PARKING AREAS PROHIBITED; EXCEPTIONS.

Driveway approaches shall not be constructed in existing angle parking areas except when the curb is restored to its normal location along the roadway in front of the premises. (Ord. 8590)

SEC. 43-92. STANDING OR PARKING OF VEHICLES, ETC., ON DRIVEWAY APPROACHES PROHIBITED.

Driveway approaches shall not be constructed or designed for use for the standing or parking of vehicles or for use as angle parking. (Ord. 8590)

SEC. 43-93. ABANDONMENT; DUTY OF ABUTTING PROPERTY OWNER TO RESTORE CURB.

Whenever the use of any driveway approach is abandoned and no longer used for vehicular access to the abutting property, it shall be the duty of the abutting property owner to restore the curb according to the standards provided in this article. (Ord. 8590)

SEC. 43-94. RESIDENTIAL DRIVEWAY APPROACHES.

Residential driveway approaches shall comply with the following requirements:

(a) Width. Residential driveway approaches shall not be less than 10 feet nor more than 30 feet in width measured at the property line.

~~—(b) Radius. A residential driveway approach shall be constructed with the return curbs having a rolled face disappearing at the sidewalk and joining the street curb with a five foot minimum radius, except that on an arterial the minimum radius shall be 10 feet.~~

(b) Radius. A residential driveway approach shall be constructed in a dustpan style as shown in the Public Works Standard Construction Details, unless the alternate curb radius is required or needed and is approved by the director.

(c) Removal of existing sidewalk. Where the residential driveway approach is designed to cross an existing sidewalk, the sidewalk included in the driveway approach area shall be removed and reconstructed as a driveway approach. (Ord. Nos. 8590; 21186; 31313; 33394)

SEC. 43-95. COMMERCIAL DRIVEWAY APPROACHES.

Walks, drives, curbs, gutters, pavements, and appurtenances on public property and other facilities to provide access to premises used for other than residential purposes shall be constructed, provided, or repaired in accordance with the following standards and requirements:

(a) Width. The width of any commercial driveway approach shall be not less than 15 feet nor more than 35 feet measured along the property line, except driveway approaches for motor vehicle docks within a building shall not exceed 60 feet in width at the property line. Where more dock space is required, the driveway approaches shall be separated by a traffic island meeting the standards set out in section 43-85.

~~—(b) Radius. Commercial driveway approaches shall be constructed with the return curbs having a roll face disappearing at the sidewalk and joining the street curb with a 10 foot minimum radius.~~

(b) Radius. A commercial driveway approach shall be constructed in a dustpan style as shown in the Public Works Standard Construction Details, unless the alternate curb radius style is required or needed and is approved by the director.

(c) Removal of existing sidewalks. Where a commercial driveway approach is to be built, the sidewalk shall be removed and the entire area replaced as a driveway. The driveway approach shall extend to the back side of the existing or future sidewalk. (Ord. Nos. 8590; 31313; 33394)

ARTICLE IV.

SNOW AND ICE.

SEC. 43-96. REMOVAL OF SNOW AND ICE FROM SIDEWALKS REQUIRED.

(a) Every owner, lessee, tenant, occupant or other person having charge of any building or lot abutting upon any public way or public place shall remove the snow and ice from the sidewalk in front of the building or lot.

(b) Snow and ice which falls or accumulates before 4:00 p.m. during any day, except Sunday, shall be removed within three hours after the snow or ice has fallen or accumulated. Snow and ice which falls or accumulates on a Sunday or after 4:00 p.m. and during the night on any other day shall be removed before 10:00 a.m. the following day. (Ord. Nos. 3314; 19398)

SEC. 43-97. COVERING SNOW AND ICE WITH SAND, ASHES, ETC.

If the snow and ice on the sidewalk is frozen so hard that it cannot be removed without injury to the pavement, the owner, lessee, tenant, occupant or the person having charge of any building or lot shall, within the time specified in this article, cause the sidewalk abutting on the premises to be strewn with ashes, sand, sawdust or other similar suitable materials and shall, as soon as the weather shall permit, thoroughly clean the sidewalk. (Ord. Nos. 3314; 19398)

SEC. 43-98. WHERE REMOVED SNOW AND ICE TO BE PLACED.

Removed snow and ice shall be uniformly distributed parallel to the curb and in the gutters where there is no parkway. When a parkway exists

Division 2. Bicycle Parking Devices.

SEC. 43-120. DEFINITIONS.

In this division:

(1) BICYCLE PARKING DEVICE means a device, approved as to size and design by the director, to which a bicycle may be secured by a lock either provided by the user or provided on the device.

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

(3) DIRECTOR means the director of the department designated by the city manager to enforce and administer this division, or the director's designated representative. (Ord. Nos. 18838; 22026)

SEC. 43-121. LICENSE REQUIRED; APPLICATION; ISSUANCE.

(a) A person commits an offense if he installs or operates a bicycle parking device on a public right-of-way within the city without a license issued by the director.

(b) A person who desires to install or operate a bicycle parking device on a public right-of-way abutting his property shall apply in writing to the director for a bicycle parking device license. The application must contain the following information:

(1) the names, addresses, and telephone numbers of:

(A) the applicant;

(B) if the applicant is a lessee, the property owner; and

(C) the manufacturer of each bicycle parking device to be installed or operated;

(2) the number of bicycle parking devices to be installed or operated;

(3) the proposed location of each bicycle parking device;

(4) the dimensions of each bicycle parking device, measured with and without bicycles parked in the device;

(5) the proposed method of securing each bicycle parking device to the public right-of-way; and

(6) if the applicant is a lessee, written consent from the property owner to install or operate any bicycle parking device on public right-of-way abutting his property.

~~—(c) The director shall forward a copy of any completed application to the departments of transportation and public works, sanitation services, code compliance, planning and urban design, and development services, and to any utility company that might be affected by the proposed installation and operation of a bicycle parking device. Each department, and any utility company notified, shall review the application and return it, with any comments, to the director within 30 days of receipt.~~

(c) The director shall forward a copy of any completed application to the departments of transportation and public works, sanitation services, code compliance, and planning and development, and to any utility company that might be affected by the proposed installation and operation of a bicycle parking device. Each department, and any utility company notified, shall review the application and return it, with any comments, to the director within 30 days of receipt.

(d) After reviewing the application and departmental comments, the director may issue a bicycle parking device license unless denial is required by Section 43-122. (Ord. Nos. 18838; 22026; 23694; 25047; 27697; 28424; 29478; 29882; 30239; 30654; 32002; 32760; 32864)

SEC. 43-122. DENIAL OR REVOCATION OF LICENSE.

(a) The director shall deny a bicycle parking

premises benefiting from the proposed valet parking service and must contain the following information:

(1) the names, addresses, and telephone numbers of:

(A) the applicant;

(B) if the applicant is a lessee, the property owner; and

(C) any independent contractor the applicant will use to provide valet parking service;

(2) the proposed location of the valet parking service and any valet parking service stands;

(3) the number of spaces requested to be reserved for the valet parking service, each space being 22 feet long, if parallel to the curb, or nine feet wide, if head in to the curb; as a rule, three spaces must be reserved unless the director determines that, because of special traffic conditions, a greater or lesser number of spaces is needed to efficiently operate the valet parking service;

(4) the proposed hours and days of operation of the valet parking service;

(5) the location of off-street parking to be used in connection with the valet parking service and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that location;

(6) proof of insurance required by Section 43-126.12; and

(7) a list of names and addresses of all property owners, or their representatives, located within 50 feet of, on the same side of the street as, and within the same block as the valet parking service location, either:

(A) with signatures showing consent to the operation of a valet parking service by the applicant; or

(B) without signatures, in which case the director shall notify the listed persons of the valet parking service application and obtain comments.

~~(d) The director shall forward a copy of any completed application to any person required to be notified under Subsection (c)(7) and to the departments of transportation and public works, sanitation services, code compliance, development services, planning and urban design, and risk management, and to any other department that might be affected by the proposed operation of a valet parking service. Each department, and any other notified persons, shall review the application and return it, with any comments, to the director within 30 days of receipt.~~

(d) The director shall forward a copy of any completed application to any person required to be notified under Subsection (c)(7) and to the departments of transportation and public works, sanitation services, code compliance, planning and development, and risk management, and to any other department that might be affected by the proposed operation of a valet parking service. Each department, and any other notified persons, shall review the application and return it, with any comments, to the director within 30 days of receipt.

(e) After reviewing the application and comments of the departments and of any person notified in accordance with Subsection (c)(7), and upon receiving payment of all fees required by this division, the director may issue a valet parking service license unless denial is required by Section 43-126.7.

(f) A licensee desiring to change the location or hours of operation of a valet parking service must submit a new application to the director in accordance with this section. (Ord. Nos. 19190; 22026; 23694; 25047; 27697; 28424; 29478; 29882; 30239; 30654; 32002; 32760; 32864)

SEC. 43-126.6. FEES.

(a) A nonrefundable application fee of \$1,700 must accompany each application for a valet parking service license.

(21) SUBDIVISION means "subdivision" as defined in Article VIII, "Plat Regulations," of the Dallas Development Code, as amended.

(22) THOROUGHFARE means:

(A) a public traffic arterial, as designated in the city's thoroughfare plan;

(B) a nonresidential collector street, as defined in the *Street Design Manual* of the city of Dallas; and

(C) all streets within the central business district.

(23) UTILITY STRUCTURE:

(A) means any structure, cabinet, or other appurtenance (other than a pole or a device attached to a pole) that is owned or used by a public service provider to provide service; and

(B) does not include:

(i) a device or structure used to control or direct pedestrian or vehicular traffic on an adjacent roadway; or

(ii) any infrastructure that provides water used for fire suppression. (Ord. Nos. 24495; 26263; 28424; 30239; 30620; 30654; 31313; 32864)

SEC. 43-136. DIRECTOR'S AUTHORITY; ENFORCEMENT; OFFENSES.

(a) The director is authorized to administer and enforce the provisions of this article, and to promulgate regulations, including but not limited to engineering, technical, and other special criteria and standards, to aid in the administration and enforcement of this article that are not in conflict with this article, this code, or state or federal law. To further aid in the administration and enforcement of this article, the director is also

authorized to promulgate regulations and operational standards governing the shared use of the public right-of-way by transportation uses (including but not limited to streetcars) and public service providers, so long as those regulations and standards are not in conflict with this article, this code, or state or federal law.

(b) The director is authorized to enter upon a construction site for which a permit is granted under this article or, where necessary, upon private property adjacent to the construction site, for purposes of inspection to determine compliance with the permit or this article.

(c) A person commits an offense if he:

(1) performs, authorizes, directs, or supervises construction without a valid permit issued under this article;

(2) violates any other provision of this article;

(3) fails to comply with restrictions or requirements of a permit issued under this article; or

(4) fails to comply with an order or regulation of the director issued pursuant to this article.

(d) A person commits an offense if, in connection with the performance of construction in the public right-of-way, he:

(1) damages the public right-of-way beyond what is incidental or necessary to the performance of the construction;

~~(2) damages public or private facilities within the public right-of-way; or~~

~~(3) knowingly fails to clear debris associated with the construction from a public right-of-way after construction is completed.~~

~~— (e) It is a defense to prosecution under Subsection (d)(2) if the person complied with all of the requirements of this article and state law and caused the damage because the facilities in question:~~

(2) damages public or private facilities within the public right-of-way;

(3) knowingly fails to clear debris associated with the construction from a public right-of-way after construction is completed; or

(4) fails to return the public right-of-way to public use outside of permitted work hours, except for permitted emergency work.

(e) It is a defense to prosecution under Paragraph (d)(2) if the person complied with all of the requirements of this article and state law and caused the damage because the facilities in question:

(1) were not shown or indicated in a plan document, plan of record, record construction drawing, or field survey, staking, or marking; and

(2) could not otherwise be discovered in the public right-of-way through the use of due diligence.

~~— (f) A person commits an offense if, while performing any construction or other activity along a public right-of-way (whether or not a building or other permit is required for the activity), the person:~~

~~— (1) damages the public right-of-way or public or private facilities located within the public right-of-way; or~~

~~— (2) fails to clear debris associated with the construction or other activity from a public right-of-way.~~

~~— (g) It is a defense to prosecution under Subsections (f)(1) and (f)(2) that the person was performing all of the construction or other activity along the public right-of-way in compliance with any permit issued for the construction or activity.~~

~~— (h) A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, authorized, directed, or permitted. An offense under Subsection (d)(3) or (f)(2)~~

~~is punishable by a fine of not less than \$500 or more than \$2,000. Any other offense under this article is punishable by a fine of \$500. The culpable mental state required for the commission of an offense under this article is governed by Section 1-5.1 of this code.~~

~~— (i) This article may be enforced by civil court action in accordance with state or federal law, in addition to any other remedies, civil or criminal, the city has for a violation of this article.~~

~~— (j) Prior to initiation of civil enforcement litigation, the permittee or any other person who has violated a provision of this article must be given the opportunity to correct the violation within the time frame specified by the director. This subsection does not prohibit the director or the city from taking enforcement action as to past or present violations of this article, notwithstanding their correction.~~

(f) It is a defense to prosecution under Paragraph (d)(4) if the person has obtained a barricade permit for the closure of public right-of-way and has paid the applicable barricade fees in accordance with Section 303.5.3 of Chapter 52 of this code.

(g) A person commits an offense if, while performing any construction or other activity along a public right-of-way (whether or not a building or other permit is required for the activity), the person:

(1) damages the public right-of-way or public or private facilities located within the public right-of-way; or

(2) fails to clear debris associated with the construction or other activity from a public right-of-way.

(h) It is a defense to prosecution under Paragraphs (g)(1) and (g)(2) that the person was performing all of the construction or other activity along the public right-of-way in compliance with any permit issued for the construction or activity.

(i) A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, authorized, directed, or permitted. An offense under Paragraphs (d)(3) or (g)(2) is punishable by a fine of not less than \$500 or more than \$2,000. Any other offense under this article is

punishable by a fine of \$500. The culpable mental state required for the commission of an offense under this article is governed by Section 1-5.1 of this code.

(j) This article may be enforced by civil court action in accordance with state or federal law, in addition to any other remedies, civil or criminal, the city has for a violation of this article.

(k) Prior to initiation of civil enforcement litigation, the permittee or any other person who has violated a provision of this article must be given the opportunity to correct the violation within the time frame specified by the director. This subsection does not prohibit the director or the city from taking enforcement action as to past or present violations of this article, notwithstanding their correction. (Ord. Nos. 24495; 26263; 28066; 33394)

SEC. 43-137. REGISTRATION; OTHER REQUIREMENTS.

(a) Nothing in this section relieves any person from obtaining a permit under this article to perform work in the public right-of-way.

(b) In order to protect the public health, safety, and welfare, a public service provider maintaining or operating existing facilities in the public right-of-way, and any other person working in the public right-of-way, must register with the director in accordance with the following requirements:

(1) The registration must be on a form furnished by the director and made in the name of the public service provider that owns the facilities or the person working in the public right-of-way.

(2) Registration expires March 1 of every year after the calendar year in which the first registration occurs. If a registration is not renewed by the expiration date, the director shall furnish written notice to the public service provider or person that the registration has expired. If a public service provider or

(2) Any closure of a traffic lane or blocking of a sidewalk or alley lasting longer than one day must be identified by a sign that is clearly legible to the traveling public. The sign must be posted at or in close proximity to the worksite and must contain:

(A) the name of the permittee;

(B) the name of the person performing the construction on behalf of the permittee, if any; and

(C) a local 24-hour contact number that can be used in case of emergency or to answer any questions.

(3) The requirements of Paragraphs (1) and (2) of this subsection are in addition to any other signage, barricades, or warning devices required by law or ordinance. The sign information required by Paragraph (2) of this subsection may be included on barricades or warning devices.

(4) When permitted construction will last longer than two weeks, the permittee shall give written notification to all adjacent property occupants by conspicuously posting the notification on each adjacent property at least 72 hours before commencement of construction, unless the director determines that an emergency exists.

(5) If a street or alley must be totally closed for any duration, the permittee shall provide for reasonable alternative access to the adjacent property by the property's occupants and invitees, which access must include but is not limited to deliveries to the property.

(6) If construction on a partially closed thoroughfare stops for the day, all thoroughfare lanes must be reopened to traffic, unless an extended time of closure is expressly granted by the permit.

~~(7) If a pavement cut is to be covered, the permittee shall use steel plates, or equivalent plates, of sufficient strength and thickness to support all traffic.~~

(7) If a pavement cut is to be covered, the permittee shall use temporary paving, steel plates, or equivalent plates, of sufficient strength and thickness to support all traffic for no more than 14 calendar days in accordance with Subsection (f). Plate use layout must be submitted at time of permit application. A standard

plate dimension is defined as four feet by eight feet surface area or smaller, and plates larger than standard are counted based on plate area equivalent units, rounded up. A permittee shall pay a base usage fee of \$250 per plate unit, per lane, per day. A person commits an offense for each plate, per lane, for each day he allows a plate to remain in place for more than 14 calendar days after initial placement. Alternatively, a permittee may apply for a barricade permit at time of permit application to extend usage beyond 14 calendar days, and pay a barricade fee in accordance with Section 303.5.3 of Chapter 52 of this code for permission to use plates for a duration exceeding 14 calendar days. For the purpose of calculating a barricading fee, the effective closure area of each plate is calculated as a barricaded obstruction of 2,500 square feet per impacted lane.

(8) Plates must be sufficiently secured in place so as not to become dislodged or in any way cause a hazard to any traffic or cause any loud and disturbing noises and vibrations through the use of materials such as asphalt, flexible plastic gaskets, wedges, or other non-asphaltic devices. Transitions must be placed as required with a minimum 2:1 slope to provide a reasonably smooth riding surface.

~~(9) Plates must be marked with the name of the person performing the construction and with a local 24-hour contact number that can be used in case of an emergency, unless a sign complying with Paragraph (2) of this subsection is posted at or in close proximity to the worksite.~~

(9) Plates must be marked with the permittee name and with a local 24-hour contact number that can be used in case of an emergency. This information must be affixed to each plate and visible at all times. This requirement is in addition to the sign complying with Paragraph (2) of this subsection that is posted at or in close proximity to the worksite.

(e) Unless it becomes necessary to conduct emergency activity, a permittee shall not cause or allow interference with traffic flow on a thoroughfare, arterial, or a community collector during the hours of 6:30 a.m. through 9:30 a.m. and 3:30 p.m. through 6:30 p.m., Monday through Friday.

(f) A temporary repair may not remain on public right-of-way for more than 14 calendar days after the completion of the repair or installation of the

revoked may be reinstated by the director if the director determines that:

(1) the permittee has corrected the violation, noncompliance, or hazard that caused the revocation; and

(2) the health or safety of the public is not jeopardized by reinstating the permit.

(k) Any variance from the requirements of this article must be approved in advance by the director. The director may grant a variance only if an extreme hardship exists and the public health, safety, welfare, and convenience is not adversely affected by granting the variance. The director may not approve any variance that would give a competitive advantage to one person over another person providing the same or similar service. The director may not grant a variance from the indemnity requirements of Section 43-140(d). (Ord. Nos. 24495; 26263; 29993; 30620; 31209; 33394)

SEC. 43-139.1. NETWORK NODES AND RELATED INFRASTRUCTURE.

(a) The terms used in this section have the meanings ascribed to them in Chapter 284 of the Texas Local Government Code, as amended.

(b) A person shall not construct, place, install, replace, upgrade, repair, or collocate a network node or related infrastructure, including poles, within a public right-of-way without first obtaining a permit from the director.

(c) Permit applications must be accepted and processed as provided in the Design Manual and in accordance with Chapter 284 of the Texas Local Government Code, as amended. A permit application for a network node must be accompanied by a fully executed pole attachment agreement for the proposed location or an approved permit for a node support pole at the proposed location in order for the application to be deemed complete. The director shall deny applications that do not include required materials and

information in accordance with state law and the Design Manual.

(d) A person shall not file, or have pending, more than 30 permit applications for the installation or collocation of network nodes at any time.

(e) Permit fees and compensation for use of the right-of-way and any city infrastructure pursuant to Chapter 284 of the Texas Local Government Code, as amended, shall be as provided by state law and the Design Manual.

(f) The placement, installation, or collocation of a network node or related infrastructure, including poles, in a design district with decorative poles or in a district the city has designated as historic, is subject to additional design, concealment, and aesthetic standards, as set out in the Design Manual.

(g) A network provider shall not install a new node support pole in a public right-of-way if the public right-of-way is:

(1) adjacent to property under the control and jurisdiction of the park board; or

(2) adjacent to a street or thoroughfare that is not more than 50 feet wide and adjacent to property zoned for residential uses, as that term is defined by the Dallas Development Code, or deed restriction.

(h) Designations.

(1) Any area that meets the definition of a design district under this article is hereby designated a design district for purposes of Chapter 284 of the Texas Local Government Code, as amended.

(2) Any area within the city without utility poles is hereby designated as an underground district pursuant to Chapter 284 of the Local Government Code, as amended, and is subject to additional design, concealment, and aesthetic standards as set out in the Design Manual.

(1) The person's record of performance in the city's rights-of-way.

(2) The person's record of compliance with this article.

(3) A showing of financial responsibility by the person sufficient to guarantee the full and faithful execution of the estimated work to be performed during the year in which the waiver is in effect.

(4) Any other factor relevant to a determination of the financial responsibility of the person and its ability to safely and fully perform permitted work.

(d) A waiver expires one year after being granted by the director, and the person must reapply for a waiver each year during which it will perform work in the city's rights-of-way.

(e) Upon determining that a person is in violation of this article, the director may deny any request for a waiver and may terminate any existing waiver that had been granted under this section. A person whose waiver is terminated may not reapply for another waiver until two years have elapsed since the date of termination.

(f) If a waiver is denied or terminated by the director, the person shall immediately take all necessary steps to temporarily restore the right-of-way and then cease all work in the right-of-way until the person has provided a bond, letter of credit, or cash deposit that has been approved by the director. (Ord. Nos. 25693; 26263; 29993)

SEC. 43-141. MISCELLANEOUS REQUIREMENTS FOR STREET EXCAVATION AND INSTALLATIONS, TRENCH SAFETY, AND ABOVE GROUND UTILITY STRUCTURES.

(a) In addition to the other requirements of this article, a pavement cut, excavation, or repair, or the placement of an above ground utility structure, necessitated by or as a result of construction inside or outside of the public right-of-way must comply with all of the requirements contained in this section.

(b) General.

(1) A pavement cut in the public right-of-way, or the placement of an above ground utility structure either in or outside of a public right-of-way, may be made prior to obtaining a permit only if a valid need to perform emergency activity exists. Immediate notice, including reasons for the emergency activity, must be given to the director. An application for a permit must be made not later than the second business day following commencement of the emergency activity.

(2) A pavement cut that is made in a concrete street that has a paving condition index of 70 or higher as shown on the City of Dallas Paving Management Database will require that, in addition to repairs made in compliance with the *Pavement Cut and Repair Standards Manual*, replacement of the entire concrete panel from joint to joint.

~~————— (3) A pavement cut that is made in an asphalt street that has a paving condition index of 70 or higher as shown on the City of Dallas Paving Management Database will require that, in addition to repairs made in compliance with the *Pavement Cut and Repair Standards Manual*, a surface treatment must be applied that consists of slurry seal or micro-surfacing, or an equivalent method approved by the director, for the purposes of sealing the repair edges of the cut and maintaining uniformity in appearance with the surrounding street surfaces. No surface treatment is~~

~~required if the repairs are made to match pavement color and are approved by the director. The application of slurry seal or micro-surfacing must be made to the entire block of the street in which a cut is made. For an undivided street, the application must be made from curb to curb, and for a divided street, from median curb to outside curb. The City of Dallas Slurry Seal and Micro-surfacing Specifications, as amended, will govern design, material, testing, and construction of surface treatments.~~

(3) A pavement cut that is made in an asphalt street that has a paving condition index of 70 or higher as shown on the City of Dallas Paving Management Database will require that, in addition to repairs made in compliance with the *Pavement Cut and Repair Standards Manual*, a surface treatment must be applied that consists of slurry seal or micro-surfacing, or an equivalent method approved by the director, for the purposes of sealing the repair edges of the cut and maintaining uniformity in appearance with the surrounding street surfaces. No surface treatment is required if the repairs are made to match pavement color and are approved by the director. The application of slurry seal or micro-surfacing must be made extending 250 feet past the end of the cut each way or to the next intersection for a minimum length of 500 feet, or to the entire block of the street in which a cut is made, whichever length is shorter. For an undivided street, the application must be made from curb to curb, and for a divided street, from median curb to outside curb. The *City of Dallas Slurry Seal and Micro-surfacing Specifications*, as amended, governs design, material, testing, and construction of surface treatments.

(4) The permittee and any person responsible for construction shall protect the public right-of-way surface, drainage facilities, and all other existing facilities and improvements from excavated materials, equipment operations, and other construction activities. Particular attention must be paid to ensure that no excavated material or contamination of any type is allowed to enter or remain in a water or wastewater main or access structure, drainage facility, or natural drainage feature. Adequate provisions must be made to ensure that traffic and adjacent property owners experience a minimum of inconvenience.

(c) Five-year maintenance period.

(1) All construction must be done in a good

and workmanlike manner and in faithful and strict compliance with the permit, this article, other city ordinances, and regulations promulgated by the director relating to construction within the public right-of-way.

(2) All construction performed under any permit granted to a permittee by the city under this article must be maintained to the satisfaction of the director for five years after the date of completion of the construction or repair.

(3) Any damage to, or any defect or other problem in, the permitted construction occurring at any time within five years after the completion of work under the permit must be corrected to the satisfaction of the director within 10 days after the director gives notice to the permittee to correct the damage, defect, or other problem.

(4) The opinion of the director as to the necessity of correcting any damage, defect, or other problem is binding on all parties.

(d) Repairs.

(1) All damage caused directly or indirectly to the public right-of-way surface or subsurface outside the pavement cut or excavation area will be regarded as a part of the pavement cut or excavation and must be included in the total area repaired. If repaired by the city, the permittee shall reimburse the city for the actual direct and indirect costs of the repair.

(2) The director shall notify the permittee if the backfill on a permitted construction settles at any time during the five-year maintenance period required in Subsection (c) of this section, causing subsidence in the pavement of one-half inch or more, vertically measured in any three-foot horizontal direction. Upon notification, the permittee shall schedule appropriate repair work and promptly notify the director of the anticipated dates of commencement and completion of the repair work. If the repair work is not commenced or completed within the agreed-upon time schedule, or if no response is received by the director within 24 hours after notification to the permittee, the repair work may be performed by the city. The permittee shall reimburse the city for the actual direct and indirect costs of any repair work performed by the city.

permittee that is subject to the safety standards adopted under Chapter 121, Texas Utilities Code, as amended.

(f) Tests.

~~————— (1) The permittee will be required to provide a certified construction materials testing lab, or use a testing method approved by the director, to perform the appropriate tests, at the permittee's expense, to ensure quality control for the backfill and pavement construction phases. Concrete strength test results must be submitted to the director for any placement greater than five cubic yards.~~

(1) The permittee will be required to provide and identify a certified construction materials testing lab at the time of permit application, or use a testing method approved by the director, to perform the appropriate tests, at the permittee's expense, to ensure quality control for the backfill and pavement construction phases. Concrete strength test results must be submitted to the director for any placement greater than five cubic yards.

(2) Unless another method is approved by the director, tests must be made in accordance with the latest methods of the American Society of Testing and Materials. The certified results from tests for backfill compaction must be supplied to the city within three days of the backfill work completion and before pavement construction begins. The results from tests for pavement construction must be submitted within one week of completion of the project. Retesting after failure to pass the required tests will be at the expense of the permittee.

(3) Compaction testing is not required when a flowable backfill material that complies with the *Pavement Cut and Repair Standards Manual*, as amended, is used.

(4) If the materials used for the street repairs do not meet the minimum requirements of the *Pavement Cut and Repair Standards Manual*, they may be considered unacceptable and may be ordered to be removed and replaced at the permittee's expense. In cases where the repairs are unacceptable and the permittee refuses to make them acceptable, the work may be accomplished by the city, and all of the direct and indirect costs will be charged back to the permittee responsible for the work.

(5) The city at its expense may perform, or have performed, any material tests it deems necessary to verify conformance with the specifications set forth in Paragraph (6) of this subsection. If tests performed at the city's expense show cause for additional work or rework by the permittee, then further testing required to show conformance with the specifications will be at the expense of the permittee, including the cost of the original testing that showed the need for additional work or rework.

(6) Specifications for backfill compaction must meet the requirements contained in the *Pavement Cut and Repair Standards Manual*. Specifications for pavement testing must meet the requirements in the applicable provisions of the *Standard Specifications for Public Works Construction – North Central Texas* and the city's addendum thereto, as amended.

(g) Additional requirements for above ground utility structures.

(1) Written notification required.

(A) An owner of an above ground utility structure shall provide written notice to:

(i) the occupant of each single family residence, town home, duplex, tri-plex, or four-plex property adjacent to the proposed location of the above ground utility structure; and

(ii) the management of each multi-family dwelling property adjacent to the proposed location of the above ground utility structure.

(B) The written notice must be provided at least two business days before construction of the above ground utility structure begins.

(C) The notice must be provided on forms approved by the director and must clearly identify:

(i) the proposed location of the above ground utility structure;

(ii) primary contact information for the permittee and contractor, if different;

(iii) location of the construction area; and

(iv) estimated time of construction as authorized by the permit. (Ord. Nos. 24495; 25409; 26263; 29993; 31209; 33394)

SEC. 43-142. RESTORATION REQUIREMENTS.

(a) The *Pavement Cut and Repair Standards Manual* and the requirements of this section govern the restoration of public right-of-way surfaces within the city. For those restoration activities not covered by the *Pavement Cut and Repair Standards Manual* or this section, the applicable provisions of the *Standard Specifications for Public Works Construction - North Central Texas* will govern.

(b) A permittee performing construction in the public right-of-way shall restore the public right-of-way to a condition that is equal to or better than the condition prescribed by the most recent version of the *Pavement Cut and Repair Standards Manual* or other applicable city design and construction standards.

(c) Restoration work must be performed to the satisfaction of the director. Restoration work must include, but is not limited to, the following:

(1) Replacement of all sod or ground cover with sod or ground cover equal to or better than the type damaged during the work, either by sodding or seeding as required by the director.

(2) Installation or reinstallation of all manholes and handholes, as required by the director.

(3) Backfilling and compaction of all completed bore pits, potholes, trenches, or other holes, which must be performed on a daily basis unless other safety requirements are approved by the director.

(4) Street, sidewalk, and alley repair that conforms with the standards for construction established in this article and by the director.

(5) Leveling of all trenches and backhoe lines.

(6) Restoration of the excavation site to the specifications and requirements established in this article and by the director.

(7) Restoration of all landscaping, ground cover, and sprinkler systems.

(8) Restoration of any damaged traffic control devices, including but not limited to imbedded loop detectors, pavement markings, underground conduits, and signs.

(d) All location flags must be removed during the cleanup process by the permittee or the permittee's contractor at the completion of the work.

(e) Restoration of special street, sidewalk, or drive approach surfaces designed to present unique visual images, color, or designs (regardless of the type, color, pattern, or texture of special material or process used) must be done so that the restoration matches the color, texture, and pattern of the surrounding special surfaces.

(f) Restoration must be made in a timely manner. If restoration is unsatisfactory or not performed in a timely manner, then all of the permittee's work in progress on the project in question (except for that work related to the problem of unsatisfactory restoration) will be halted, and no other permit will be approved until all restoration is complete. Any hold on the permittee's work will include work previously permitted but not completed. (Ord. Nos. 24495; 26263)

SEC. 43-143. CLEARANCE FOR STREET PAVING AND STORM DRAINAGE PROJECTS.

(a) A person making a pavement cut or excavation for the purpose of adjusting facilities at the request of the city in advance preparation for a city street paving or storm drainage project shall obtain a permit under this article, except that the time limits prescribed in Section 43-139(c) and (g) do not apply.

(b) The permittee shall maintain the pavement cut or excavation until the work order authorizing the construction of the street paving or storm drainage project is issued by the city. Upon notification by the director of any problem with the maintenance of the cut or excavation, the permittee shall promptly correct the problem. The permittee shall notify the director of the anticipated date of correction. If the correction is not made by the anticipated date, or if no response is received by the director within 24 hours after the director gives notice to the permittee, the correction may be made by the city, and the permittee shall reimburse the city for the actual direct and indirect costs of the correction. (Ord. Nos. 24495; 26263)

SEC. 43-144. CONFORMANCE WITH PUBLIC IMPROVEMENTS.

(a) Whenever the city or the director deems it necessary to remove, alter, change, relocate, or adapt the underground or overhead facilities of a public service provider in the public right-of-way due to the city's reconstruction, widening, or straightening of streets; replacement of water or wastewater facilities; installation of traffic signals, traffic signs, and markings; or construction of any other city public improvement project, the public service provider that owns the facilities shall conform its facilities with the project as prescribed by the director.

~~(b) The facilities must be conformed, at the public service provider's expense, within 90 days after the director issues notice to the public service provider, unless a different schedule for the work is approved by the director.~~

~~(c) Facilities of a public service provider that are not conformed within the 90-day notice period or within the approved schedule will be deemed abandoned, and the city will not be liable for any damage to or destruction or removal of the facilities, or for any interruption or termination of service through the facilities, caused by the activity of the city described in this section.~~

(b) The facilities must be conformed, at the public service provider's expense, within 90 days after the director issues notice to the public service provider, unless a different schedule for the work is approved by the director. The public service provider shall submit a utility clearance letter, which identifies facilities to be adjusted and provides reasonable conformance dates for all necessary facility adjustments.

(c) The public service provider's facilities that fail to conform within the 90-day notice period or within the approved schedule will be deemed abandoned. The city will not be liable for any damage to or destruction or removal of the facilities, or for any interruption or termination of service through the facilities, caused by the activity of the city described in this section. The public service provider is responsible for reimbursing the city for expenses incurred as a result of delays caused by the public service provider's failure to conform their facilities. These expenses shall reflect the actual costs incurred by the city, but in no case be less than \$50 per day to cover the cost for the daily inspection. The public service provider is exempt if able to reasonably demonstrate delay due to circumstances beyond its control. (Ord. Nos. 24495; 26263; 33394)

SEC. 43-145. IMPROPERLY CONSTRUCTED FACILITIES.

(a) A permittee shall:

(1) properly construct, install, operate, repair, relocate, upgrade, and maintain its facilities existing within the public right-of-way or, for an above ground utility structure, in or outside of the public right-of-way; and

(2) repair or restore any damage to other facilities, the public right-of-way, or private property that occurs as a result of improper construction, installation, operation, repair, relocation, upgrade, or

(25) COMPOSITE SAMPLES means samples collected during a period of time exceeding 15 minutes and combined into one sample.

(26) CONTROL AUTHORITY means the city of Dallas.

(27) CORNER LOT means a lot that abuts upon not more than one pair of intersecting public streets within a larger platted subdivision.

(28) CROSS CONNECTION means any physical connection or arrangement of pipes or devices between two otherwise separate water supply systems, one of which contains potable water and the other water of unknown or questionable quality, whereby water may flow from one system to the other, the direction of flow depending upon pressure differential between the two systems.

(29) CUSTOMER means a person who:

(A) is the customer of record;

(B) has made application for a service, and the service has been provided or made available by the department at the location specified in the application pending final approval of the application; or

(C) actually uses, receives, or benefits from a service, even though no account for service may exist or no application for service may have been made in that person's name.

(30) CUSTOMER OF RECORD means a person who has an account in that person's name with the department for a service, based upon an application made with and approved by the director.

(31) DAILY MAXIMUM LIMIT means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where

daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

~~_____ (32) DEPARTMENT means the water utilities department of the city, except that for purposes of administering, implementing, and enforcing provisions of this chapter relating to the construction of public infrastructure improvements by private developers, "department" means the department of development services.~~

(32) DEPARTMENT means the water utilities department of the city, except that for purposes of administering, implementing, and enforcing provisions of this chapter relating to the construction of public infrastructure improvements by private developers, "department" means the department of planning and development.

(33) DESIGNATED OUTDOOR WATER USE DAYS means Sundays and Thursdays for a customer with a street address ending in an even number (0, 2, 4, 6, or 8) or with no street address number, and Saturdays and Wednesdays for a customer with a street address ending in an odd number (1, 3, 5, 7, or 9). An apartment complex, office building complex, or other property containing multiple street addresses must use the lowest street address number to determine the designated outdoor water use days for the property.

(34) DEVELOPER means:

(A) the owner or agent of the owner platting, replatting, or otherwise developing lots or tracts of property for further sale, lease, development, or redevelopment for residential, commercial, or industrial uses; or

(B) a person who does not otherwise qualify as an individual owner under this chapter.

(35) DIRECTOR means the director of the department designated to implement, administer, or enforce a particular provision of this chapter, or the director's authorized assistants and representatives.

(36) EPA means the United States Environmental Protection Agency or, where appropriate, the regional administrator or other duly

the tract of land to be platted, replatted, developed, or redeveloped, except that this term does not include a water or wastewater main extension directly adjacent to or fronting on, and intended to serve or capable of serving only, the tract of land to be platted, replatted, developed, or redeveloped.

(68) ON-SITE EXTENSION means a water or wastewater main extension that:

(A) lies totally within a tract of land to be platted, replatted, developed, or redeveloped; or

(B) lies directly adjacent to or fronting on the tract of land to be platted, replatted, developed, or redeveloped and is intended to serve or is capable of serving only that tract.

(69) OVERSIZE COST means the difference between the evaluated cost of a water or wastewater main as built and the evaluated cost of the size of main determined to be the minimum size required to serve the subdivision. The minimum size used to determine oversize cost must never be less than the standard size water and wastewater mains as defined in this section.

(70) OVERSIZE MAIN means a main that exceeds the minimum size of main necessary to serve a particular subdivision, as determined by the director, in order to allow the main to serve other property, as well as the subdivision.

(71) OWNER means the legal fee title holder of record of property.

(72) PASS THROUGH means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation).

(73) PAYMENT DEVICE means any check, item, paper or electronic payment, or other payment device used as a medium for payment.

(73.1) PAYMENT PROCESSOR means a third-party entity under contract with the city to provide payment processing services for charges collected under this chapter.

(73.2) PAYMENT SERVICE AGENT means a third-party entity that accepts customer payments for charges owed to the city but does not have a direct payment service contract with the city under this chapter.

(74) PERMITTEE means a person granted a permit under this chapter.

(75) PERSON means an individual, private or public corporation, partnership, association, limited liability company, governmental entity, firm, industry, or other entity.

(76) pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution.

(77) POLLUTANT means any of the following:

(A) Dredged spoil.

(B) Solid waste.

(C) Incinerator residue.

(D) Filter backwash.

(E) Sewage and sewage sludge.

(F) Garbage.

(G) Munitions.

(H) Medical wastes.

(I) Chemical wastes.

(J) Biological or radioactive materials.

(K) Heat.

suspended in, water, wastewater, or other liquids and that, in accordance with standard methods, are removable by a standard, specific laboratory filtration device.

(101) WASTE MANAGEMENT OPERATOR means a person engaged in the private business of receiving, storing, treating, or disposing of industrial waste.

(102) WASTEWATER means water-carried waste.

(103) WASTEWATER MAIN means a conduit or pipe of the wastewater system that conveys domestic wastewater or industrial wastes, or a combination of both, and into which storm surface water, ground water, or unpolluted wastes are not intentionally admitted. The term includes access structures, valves, and other appurtenances that are incidental to use of the wastewater main.

(104) WASTEWATER SYSTEM means:

(A) all treatment plants, mains, conveyances, pumps, interceptors, lift stations, connections, meters, sludge storage facilities, appurtenances, and other facilities of the city employed in the collection, treatment, and disposal of wastewater; or

(B) the publicly-owned treatment works of the city or of a governmental entity receiving or treating wastewater of the city under a contract with the city.

(105) WATER MAIN means a conduit or pipe of the water system that conveys water. The term includes fire hydrants, access structures, valves, and other appurtenances that are incidental to use of the water main.

(106) WATER SYSTEM means all treatment plants, mains, pumps, meters, connections, supply reservoirs, storage tanks, appurtenances, and other facilities of the city employed in the purification,

transportation, and supply of treated and untreated water.

(107) WATER YEAR means the period that begins on June 1 of a year and ends on May 31 of the following year.

(108) WHOLESALE SERVICE means:

(A) the furnishing of untreated water to a customer, except for untreated water furnished only for domestic use;

(B) the furnishing of treated water to a governmental entity for resale to customers of that entity; or

(C) the collection and discharge of wastewater from the collection facilities of a governmental entity into the wastewater system for purposes of treatment. (Ord. Nos. 19201; 19526; 19622; 20653; 21409; 25047; 25214; 25256; 26925; 26961; 27697; 28084; 28622; 31480; 32002; 32760; 33420)

SEC. 49-2. CHAPTER ENFORCEMENT.

(a) Authority. The director is authorized to enforce the provisions of this chapter.

(b) Civil jurisdiction.

(1) As an alternative to imposing the applicable criminal penalty prescribed in Section 49-2(d), the city 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 Section 49-21.1 of this chapter. The alternative administrative penalty range for an offense is the same as is prescribed for an offense in Section 49-2(d). 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.

(2) This chapter may be enforced by civil court action as provided by state and federal law.

(c) Offenses. A person who violates Sections 49-3(e), 49-16, 49-19(c), 49-20(f), 49-21.1, 49-23(c), 49-25(c), 49-27(b), 49-31(a), 49-34 and 49-37 of this chapter is guilty of a separate offense for each day or portion of a day during which the violation continues.

(d) Penalty.

(1) Each offense under Sections 49-20, 49-21.1, 49-25(c), 49-27(b), 49-31(a), 49-34, and 49-37(a)(3) is punishable by a fine not to exceed \$2,000. Every other offense under this chapter is punishable by a fine not to exceed \$500.

(2) In addition to the maximum fine prescribed by Subsection (d)(1), an offense under Section 49-20 or 49-21.1 is punishable by a fine of not less than \$250. This minimum fine will be doubled for the second conviction of the same offense within any 12-month period and trebled for the third and subsequent convictions of the same offense within any 12-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (d)(1).

(e) Culpability.

(1) A person is criminally responsible for a violation of this chapter if the person:

(A) commits or assists in the commission of a violation; or

(B) is a customer, owner, tenant, permittee, or other person in control of the premises determined to be the source of a violation.

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

(f) Exception. This section does not apply to Article IV of this chapter. (Ord. Nos. 19201; 19682; 21606; 24745; 29618)

ARTICLE II.

RATES, CHARGES AND COLLECTIONS.

SEC. 49-3. APPLICATION FOR SERVICE; CONTENTS OF APPLICATION.

~~—(a) Application required. A person shall not use a service without first making the proper application for the service with the director. For general service accounts, a written application will be required of those persons from whom the director requires a security deposit. The application, when made in writing, must be made on forms provided by the director. The director is authorized to establish other procedures, not in conflict with this chapter or state law, to process and accept customer applications and to collect and process security deposits as necessary to secure customer accounts. The application requirements of this section do not apply to wholesale service contracts.~~

(a) Application required. A person shall not use a service without first making the proper application for the service with the director by phone, email, or online. The director is authorized to establish other procedures, not in conflict with this chapter or state law, to process and accept customer applications and to collect and process security deposits as necessary to secure customer accounts. The application requirements of this section do not apply to wholesale service contracts.

(b) Restriction of application. The person making the application shall include that person's spouse, if any, as an applicant on the application. If unmarried or unrelated individuals or unrelated business entities who jointly own or occupy premises desire service, the director may require application to be made jointly in the names of those individuals or business entities. The director may also require application for service to be made only by and in the name of the owner of property if the director determines that substantial risk of financial loss to the department would occur as a result of acceptance of an application from a person other than the owner.

(c) Contract. The application constitutes a contract to pay all charges for service and to abide by all provisions of this chapter, the provisions of this

(d) Fee. An applicant must pay an application fee in accordance with Section 49-18.16(a).

(e) Accurate information. An applicant shall furnish the names and addresses of any other joint owners, regardless of whether or not they reside at the premises, if this information is known to the applicant. An applicant shall also furnish proper identification and shall correctly furnish any other relevant information, including but not limited to proof of ownership or agency, required by the department in order to properly provide the service. If information is not furnished or is false, the application may be denied and service, where provided, may be discontinued. A person commits an offense if he knowingly makes a false statement on an application for service under this chapter.

~~—— (f) Use without application. A person who occupies premises and uses service without making application is responsible for all water used from the date of the last meter reading previous to that person occupying the premises. If the person is a tenant and the owner of the premises has failed to give the notice required in Section 49-15, then the owner is jointly and severally responsible with the tenant for the charges.~~

(f) Use without application. A person who occupies premises and uses service without making application is responsible for all water used from the date of the last meter reading previous to that person occupying the premises. If the person is a tenant, a copy of the lease is required to make application. (Ord. Nos. 19201; 19622; 20653; 33420)

SEC. 49-4. SECURITY DEPOSITS; EXEMPTIONS.

(a) Form of security. Unless exempted under Subsection (f), when a customer applies for service, he must also submit a security deposit in one of the following forms:

- (1) cash;
- (2) guaranty bond;

(3) letter of credit drawn on a state or federally chartered lending institution;

~~—— (4) guarantee letter from another person~~

~~who has an account with the department for service and has a satisfactory credit history with the department; or~~

~~—— (5) other equivalent security approved by the director.~~

(4) other equivalent security approved by the director.

(b) Amount. The director shall establish the amount of a security deposit in accordance with Section 49-18.8.

(c) Failure to provide security. The director may refuse or discontinue service if a person fails to:

(1) make a required security deposit with his application; or

(2) increase the amount of his security deposit after being notified that an increase is required.

(d) Form of noncash security. A customer must submit a noncash security deposit on a form provided by the director or on a form approved by the director and the city attorney.

(e) Hardship cases. In cases of hardship the director may allow residential service customers to make cash deposits in installments.

(f) Exemptions from security deposit requirement. Any of the following persons is not required to post a security deposit, provided he has a satisfactory credit history with the department:

(1) A person seeking residential service who presents proof that he is 65 years of age or older.

(2) A person seeking residential service who presents proof that he owns or is presently buying the residence to be served.

(3) A person seeking service who provides a current report from a consumer credit reporting agency indicating a good credit standing.

(4) A person who has had at least 12 months continuous service within the last 24 months and left no unpaid balance.

(5) A person who can provide proof that his account with another utility is not delinquent and that timely payments have been made to that utility for a minimum of 12 consecutive months within the past 24 months. A letter from the utility indicating that the requirements of this exception have been met, or monthly bills from the utility stamped paid (including a current or final bill), constitutes acceptable proof that the requirements of this exception have been met.

(g) Withdrawal of exemption. If a customer establishes an account without a security deposit, but subsequently loses his satisfactory credit history with the department, a security deposit may be required as a condition for continued service.

(h) Exceptions to section. This section does not apply to:

- (1) governmental entities;
- (2) wholesale service contracts; or

(3) applications for permits required under this chapter. (Ord. Nos. 19201; 33420)

SEC. 49-5. USE OF SECURITY DEPOSITS.

(a) Accounting requirements. The director shall keep:

(1) accurate records of all security deposits, including, but not limited to, the depositor's name, amounts deposited, and deposits refunded; and

(2) separate accounts of all security deposits.

(b) Administration of deposits. The director shall administer cash security deposits in accordance with the following rules:

(1) A deposit will be applied toward payment of the final bill amount due the city when a

service account is closed or becomes inactive due to delinquency, transfer of ownership or other reasons. A deposit made to secure service to premises may be transferred or applied toward payment of a final bill due on any other premises within the city where service is provided in the depositor's name.

(2) Deposits earn simple interest at an annual percentage rate to be fixed by the director each year, which rate shall approximate the average interest rate earned by the department on its cash deposits for the previous year, less two percent.

(3) Interest ceases to accrue on a deposit when service is discontinued.

(4) A deposit and accrued interest, less amounts due for service, will be returned to the customer when service is discontinued unless the deposit is transferred to another address, either at the request of the customer or as provided in Subsection (b)(1).

(5) Deposits may be invested or used for capital improvements, but sufficient cash shall be accounted for and kept on hand to meet the normally anticipated level of refunds. (Ord. 19201)

SEC. 49-6. SECURITY DEPOSIT REFUNDS.

(a) Refund requirements. The director may refund a security deposit to the customer when the customer meets the requirements of Section 49-4(f) or meets all of the following conditions:

(1) The customer has been receiving service for 12 continuous months.

(2) The customer has acquired a satisfactory credit history with the department.

(3) The customer has not made payment during the past 12 months with a payment device returned due to insufficient funds.

(4) The customer has no delinquent bills outstanding.

(b) Refusal to refund. Notwithstanding Subsection (a), the director may refuse to refund a security deposit where the director determines from the circumstances of a customer's account that there is a substantial risk of financial loss to the department.

(c) Review for eligibility. Upon the request of a customer, the director shall review the customer's credit history to determine eligibility for a refund. The director will make refunds in the following manner:

(1) A refund will normally be credited to a customer's bill.

(2) If a refund is greater than the outstanding bill, the remaining portion of the refund will be applied to subsequent bills.

(3) If a customer no longer has an account for service or in special circumstances approved by the director, the director may authorize a refund by check payable to the customer. (Ord. Nos. 19201; 26961)

SEC. 49-7. PAYMENTS OF FEES FOR SERVICES; DELINQUENCY OF CHARGES; DISCONTINUANCE OR REFUSAL OF SERVICE; NOTICE OF DISCONTINUANCE.

~~—(a) When charges are delinquent; bill items.~~ Except where otherwise provided by written contract between the customer and the city, charges for services furnished become delinquent if payment is not received by the department on or before the due date, which is 15 days after bill rendering. After the due date, the customer must pay all charges for service, plus a late payment fee equal to five percent of the outstanding charges for service (unless the late payment fee is prohibited, or otherwise provided for, in another city ordinance or state or federal law). The director shall send the customer a monthly bill indicating:

(a) When charges are delinquent; bill items. Except where otherwise provided by written contract between the customer and the city, charges for services furnished become delinquent if payment is not received by the department on or before the due date, which is 21 days after bill rendering. After the due date, the

customer must pay all charges for service, plus a late payment fee equal to five percent of the outstanding charges for service (unless the late payment fee is prohibited, or otherwise provided for, in another city ordinance or state or federal law). The director shall send the customer a monthly bill indicating:

(1) the service date and the due date;

(2) the amount due for services rendered (including all previous delinquent charges, plus interest, if any, still due and owing) if the bill is paid by the due date; and

(3) the amount due for services rendered (including all previous delinquent charges, plus interest, if any, still due and owing), plus a late payment fee, if the customer fails to pay the bill by the due date.

(b) Bill not received. Failure to receive a bill from the director does not relieve a customer or other person liable for charges under this chapter from liability for service.

(c) Authority to discontinue service. The director may refuse application for service, discontinue service, or refuse to restore service to:

(1) a customer who fails to pay any charges due under this chapter within seven days after the sending of notice of discontinuance;

(2) a person who violates any provision of:

(A) Section 49-9;

(B) Section 49-16;

(C) Article III or Article IV of this chapter;

(D) Article V or Article VI of Chapter 32 of this code;

(E) Chapter 51 or 51A of this code, upon request of the building official; or

(F) the Dallas Plumbing Code;

(3) a person making application for service to property at an address, if the person has delinquent charges outstanding at another address; or

(4) a customer at any premises if the director determines that a substantial waste of water, or a health hazard, is occurring as a result of leaking, damaged, open or disconnected private laterals, pipes, or drains on the premises.

(d) Cutting and plugging connections. The director's authority to discontinue service includes the right to cut and plug water or wastewater connections to private property. The costs of cutting and plugging connections will be charged to the customer in addition to the delinquent charges due.

~~—(e) Restoration of service. Discontinued service will not be restored until the customer or other person who has or accepts legal responsibility for violations committed or charges unpaid either pays all charges due (including the charges to restore connections), makes arrangements for payment satisfactory to the director, or, where applicable, ceases violation of the particular code provision in question. The decision to restore service while delinquent charges or code violations still exist rests solely with the director.~~

(e) Restoration of service. Discontinued service will not be restored until the customer either pays all charges due (including the charges to restore connections), makes arrangements for payment satisfactory to the director, or, where applicable, ceases violation of the particular code provision in question. The decision to restore service while delinquent charges or code violations still exist rests solely with the director.

(f) Notice of discontinuance. The director must notify a customer in the following manner before discontinuing service under Subsection (c):

(1) The director must send the customer at least seven days advance written notice of pending discontinuance.

(2) The notice must provide a statement of reasons for cutoff and a statement of delinquent charges due, where applicable. The notice must also provide a time, place and means by which the customer may cure

the delinquency or violation, or dispute the validity of the reasons for discontinuance.

(3) The notice may be served either in person or by mail.

(4) Additionally, in cases of master-metered apartments or condominiums, the director must cause a notice of pending discontinuance to be posted on the door of each dwelling unit known to be occupied and in a conspicuous place within the property manager's office or the common areas of the premises.

(g) Exceptions to notice requirement. Subsection (f) does not apply to discontinuance of service resulting from a violation of this chapter if the director determines that immediate discontinuance is necessary to prevent an imminent threat or occurrence of:

- (1) harm to the health or safety of persons;
- (2) damage to city or private property; or
- (3) contamination of the water system.

~~—(h) Customer's request to discontinue. Upon a customer's written request, the director may discontinue treated or untreated water service to the customer. Upon receipt of the request, the director may remove the water meter and service connections. However, the customer is liable for all charges incurred prior to removal of the meter. Where service is furnished through more than one meter, the customer may request discontinuance of one or more meters and thereafter be billed on the basis of the remaining meter or meters.~~

(h) Customer's request to discontinue. Upon a customer's request, the director may discontinue treated or untreated water service to the customer. Upon receipt of the request, the director may remove the water meter and service connections. However, the customer is liable for all charges incurred prior to removal of the meter. Where service is furnished through more than one meter, the customer may request discontinuance of one or more meters and thereafter be billed on the basis of the remaining meter or meters.

(i) Cumulative remedies. Enforcement of this section does not waive any additional remedies, civil or criminal, available to the city under law. (Ord. Nos.

19201; 20215; 20653; 26961; 33420)

**SEC. 49-8. NEW APPLICATION FOR
PREMISES WITH DELINQUENT
CHARGES.**

(a) When new application not accepted. Where
service has been discontinued, refused or posted for

discontinuance at a premises due to nonpayment of delinquent charges or a violation of this code, a new application will not be accepted from another person to resume service in the same place under another name so long as the previous customer continues to occupy or own the premises as his residence or place of business until:

- (1) all delinquent charges are paid;
- (2) arrangements for payment satisfactory to the director are made; or
- (3) the violation is abated.

~~(b) Avoidance. This section also applies to premises where service is furnished to a tenant, and the premises are transferred to a person with notice of discontinuance for the purpose of avoiding payment of charges or avoiding enforcement of this section.~~

(b) Avoidance. This section also applies to premises where service is furnished to a tenant, and the premises are transferred to a person with notice of discontinuance for the purpose of avoiding payment of charges or avoiding enforcement of this section. When a premise shows a history of avoidance, the department may assign the premise as an owner only account. Where service is requested on these premises, only the owner of the property will be allowed to open an account for the premises. (Ord. Nos. 19201; 33420)

SEC. 49-9. METERS REQUIRED; METERS TO BE READ MONTHLY; ESTIMATED CHARGE; WATER LEAKAGE.

(a) Meters generally. Unless otherwise provided in this chapter, or by separate written wholesale service contract, a customer shall receive water service only when measured through a meter. The director shall determine the size, type, number, and location of meters and connections to meters to be installed. Each meter shall be read, when possible, once a month and a bill rendered accordingly.

(b) Estimated bill circumstances. The quantity of water delivered to a premises will be estimated under any of the following circumstances:

- (1) The meter reader is unable to procure a reading of the meter because access to the meter is

obstructed or made hazardous by an animal or otherwise.

(2) The meter does not properly function, or the equipment used to read the meter does not properly function.

(3) Adverse weather or an act of God prevents the reading of the meter.

(4) No meter is in place at the premises.

(5) For some other reason, a meter reading is not available to the billing section of the department at the time of preparing a bill to the customer.

(c) Basis for estimates. An estimate shall be based on past consumption experience at the premises. If there is no past consumption experience, then an estimate will be based on consumptions of the same class under similar conditions using the best information available. If a customer demonstrates that an estimated bill is excessive, then the department shall render a bill based on a revised estimate or on an actual meter reading where possible.

(d) Meter reading verification. If the customer contends that a discrepancy appears in a bill or meter reading, the director will inspect the meter and verify the reading. The charge for the inspection is provided in Section 49-18.6(c).

(e) Water leakage. When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak, the department will adjust the amount and bill the customer in accordance with the rates prescribed in Section 49-18.1(g). The department will adjust a bill only if a customer presents a plumber's statement, or the customer's written statement, which indicates the water leak was not reasonably detectable from the surface, the leak has been repaired, and the type of repairs made. The director may request additional information before determining if a water leak was reasonably detectable based upon facts presented to the director. A customer may receive only one adjustment during a 12 month period, unless the director determines that extenuating circumstances justify allowing additional adjustments.

(f) Return of meters. All water meters furnished to customers are property of the city and will be returned immediately upon request of the director. Failure to return a meter when requested constitutes grounds for discontinuance or refusal of service.

(g) Maintenance of meters. The department is responsible for maintenance, inspection and repair of all water meters. When any act, neglect or carelessness of the customer or owner of any premises causes damage to a meter requiring adjustment, repair or replacement, the resulting expense will be charged against the customer or owner. (Ord. Nos. 19201; 20737; 21334)

SEC. 49-10. COLLECTION REGULATIONS; PAYMENT SUBSTATION AND PAYMENT SERVICE CONTRACTS.

(a) Collection regulations. The director is authorized to promulgate regulations and procedures, not in conflict with this code, the city charter, or applicable state or federal laws or regulations, concerning the collection of charges for service and the handling of customer accounts, receipts, and reports.

~~—(b) Authority for payment substations and payment service companies. The director is authorized to provide substations operated by the department at convenient locations for the general public to pay charges, or the director may negotiate contracts with private persons for the operation of:~~

~~—(1) payment substations; or~~

~~—(2) payment service companies, including but not limited to, telephone (interactive voice response) payment services, Internet (on-line) payment services, and payment service agents.~~

~~—(c) Terms of private contracts. A private substation contract or a payment service contract must be for a fixed term and must contain conditions agreed upon by the parties; except, that each contract must~~

~~include the collection regulations and procedures promulgated by the director as a part of the conditions. A private substation contract or a payment service contract must be executed by the city manager and approved as to form by the city attorney.~~

~~—(d) Contract security. All substation contractors and payment service contractors shall provide a surety or guaranty bond payable to the city in an amount, not less than \$1,000, that is satisfactory to the director. The bond must secure against loss or disappearance, for whatever reason, of funds collected by the contractor for payment of charges and must generally secure performance under the contract. In lieu of a bond, the director may accept a cash deposit, or an unconditional letter of credit drawn on a state or federally-chartered lending institution.~~

~~—(e) Convenience charge for payment substations. A private payment substation is authorized to collect a convenience charge, not to exceed \$1.00, on each bill collected, which charge may be retained by the substation as a cost of service.~~

~~—(f) Convenience charge for payment services. The director may collect a convenience charge to recover the cost of service associated with credit and debit card transaction fees in accordance with Chapter 132 of the Texas Local Government Code. The fee is designed to recover the actual costs incurred by the water utilities department in providing the payment service, including but not limited to credit and debit card transactions and interchange fees. The fee may be retained by the water utilities department or paid directly to the payment processor as a cost of service and must be clearly disclosed to the customer at the time of payment.~~

~~—(g) Convenience charge for payment service agents. A payment service agent is authorized to collect a convenience charge, not to exceed \$1.00, on each bill collected, which charge may be retained by the payment service agent as a cost of service.~~

~~— (h) The collection and payment regulations and procedures provided for in this section apply to:~~

~~— (1) charges established under this chapter; and~~

~~— (2) charges established under other city ordinances that the director has been authorized to collect by the city manager or the city council.~~

(b) Authority for payment service agents and payment processors. The director is authorized to allow payment service agents at convenient locations for the general public to pay charges, or the director may negotiate contracts with private persons for the operation of payment processors, including but not limited to, telephone (interactive voice response) payment services, and Internet (on-line) payment services.

(c) Terms of private contracts. A payment processor contract must be for a fixed term and must contain conditions agreed upon by the parties; except, that each contract must include the collection regulations and procedures promulgated by the director as a part of the conditions.

(d) Convenience charge for payment services. The director may collect a convenience charge to recover the cost of service associated with credit and debit card transaction fees in accordance with Chapter 132 of the Texas Local Government Code. The fee is designed to recover the actual costs incurred by the water utilities department in providing the payment service, including but not limited to credit and debit card transactions and interchange fees. The fee may be retained by the water utilities department or paid directly to the payment processor as a cost-of-service and must be clearly disclosed to the customer at the time of payment.

(e) Convenience charge for payment service agents. A payment service agent is authorized to collect a convenience charge, not to exceed \$5.00, on each bill collected, which charge may be retained by the payment service agent as a cost of service.

(f) Applicability. The collection and payment regulations and procedures provided for in this section apply to:

(1) charges established under this chapter;

and

(2) charges established under other city ordinances that the director has been authorized to collect by the city manager or the city council. (Ord. Nos. 19201; 25385; 26135; 33232; 33420)

SEC. 49-11. WAIVER OF SUBSTATION SECURITY REQUIREMENT.

(a) Conditions. The director may waive the security requirement of Section 49-10(d) upon a finding that the requirement is not necessary to secure performance. In order to so find, the director shall consider:

(1) any present deposits or security posted by the contractor with the department;

(2) whether the contractor's inventory consists of goods or merchandise;

(3) the number of years the contractor has done business in Dallas County;

(4) whether the contractor is a subsidiary of an existing authorized substation;

(5) the contractor's credit standing; and

(6) the contractor's financial condition as shown by certified financial statements or other data supplied by the contractor. (Ord. 19201)

SEC. 49-12. JOINT OWNERS OR USERS; LIABILITY FOR CHARGES; TRANSFER OF ACCOUNTS.

(a) Charges a lien. When delinquent charges remain unpaid and the procedures of Section 49-13 are followed, those delinquent charges shall constitute a lien against the property served.

(b) Personal liability. The customer of record has the primary personal liability for service rendered under this chapter. Nevertheless, if service is provided to property owned by a person or entity jointly with the customer of record, or if the customer of record is an agent or property manager for one or more owners

20737; 21061; 21430; 21824; 22208; 22564; 23289; 23670; 24050; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215; 30653; 30993; 31332; 31657; 32003; 32310; 32556; 32863; 33232)

SEC. 49-18.3. GENERAL SERVICE: SEPARATE BILLING.

~~— (a) Conditions of separate billing. A general service customer inside the city may receive separate bills for water service and wastewater service if he installs and maintains, at his expense, meters or other liquid measuring devices that are accurate and approved by the director to measure:~~

(a) Conditions of separate billing. Separate billing will not be initiated until the customer agrees to the terms and conditions in this section, in writing. A general service customer inside the city may receive separate bills for water service and wastewater service if he installs and maintains, at his expense, meters or other liquid measuring devices that are accurate and approved by the director to measure:

(1) total wastewater discharged directly into the wastewater system from the premises; or

(2) water losses from activities involving evaporation, irrigation or water consumed in products, as illustrated by, but not limited to, cooling towers, boilers, lawn watering systems, or food products.

(b) Customer charge. A customer who chooses to be billed under this section must pay an additional customer charge of \$60.00 per month for each meter installed pursuant to this section, regardless of the size of the meter.

~~— (c) Where meter is inaccurate. When a meter installed pursuant to this subsection is inaccurate, the director may estimate usage or discharge. If a customer fails to repair or replace an inaccurate meter, the director shall bill the customer for the usage charge in Section 49-18.2(c)(3) or (4), whichever is applicable.~~

(c) Annual testing. Annual testing by a certified technician is required to ensure that meters are registering correctly for accurate billing. The customer shall provide the director with certified test results from an independent party demonstrating that the meter or device is functioning accurately.

(d) Where meter or device is inaccurate. When a meter installed pursuant to this subsection is inaccurate, the director may estimate usage or discharge. If a customer fails to repair or replace an inaccurate meter, the director shall bill the customer for the usage charge in Section 49-18.2(c)(3) or (4), whichever is applicable. A customer is required to repair inaccurate or improperly registered meters or devices within 30 days of receiving a written notification from the utility. Separate billing may be terminated if repairs are not made within 30 days of the written notification. After 30 days, no estimates of usage will be made for a meter or device installed under this section that is inaccurate or improperly registering usage. After repairs, a customer shall provide the director with certified test results from an independent party demonstrating that the meter or device is functioning accurately and properly.

(e) Approved meter or device. Meters and other liquid measuring devices must be purchased from the department-approved product list. Any meter or liquid measuring device that is not on the department's approved products list must be approved by the department before installation. Installation may not begin until the customer receives approval from the department. Approval is at the discretion of the director. Upon approval, the customer must provide certified test results of the meter and/or device from the manufacturer to the department prior to installation of the water, wastewater, or other liquid meter or measuring device.

(f) Non-standard meter or device conditions. Meters or other liquid measuring devices that are not from the department approved product list are not eligible for separate billing. Meters must conform to standards included in a separate billing agreement for the manufacturer type, size, and dials. Meter dials must be configured in accordance with department standards to ensure readings are recorded in hundreds of gallons.

(g) Location. Meters and other liquid measuring devices must be installed to allow safe access for reading and inspection by the department.

(h) Termination. Abuse of the separate billing option, or any attempts to defraud the department, will result in termination of separate billing at the utility's discretion. Further, a violation of any

provision of this section will be enforced in accordance with all applicable provisions of this code. (Ord. Nos. 19201; 21430; 25385; 26961; 28795; 32003; 33420)

SEC. 49-18.4. RATES FOR WHOLESALE WATER AND WASTEWATER SERVICE TO GOVERNMENTAL ENTITIES.

(a) Form of rate. The director may provide wholesale water service to governmental entities. The service will be furnished in accordance with a written contract at the rates prescribed in this section and under such other terms and conditions as the city council deems reasonable. The rate for wholesale water service to a governmental entity will consist of:

(1) a volume charge and a demand charge;
or

(2) a flat rate charge.

(b) Rate table. The director shall charge a governmental entity for wholesale water service in accordance with the following:

(1) The volume charge for treated water is \$0.6357 per 1,000 gallons of water used, and the annual water year demand charge is \$356,542 per each mgd, as established by the highest rate of flow controller setting.

(2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate flow controller, the charge is \$2.9099 per 1,000 gallons of treated water used.

(3) A monthly readiness-to-serve charge will be assessed for any standby service point. The monthly fee, based on size of connection, is as follows:

Size of Connection	Monthly Standby Fee
3-inch	\$89.60
4-inch	\$146.00
6-inch	\$288.00
8-inch	\$480.00
10-inch or larger	\$731.00

(4) The rate for regular untreated water service to a governmental entity is \$1.3369 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is \$0.4554 per 1,000 gallons of untreated water used.

service connection. This amount is due prior to commencement of construction by the city.

(2) If the director requires the applicant to construct and install the service connection pursuant to Section 49-24(c)(4), the applicant shall pay a connection inspection fee of \$465.50 and shall bear all costs of construction and installation and the cost of any materials or appurtenances supplied by the department for construction or installation purposes. The connection inspection fee and amounts payable to the city for the cost of materials and appurtenances must be paid at the time of permit issuance.

(3) Unpaid charges due and owed to the city and other unpaid costs of construction incurred by the applicant under this subsection must be paid before the department will activate water or wastewater service to the property connected.

(b) Standard affordable housing refund. Whenever affordable housing units are provided as a part of a project in accordance with Division 51A-4.900 of the Dallas Development Code, as amended, the director shall authorize a refund of a percentage of the total service connection fees paid by the permittee for the project equal to the percentage of standard affordable housing units provided in the project. (Ord. Nos. 19201; 19300; 20215; 21663; 23289; 25049; 25385; 25755; 26479; 27698; 28795; 29150; 29879; 30215; 30993; 31657; 32003; 32556; 33232)

SEC. 49-18.8. SECURITY DEPOSIT AMOUNTS.

The amount of a security deposit is governed by the following:

(1) Standard deposit for residential service accounts.

5/8-inch and 3/4-inch meter	\$100.00
1-inch meter	\$125.00
1 1/2-inch meter	\$150.00
2-inch meter and larger	\$200.00

(2) Standard deposit for other than residential service accounts. An amount is required sufficient to cover two times the average bill in the past 12 months for the location served. In the case of a new account, the deposit is two times the average estimated bill.

(3) A residential service customer who has service discontinued twice within a 12-month period for nonpayment of charges shall make an additional deposit equal to one-sixth of his total standard bill for the prior 12 months or \$100, whichever is greater. This increase in deposit is in addition to other charges required for reinstatement of service. If information to determine the total standard bill for the prior 12 months is unavailable or inapplicable, the director may determine the amount of the required deposit based on bills to similar property for those months for which the information is unavailable or inapplicable.

(4) The director may require a higher security deposit, not to exceed three times the average bill at the location served or to be served, for any class of service, when the director determines that there is a substantial risk of financial loss to the department. (Ord. Nos. 19201; 25385; 32863)

SEC. 49-18.9. CHARGES FOR USE OF FIRE HYDRANTS.

~~— A person requesting the use of water from a fire hydrant pursuant to Section 49-27 shall pay the following application charges:~~

~~— (1) a deposit of \$2,300 to be refunded when the service is discontinued and the meter is returned to the city by the person or the person's authorized representative, less any unpaid fees for services and any costs to repair damage in excess of normal wear;~~

~~— (2) a monthly fire hydrant service charge of \$89.60; and~~

~~(3) a usage charge for water that will be billed at the general service rate prescribed in Section 49-18.1(c)(2)(B).~~

(a) A person requesting the use of water from a fire hydrant pursuant to Section 49-27 shall pay the following application charges:

(1) a deposit of \$2,300 to be refunded when the service is discontinued and the meter is returned to the city by the person or the person's authorized representative, less any unpaid fees for services and any costs to repair damage in excess of normal wear. The deposit will be reduced by any and all unpaid fees for service and costs to repair damage in excess of normal wear. The deposit may be forfeited if the meter is lost, stolen, used outside of city limits, damaged beyond repair, not returned by the customer, not presented to the meter shop semi-annually, or if not exchanged annually;

(2) a monthly fire hydrant service charge of \$89.60; and

(3) a usage charge for water that will be billed at the general service rate prescribed in Section 49-18.1(c)(2)(B).

(b) A customer commits an offense if the customer fails to provide the director with monthly readings, present the meter to the director semi-annually for inspection, or exchange the meter annually according to the service level agreements schedule. (Ord. Nos. 19201; 19300; 21430; 25385; 26135; 26961; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215; 30653; 31657; 32003; 32310; 32556; 32863; 33232; 33420)

SEC. 49-18.10. SPECIAL ASSESSMENT RATES; LOT AND ACREAGE FEES.

(a) Lot or acreage fee for individual owners. Individual owners required to pay a lot or acreage fee pursuant to Section 49-56(h) will be charged as follows:

(1) \$0.018 per square foot of lot that is part of a subdivided tract utilizing an existing water main;

(2) \$785.00 per acre of any unsubdivided tract utilizing an existing water main;

(3) \$0.018 per square foot of lot that is part

of a subdivided tract utilizing an existing wastewater main;

(4) \$785.00 per acre of any unsubdivided tract utilizing an existing wastewater main.

(b) Acreage fee for developers. Developers required to pay an acreage fee in accordance with Section 49-62 will be charged as follows:

(1) \$785.00 per acre of land for an existing water main; and

(2) \$785.00 per acre of land for an existing wastewater main. (Ord. Nos. 19201; 19300; 20653; 22564)

SEC. 49-18.11. EVALUATED COST TABLES FOR OVERSIZE, SIDE, OR OFF-SITE FACILITIES.

The director will use the following evaluated cost tables to calculate city payments and to calculate fees due under Section 49-62. City payments will be calculated by the director by using either the unit prices in the construction contract submitted by the developer, or the unit prices in the evaluated cost tables, whichever is less.

WATER MAINS AND APPURTENANCES		
ITEM	UNITS	
4-inch pipe	linear foot	\$128.00
6-inch pipe	linear foot	\$184.00
8-inch pipe	linear foot	\$207.00
12-inch pipe	linear foot	\$237.00
16-inch pipe	linear foot	\$380.00
20-inch pipe	linear foot	\$354.00
24-inch pipe	linear foot	\$404.00
30-inch pipe	linear foot	\$440.00
36-inch pipe	linear foot	\$476.00
42-inch pipe	linear foot	\$512.00
48-inch pipe	linear foot	\$548.00
4-inch valve	each	\$2,240.00
6-inch valve	each	\$2,880.00
8-inch valve	each	\$3,845.00
12-inch valve	each	\$7,050.00
16-inch valve	each	\$21,000.00
20-inch valve	each	\$34,376.00
24-inch valve	each	\$47,752.00

(1) the applicant must sign a compliance agreement on forms provided by the director, and approved by the city attorney, agreeing to use the water only in the amount and manner permitted by the variance;

(2) granting of a variance must not cause an immediate significant reduction in the city's water supply;

(3) the extreme hardship or need requiring the variance must relate to the health, safety or welfare of the person requesting it; and

(4) the health, safety and welfare of other persons must not be adversely affected by granting of the variance.

(h) Revocation of variances. The director may revoke a variance granted when he determines that:

(1) the conditions of Subsection (g) are not being met or are no longer applicable;

(2) the terms of the compliance agreement are being violated; or

(3) the health, safety or welfare of other persons requires revocation.

(i) Wholesale service to customers outside the city. The director shall advise customers receiving wholesale water service from the city of actions taken under the emergency water management plan. The director may restrict service to customers outside the city as permitted under the contract and state law.

(j) Authority under other laws. Nothing in this section shall be construed to limit the authority of the mayor, the city council or the city manager to seek emergency relief under the provisions of any state or federal disaster relief act. (Ord. 19201)

SEC. 49-21. ADEQUACY OF SUPPLY.

(a) City supply must be adequate. Under no circumstances shall water be furnished by the city to any applicant or customer unless the supply of the city is adequate. In cases of emergency, priority of users of the city's water supply shall be determined by the director, subject to the requirements of state law and Section 49-20.

(b) Revisions. The city council may from time to time, upon recommendation of the city manager and the director, make revisions in the emergency water management plan approved under Section 49-20(b) if prudent conservation requires the revisions. (Ord. 19201)

SEC. 49-21.1. CONSERVATION MEASURES RELATING TO LAWN AND LANDSCAPE IRRIGATION.

(a) Purpose. Lawn and landscape irrigation practices within the city, especially during the summer months, can cause a waste of valuable water resources. The purpose of this section is to mandate that water be used for lawn and landscape irrigation in a manner that prevents waste, conserves water resources for their most beneficial and vital uses, and protects the public health.

(b) Lawn and landscape irrigation restrictions.

~~—————(1) A person commits an offense if, during the period from April 1 through October 31 of any year and between the hours of 10:00 a.m. and 6:00 p.m. on any day during that period, the person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person. It is a defense to prosecution under this paragraph that the person was only using water from a source other the city's water or wastewater system.~~

(1) A person commits an offense if, between the hours of 10:00 a.m. and 6:00 p.m. on any day during the year, the person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person. It is a defense to prosecution under this paragraph that the person was only using water from a source other the city's water or

wastewater system.

(2) A person commits an offense if, at any time during the year, the person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person with a hose-end sprinkler or automatic irrigation system on a day other than a designated outdoor water use day for the property address. It is a defense to prosecution under this paragraph that the person was:

(A) using a hand-held hose, drip irrigation device, soaker hose, or hand-held bucket;

(B) irrigating during the repair or testing of a new or existing automatic irrigation system;

~~(C) irrigating nursery stock at a commercial plant nursery; or~~

~~(D) only using water from a source other than the city's water or wastewater system.~~

(C) irrigating nursery stock at a commercial plant nursery;

(D) only using water from a source other than the city's water or wastewater system; or

(E) watering a foundation using a hand-held hose, drip irrigation device, soaker hose, or hand-held bucket.

(3) A person commits an offense if the person knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

(A) a substantial amount of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or

(B) an automatic irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

(4) A person commits an offense if, on premises owned, leased, or managed by the person, the person operates a lawn or landscape automatic irrigation system or device that:

(A) has any broken or missing sprinkler head; or

(B) has not been properly maintained in a manner that prevents the waste of water.

(c) Rain and freeze sensing devices.

(1) Any automatic irrigation system installed or operated within the city must be equipped with a working rain and freeze sensing device.

(2) A person commits an offense if, on premises owned, leased, or managed by the person, the person:

(A) installs, or causes or permits the installation of, an automatic irrigation system in violation of Subsection (c)(1); or

(B) operates, or causes or permits the operation of, an automatic irrigation system that does not comply with Subsection (c)(1).

(d) Variances. The director may, in special cases, grant variances from the provisions of Subsections (b)(1), (b)(2), or (c) to persons demonstrating extreme hardship and need. The director may grant variances only under all of the following circumstances and conditions:

(1) The applicant must sign a compliance agreement on forms provided by the director, and approved by the city attorney, agreeing to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.

(2) Granting of a variance must not cause an immediate significant reduction in the city's water supply.

~~(3) The extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person requesting it.~~

(3) The extreme hardship or need requiring the variance must relate to the health, safety, or welfare of:

(A) the person requesting it;

(B) large properties (i. e. golf courses, school or business campuses, athletic fields, parks, large common areas, etc.); or

(C) newly installed landscapes not including cool-season grasses.

(4) The health, safety, and welfare of other persons must not be adversely affected by granting the variance.

(e) Revocation of variances. The director may revoke a variance granted when the director determines that:

(1) the conditions of Subsection (d) are not being met or are no longer applicable;

(2) the terms of the compliance agreement are being violated; or

(3) the health, safety, or welfare of other persons requires revocation. (Ord. Nos. 24745; 26518; 28622; 33420)

SEC. 49-22. TEMPORARY DISCONTINUANCE FOR CONSTRUCTION, MAINTENANCE OR EMERGENCY REASONS.

(a) Reasons for temporary discontinuance. The director is authorized to temporarily discontinue service to premises for the following reasons:

(1) when a main break or other failure in the water or wastewater systems could injure persons, private or city property, or other parts of the systems;

(2) to perform routine maintenance or repair to any part of the water or wastewater systems;

(3) to perform emergency maintenance or repair to any part of the water or wastewater systems;

(4) in other cases of emergency, when necessary to protect the general health, safety or welfare of persons; or

(5) to make a connection to a newly constructed or relocated water or wastewater main.

(b) Responsibilities upon temporary discontinuance. In all cases of temporary discontinuance, the director must restore service as soon as is practical and must take all reasonable steps necessary to protect the public health and safety under the circumstances. (Ord. 19201)

SEC. 49-23. AUTHORIZED EMPLOYEES; RIGHT OF ACCESS OF EMPLOYEES FOR INSPECTION AND MAINTENANCE; ACCESS OF CONTRACTORS.

(a) Authorized employees. The director shall designate those individuals who are employed by the department and authorized to carry a credential of the department. No person other than an authorized employee shall have or use any credential of the department. An employee must surrender credentials to the director upon termination of employment or at the request of the director.

(b) Right to access. An authorized employee shall carry a credential when dealing with the general public. Upon presentation of the credential, an authorized employee shall have free access, at reasonable hours, to private premises receiving service, for the purpose of reading or inspecting a water meter, a backflow prevention device or for other service-related activities. Only an authorized employee may have free access to parts of the water and wastewater systems for purposes of operation, construction, repair or maintenance.

(c) Access by nonauthorized persons. A person commits an offense if he is not an authorized employee under this section and he knowingly:

(1) uses a department credential to obtain access to private property or to a part of the water or

approved air gap and overflow pipe; except, that a tank of the pressure type will be permitted if an approved backflow prevention device is installed. The delivery of treated water must be controlled by a slow acting automatic valve which does not cause water hammer in the water system. A storage tank must be maintained in a manner satisfactory to the State Department of Health and the director and is subject to periodic inspection by the director.

(b) Tanks with other water sources. Where treated water service is used as a primary or secondary supply to a roof or suction tank which is also supplied by another source of water, the rules of Subsection (a) apply, except that a storage tank under this subsection must not be of the pressure type, but must have an approved air gap and overflow pipe; no backflow prevention devices will be allowed.

(c) Water pumps. Pumps taking suction from the water system and serving water storage tanks, plus other pumping equipment installed by a customer for any other purpose except dewatering, may be installed and operated only upon approval from the director as to size, delivery rate and valving arrangements. (Ord. 19201)

SEC. 49-29. BACKFLOW PREVENTION DEVICES.

~~— (a) Authority to require. The director is authorized to:~~

~~— (1) give notice and require a customer to install an approved backflow prevention device at the customer's own expense, where the director determines that the device is necessary for protection of private plumbing on the premises or the water system;~~

~~— (2) give notice and require a customer to correct a defective backflow prevention device at the customer's own expense;~~

~~— (3) refuse or discontinue service if a backflow prevention device is not installed or corrected as provided in this section; and~~

~~— (4) inspect backflow prevention devices and charge fees for the inspection in accordance with Section 49-18.6(d).~~

~~— (b) Maintenance responsibility. The customer is responsible for general maintenance and upkeep of an approved backflow prevention device. The city and the director are not responsible for damage done during inspection that is a result of corrosion or improper maintenance of a backflow prevention device.~~

(a) Authority to require. The director may enforce this section in accordance with the Dallas Plumbing Code, this article, and other applicable regulations promulgated by the Texas Commission on Environmental Quality (TCEQ); Section 290.44 of the Texas Administrative Code; and cross-connection control requirements including:

(1) giving notice and requiring a customer to install an approved backflow prevention device at the customer's own expense, where the director determines that the device is necessary for protection of the potable water system or private premise plumbing;

(2) giving notice and requiring a customer to correct a defective backflow prevention device at the customer's own expense. Failure to comply may result in refusal of service and referral to municipal court. Each day that a customer fails to comply with a notice under this paragraph constitutes a separate violation;

(3) refusing or discontinuing service if a backflow prevention device is not installed, tested, or corrected as provided in this section; and

(4) inspecting backflow prevention devices and charging fees for the inspection in accordance with Section 49-18.6(d).

(b) Maintenance responsibility. The customer is responsible for general maintenance and upkeep of an approved backflow prevention device in accordance with the Dallas Plumbing Code, this article, and other applicable regulations promulgated by the Texas Commission on Environmental Quality (TCEQ); and

Section 290.44 of the Texas Administrative Code.

(1) All backflow prevention assembly tests must be conducted by a city registered and TCEQ-licensed backflow prevention assembly tester (BPAT).

(2) All backflow prevention assemblies must be tested upon installation and certified to be operating within specifications.

(3) Backflow prevention assemblies that are installed to protect against health hazards must also be tested and certified at least annually to be operating within specifications.

(4) All backflow prevention assembly test and maintenance reports must be submitted to director.

(c) Damage from inspection. The city and the director are not responsible for damage done during inspection that is a result of corrosion or improper maintenance of a backflow prevention device. (Ord. Nos. 19201; 33420)

SEC. 49-30. PRIVATE WATER MAINS OR SYSTEMS.

(a) Mains are property of city. Water and wastewater mains, pipes and appurtenances laid in streets, alleys or other public rights-of-way within the city immediately become property of the city upon their acceptance, except for mains, pipes and appurtenances laid within the city by a governmental entity pursuant to a license granted by the city. Water and wastewater mains, pipes and appurtenances laid within the city and connected to the water or wastewater systems must be constructed under department supervision and in accordance with plans and specifications approved by the director.

(b) Nonconforming mains. The director may refuse application for service to premises inside or outside of the city if, upon examination, the mains, private water lines or laterals, valves, appurtenances, fire hydrants or other equipment serving the premises are of such quality, size or installation as will not comply with the general standards and specifications of the department.

(c) Substandard laterals or water lines. The director may require the customer, as a precondition of

SEC. 50-154. AUTHORITY TO INSPECT.

The director, any representative of the city health officer or environmental health officer, or a peace officer may inspect any street vendor and the business procedure of a street vendor operating under this article to determine whether the vendor is complying with this article, regulations established under this article, and any other applicable city ordinance or state or federal law. (Ord. 29023)

SEC. 50-155. OFFENSES; PENALTIES.

(a) A person who violates a provision of this article, or who fails to perform an act required of the person by this article, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.

(b) An offense under this article is punishable by a fine of not less than \$25 or more than \$500, except that a second or subsequent conviction for the same offense within a period of less than one year from the first conviction is punishable by a fine of not less than \$100 or more than \$500.

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

(d) The penalties provided for in Subsection (b) are in addition to any other enforcement remedies and penalties that the city may have under city ordinances and state law. Prosecution for an offense under this article does not prevent the use of other administrative enforcement remedies or procedures applicable to the conduct involved in the offense.

(e) It is a defense to prosecution under this chapter that, at the time of the offense, the person charged was serving or distributing food, without charge, to homeless individuals on public or private property, provided that the person:

(1) sent a notice within the time required by subparagraph (B) to the director (by United States mail, facsimile, electronic mail to the addresses or numbers provided by the director, via the City's 311 call center,

or on the City's Code Compliance Department's website) containing the following information:

(A) the name of the individual or organization that was or will be serving or distributing food to the homeless;

(B) the date or dates when food was or will be served or distributed to the homeless;

(C) the times of day when food service and distribution is anticipated to or did begin and end on each date listed in the notice;

(D) the street address or addresses of where food was or is anticipated to be served or distributed to the homeless or, if the location has no street address, then a description of the location by street block number or by naming the nearest intersecting streets; and

(E) the approximate or expected number of food preparers and servers on the site where the food was or will be served or distributed and the approximate or expected number of individuals that were or will be served, provided the number of individuals that were or is anticipated to be served exceeds 75 at a single location;

(2) sent the notice required in paragraph (1) at least 24 hours before the service or distribution of food to the homeless will commence, if it is anticipated that more than 75 people will be served, or within 48 hours after the service or distribution of food to the homeless has concluded, if it is anticipated that 75 or fewer people will be served at a single location;

(3) if the person is an individual, had attended a free city-sponsored food safety training class within the 24 months preceding the service or distribution of food to the homeless or, if the person is an organization, had at least one person who has attended a free city-sponsored food safety training class or has taken the class to become a certified food handler in the State of Texas within the 24 months preceding the service or distribution of food to the homeless present at all times when food was being served or distributed to the homeless, although this requirement applies only so long as the city sponsors a free food safety training class at least once during each three month period during a calendar year;

(4) did not serve or distribute time/temperature control for safety to the homeless, unless the food has been stored at a temperature of:

(A) 41° F. (5° C.) or below; or

(B) 135° F. (57° C.) or above;

(5) transported the food in a clean conveyance and, if the food was a time/temperature control for safety food, as that phrase is defined in the Texas Food Establishment Rules, as amended, served or distributed it within four hours after preparation;

(6) used one of the following methods of sanitizing hands before preparing, serving, or distributing food for the homeless:

(A) a hand sanitizer containing at least 70 percent alcohol or another substance capable of killing 99.9 percent of the bacteria on hands within 30 seconds of application;

(B) disposable gloves; or

(C) handwashing equipment that included at a minimum:

(i) a sink, or a five-gallon container with a spigot that provides free-flowing water and a catch bucket to collect wastewater from handwashing; and

(ii) soap and individual paper towels;

(7) properly disposed of any wastewater generated from any handwashing equipment used in the preparation, service, or distribution of food to the homeless into a sanitary sewer system and did not dispose of the wastewater on the ground or into the stormwater drainage system; and

(8) brought a sufficient number of trash bags to dispose of the solid waste generated by the food provided by the servers and used best efforts to remove or cause the removal of all trash or debris from the feeding site that was generated by the service or distribution of food to the homeless, and deposited the trash or debris in a public trash receptacle, or in a private trash receptacle if permission from the receptacle owner was obtained. (Ord. Nos. 29023; 33393)

SEC. 50-156. ARTICLE CUMULATIVE.

The provisions of this article and other city ordinances are cumulative law, and this chapter does not prevent enforcement of another city ordinance that regulates an area covered by this article and is otherwise applicable. (Ord. Nos. 16309; 29023)

SEC. 50-157. DEFINITIONS.

In this article:

(1) AGENT means any person employed by or contracting with:

(A) the holder of a central business district concession license to sell or distribute goods or services under the license; or

(B) any other street vendor.

(2) ARTS DISTRICT means the area of the city bounded by Woodall Rogers Freeway on the north, Central Expressway (elevated bypass) on the east, Ross Avenue on the south, and St. Paul Street on the west.

(3) CBD CORE DISTRICT means the area of the city contained within the boundaries of the central business district, but that does not include the arts district and the West End district.

(4) CENTRAL BUSINESS DISTRICT (CBD) means the area of the city bounded by Woodall Rogers Freeway on the north, Central Expressway (elevated bypass) on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west. The central business district includes:

(A) the arts district;

(B) the CBD core district; and

(C) the West End district.

(5) COMMERCIAL PRINTED MATTER means any printed or written matter, whether on a sample, device, dodger, circular, leaflet, pamphlet, paper, or booklet, and whether printed, reproduced, or copied, that:

(A) advertises for sale any merchandise, product, commodity, or service;

(B) directs attention to a business or commercial establishment or other activity for the purpose of either directly or indirectly promoting sales;

(C) directs attention to or advertises a meeting, performance, exhibition, or event, for which an admission fee is charged for the purpose of private gain or profit, unless an admission fee is charged or a collection is taken up at the meeting, performance, exhibition, or event only for the purpose of defraying the expenses; or

(D) while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as the advertiser or distributor.

(6) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article or the director's authorized representative.

(7) FOOD ESTABLISHMENT means a "food establishment" as defined in the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228.

(8) GOODS means property of every kind.

(9) LICENSEE means a person issued a CBD concession license under this article.

(10) MOBILE FOOD UNIT means a "mobile food unit" as defined in the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228.

(11) PERSON means an individual, corporation, association, or other legal entity.

(12) PUBLIC PROPERTY means any property open or devoted to public use or owned by the city, including, but not limited to, sidewalks, streets, parkways, or esplanades.

(13) SERVICES means any work done for the benefit of another.

~~(14) STREET VENDOR or VENDOR means a person who, personally or through an agent, engages in a business of selling or offering for sale goods or services from any structure or vehicle that is not affixed to the ground or from no structure or vehicle. The term does not include any person operating, or employed in the operation of, a licensed taxicab, limousine, bus, shuttle, non-motorized passenger transport vehicle, or motor vehicle tow service. The term does not include a stand that only offers the occasional sale of lemonade or other nonalcoholic beverages on private property or in a public park by an individual younger than 18 years of age.~~

(14) STREET VENDOR or VENDOR means a person who, personally or through an agent, engages either in a business of selling or offering for sale goods or services from any structure or vehicle that is not affixed to the ground or from no structure or vehicle, or the service or distribution of food or drinks free of charge. The term does not include:

(A) any person operating, or employed in the operation of, a licensed taxicab, limousine, bus, shuttle, non-motorized passenger transport vehicle, or motor vehicle tow service; or

(B) a stand that only offers the occasional sale of lemonade or other nonalcoholic beverages on private property or in a public park by an individual younger than 18 years of age.

(15) VEHICLE means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

(16) WEST END DISTRICT means the area of the city bounded by Woodall Rogers Freeway on the north; Lamar Street on the east; the MKT railroad tracks on the west; and a southern boundary consisting of and extending along Commerce Street from Lamar Street west to Austin Street, then along Austin Street north to Main Street, then along Main Street west to

the MKT railroad tracks. (Ord. Nos. 16309; 17226; 17675; 18702; 29023; 31375; 33283; 33393)

Division 2. Vending on Public Property.

SEC. 50-158. VENDORS ON PUBLIC PROPERTY.

~~—(a) A person commits an offense if the person, either personally or through an agent, occupies public property in the city for the purpose of selling,~~

~~distributing, or offering for sale services or goods, including, but not limited to, food, drinks, flowers, plants, tickets, or souvenirs.~~

(a) A person commits an offense if the person, either personally or through an agent, occupies public property in the city for the purpose of operating as a street vendor.

(b) It is a defense to prosecution under this section that the person selling, distributing, or offering for sale services or goods:

(1) is doing so in connection with the transaction of official government business;

(2) is doing so by authority of a contract with the city to operate a concession on designated areas of public property;

(3) is selling, distributing, or offering for sale only periodicals from a coin-operated machine by authority of a license to operate the machine;

(4) is selling, distributing, or offering for sale goods or services from a vehicle by authority of and in compliance with a CBD concession license as provided for in this article;

(5) is selling, distributing, or offering for sale vegetables, produce, or other perishable commodities at the Dallas Farmers Market (as defined in Section 29A-2 of this code), in compliance with Chapter 29A of this code and with the market's agreements and covenants with the city;

(6) is selling, distributing, or offering for sale a food or beverage from a mobile food unit in accordance with Section 50-159 of this code;

(7) is selling, distributing, or offering for sale goods or services as authorized by and in compliance with a special event permit;

(8) is selling, distributing, or offering for sale only printed matter that is not commercial printed matter, including, but not limited to, newspapers and magazines, and the selling, distributing, or offering for sale is not being conducted from machines or other structures that occupy public property;

(9) is operating a vehicle for hire;

(10) is selling, distributing, offering for sale, or delivering the goods or services to a person in a structure or vehicle that is affixed to the ground, or to a person who possesses a special event permit or a CBD concession license; or

(11) is not receiving remuneration from the person being given the goods or services, and the person distributing the goods or services does not use any type of vehicle or stand, any part of which touches the ground, when distributing the goods or services, and the method of distribution does not interfere with traffic flow on public streets or sidewalks.

(c) In addition to any enforcement action by a peace officer or the director for a violation of this section, any person who is a victim of an act prohibited under this section, or who witnesses a violation of this section, may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence.

(d) This section does not apply to the occasional sale of lemonade or other nonalcoholic beverages from a stand in a public park by an individual younger than 18 years of age. (Ord. Nos. 16309; 16835; 17675; 18702; 19517; 19895; 25213; 29023; 31375; 33283; 33393)

SEC. 50-159. RESTRICTIONS FOR MOBILE FOOD UNIT.

(a) A mobile food unit shall not occupy public or private property in the central business district for the purpose of serving, selling, or distributing any food or beverage unless the establishment is operating under the authority of and in compliance with:

(1) a valid CBD concession license issued under this article; and

(2) a valid mobile food unit permit issued by the Department of State Health Services under the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228.

(b) A general service mobile food unit, as described in 25 Texas Administrative Code Section 228.221, shall not occupy public property located outside the central business district for the purpose of serving, selling, or distributing any food or beverage.

(c) It is a defense to prosecution under Subsections (a) and (b) of this section that the mobile food unit was serving, selling, or distributing a food or beverage as authorized by and in compliance with:

(1) special event permit issued by the city;

or

(2) a contract with the city to operate a concession on designated areas of public property.

(d) A mobile food unit shall not sell, distribute, or offer for sale any goods or services within two city blocks or 600 feet, whichever is greater, of the grounds of any public, private, parochial, elementary, or secondary school located outside the central business district between the hours of 7:30 a.m. and 4:30 p.m. on days when the school is in session. (Ord. Nos. 17675; 29023; 33283)

Division 3. Vending on Private Property.

SEC. 50-160. VENDORS ON PRIVATE PROPERTY.

~~—(a) A person commits an offense if he occupies any privately-owned property within the city for the purpose of conducting business as a street vendor.~~

(a) A person commits an offense if the person, either personally or through an agent, occupies any privately-owned property within the city for the purpose of operating as a street vendor.

(b) It is a defense to prosecution under Subsection (a) of this section that:

(1) the business was authorized by a valid certificate of occupancy or was otherwise specifically allowed under the Dallas Development Code or another city ordinance;

(2) the person was conducting the street vending business in the central business district and:

(A) possessed a valid CBD concession license issued under this article;

(B) possessed a valid mobile food unit permit issued by the Department of State Health Services under the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228, if the person was a mobile food unit;

(C) had the written permission of an owner of the private property on which the business was conducted; and

(D) was not conducting the business operation or using any structure in the business operation in violation of any applicable city ordinance or state or federal law or regulation; or

(3) the person was a mobile food unit conducting the street vending business outside the central business district and:

(A) possessed a valid mobile food unit permit issued by the Department of State Health Services under the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228;

(B) had the written permission of an owner of the private property on which the business was conducted; and

(C) was not conducting the business operation or using any structure in the business operation in violation of any applicable city ordinance or state or federal law or regulation.

(c) This section does not apply to the occasional sale of lemonade or other nonalcoholic beverages from

a stand on private property by an individual younger than 18 years of age. (Ord. Nos. 29023; 31375; 33283; 33393)

Division 4. Entertainment in the Central Business District.

SEC. 50-161. ENTERTAINMENT PERFORMANCES IN THE CENTRAL BUSINESS DISTRICT.

(a) A person who engages or wishes to engage solely in providing entertainment performances for the public free of charge in the central business district is not required to obtain a CBD concession license so long as no fees or monies are solicited from the public as remuneration for the entertainment and no goods or services are sold in connection with the performances. Voluntary contributions from members of the public may be accepted. A CBD concession license must be obtained if fees or monies are solicited from the public or if goods or services are sold in connection with the performances.

(b) A person who wishes to provide entertainment in any portion of Stone Place, the public area surrounding Thanksgiving Square, Four-Way Place, or the Bullington Street Mall must obtain a permit from the chief of police as required in Section 31-22 of this code. (Ord. 29023)

Division 5. Central Business District Concession Licenses.

SEC. 50-162. CENTRAL BUSINESS DISTRICT CONCESSION LICENSE.

(a) Notwithstanding other provisions of this code, the director may issue a central business district (CBD) concession license to enable the holder and the holder's agents to conduct business as street vendors on public or private property in the central business district.

(b) A separate CBD concession license is required for each vending location site from which a person wishes to conduct business as a street vendor on public or private property in the central business district.

(c) The director may not issue a license to authorize the sale or distribution of services or goods on:

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

(2) the premises of the "convention center" or "reunion arena" as defined in Section 43-127 of this code. (Ord. Nos. 16309; 16835; 17675; 29023)

SEC. 50-163. LICENSE APPLICATION; INVESTIGATION.

(a) An applicant for a CBD concession license shall file with the director a written application upon a form provided for that purpose. A separate application is required for each vending location site from which the applicant wishes to do business as a street vendor. The following information is required in the application:

(1) The applicant's name, address, and date of birth, and the identifying number from the applicant's driver's license, military identification card, passport, or personal identification certificate.

(2) The name, address, and telephone number of the business.

(3) The nature, character, and quality of the goods or services to be offered for sale or delivered.

(4) Proof that the applicant possesses a retail vendor's sales tax permit from the comptroller of the State of Texas, if a sales tax permit is required for the type of proposed operation.

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>
32597	11-8-23		1	Amends 28-45(a)
			2	Amends 28-50(c)
32604	12-13-23		1	Amends 34-4(21)
			2	Amends 34-4(35)
			3	Amends 34-6
			4	Deletes 34-16(f)
			5	Amends 34-17(b)
			6	Amends 34-19(a)(3)
			7	Amends 34-19(b)(9)
			8	Amends 34-22.3(a)(1)
			9	Amends 34-22.4(a)
			10	Amends 34-24.2
			11	Amends 34-32(c)(5)
			12	Amends 34-36(b)(1)
			13	Amends 34-38(k)
32607	12-13-23		1	Amends 41A-4(e)
32608	12-13-23		1	Adds 7A-4.1
32655	2-14-24		1	Amends 7A-2
32673	3-27-24		1	Amends 17-2.2(c)
32676	3-27-24	5-1-24	1	Amends 49-18.14
32703	4-10-24		1	Amends 15D-9.30
32704	4-10-24		1	Amends 47A-2.4.8(f)(3)
32710	4-24-24		1	Amends 28-50(c)
			2	Amends 28-59
			3	Amends 28-99
			4	Amends 28-101
32725	5-8-24		1	Repeals 31-33
32726	5-8-24		1	Amends 40B-2
			2	Amends 40B-3
			3	Amends 40B-6(d)
			4	Amends 40B-7(a)
32735	5-22-24	10-1-24	1	Amends 28-2(a)
			2	Amends 28-26(b)
			3	Amends ch. 28, div. 4
32760	6-26-24		1	Amends 2-26.7(a)
			2	Amends 2-26.7(c)
			3	Amends Ch. 2, Art. V (title)
				Amends 2-41
				Amends 2-42
			4	Repeals Ch. 2, Art. V-e
			5	Amends 2-98

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<u>Ordinance Number</u>	<u>Specified Passage Date</u>	<u>Effective Date</u>	<u>Ordinance Section</u>	<u>City Code Section</u>
32760 (Cont'd)			6	Amends 6-4(g)
			7	Amends 14-4(c)
			8	Amends 41A-6(c)
			9	Amends 42-121(c)
			10	Amends 42-126.5(d)
			11	Amends 49-1(32)
32789	8-14-24		1	Amends Ch. 2, Art. V-a (title) Amends 2-43 Amends 2-44
			2	Amends 2-49
32797	8-14-24		1	Adds 28-76.6
			2	Amends 28-130.9(a)
32801	8-14-24	8-14-24 1-1-25	1	Deletes 8-1.5(a-1)
			2	Amends 40A-1
			3	Amends 40A-3(a)
			4	Amends 40A-4(a)
			5	Amends 40A-4(d)
			6	Amends 40A-4(e)
			7	Amends 40A-6(b)
			8	Amends 40A-7
			9	Amends 40A-7.1
			10	Amends 40A-9(a)
			11	Amends 40A-35
32843	9-11-24		1	Amends 7-5.5(a)
			2	Amends 7-5.5(c)
			3	Amends 7-5.5(e)
			4	Amends 7-5.6(c)
			5	Amends 7-5.12
			6	Amends 7-5.13(a)
			7	Amends 7-5.15
			8	Amends 7-5.16(c)
			9	Amends 7-8.1(e)
32847	9-11-24		1	Amends 28-45(a)
32848	9-11-24		1	Amends 28-44
32863	9-18-24		1	Amends 2-26.2(a)
			2	Amends 2-26.2(f)
			3	Amends 2-168(b)
			4	Amends 18-9(c)
			5	Adds 18-9.1
			6	Amends 18-11(a)(5)
			7	Amends 18-11(b)(2)

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>
33233 (Cont'd)			9	Amends 20A-25
			10	Amends 20A-26(a)
			11	Amends 20A-27(a)
			12	Amends 20A-27(d)
			13	Amends 20A-27(h)(4)
			14	Amends 20A-31(g)(1)
			15	Amends 20A-33(b)
33255	10-8-25		1	Amends 2-30(d)
			2	Amends 2-31 (title)
			3	Amends 2-31(e)
			4	Amends 2-32 (title)
			5	Amends 2-32(a)
			6	Amends 2-32(f)
33283	12-10-25		1	Amends Ch. 17
			2	Amends 50-157
			3	Amends 50-158(b)
			4	Amends 50-159
			5	Amends 50-160(b)
33288	12-10-25		1	Amends 2-121(b)
			2	Amends 2-152.4(a)
			3	Amends 2-152.4(b)
			4	Amends 2-163(c)
			5	Amends 2-164(b)
			6	Amends 12A-5
			7	Amends 13-5.1(d)
			8	Amends 13-5.2(b)
			9	Amends 15B-1
			10	Amends 15B-3
			11	Amends 34-35
			12	Amends 37-31(a)
			13	Amends 37-36(b)
			14	Amends 43-172
			15	Amends 46-1
33302	1-14-26		1	Amends 44-39(c)
			2	Amends 44-56(c)
33315	1-28-26		1	Amends 28-44
			2	Amends 28-50
			3	Amends 28-60
33372	4-8-26		1	Amends 34-25(a)(1)
33393	4-22-26		1	Amends 17-1.6
			2	Adds 50-155(e)

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>
33393 (Cont'd)			3	Amends 50-157(14)
			4	Amends 50-158(a)
			5	Amends 50-160(a)
33394	4-22-26		1	Amends 43-46
			2	Amends 43-94(b)
			3	Amends 43-95(b)
			4	Amends 43-136
			5	Amends 43-139(d)
			6	Amends 43-141(b)(3)
			7	Amends 43-141(f)(1)
			8	Amends 43-144
33420	5-13-26		1	Adds 49-1(73.1)
			2	Adds 49-1(73.2)
			3	Amends 49-3(a)
			4	Amends 49-3(f)
			5	Amends 49-4(a)
			6	Amends 49-7(a)
			7	Amends 49-7(e)
			8	Amends 49-7(h)
			9	Amends 49-8(b)
			10	Amends 49-10
			11	Amends 49-18.3
			12	Amends 49-18.9
			13	Amends 49-21.1(b)
			14	Amends 49-21.1(d)(3)
			15	Amends 49-29
33431	5-27-26		1	Adds 27-46(3)
33447	6-10-26		1	Amends 28-2(a)
			2	Adds 28-103.4
			3	Amends 28-114.13
			4	Adds 28-114.14

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	(3) Detached non-premise sign.	(7) Commercial amusement (inside).
	(4) Hazardous waste management facility.	(8) Commercial amusement (outside).
	(5) Placement of fill material.	(8.1) Commercial motor vehicle parking.
	(6) Temporary construction or sales office.	(9) Commercial parking lot or garage.
Sec. 51A-4.207.	Office uses.	(9.1) Convenience store with drive-through.
	(1) Alternative financial establishment.	(10) Drive-in theater.
	(2) Financial institution without drive-in window.	(11) Dry cleaning or laundry store.
	(3) Financial institution with drive-in window.	(11.1) Event venue.
	(4) Medical clinic or ambulatory surgical center.	(12) Furniture store.
	(5) Office.	(13) General merchandise or food store 3,500 square feet or less.
Sec. 51A-4.208.	Recreation uses.	(14) General merchandise or food store greater than 3,500 square feet.
	(1) Country club with private membership.	(14.1) General merchandise or food store 100,000 square feet or more.
	(2) Private recreation center, club or area.	(15) Home improvement center, lumber, brick or building materials sales yard.
	(3) Public park, playground, or golf course.	(16) Household equipment and appliance repair.
Sec. 51A-4.209.	Residential uses.	(16.1) Liquefied natural gas fueling station.
	(1) College dormitory, fraternity or sorority house.	(17) Liquor store.
	(2) Duplex.	(18) Mortuary, funeral home, or commercial wedding chapel.
	(3) Group residential facility.	(18) Mortuary or funeral home.
	(3.1) Handicapped group dwelling unit.	(19) Motor vehicle fueling station.
	(4) Manufactured home park, manufactured home subdivision, or campground.	(20) Nursery, garden shop, or plant sales.
	(5) Multifamily.	(21) Outside sales.
	(5.1) Residential hotel.	(21.1) Paraphernalia shop.
	(5.2) Retirement housing.	(22) Pawn shop.
	(6) Single family.	(23) Personal service use.
Sec. 51A-4.210.	Retail and personal service uses.	(24) Restaurant without drive-in or drive-through service.
	(1) Ambulance service.	
	(2) Animal shelter or clinic.	
	(3) Auto service center.	
	(4) Alcoholic beverage establishments.	
	(5) Business school.	
	(6) Car wash.	

- Sec. 51A-7.1209. Building identification signs.
- Sec. 51A-7.1210. Cultural institution signs.
- Sec. 51A-7.1211. Application of the Highway Beautification Acts.
- Secs. 51A-7.1212 thru 51A-7.1215. Reserved.

**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. Commercial parking lots.

**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-7.1504. Definitions.
- Sec. 51A-7.1505. Sign permit requirements.
- Sec. 51A-7.1506. Special provisions for all signs.
- Sec. 51A-7.1507. Special provisions for attached signs.
- Sec. 51A-7.1508. Special provisions for detached signs.

- Sec. 51A-7.1509. Special provisions for subdivision signs in the Quad Subdistrict.
- Sec. 51A-7.1510. Special provisions for movement control signs in the Quad Subdistrict.

**Division 51A-7.1600. Farmers Market
Sign District.**

- Sec. 51A-7.1601. Designation of sign district.
- Sec. 51A-7.1601.1. Designation of sign subdistricts.
- Sec. 51A-7.1602. Purpose.
- Sec. 51A-7.1603. Definitions.
- Sec. 51A-7.1604. Sign permit requirements.
- Sec. 51A-7.1605. Special provisions for all signs.
- Sec. 51A-7.1606. Special provisions for attached signs.
- Sec. 51A-7.1607. Special provisions for detached signs.
- Sec. 51A-7.1608. Special provisions for the Market Center sign subdistrict.

**Division 51A-7.1700. Provisions for
Victory Sign District.**

- Sec. 51A-7.1701. Designation of Victory Sign District.
- Sec. 51A-7.1702. Designation of subdistricts.
- Sec. 51A-7.1703. Purpose.
- Sec. 51A-7.1704. Definitions.
- Sec. 51A-7.1705. Applicability of highway beautification acts.
- Sec. 51A-7.1706. Victory District sign permit requirements.
- Sec. 51A-7.1707. Imitation of traffic and emergency signs prohibited.
- Sec. 51A-7.1708. Other codes not in conflict, applicable.
- Sec. 51A-7.1709. Creation of site.
- Sec. 51A-7.1710. Detached sign unity agreements.
- Sec. 51A-7.1711. General maintenance.
- Sec. 51A-7.1712. Government signs.
- Sec. 51A-7.1713. Signs over the public right-of-way.
- Sec. 51A-7.1714. Commercial versus noncommercial messages.

(3) No refund of a fee may be made.

(4) Fee schedule.

Type of Application	Application Fee	Area of Notification for Hearing
Designation of an existing sign as an extraordinarily significant sign	\$600.00	200 feet

(e) Fees for creating or amending a voluntary deed restriction.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing 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) The controller shall refund 35 percent of the filing fee to the applicant if the application is not forwarded to council after a public hearing by the commission.

(4) If a deed restriction amendment is submitted as part of an application for a change in a zoning district classification or boundary, the fee outlined in this subsection is not required.

(5) Fee schedule.

Type of Application	Application Fee
Creation of a voluntary deed restriction where the city is a party	\$350.00
Amendment to a voluntary deed restriction where the city is a party	\$900.00

(f) Fees for notification signs.

(1) An application will not be processed until the fee for notification signs 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) No refund of a fee may be made.

(4) There is no fee for a sign required under Section 51A-1.106(a)(4). The fee for all other notification signs required under Section 51A-1.106 is \$10 for each sign.

(g) Fees for inspection of infrastructure improvements constructed under private development contracts. Refer to Section 303.14.5 in Chapter 52 of the Dallas City Code.

(h) Fees for letters of zoning verification. Refer to Section 303.12.2 in Chapter 52 of the Dallas City Code.

(i) Fees for development impact review. Refer to Section 303.12.3 in Chapter 52 of the Dallas City Code.

(j) Fees for thoroughfare plan amendments.

(1) An application will not be processed until the fee has been paid.

~~_____ (2) The applicant shall pay the filing fee to the director of development services. The director of development services shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.~~

(2) The applicant shall pay the filing fee to the director of planning and development. The director of planning and development shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) Fee schedule for thoroughfare plan amendment:

Length of Roadway	Application Fee
0-.25 miles	\$6,350.00
Longer than .25 miles	\$5,325.00 plus \$.87 per linear foot

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.

(4) Fee schedule.

Type of Application	Application Fee
Certificate of appropriateness for new construction	\$500
Certificate for demolition or removal	\$400
Certificate of appropriateness/certificate of demolition or removal for unauthorized work	\$600

(5) The applicant shall pay a single filing fee for each certificate of appropriateness or certificate for demolition or removal requested.

(6) The landmark commission may waive the filing fee if the landmark commission finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may request that the issue of financial hardship be placed on the landmark commission's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the landmark commission. In making this determination, the landmark commission may require the production of financial documents. (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; 30993; 30994; 31040; 31657; 32002; 32003; 32556; 32676; 32760; 32863; 33265; 33280)

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.

(b) Signs required to be obtained from the city. An applicant is responsible for obtaining the required number of notification signs and posting them on the property that is the subject of the application. Notification signs must be obtained from the director

(23.2) Reserved.

(23.3) COLLECTOR means a street designated as either a community or residential collector in the city's thoroughfare plan.

(24) COMMERCIAL AND BUSINESS SERVICE USES means those uses defined in Section 51A-4.202.

(25) COMMISSION or CITY PLAN COMMISSION means the city plan and zoning commission.

(26) COVERAGE means the percentage of lot area covered by a roof, floor, or other structure, except that roof eaves up to 24 inches and other ordinary building projections up to 12 inches are excluded.

(27) DENSITY means the ratio of dwelling units to lot area.

~~(28) DEPARTMENT means the department of development services. The department of development services was formerly named the department of sustainable development and construction, the department of planning and development, the department of urban design, and the city plan department. Any reference to these departments is a reference to the department of development services.~~

(28) DEPARTMENT means the department of planning and development. The department of planning and development was formerly named the department of sustainable development and construction, the department of planning and urban design, the department of urban design, and the city plan department. Any reference to these departments is a reference to the department of planning and development.

(29) "D" DISTRICT means the duplex district established under Chapter 51.

(30) "D(A)" DISTRICT means the duplex district established under this chapter.

(31) DIR means "development impact review" (See Division 51A-4.800).

~~(32) DIRECTOR means the director of the department of sustainable development and construction or the director's representative.~~

(32) DIRECTOR means the director of the department of planning and development or the director's representative.

(33) DUPLEX DISTRICT means the D(A) district established under this chapter.

(34) DWELLING UNIT means one or more rooms designed to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.

(35) EAVES means the lowest border of a roof, including any overhang.

(35.1) EXACTION means, for purposes of Section 51A-1.109 and Texas Local Government Code Section 212.904, dedications, fees, or construction costs for municipal infrastructure additions or improvements that the city requires a developer to bear a portion of as a condition for approval of a property development project.

(36) FAMILY means 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.

(37) FENCE means a structure that provides a physical barrier.

(38) FLOOR AREA means the total square feet of floor space in a building measured to the outside faces of exterior walls or to the omitted wall lines, whichever produces the larger area, excluding the following:

(A) Area used solely for off-street parking.

(B) Area between an omitted wall line and the structural wall when the area is used solely for foot or vehicular traffic or landscaping.

(C) Area of a private balcony that is not accessible to the public and does not provide a means of ingress or egress.

(D) Area of a breezeway or an unenclosed stairway located within the first three

(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; 30654; 30932; 31607; 32002; 32264; 32659; 32760; 32864; 32907; 33112)

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 community served by 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 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:

(1) reverse an order, requirement, decision, or determination of an administrative official involving the interpretation or enforcement of the zoning ordinance;

(2) decide in favor of an applicant on a matter on which the board is required to pass under state law, the city charter, or city ordinances; or

(3) grant a variance.

(d) Powers and duties. The board has the following powers and duties, which must be exercised in accordance with this chapter:

~~———— (1) To hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city. For purposes of this section, "administrative official" means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.~~

(1) Except as provided in Section 306 of Chapter 52 of the Dallas City Code, to hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city. For purposes of this section, "administrative official" means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.

(2) To interpret the intent of the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply.

(3) To hear and decide special exceptions that are expressly provided for in this chapter.

(4) To bring about the discontinuance of a nonconforming use under a plan whereby the owner or lessee of the nonconforming use is compensated for the costs of ceasing the nonconforming use of the property and any diminution in the market value of the property as a result of a requirement to discontinue the nonconforming use.

(5) To hear and decide requests for change of occupancy of a nonconforming use to another nonconforming use.

(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; 32170; 33012; 33288; 33484)

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.

(2) The city council shall solicit for consideration nominees for appointment to the landmark commission from, but not limited to: the Dallas County Historical Commission; the Dallas County Heritage Society; the Dallas chapter of the American Institute of Architects; the Dallas Historical Society; the Dallas chapter of the American Planning Association; the Dallas chapter of the American Society

of Landscape Architects; the Dallas Bar Association; the North Texas Chapter of the Appraisal Institute; the city plan commission; Preservation Dallas; Black Dallas Remembered; the African-American Museum; ACAL de Mexico; the Dallas Black Chamber of Commerce; the Dallas Hispanic Chamber of Commerce; the Greater Dallas Asian American Chamber of Commerce; the local Urban Land Institute Section; the Dallas Real Estate Council; the CCIM Commercial Real Estate Network; the Board of Realtors; and such other individuals and organizations experienced in historic preservation. The membership of the landmark commission must, as nearly as may be practicable, reflect the community served by the city.

(3) Each member of the landmark commission 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. A vacancy for the unexpired term of any member shall be filled in the same manner as the original appointment was made. 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 in the same manner as full city council appointments to other boards. The members shall serve without compensation. The mayor shall appoint the chair and the full council shall appoint the vice-chair.

~~(4) In addition to the 15 regular members, representatives from the city plan commission, department of development services, the building inspection division of the department development services, code compliance department, the department of planning and urban design, and the park and recreation department shall sit on the landmark commission as ex officio members. The ex officio members are not entitled to vote but assist the landmark commission in various functions. The office of management services shall provide adequate staff support to the landmark commission and shall assign a member of the staff to act as the historic preservation officer.~~

(4) In addition to the 15 regular members, representatives from the city plan commission, department of planning and development, the building inspection division of the department of planning and development, code compliance department, and the park and recreation department

shall sit on the landmark commission as ex officio members. The ex officio members are not entitled to vote but assist the landmark commission in various functions.

(10) To initiate, when appropriate, the procedure for adopting an ordinance to establish or amend a historic overlay district.

(11) To establish taskforces as needed to make recommendations to the landmark commission on applications for predesignation certificates of appropriateness, certificates of appropriateness, and other issues.

(12) To identify cases of demolition by neglect and initiate remedial actions.

(13) To establish guidelines for selection of projects for the historic preservation fund.

(d) Meetings, records and rules.

(1) The landmark commission shall meet at least once each month, with additional meetings upon the call of the chair or upon petition of a simple majority of the landmark commission members.

(2) All meetings and hearings of the landmark commission must be open to the public in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

(3) All records of the landmark commission are public records open to inspection at reasonable times and upon reasonable notice in accordance with the Texas Open Records Act, Texas Government Code Chapter 552.

(4) The landmark commission shall adopt, subject to approval of city council, rules, not inconsistent with state law or city ordinances, governing its proceedings.

(e) Effect of decisions. Unless appealed, the determinations of the landmark commission on predesignation certificates of appropriateness, certificates of appropriateness, and certificates for demolition or removal are final. Actions taken or recommendations made by the landmark commission

that are subject to review by the city plan commission or the city council are not binding on those bodies, and the reviewing body may decide a matter contrary to recommendations or actions of the landmark commission. (Ord. Nos. 19455; 19499; 20487; 20585; 21153; 21512; 23694; 24163; 25047; 26596; 27892; 28073; 29478; 29645; 29882; 32002; 32760; 33288)

SEC. 51A-3.104. RESERVED.
(Ord. 25047)

SEC. 51A-3.105. BUILDING OFFICIAL.

(a) Powers and duties.

(1) The building official shall issue permits in accordance with this chapter.

(2) The building official shall issue certificates of occupancy in accordance with this chapter.

(3) The building official has the authority to enforce the provisions of this chapter. (Ord. 19455)

(ff) Enhanced sidewalk with stamped concrete or brick pavers in the pedestrian zone for the full width of the sidewalk, along the entire frontage.

(gg) Public art or water features costing no less than \$2,500, at one per lot.

(hh) Drinking fountains at one per lot.

(ii) Amenities must be placed far enough from the street curb so as not to create a physical barrier to buses.

(iii) Canopies, awnings, and pedestrian street lamp fixtures must have a minimum nine-foot clearance. Lamp fixtures may not exceed 14 feet in height. Light fixtures may not emit light upward into the windows of dwelling units.

(iv) All pedestrian amenities must be maintained by the owner of the lot; if there is more than one owner, all owners are jointly and severally liable for maintenance.

(E) Driveway design requirements.

(i) Pedestrian crosswalks must be clearly marked to indicate where the crosswalk crosses the driveway.

(ii) Common or joint driveways are required when adjacent lots have direct vehicular access.

(iii) Curb cuts must be no less than 12 and no more than 24 feet in length (measured parallel to the frontage). Each lot may have a maximum of one curb cut for each frontage.

(iv) Driveways into parking areas or structures must be from an urban corridor.

(v) No part of a circular or semi-circular driveway is permitted on an urban corridor.

(F) Building envelope design requirements.

(i) Building facades. Building facades must be as close as possible to the pedestrian zone. Columns of an arcade must be on the building line, and the internal facade of an arcade must be set back from the building line no more than 10 feet. Parking deck and garage facades visible at ground level from any street or alley must have the appearance of a multiple-story building. It is recommended that parking deck and garage facades visible at ground level from any street or alley have the appearance of similar material finish as the building on the site for which the parking is being provided.

(ii) Building height and setback. Building height and setback is subject to both residential proximity slope and urban form setback requirements. In all instances, residential proximity slope requirements supersede all other height allowances.

(iii) Storefront treatments. The following provisions apply to all uses at ground level except church use and residential uses.

(aa) All street-fronting street-level portions of a building must have windows and primary entrances facing the street or a plaza. No more than 10 continuous linear feet of street-fronting street-level facade may lack a transparent opening (e.g. a window or a transparent door).

~~(bb) Corner lot structures must have corner entrances in compliance with the visibility triangle standards set by the department of development services.~~

(bb) Corner lot structures must have corner entrances in compliance with the visibility triangle standards set by the department of planning and development.

(cc) Street-fronting, street-level windows must:

(I) cover 50 percent or more of street-level frontage;

(II) not have a bottom edge higher than three feet above the base of building; and

(III) be less than 10 feet high.

(dd) It is recommended that street-fronting, street-level windows be clear, unpainted, or made of similarly treated glass allowing visibility within street-level uses.

(iv) Pedestrian access to the building. Primary pedestrian (i.e. residential and customer) ingress and egress must be to or from an urban corridor. Pedestrian ingress and egress for all other functions must be to or from rear or side yard entrances. Pedestrian pathways must be provided to connect the pedestrian zone to the parking lot, rear entrances to dwellings, and to emergency exits.

(d) Site plan.

(1) A site plan must be submitted in accordance with the requirements of this subsection before an application is made for a permit for work on a lot in an urban corridor district.

(2) Procedure. The applicant should contact the department to arrange a pre-application conference, at which the applicant should provide a sketch plan of the site with the information requested by the department. When the applicant is ready to apply for site plan review, the applicant must provide a detailed site plan.

(3) The site plan must:

(A) satisfy the requirements of Subparagraphs (A) through (G), (J), and (N) through (Q) in Section 51A-4.803(d)(1);

(B) show all existing and proposed points of ingress and egress, building entrances, exits, service areas, and windows;

(C) show all public right-of-way lines;

(D) show the location and indicate the type, size, and height of perimeter fencing, screening, and buffering elements proposed or required;

(E) show all provisions to be made to direct and detain storm water and to mitigate erosion both during and following the completion of construction;

(F) show the location and indicate the type, orientation, size, and height of light standards that will illuminate any portion of a required yard;

(G) show the location of existing and proposed signs;

(H) show the existing and proposed locations of all exterior loudspeakers and sound amplifiers;

(I) show the existing and proposed locations for all mechanical equipment capable of producing high levels of noise;

(J) show all existing and proposed provisions for pedestrian circulation on the lot including the location of the pedestrian amenity zones and the location and description of amenities provided to satisfy the three-amenity rule and the requirements for parking reductions;

(K) demonstrate how the urban corridor district site meets the minimum open space requirements showing location and landscape plans of all open space including buffer zones and screening areas;

(L) demonstrate eligibility for parking requirement reduction or density bonuses, if requested by applicant; and

(M) any other reasonable and pertinent information that the director determines to be necessary for site plan review. (Ord. Nos. 24718; 25785; 26920; 28125; 28214; 28424; 28700; 31607; 32002; 32209; 32482; 32659; 32760; 33112)

(dd) will not be placed in a flood plain, escarpment or geologically similar area unless authorized in accordance with the Dallas City Code;

(ee) will not alter drainage of the property that adversely affects the site or adjacent properties;

(ff) will be accomplished with safe and adequate ingress and egress to the site; and

(gg) will not damage or destroy any protected trees during the filling operation unless mitigation measures are provided in accordance with Article X of the Dallas Development Code.

(ii) Automatic renewal. A specific use permit granted for this use is not eligible for automatic renewal.

(iii) Exemptions from the specific use permit requirement. Placement of fill material is permitted by right in all districts if it:

(aa) is incidental to on-site filling operations necessary to the development of a subdivision pursuant to an approved plat and a private development contract executed with the city;

(bb) is for the site where the filling is being done and in connection with one of the following approved permits: permit for construction, fill permit, escarpment permit, excavation permit, or landscape permit;

(cc) is incidental to on-site filling operations necessary for governmental or utility construction projects such as streets, alleys, drainage, gas, electrical, water, cable, and telephone facilities, and similar projects;

(dd) is incidental to on-site filling operations necessary to the construction of paving for parking areas and similar activities consistent with the allowed land use; or

(ee) does not exceed five truck loads or 50 cubic yards of fill material, whichever is less, during any 12 month period. For purposes of this provision, a truck is defined as a truck-tractor, road tractor, semi-trailer, trailer or truck with a rated capacity in excess of one and one-half tons according to the manufacturer's classification.

Note: If the placement of fill material exceeds the level stated above in provision (E)(iii)(ee) and does not qualify for an 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 development services an operations plan which includes:

(iv) Operations plan. An applicant shall submit to the director of planning and development 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.

(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; 32002; 32760; 33112)

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) **CAR TITLE 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: 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	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

and (aa) customarily used outside;

(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)(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: None. The number of stacking spaces must equal 10 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:

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay, in existence on May 14, 2025, one space per 200 square feet or floor area. If more than 10 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: One space.

(E) Additional provisions:

(i) Garments may be collected at off-site pick-up stations for laundering and dry cleaning in this use.

(ii) This use may occupy no more than:

(aa) 3,500 square feet of floor area in an NS(A) district; and

(bb) 7,500 square feet of floor area in all other districts.

(iii) 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.

(11.1) Event venue.

(A) Definition: A facility that is rented for private events for invited guests such as ceremonies, receptions, parties, celebrations, banquets, business events, professional or industry gatherings, and fundraisers.

(B) Districts permitted: By right in all nonresidential zoning districts except NO(A) and NS(A). By SUP only in NO(A) and NS(A) districts. RAR is required in all nonresidential districts except central area districts.

(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) A general admission fee, including donations made at the door in exchange for entrance by the attendees, is prohibited except for:

(aa) fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities; or

(bb) registration fees for pre-registered guests attending a professional or industry gathering.

(ii) An establishment meeting the definition of event venue that was issued a certificate of occupancy for commercial amusement (inside) or commercial wedding chapel before May 13, 2026, may continue to legally operate as a conforming use.

(iii) Food and beverages may be prepared or served on site to invited guests.

(iv) Private live performances or entertainment may be provided as incidental to an event hosted at an event venue.

(v) An event venue may not operate within a residential use or a lodging use, except as accessory to a main lodging use.

(vi) The following provisions apply when an event venue is within 330 feet of property zoned a residential or mixed-use zoning district:

(aa) Maximum permissible decibel limits for event centers are 65 decibels between 9:00 a.m. and 9:00 p.m. and 56 decibels between 9:00 p.m. and 9:00 a.m. (the next day), Monday through Sunday. The general provisions in Section 51A-6.102(a) apply.

(bb) Operation of an event venue outdoors is limited to 25 percent of the indoor floor area of the event center. The outdoor area must be located on the same lot as the indoor area.

(A) Definition: A facility principally for the display and retail sale of new furniture and appliances.

(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:

(12) Furniture store.

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, 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.~~

(18) Mortuary or funeral home.

(A) Definition: A mortuary or funeral home is a facility in which dead bodies are prepared for burial or cremation or funeral services are conducted.

(B) Districts permitted: By right in CR, RR, CS, central area, mixed use, and multiple commercial districts.

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay, in existence on May 14, 2025:

(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.

(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 supply equipment (EVSE) excluding accessory electric vehicle charging station uses. 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.

(iv) Vehicles being displayed, sold, serviced, or repaired must be parked on site. (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; 32441; 32907; 33112; 33444)

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: None.

(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: None.

(D) Required off-street loading: None. Areas of anticipated loading and unloading must be identified at time of permitting.

(E) Additional provisions:

(i) A lobby or waiting room with a floor area of not less than 200 square feet must be provided.

(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 development services.~~

(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 planning and development.

(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.

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; 32002; 32760; 33112)

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: None.

(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: None.

(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) 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: None.

(D) Required off-street loading: None.

(4) Local utilities.

(A) Definitions:

application for site plan approval, or for a longer time agreed to by the applicant, the departments shall review the proposed development and forward their comments, if any, in writing to the director. Upon conclusion of the departmental review, the director shall forward to the commission the application for site plan approval and the written information provided by the departments.

(A) The directors of the departments of transportation and public works and water utilities shall prepare a written statement evaluating the impact of the proposed institutional uses on public facilities including sewers, water utilities, and streets.

(B) The director of water utilities shall prepare a written statement describing any known drainage or topography problems.

(7) Conferences and modifications during review. If the application for site plan approval meets one or more of the standards for site plan disapproval, and the director and the applicant meet to discuss the application for site plan approval, the director may accept an amended application for site plan approval.

(8) City plan commission review. The commission shall review the application for site plan approval and render its decision within 21 days from the date of referral by the director, or for a longer time that has been agreed to by the applicant. The commission shall review the application for site plan approval and may approve the application, disapprove the application, or approve the application subject to specified conditions and modifications that are permanently marked on the site plan or made a part of the site plan conditions.

(9) Standards for site plan disapproval. The commission may disapprove an application for site plan approval upon findings of fact based on one or more of the following standards:

(A) The application for site plan approval is incomplete or contains violations of this chapter or other applicable regulations, and the applicant, after written request from the director, has failed to supply the additional information or correct the violation.

(B) The proposed site plan interferes with or is in conflict with a right-of-way, easement, or any approved plan such as a thoroughfare plan or transit plan.

(C) The proposed site plan destroys, damages, or interferes with significant natural, topographic, or physical features of the site that are determined significant by the commission.

(D) The proposed site plan is incompatible with adjacent land use and detrimental to the enjoyment of surrounding property in that the proposed development would create noise above the ambient level, substantially increase traffic, or fail to provide adequate buffers.

(E) The points of egress and ingress or the internal circulation of traffic within the site creates a traffic hazard, either on or off the site.

(F) The proposed site plan creates drainage or erosion problems to the site or adjacent property.

(10) City council appeal. An applicant may appeal to city council the decision of the commission concerning an application for site plan approval by filing a written request with the director within ten days of the action of the commission.

(11) Amendment. A site plan may be amended by following the same procedure as required in this section. (Ord. Nos. 19455; 19786; 20920; 21044; 22026; 23694; 25047; 28073; 28424; 30239; 30654; 30994; 32002; 32760; 32864)

SEC. 51A-4.503.

D AND D-1 LIQUOR CONTROL OVERLAY DISTRICTS.

General provisions. Note: These provisions apply only to D and D-1 Liquor Control Overlay Districts enacted before June 11, 1987.

(1) A D or D-1 liquor control overlay district is designated as "dry" by the suffix "D" or "D-1" on the zoning district map.

(C) Floor area ratio of the lot.

(D) Square footage and percentages of building coverage and nonpermeable coverage of the lot.

(E) Number of parking spaces required and number of parking spaces provided.

(F) Zoning classification of the lot.

(e) Review by the director.

~~———— (1) Upon the filing of a complete application for review of a site plan and a complete site plan submission, the director of development services shall promptly forward one copy of each to all affected divisions of the department and to the director of code compliance for review and comments. The director of code compliance shall review the application and submission and return a written recommendation to the director of development services within 15 calendar days of the filing date.~~

(1) Upon the filing of a complete application for review of a site plan and a complete site plan submission, the director of planning and development shall promptly forward one copy of each to all affected divisions of the department and to the director of code compliance for review and comments. The director of code compliance shall review the application and submission and return a written recommendation to the director of planning and development within 15 calendar days of the filing date.

(2) The director shall make a decision regarding the application and submission within 30 calendar days of the filing date. The decision must be accompanied by an itemized list of required changes or corrections to the site plan. That decision must take one of three forms:

(A) Approval, no conditions.

(B) Approval, subject to conditions noted.

(C) Denial.

(3) If the director fails to make a decision regarding the application and submission within 30 calendar days of the filing date, the application and submission are considered to be approved subject to compliance with all applicable city codes, ordinances,

rules, and regulations.

(4) The time periods in Subsections (e)(1), (e)(2), and (e)(3) do not begin to run until the applicant provides all of the information required in Subsections (b), (c), and (d). In cases where the director requests additional information within 10 calendar days of the filing date, the time periods in Subsections (e)(1), (e)(2), and (e)(3) do not begin to run until the applicant provides the additional information.

(5) If the director denies an application or submission, he shall state in writing the specific reasons for denial. If he approves an application or submission subject to conditions, he shall state in writing the specific requirements to be met before issuance of a permit to authorize work on the lot.

(f) Grounds for denial.

(1) In general. The director shall deny a site plan application or submission under this section if:

(A) it does not contain sufficient information to allow for site plan review; or

(B) the site plan does not comply with all applicable city codes, ordinances, rules, or regulations.

(2) Vehicular circulation and infrastructure standards.

(A) Except as otherwise provided in Subsection (g), the director shall deny a site plan under this section if:

(i) the provisions for vehicular loading and unloading or parking, or for vehicular or pedestrian circulation, will create hazards to safety, substandard circulation of all modes of transportation, or will impose a significant burden upon public facilities which can be avoided or substantially mitigated by reasonable modifications in the plan; or

(ii) the site plan is required due to estimated trip generation and the owner of the lot refuses to comply with one or more of the following development-related infrastructure requirements:

(g) Approval subject to conditions noted. As an alternative to denial of a site plan under Subsection (f), the director may approve the site plan subject to conditions noted if compliance with all conditions will eliminate what would otherwise constitute grounds for denial. If the director approves the site plan subject to conditions noted, he shall state in writing the specific requirements to be met before issuance of a permit to authorize work on the lot.

(h) Approval, no conditions. If there are no grounds for denial of a site plan under Subsection (f), the director shall approve the site plan with no conditions.

(i) Appeals.

(1) The applicant may appeal the following decisions made by the director:

(A) Denial of an application or site plan submission.

(B) Approval of an application or site plan submission subject to conditions noted.

(2) An appeal must be made within 10 days after notice is given to the applicant of the director's decision.

(3) An appeal is made by filing a written request with the director for review by the city plan commission.

(4) Decisions of the commission are final as to available administrative remedies and are binding on all parties.

(5) If the commission fails to make a decision on the appeal within 30 calendar days of the date that the written request is filed with the director, the application and submission are considered to be approved subject to compliance with all other applicable city codes, ordinances, rules, and regulations.

(j) Validity of approved site plan. An approved site plan is valid for a period of two years. If a permit to authorize work on the lot has not been obtained upon expiration of the two-year period, a new site plan submission is required.

(k) Effect of approved site plan. The approval of a site plan by the director or commission does not result in the vesting of development rights, nor does it permit the violation of any city ordinance or state law, nor does it preclude the building official from refusing to issue a permit if he determines that plans and specifications do not comply with applicable laws and ordinances, or that the work described in the application for the permit does not conform to the requirements of the construction codes. (Ord. Nos. 19455; 19786; 19929; 20037; 20730; 21760; 22053; 22026; 25047; 27697; 28073; 28424; 28553; 31314; 32002; 32760; 33112)

Division 51A-4.900. Affordable Housing.

SEC. 51A-4.901. PURPOSE.

This division is adopted to comply with Section 3.5 of the Consent Decree entered on September 24, 1990, in the United States District Court for the Northern District of Texas in the case of Debra Walker et al. v. U.S. Department of Housing and Urban Development et al. and to further the following related and more specific purposes:

(a) to encourage the provision of dwelling units affordable to families of low income throughout the city;

(b) to ensure that these dwelling units are safe, sanitary, decent, and otherwise substantially equivalent to public housing in the city;

(c) to ensure that these dwelling units are available in a variety of sizes to the same extent as throughout the city; and

(3) An owner of property located within an FP area may apply for a fill permit and removal of the FP prefix by following the procedure outlined in Section 51A-5.105.

(c) Engineering studies. Hydraulic and hydrologic engineering studies or a field survey must support any changes to an FP designation. The engineering study must be signed and sealed by a licensed professional engineer. The director may require geotechnical core borings as part of his or her investigations under this subsection.

(d) Decision on designation. The director of water utilities shall make a final decision on whether to add or remove an FP prefix on the official zoning district map only after the director determines that engineering studies support the change in the FP designation.

~~—(e) Zoning map revision. The director of water utilities must notify the director of development services in writing that an FP prefix is to be removed from or added to the official zoning district map. The written notification must contain a description of the property affected and the reasons why the FP prefix is being changed.~~

(e) Zoning map revision. The director of water utilities must notify the director of planning and development in writing that an FP prefix is to be removed from or added to the official zoning district map. The written notification must contain a description of the property affected and the reasons why the FP prefix is being changed.

(f) Letter of Map Change (LOMC). A letter of map change from FEMA is required for removal of an FP prefix from the official zoning map if the area is designated as a flood hazard area on the FIRM. (Ord. Nos. 19455; 19786; 21299; 22920; 24085; 25047; 25716; 27318; 27551; 27697; 27893; 28164; 28671; 29359; 30481; 30994; 31109; 32002; 32039; 32760)

SEC. 51A-5.103. COMPLIANCE IN UNDESIGNATED FLOODPLAIN AREAS.

(a) A person shall comply with the requirements of this article for FP areas before developing land

within the design flood line of a creek or stream having a contributing drainage area of 100 acres or more, even if the land has not been formally designated as an FP area.

(b) Except as provided in Subsection (c), alterations of the natural floodplain in areas with less than 100 acres must comply with the Dallas Development Code and city drainage standards but are not subject to the engineering requirements for filling in Section 51A-5.105(g).

(c) If the proposed alteration includes moving, eliminating, or enclosing the natural stream channel, then the engineering requirements for filling in Section 51A-5.105(g) must be met, regardless of the upstream drainage area size. (Ord. Nos. 19455; 19786; 24085; 27697; 30994; 32039)

SEC. 51A-5.103.1. VEGETATION ALTERATION IN FLOODPLAIN PROHIBITED.

(a) Except as provided in this section, the urban forest conservation requirements in Division 51A-10.130 apply. Protected trees removed in the floodplain are not subject to exceptions to Article X.

(b) A person commits an offense if he removes or injures any vegetation within a floodplain.

(c) It is a defense to prosecution under Subsection (b) if the act is:

(1) authorized in advance in writing by the director of water utilities;

(2) in conformance with a landscape plan approved by the director of water utilities;

(3) routine maintenance of vegetation such as trimming or cutting designed to maintain the healthy or attractive growth of the vegetation; or

(4) routine maintenance performed, required, or authorized by the city in order to maintain the floodwater conveyance capacity of the floodplain. (Ord. Nos. 19455; 19786; 24085; 27697; 30994; 32039)

hydrologic or hydraulic modeling shall request a preapplication conference with representatives from the department of water utilities.

(2) At the preapplication conference, the director of water utilities shall determine what information is necessary for a complete evaluation of the proposed fill project. The applicant may be required to submit all necessary information, including, but not limited to the following:

(A) A vicinity map.

(B) The acreage figures for the entire tract, the area located in the floodplain, and the area proposed to be filled.

(C) A description of existing and proposed hydrologic and hydraulic analysis conducted.

(D) Plans that comply with the Landscape and Urban Forest Conservation Regulations in Article X of the Dallas Development Code, as amended.

(E) A table of values for analysis of the engineering criteria listed in Subsections (h)(1), (h)(2), and (h)(5).

(F) A water surface profile.

(G) A plan view showing existing and proposed contours and grading.

(H) Plotted cross-sections.

(I) An overall map of the project area.

(J) Drainage area map.

(e) Filling to remove an FP designation.

(1) In general. This subsection applies to applications to remove an FP designation from any regulatory floodplain.

(2) Review of application by departments.

~~————— (A) If the application is to remove an FP designation, the director of water utilities shall forward copies of the application to the director of development services, the chief planning officer, and the director of park and recreation for review.~~

~~————— (B) The director of development services, the chief planning officer, and the director of park and recreation shall review the application and advise the director of water utilities of the environmental impacts of the project, zoning concerns, or other concerns. If concerns are raised by one of these departments, the concerns must be addressed by the property owner prior to issuance of the fill permit. These departments shall also determine whether the applicant's property should be considered for public acquisition due to its ecological, scenic, historic, or recreational value.~~

~~————— (3) Neighborhood meeting. The water utilities department shall schedule and conduct a virtual or in-person neighborhood meeting on each application. The applicant or the applicant's representative must attend the neighborhood meeting. The director shall send written notice of the meeting to the applicant, to all owners of real property within 500 feet from the boundary of the subject property, and to persons and organizations on the early notification list on file with the department of development services. Measurements include the streets and alleys. The notice must be given not less than 10 days before the date set for the neighborhood meeting by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census.~~

~~————— (4) Notice of public hearing and city council approval. If the city council is required to approve a fill permit in accordance with this paragraph, after the~~

~~neighborhood meeting, the director of water utilities shall schedule a public hearing on the application. The city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the date of the public hearing. The director shall also send written notice of the public hearing to the applicant, to all owners of real property within 500 feet from the boundary of the subject property, and to persons and organizations on the early notification list on file with the department of development services. Except as provided in this paragraph, the city council may only deny an application if the application does not meet the requirements of Sections 51A-5.105(f) or (g) or required state or federal permits have been denied.~~

(A) If the application is to remove an FP designation, the director of water utilities shall forward copies of the application to the director of planning and development and the director of park and recreation for review.

(B) The director of planning and development and the director of park and recreation shall review the application and advise the director of water utilities of the environmental impacts of the project, zoning concerns, or other concerns. If concerns are raised by one of these departments, the concerns must be addressed by the property owner prior to issuance of the fill permit. These departments shall also determine whether the applicant's property should be considered for public acquisition due to its ecological, scenic, historic, or recreational value.

(3) Neighborhood meeting. The water utilities department shall schedule and conduct a virtual or in-person neighborhood meeting on each application. The applicant or the applicant's representative must attend the neighborhood meeting. The director shall send written notice of the meeting to the applicant, to all owners of real property within 500 feet from the boundary of the subject property, and to persons and organizations on the early notification list on file with the department of planning and development. Measurements include the streets and alleys. The notice must be given not less than 10 days before the date set for the neighborhood meeting by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll. This notice must be written in English and Spanish if the area of

request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census.

(4) Notice of public hearing and city council approval. If the city council is required to approve a fill permit in accordance with this paragraph, after the neighborhood meeting, the director of water utilities shall schedule a public hearing on the application. The city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the date of the public hearing. The director shall also send written notice of the public hearing to the applicant, to all owners of real property within 500 feet from the boundary of the subject property, and to persons and organizations on the early notification list on file with the department of planning and development. Except as provided in this paragraph, the city council may only deny an application if the application does not meet the requirements of Sections 51A-5.105(f) or (g) or required state or federal permits have been denied.

(A) Variance requested. If a variance to one of the engineering criteria outlined in Subsection (g) is requested, the fill permit will require city council approval. The city council may grant a variance to the requirements of Subsection (g) if the variance will not violate any provision of federal or state law or endanger life or property.

~~(B) Property acquisition. If the department of development services or park and recreation recommend public acquisition of property due to its ecological, scenic, historic, or recreational value, they must make a written recommendation to city council, and the director of water utilities shall provide a report to the city council on the application regarding environmental impacts and public acquisition issues. Once the recommendation is made, the city council may vote to approve a resolution authorizing the acquisition of the property under the laws of eminent domain and deny the fill permit to preserve the status quo until the property is acquired.~~

(B) Property acquisition. If the department of planning and development or park and recreation recommend public acquisition of property due to its ecological, scenic, historic, or recreational value, they must make a written recommendation to

city council, and the director of water utilities shall provide a report to the city council on the application regarding environmental impacts and public acquisition issues. Once the recommendation is made, the city council may vote to approve a resolution authorizing the acquisition of the property under the laws of eminent domain and deny the fill permit to preserve the status quo until the property is acquired.

(5) Director approval.

(A) After the applicant has satisfied all requirements of Subsections (f) and (g), and it is determined that city council approval is not necessary under Paragraph (4), the director of water utilities shall approve or deny the application for a fill permit. The director may only deny an application if:

(i) the application does not meet the requirements of Sections 51A-5.105(f) or (g); or

(ii) required state or federal permits have been denied.

(B) The director of water utilities may postpone the approval of a fill permit if:

(i) required state and federal permits have not been addressed or obtained; or

~~—————(ii) concerns from the department of development services or the park and recreation department have not been addressed.~~

~~—————(6) Zoning map revision. A letter of map revision must be obtained from FEMA, if applicable, before an FP prefix may be removed from the official zoning district map. A building permit may be issued for construction of underground utilities; however, no building permit for construction of a structure may be issued until a final letter of map revision (LOMR) is obtained. Upon approval and receipt of a letter of map revision, the director of water utilities shall notify the director of development services, who shall remove the FP designation for the subject area from the official zoning district map.~~

(ii) concerns from the department of planing and development or the park and recreation department have not been addressed.

(6) Zoning map revision. A letter of map revision must be obtained from FEMA, if applicable, before an FP prefix may be removed from the official

zoning district map. A building permit may be issued for construction of underground utilities; however, no building permit for construction of a structure may be issued until a final letter of map revision (LOMR) is obtained. Upon approval and receipt of a letter of map revision, the director of water utilities shall notify the director of planning and development, who shall remove the FP designation for the subject area from the official zoning district map.

(f) Filling operations. If a fill permit or floodplain alteration permit is approved, the filling operations must comply with the following requirements:

(1) Any excavation required by the specifications of the approved application must be conducted before or at the same time as placing fill. Excavated areas are required to maintain a minimum depth of one foot at the deepest point.

(2) For fill permits, the entirety of the building pad site must be filled to an elevation of at least two feet above the design flood elevation. Habitable structures elevated on piers in floodplain areas are prohibited.

(D) Presumption of completion. Filling operations are deemed completed when the applicant:

(i) submits a certification in the form of a signed and sealed topographic survey to the director of water utilities that proper fill elevations have been achieved and the specifications of the approved application have been followed;

(ii) submits compaction test results indicating the site was compacted to 95 percent standard proctor density; and

(iii) obtains a letter of map revision (LOMR) from FEMA, if applicable. (Ord. Nos. 19455; 19786; 21299; 22920; 24085; 25047; 27697; 27893; 28424; 29478; 30994; 31314; 32002; 32039; 32760)

SEC. 51A-5.106. SETBACK FROM NATURAL CHANNEL REQUIRED.

(a) For purposes of this section:

(1) NATURAL CHANNEL SETBACK LINE means that setback line described below located the farther beyond the crest:

(A) That line formed by the intersection of the surface of the land and the vertical plane located a horizontal distance of 20 feet beyond the crest.

(B) That line formed by the intersection of the surface of the land beyond the crest and a plane passing through the toe and extending upward and outward from the channel at the designated slope. For purposes of this paragraph, the designated slope is:

(i) four to one if the channel contains clay or shale soil; and

(ii) three to one in all other cases.

(2) CREST means that line at the top of the bank where the slope becomes less than four to one.

(3) TOE means that line at the bottom of the bank where the slope becomes less than four to one.

(b) Except as otherwise provided in Subsection (c), all development must be located behind the natural channel setback line.

(c) A structurally engineered retention system approved by the director may be substituted for the setback required in Subsection (b). (Ord. Nos. 19786; 24085; 25047; 28073; 32039)

SEC. 51A-5.107. TRINITY RIVER CORRIDOR DEVELOPMENT CERTIFICATE PROCESS.

(a) Definitions. In this section:

(1) CORRIDOR DEVELOPMENT CERTIFICATE (CDC) MANUAL means the manual by that title dated January 31, 1992, or its latest revision.

(2) FLOODPLAIN ALTERATION means any construction of buildings or other structures, mining, dredging, filling, grading, or excavation in the floodplain.

(3) TRINITY RIVER CORRIDOR means the portion of the floodplain of the West Fork, Elm Fork, and mainstem segments of the Trinity River floodplain within the Dallas city limits, as delineated on the latest CDC Regulatory Map.

(b) Certificate required. A person commits an offense if he makes any floodplain alteration within the Trinity River Corridor without first obtaining a corridor development certificate (CDC) from the director of water utilities. It is a defense to prosecution that an exemption or variance has been obtained in accordance with CDC criteria.

(c) Application. An application for a corridor development certificate must be filed with the director of water utilities on a form furnished by the department of water utilities.

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 development services, parks and recreation, planning and urban design, and transportation and public works. 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.~~

(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 planning and development, parks and recreation, and transportation and public works. 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.

(4) To identify guidelines to be used in determining whether a proposed development complies with the spirit and intent of the escarpment regulations.

(5) To meet with each prospective developer of a project for which an escarpment permit is required and make recommendations to the director as to what information may be waived or what additional information is required to allow a complete evaluation of the proposed project.

(6) To review applications for escarpment permits for compliance with the escarpment regulations, and to make recommendations to the director as to whether the applications should be approved or denied.

(7) To give advice and provide staff assistance to the board of adjustment and the city plan commission in the exercise of their responsibilities.

(8) To initiate amendments to the escarpment regulations when, in the opinion of the committee, the amendments are necessary to further the spirit and intent of the escarpment regulations.

(c) The committee shall meet at least once each month, with additional meetings to be held upon the call of the director, or upon petition of a simple majority of the members of the committee.

(d) The provisions of Chapter 8, "Boards and Commissions," of the Dallas City Code, as amended, do not apply to the committee.

(e) Actions taken or recommendations made by the committee are not binding upon the director, the board of adjustment, the city plan commission, and the city council, and these persons and public bodies may

decide a matter contrary to the recommendations of the committee. (Ord. Nos. 19455; 25047; 26000; 28073; 28424; 29478; 29882; 30239; 30654; 32002; 32760; 32864)

to correct the deficiencies or submit additional documentation. The director may, for good cause, extend the deadline to correct or supplement the application. If the applicant fails to correct or supplement the application within 60 days or the extended period, the application shall be deemed withdrawn and the initial filing fee forfeited. No application shall be deemed complete until all supporting documentation is supplied. The director shall notify the applicant in writing when the application is deemed complete.

(e) Staff review.

~~————(1) The director shall distribute a copy of the complete application to the city attorney, the department of development services, the office of management services, the park and recreation department, the department of transportation and public works, and the Dallas water utilities department for review and comment. The director shall also send a copy of the application to the TCEQ.~~

(1) The director shall distribute a copy of the complete application to the city attorney, the department of planning and development, the office of management services, the park and recreation department, the department of transportation and public works, and the Dallas water utilities department for review and comment. The director shall also send a copy of the application to the TCEQ.

(2) The city of Dallas is not responsible for conducting an environmental risk assessment with respect to the application or the designated property.

(f) Public meeting.

(1) The director shall conduct a public meeting within 45 days after the application is deemed complete. The public meeting must be held at a facility open to the public near the designated property.

(2) Upon receipt of the estimated cost of mailing notices and advertising the public meeting, the director shall provide notification of the public meeting in the following manner:

(A) The notice of the public meeting must include:

(i) the date, time, and location of the public meeting;

(ii) the identity of the applicant;

(iii) the location and legal description of the designated property;

(iv) the purpose of a municipal setting designation; and

(v) the type of contamination identified in the designated groundwater.

(B) The director shall publish notice of the public meeting in the official newspaper of the city at least 15 days before the public meeting.

(C) The director shall mail notice of the public meeting at least 15 days before the date of the public meeting by depositing the notice properly addressed and postage paid in the United States mail. The notice must be written in English and Spanish. The applicant may not alter, change, amend, or enlarge the application after notices for the public meeting have been mailed. The director shall mail notice of the public meeting to:

(i) the applicant;

(ii) owners of real property within 2,500 feet of the designated property as indicated by the most recent appraisal district records;

(iii) owners of state-registered private water wells within five miles of the designated property, as indicated on the application, by certified mail;

(iv) any retail public utility that owns or operates a groundwater supply well within five miles of the designated property, as indicated on the application, by certified mail;

(v) any municipality with a boundary within one-half mile of the designated property, as indicated on the application, by certified mail;

(D) request additional information or documentation from the applicant; or

(E) pursue other actions that the director believes may be warranted.

(7) The applicant shall notify the director in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), providing the name of the property owner, the property address, and a copy of the notice sent to the property owner.

(k) Authority of the director. The director is authorized to:

(1) Enter public or private property to determine whether designated groundwater is being used in violation of this section.

(2) Administer and enforce the provisions of this section.

(l) Offenses. A person commits an offense if the person:

(1) uses designated groundwater as a potable water source or for a purpose prohibited in the municipal setting designation ordinance;

(2) fails to provide the director with a copy of the municipal setting designation certificate issued by the TCEQ pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate;

(3) fails to provide the director with a copy of the certificate of completion or other documentation issued by the TCEQ showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the TCEQ within the time period required.

(4) fails to notify and provide documentation to the director within the time period required in the municipal setting designation ordinance that the entire non-ingestion protective concentration level exceedance zone originating from sources on the designated property or migrating from or through the designated property has been addressed to the satisfaction of the state or federal agency administering the program. (Ord. Nos. 26001; 27697; 28073; 28424; 30239; 30654; 30994; 32002; 32760; 32864)

(2) Middle-level signs must be facade-integrated signs. Facade-integrated signs may be digital signs or static signs with a light source that is not directly visible.

(3) To effectively balance the desire for significant signage and vibrancy within this subdistrict, a minimum of 1,400 square feet of effective area must display promotional messages in the Central Business District. An additional minimum of 1,500 square feet of effective area must display:

(A) promotional messages in the Central Business District, or

(B) images of artwork, historically significant buildings, or events within the city.

(4) A minimum of 1,800 square feet of the effective area of facade-integrated signs must be a building identification signage. Building identification signage may be included within or as a portion of any other sign.

(5) Digital signs are prohibited on a building facade facing Akard Street.

~~Each new non-premise sign permit application for signs in the middle-level sign area must be submitted with a form provided by the department of development services detailing compliance with this section.~~

(6) Each new non-premise sign permit application for signs in the middle-level sign area must be submitted with a form provided by the department of planning and development detailing compliance with this section.

(j) Upper-level sign area.

(1) The total effective area for all signs in the upper-level sign area is 6,500 square feet.

(2) Facade-integrated signs are not allowed in the upper-level sign area.

(k) Signage study.

(1) Property owner or operator shall submit a signage study evaluating the types and ratio of signs in this subdistrict. The signage study must be in writing, must be submitted to the director between 60 and 90 days before December 31, 2021, and must include:

(A) a summary of all middle-level sign permit applications, including the forms submitted detailing compliance with this section; and

(B) the total number of notices of violation and citations issued by the City of Dallas for violating this section since May 27, 2015.

(2) Within 30 days after submission of the signage study, the director shall forward to the city council. If no signage study is submitted by the deadline, the director shall notify city council.

(j) Nonconforming or vested rights. This section does not confer a nonconforming or vested right to maintain a non-premise sign after the maximum period allowed for a non-premise message has expired. (Ord. Nos. 29751; 32002; 32760)

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.

(2) The procedure for obtaining a sign permit is outlined in Section 51A-7.505 of this article. Section 51A-7.602(a) and (c) of this article does not apply to signs in the West End Historic Sign District.

(3) A person who violates Paragraph (1) above is guilty of a separate offense for each day or portion of a day during which the violation is continued. (Ord. Nos. 19455; 21404; 22112; 26027; 29208)

**SEC. 51A-7.1011. NONDISCRIMINATION
BETWEEN
NONCOMMERCIAL
MESSAGES.**

Notwithstanding any other provision of this division, any sign that may display a type of noncommercial message may display in place of that message any other type of noncommercial message, so long as the sign complies with other requirements of this article and other ordinances that do not pertain to the content of the message displayed. (Ord. Nos. 21404; 22112; 26027)

**Division 51A-7.1100. Provisions for Uptown
Sign District.**

**SEC. 51A-7.1101. DESIGNATION OF
UPTOWN SIGN
DISTRICT.**

A special sign provision district is hereby created to be known as the Uptown Sign District. For purposes of this division, the Uptown Sign District of the City of Dallas is that area of the city within the following described boundaries:

~~Being a tract or parcel of land situated in the John Grigsby Survey, Abstract No. 495 and being part of City of Dallas Blocks 2/929, J/929, 1/929, I/942, 5/944, 948, 1/949, 949, 3/950 and all of Blocks A/540, 3/929, 2/933, 3/933 and 2/948 and also being part of the following dedicated streets: Yeargan Street, Leonard Street, Howell Street, Bookout Street, Maple Avenue, McKinney Avenue, Pearl Street, McKinnon Street, and the North Dallas Tollway and being more particularly described as follows:~~

~~BEGINNING at a point for corner in the centerline of Leonard Street (50 feet wide), said point being North 45°11'10" West, a distance of 243.15 feet from the intersection of the centerline of Thomas Avenue (variable width) and the centerline of said Leonard Street;~~

~~THENCE South 44°50'21" West, a distance of 68.00 feet to a point for corner;~~

~~THENCE South 14°42'00" West, a distance of 243.37 feet to a point for corner;~~

~~THENCE South 45°11'00" West, a distance of 269.95 feet to a point for corner in the centerline of North Pearl Street (variable width) and the beginning of a curve to the left;~~

~~THENCE in a northwesterly direction along said centerline of North Pearl Street and along said curve to the left whose chord bears North 50°55'28" West, and having a radius of 547.63 feet, a central angle of 16°06'58" and an arc length of 154.04 feet to a point for corner in the centerline of McKinney Avenue (60 feet wide) and the end of said curve to the left;~~

~~THENCE South 15°00'00" West along the centerline of McKinney Avenue, a distance of 106.93 feet to a point for corner;~~

~~THENCE South 89°15'32" West, a distance of 667.47 feet to a point for corner in the centerline of Cedar Springs Road (variable width);~~

~~THENCE North 03°02'00" West along the centerline of Cedar Springs Road, a distance of 149.72 feet to a point for corner in the centerline of said Pearl Street;~~

~~THENCE South 82°27'00" West along the centerline of Pearl Street and along the centerline of the North Dallas Tollway (variable width), a distance of 122.00 feet to a point for corner and the beginning of a curve to the right;~~

~~THENCE in a northwesterly direction continuing along the centerline of said Dallas North Tollway and along said curve to the right having a radius of 124.57 feet, a central angle of 51°00'00" and an arc length of 110.88 feet to a point for corner and the end of said curve to the right;~~

~~THENCE North 46°33'00" West continuing along the centerline of said Dallas North Tollway, a distance of 207.54 feet to a point for corner in the centerline of Yeargan Street (variable width);~~

~~THENCE North 42°06'27" East along the centerline of Yeargan Street, a distance of 94.48 feet to a point for corner;~~

~~THENCE North 0°31'00" West continuing along the centerline of said Yeargan Street, passing at 224.36 feet~~

~~the centerline of North Pearl Street (50 feet wide) and at 555.72 feet the centerline of Bookout Street to the east (33 feet wide) and continuing a total distance of 577.98 feet to a point for corner in the centerline of Bookout Street to the west (50 feet wide);~~

~~THENCE North 45°31'00" West along the centerline of Bookout Street, a distance of 329.67 feet to a point for corner;~~

~~THENCE North 44°24'15" East passing at 146.20 feet the most westerly corner of the Cedar Maple Addition, an addition to the City of Dallas as recorded in Volume 83097, Page 1486 of the Deed Records of Dallas County, Texas and continuing along the northwest line of said Cedar Maple Addition, a total distance of 436.46 feet to a point for corner in the centerline of Maple Avenue (70 feet wide);~~

~~THENCE North 45°39'00" West along the centerline of Maple Avenue, a distance of 247.10 feet to a point for corner;~~

~~THENCE North 44°21'00" East passing at 35.0 feet the most westerly corner of the North Dallas Improvement Co. Addition, an addition to the City of Dallas as recorded in Volume 88143, Page 2123 of the Deed Records of Dallas County, Texas and continuing along the northwest line of said addition, a total distance of 197.40 feet to the centerline of a 16 foot wide alley;~~

~~THENCE South 45°39'00" East along the centerline of said alley passing at 248.30 feet the centerline of Cedar Springs Road and continuing along said line, a total distance of 309.76 feet to an intersection of same with the easterly line of said Cedar Springs Road;~~

~~THENCE South 5°02'55" East along said easterly line, a distance of 51.25 feet to the intersection of same with the northwest line of Howell Street;~~

~~THENCE North 45°08'50" East along said northwest line of Howell Street, a distance of 33.36 feet to a point for corner;~~

THENCE South 45°39'00" East, passing at 20.0 feet the centerline of said Howell Street and continuing along the centerline of a 16 foot wide alley, a total distance of 722.46 feet to a point for corner in the terminus of said 16 foot wide alley;

THENCE North 44°21'00" East, a distance of 20.50 feet to a point for corner;

THENCE South 45°39'00" East, a distance of 516.07 feet to a point for corner in the centerline of said McKinney Avenue;

THENCE North 15°00'00" East along the centerline of said McKinney Avenue, a distance of 21.49 feet to a point for corner in the centerline of said Leonard Street;

THENCE South 45°11'10" East along the centerline of said Leonard Street, a distance of 355.51 feet to the POINT OF BEGINNING and containing 36.76 acres of land.

BEING a tract or parcel of land situated in the John Grigsby Survey, Abstract No. 495 and being part of City of Dallas Blocks J/929, 3/933, 5/944, 948, 1/949, 3/950, A/541 and all of City of Dallas Blocks, A/541, 2/933, and 2/948 and also being part of the following dedicated streets: (previous street - now abandoned) Yeargan Street, Leonard Street, Howell Street, Bookout Street, Maple Avenue, McKinney Avenue, Pearl Street, McKinnon Street, and the North Dallas Tollway and being more particularly described as follows:

BEGINNING at a point for corner in the centerline of Leonard Street (50 feet wide), said point being North 45°11'10" West, a distance of 243.15 feet from the intersection of the centerline of Thomas Avenue (variable width) and the centerline of said Leonard Street;

THENCE South 44°50'21" West, a distance of 68.00 feet to a point for corner;

THENCE South 14°42'00" West, a distance of 243.37 feet going through City Block A/541 to a point for corner;

THENCE South 45°11'00" West, a distance of 269.95 feet going through City Block A/541 to a point for corner in the centerline of North Pearl Street (variable width) and the beginning of a curve to the left;

THENCE in a northwesterly direction along said centerline of North Pearl Street and along said curve to the left whose chord bears North 50°55'28" West, and having a radius of 547.63 feet, a central angle of 16°06'58" and an arc length of 154.04 feet to a point for corner in the centerline of McKinney Avenue (60 feet wide) and the end of said curve to the left;

THENCE South 15°00'00" West along the centerline of McKinney Avenue, a distance of 106.93 feet to a point for corner;

THENCE South 89°15'32" West, a distance of 667.47 feet across Block 948 along a line between previously Platted Lot 1 of Block 3/948 and Tract 14 (1.4954 acs) in Block 948 to a point for corner in the centerline of Cedar Springs Road (variable width);

THENCE North 03°02'00" West along the centerline of Cedar Springs Road, a distance of 149.72 feet to a point for corner in the centerline of said Pearl Street;

THENCE South 82°27'00" West along the centerline of Pearl Street and along the centerline of the McKinnon St/North Dallas Tollway (variable width), a distance of 122.00 feet to a point for corner and the beginning of a curve to the right;

THENCE in a northwesterly direction continuing along the centerline of said McKinnon St/Dallas North Tollway and along said curve to the right having a radius of 124.57 feet, a central angle of 51°00'00" and an arc length of 110.88 feet to a point for corner and the end of said curve to the right;

THENCE North 46°33'00" West continuing along the centerline of said McKinnon St/Dallas North Tollway, a distance of 207.54 feet to a point for corner in the centerline of the previous said Yeargan Street (variable width);

THENCE North 42°06'27" East along the centerline of the previous said Yeargan Street, a distance of 94.48 feet to a point for corner;

THENCE North 0°31'00" West continuing along the centerline of the previous said Yeargan Street, passing at 224.36 feet the centerline of North Pearl Street (50 feet wide) and at 555.72 feet the centerline of Bookout Street to the east (33 feet wide) and continuing a total

distance of 577.98 feet to a point for corner in the centerline of Bookout Street to the west (50 feet wide);

THENCE North 45°31'00" West along the centerline of Bookout Street, a distance of 329.67 feet to a point for corner;

THENCE North 44°24'15" East passing at 146.20 feet the most westerly corner of the Cedar Maple Addition, an addition to the City of Dallas as recorded in Volume 83097, Page 1486 of the Deed Records of Dallas County, Texas and continuing along the northwest line of said Cedar Maple Addition, a total distance of 436.46 feet to a point for corner in the centerline of Maple Avenue (70 feet wide);

THENCE North 45°39'00" West along the centerline of Maple Avenue, a distance of 247.10 feet to a point for corner;

THENCE North 44°21'00" East passing at 35.0 feet the most westerly corner of the North Dallas Improvement Co. Addition, an addition to the City of Dallas as recorded in Volume 88143, Page 2123 of the Deed Records of Dallas County, Texas and continuing along the northwest line of said addition, a total distance of 197.40 feet to the centerline of a 16 foot wide alley;

THENCE South 45°39'00" East along the centerline of said alley passing at 248.30 feet the centerline of Cedar Springs Road and continuing along said line, a total distance of 309.76 feet to an intersection of same with the easterly line of said Cedar Springs Road;

THENCE South 5°02'55" East along said easterly line, a distance of 51.25 feet to the intersection of same with the centerline of Howell Street;

THENCE North 45°08'50" East along said centerline of Howell Street, a distance of 33.36 feet to a point for corner;

THENCE South 45°39'00" East, passing at 20.0 feet the centerline of said Howell Street and continuing along the centerline of a 16 foot wide alley, a total distance of 722.46 feet to a point for corner in the terminus of said 16 foot wide alley;

THENCE North 44°21'00" East, a distance of 20.50 feet to a point for corner;

THENCE South 45°39'00" East, a distance of 249.60 feet to a point for corner; said point being the northernmost

corner of Lot 1, Block 1/949, The James P. Leake Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 94089, Page 4558, in said Deed Records;

THENCE South 44°43'00" West, along the northwest line of said Lot 1, Block 1/949, The James P. Leake Addition, at a distance of 83.50 feet passing the easternmost corner of Lot 7, Block 1/949, North Dallas Improvement Co., an addition to the City of Dallas, Texas according to the plat recorded in Volume 106, Page 258, in said Deed Records, then continuing along the southeast line of said Lot 7, Block 1/949, North Dallas Improvement Co., the northeast line of said Maple Avenue; said point being the westernmost corner of said Lot 1, Block 1/949, The James P. Leake Addition and the southernmost corner of said Lot 7, Block 1/949, North Dallas Improvement Co., then continuing into, over and through the said right-of-way of Maple Avenue, in all a total distance of 214.86 feet to a point for corner in the centerline of said Maple Avenue right-of-way;

THENCE South 45°50'30" East, along the said centerline of Maple Avenue a distance of 388.87 feet to a point for corner at the intersection of said Maple Avenue centerline with the said centerline of McKinney Avenue;

THENCE departing the said centerline of Maple Avenue and along the said centerline of McKinney Avenue, the following two calls:

North 14°48'30" East, a distance of 245.47 feet to a point for corner at an angle point in the said McKinney Avenue centerline;

North 15°00'00" East a distance of 21.49 feet to a point for corner at the intersection of said centerline of McKinney Avenue and the said centerline of Leonard Street;

THENCE South 45°11'10" East, departing the said McKinney Avenue centerline and along the centerline of said Leonard Street, a distance of 355.51 feet to the POINT OF BEGINNING and containing approximately 35.15 acres. (Ord. Nos. 19649; 20037; 20378; 32497)

SEC. 51A-7.1101.1.

DESIGNATION OF A SUBDISTRICT.

Division 51A-7.1500.**Provisions for McKinney Avenue Sign District.****SEC. 51A-7.1501. DESIGNATION OF SIGN DISTRICT.**

A special provision sign district is hereby created to be known as the McKinney Avenue Sign District. The McKinney Avenue Sign District is that area within the following described boundaries:

~~BEGINNING at a point on the northwest line of McKinney Avenue, said point being 166.84 feet southwest of the southwest line of Fairmount Street;~~

~~THENCE in a northwesterly direction along a line, said line being approximately 142 feet southwest of and parallel to the southwest line of Fairmount Street, a distance of approximately 482.05 feet to a point for corner on the common line between City Blocks 949 and 1/949;~~

~~THENCE in a southwesterly direction along said common block line, a distance of approximately 20.4 feet to a point for corner on the centerline of a 16 feet wide public alley adjacent to Lots 13 and 15 in City Block 1/949;~~

~~THENCE in a northwesterly direction along the centerline of said alley and its northwestward prolongation across Mahon Street and continuing along the centerline of a 16 feet wide public alley in City Block 3/950 and continuing along the northwestward prolongation of the centerline of said alley, a distance of approximately 705 feet to a point for corner on the centerline of Howell Street;~~

~~THENCE in a northeasterly direction along the centerline of Howell Street, a distance of approximately 400.4 feet to a point for corner on the southeastward prolongation of the centerline of a 20 feet wide public alley in City Blocks 952 and 953;~~

~~THENCE in a northwesterly direction along said line and continuing along the centerline of said alley in City Blocks 952 and 953, a distance of approximately 403 feet to a point for corner on a line, said line being 30 feet northwest of and parallel to the southeast line of Lot 10 in City Block 952;~~

~~THENCE in a northeasterly direction along said line and its northeastward prolongation across Routh Street and continuing along the centerline of Laclede Street, a distance of approximately 1,060 feet to a point for corner on the centerline of Vine Street;~~

~~THENCE in a northwesterly direction along the centerline of Vine Street, a distance of approximately 245 feet to a point for corner on the centerline of Cole Avenue;~~

~~THENCE in a northeasterly direction along the centerline of Cole Avenue, a distance of approximately 793 feet to a point for corner on a line, said line being 118.0 feet northeast of and parallel to the northeast line of Sneed Street;~~

~~THENCE in a southeasterly direction along said line, continuing along the northeast boundary of Lot 1-A in City Block 17/965, a distance of approximately 156.40 feet to a point for corner on the centerline of a 15 feet wide public alley in City Block 17/965;~~

~~THENCE in a northeasterly direction along the centerline of said alley, a distance of approximately 315 feet to a point on the southwest line of Bowen Street;~~

~~THENCE in a northeasterly direction, continuing along the northeastward prolongation of the centerline of the 15 feet wide public alley in City Block 17/965, crossing Bowen Street and continuing along the centerline of a 15 feet wide alley in City Block 12/970 and its northeastward prolongation, crossing Hall Street, and continuing along the centerline of a 15 feet wide public alley in City Block 9/972, a total distance of approximately 940 feet to a point for corner on a line, said line being the southeasterly prolongation of the common line between Lots 3 and 4 in City Block 9/972;~~

~~THENCE in a northwesterly direction along said line and continuing along said common line between Lots 3 and 4 and continuing along the northwestward prolongation of said common lot line, a distance of approximately 202.5 feet to a point for corner on the centerline of Cole Avenue;~~

~~THENCE in a northeasterly direction along the centerline of Cole Avenue, a distance of approximately 338 feet to a point for corner on the centerline of Lemmon Avenue;~~

~~THENCE in a northeasterly direction along a line, said line being 224.7 feet southeast of and parallel to the southeast line of Cole Avenue, a distance of approximately 130 feet to a point for corner on a line, said line being the northwestward prolongation of the common line between Lots 2 and 3 in City Block 978;~~

~~THENCE in a southeasterly direction along said line, and continuing along said common line in City Block 978, and continuing along the southeastward prolongation of said line, crossing McKinney Avenue a total distance of approximately 360 feet to a point for corner on the centerline of McKinney Avenue;~~

~~THENCE in a southwesterly direction along said centerline of McKinney Avenue, a distance of approximately 131 feet to a point at the intersection of said centerline of McKinney Avenue and the centerline of Lemmon Avenue;~~

~~THENCE in a southeasterly direction along said centerline of Lemmon Avenue, a distance of approximately 198 feet to a point for corner on a line, said line being approximately 198 feet southeast of and parallel to said centerline of McKinney Avenue;~~

~~THENCE in a southwesterly direction along said line, crossing Lemmon Avenue, and continuing into City Block 11/971, a distance of approximately 474.51 feet to a point for corner on a line, said line being approximately 146 feet northeast of and parallel to the northeast line of Hall Street;~~

~~THENCE in a southeasterly direction along said line, a distance of approximately 295 feet to a point for corner on the centerline of Oak Grove Avenue;~~

~~THENCE in a southwesterly direction along the centerline of Oak Grove Avenue, a distance of approximately 1,356 feet to a point for corner on the centerline of McKinney Avenue;~~

~~THENCE in a southerly direction along the centerline of McKinney Avenue, a distance of approximately 115 feet to a point for corner on the northwestward prolongation of the centerline of Clyde Lane;~~

~~THENCE in a southeasterly direction along said line and continuing along the centerline of Clyde Lane, a distance of approximately 320 feet to a point for corner on a line, said line being the northeastward prolongation of the common line between Lots 18 and 19 in City Block B/578;~~

~~THENCE in a southwesterly direction along said line and continuing along said common line between Lots 18 and 19, a distance of approximately 90 feet to a point for corner on the southwest line of Lot 18 in City Block B/578;~~

~~THENCE in a southeasterly direction along said lot line, a distance of approximately 40 feet to a point for corner on the common line between Lots 1 and 2 in City Block A/578;~~

~~THENCE in a southwesterly direction along said common lot line and its southwestward prolongation, a distance of approximately 155 feet to a point for corner on the centerline of Allen Street;~~

~~THENCE in a southeasterly direction along the centerline of Allen Street, a distance of approximately 100 feet to a point for corner on a line, said line being perpendicular to the southwest line of Allen Street;~~

~~THENCE in a southwesterly direction along said line, a distance of approximately 22.5 feet to a point for corner on the southwest line of Allen Street, said point also being the northernmost corner of Lot 5 in City Block 577;~~

~~THENCE in a southerly direction along the western boundary of said Lot 5 and continuing in a southeasterly direction along the southwestern boundary of Lots 6 and 7, and continuing along the southeastward prolongation of the southwestern boundary of said Lot 7, a distance of approximately 277.5 feet to a point for corner on the centerline of a 15 feet wide public alley adjacent to City Block A/577;~~

~~THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 190 feet to a point for corner on the centerline of Worthington Street;~~

~~THENCE in a southeasterly direction along the centerline of Worthington Street, a distance of approximately 50 feet to a point for corner on a line, said line being perpendicular to the southwest line of Worthington Street;~~

~~THENCE in a southwesterly direction along said line, a distance of approximately 24 feet to a point for corner on the southwest line of Worthington Street, said point also being the most northerly corner of Lot 5-A in City Block A/561;~~

~~THENCE in a southwesterly direction along the northwest line of said Lot 5-A, a distance of 158.69 feet to a point for corner;~~

~~THENCE in a southeasterly direction along the southwest line of Lot 5-A in City Block A/561, a distance of 48.3 feet to a point for corner;~~

~~THENCE South 39°38'00" West along a common property line, a distance of approximately 172 feet to a point for corner on the centerline of Boll Street;~~

~~THENCE in a southeasterly direction along the centerline of Boll Street, a distance of approximately 80 feet to a point for corner on a line, said line being perpendicular to the southwest line of Boll Street;~~

~~THENCE in a southwesterly direction along said line, a distance of approximately 25 feet to a point for corner on the southwest line of Boll Street, said point also~~

~~being the most easterly corner of Lot 4 in City Block A/554;~~

~~THENCE in a southerly and southwesterly direction along the southeasterly boundary of Lots 1, 2, 3 and 4 in City Block A/554, and continuing along the southwestward prolongation of the southeast boundary of Lot 1 in City Block A/554, a distance of approximately 355 feet to a point for corner on the centerline of Routh Street;~~

~~THENCE in a southeasterly direction along the centerline of Routh Street, a distance of approximately 120 feet to a point for corner on a line, said line being perpendicular to the southwest line of Routh Street;~~

~~THENCE in a southwesterly direction along said line, a distance of approximately 25 feet to a point for corner on the southwest line of Routh Street, said point also being the centerline of a 15 feet wide public alley in City Block C/549;~~

~~THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 375 feet to a point for corner on the centerline of Fairmount Street;~~

~~THENCE in a southeasterly direction along the centerline of Fairmount Street, a distance of approximately 30 feet to a point for corner on a line, said line being the northeastward prolongation of the centerline of a 20 feet wide public alley in City Block B/548;~~

~~THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 210 feet to a point for corner on the centerline of Leonard Street;~~

~~THENCE in a northwesterly direction along the centerline of Leonard Street, a distance of approximately 120 feet to a point for corner on the centerline of McKinney Avenue;~~

~~THENCE in a southwesterly direction along the centerline of McKinney Avenue, a distance of~~

~~approximately 40 feet to a point for corner on a line, said line being approximately 142 feet southwest of and parallel to the southwest line of Fairmount Street;~~

~~THENCE in a northwesterly direction along said line, a distance of approximately 35 feet to a point on the northwest line of McKinney Avenue, the PLACE OF BEGINNING.~~

BEGINNING at a point for corner at the intersection of the centerline of McKinney Avenue (a called 60-foot-wide right-of-way) with the centerline of Leonard Street (a called 50-foot wide right-of-way); said point being 144.00 feet southwest of and 34.57 feet southeast of, the intersection of the northwest right-of-way line of McKinney Avenue with the southwest right-of-way line of Fairmount Street (a called 50-foot wide right-of-way);

THENCE in a southwesterly direction departing the said centerline of Leonard Street and along the said centerline of McKinney Avenue, a distance of 21.49 feet to a point for corner at an angle point in the said McKinney Avenue centerline;

THENCE continuing in a southwesterly direction along the said McKinney Avenue centerline, a distance of 245.47 feet to a point for corner at the intersection of said McKinney Avenue centerline with the centerline of Maple Avenue (a called 70-foot wide right-of-way);

THENCE in a northwesterly direction, departing the said McKinney Avenue centerline and along the said Maple Avenue centerline, a distance of 388.84 feet to a point for corner;

THENCE in a northeasterly direction, departing the said Maple Avenue centerline and into, over and through said Maple Avenue right-of-way, at a distance of 35.00 feet passing the northeast right-of-way line of said Maple Avenue at the westernmost corner of Lot 1A, Block 1/949, The James P. Leake Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 94089, Page 4668 in the Deed Records of Dallas County, Texas (DRDCT) and the southernmost corner of Lot 7, Block 1/949, North Dallas Improvement Co., an addition to the City of Dallas, Texas according to the plat recorded in Volume 106, Page 258, DRDCT, continuing along the northwest line of said Lot 1/A, Block 1/949 and the southeast line of said Lot 7, Block 1/949, at a distance of 131.52 feet passing the easternmost corner of said Lot 7, Block

1/949, then continuing along said northwest line of Lot 1/A, Block 1/949, in all a total distance of 214.86 feet to a point for corner; said point being approximately 144 feet southwest of and parallel to the southwest line of said Fairmount Street;

THENCE in a northwesterly direction along a line, said line being approximately 144 feet southwest of and parallel to the southwest line of Fairmount Street, a distance of approximately 249.60 feet to a point for corner on the common line between City Blocks 949 and 1/949;

THENCE in a southwesterly direction along said common Block line, a distance of approximately 16.11 feet to a point for corner on the centerline of a 16 feet wide public alley adjacent to Lots 13 and 15 in City Block 1/949;

THENCE in a northwesterly direction along the centerline of said alley and its northwestward prolongation across Mahon Street and continuing along the centerline of a 16 feet wide public alley in City Block 3/950 and continuing along the northwestward prolongation of the centerline of said alley, a distance of approximately 705 feet to a point for corner on the centerline of Howell Street;

THENCE in a northeasterly direction along the centerline of Howell Street, a distance of approximately 400.4 feet to a point for corner on the southeastward prolongation of the centerline of a 20 feet wide abandoned public alley in City Blocks 952 and 953;

THENCE in a northwesterly direction along said line and continuing along the centerline of said alley in City Blocks 952 and 953, a distance of approximately 403 feet to a point for corner on a line, said line being 30 feet northwest of and parallel to the southeast line of Lot 10 in City Block 952;

THENCE in a northeasterly direction along said line and its northeastward prolongation a distance of approximately 213 feet to the point of intersection with the centerline of Routh Street;

THENCE in a southeasterly direction along the centerline of Routh Street a distance of approximately 24 feet to the point of intersection with the centerline of

Laclede Street

THENCE in a northeasterly direction along the centerline of Laclede Street, a distance of approximately 850 feet to a point for corner on the centerline of Vine Street;

THENCE in a northwesterly direction along the centerline of Vine Street, a distance of approximately 240 feet to a point for corner on the centerline of Cole Avenue;

THENCE in a northeasterly direction along the centerline of Cole Avenue, a distance of approximately 773.63 feet to a point for corner on a line, said line being 118.0 feet northeast of and parallel to the northeast line of Sneed Street;

THENCE in a southeasterly direction along said line, continuing along the northeast boundary of Lot 1-A in City Block 17/965, a distance of approximately 165.24 feet to a point for corner on the centerline of a 15 feet wide public alley in City Block 17/965;

THENCE in a northeasterly direction along the centerline of said alley, a distance of approximately 315 feet to a point on the southwest line of Bowen Street;

THENCE in a northeasterly direction, continuing along the northeastward prolongation of the centerline of the 15 feet wide public alley in City Block 17/965, crossing Bowen Street and continuing along the centerline of a 15 feet wide alley in City Block 12/970 and its northeastward prolongation, crossing Hall Street, and continuing along the centerline of a 15 feet wide public alley in City Block 9/972, a total distance of approximately 1257.83 feet to a point for corner on a line, said line being the southeasterly prolongation of the common line between (originally platted) Lots 3 and 4 in City Block 9/972, originally platted Lots have been replatted to Lot 1A and said divides Lot 1A in half.;

THENCE in a northwesterly direction along said line and continuing along said common line continuing along the northwestward prolongation of said common Lot line, a distance of approximately 209.01 feet to a point for corner on the centerline of Cole Avenue;

THENCE in a northeasterly direction along the centerline of Cole Avenue, a distance of approximately 328.8 feet to a point for corner on the centerline of Lemmon Avenue;

THENCE in a northeasterly direction along a line, said line being 224.7 feet southeast of and parallel to the southeast line of Cole Avenue, a distance of approximately 137.20 feet to a point for corner on a line, said line being the northwestward prolongation of the common line between (originally platted) Lots 2 and 3 in City Block 978, said line is now dividing replatted Lot 1A in Block 978 in half;

THENCE in a southeasterly direction along said line, and continuing along said common line in City Block 978, and continuing along the southeastward prolongation of said line, a total distance of approximately 351.80 feet to a point for corner on the centerline of McKinney Avenue;

THENCE in a southwesterly direction along said centerline of McKinney Avenue, a distance of approximately 139.92 feet to a point at the intersection of said centerline of McKinney Avenue and the centerline of Lemmon Avenue;

THENCE in a southeasterly direction along said centerline of Lemmon Avenue, a distance of approximately 201.45 feet to a point for corner on a line, said line being approximately 198 feet southeast of and parallel to said centerline of McKinney Avenue;

THENCE in a southwesterly direction along said line, crossing Lemmon Avenue, and continuing into City Block 11/971, following the originally platted Lot and alley lines in this City Block a distance of approximately 495.74 feet to a point for corner on a line, said line being approximately 146 feet northeast of and parallel to the northeast line of Hall Street;

THENCE in a southeasterly direction along said line, a distance of approximately 288.81 feet to a point for corner on the centerline of Oak Grove Avenue;

THENCE in a southwesterly direction along the centerline of Oak Grove Avenue, a distance of approximately 1,356 feet to a point for corner on the centerline of McKinney Avenue;

THENCE in a southerly direction along the centerline of McKinney Avenue, a distance of approximately 115 feet to a point for corner on the northwestward prolongation of the centerline of Clyde Lane;

THENCE in a southeasterly direction along said line and continuing along the centerline of Clyde Lane, a distance of approximately 314.82 feet to a point for

corner on a line, said line being the northeastward prolongation of the common line between Lots 18 and 19 in City Block B/578;

THENCE in a southwesterly direction along said line and continuing along said common line between Lots 18 and 19, a distance of approximately 89.63 feet to a point for corner on the southwest line of Lot 18 in City Block B/578;

THENCE in a southeasterly direction along said Lot line, a distance of approximately 47.25 feet to a point for corner on the common line between Lots 1 and 2 in City Block A/578;

THENCE in a southwesterly direction along said common Lot line and its southwestward prolongation, a distance of approximately 150.78 feet to a point for corner on the centerline of Allen Street;

THENCE in a southeasterly direction along the centerline of Allen Street, a distance of approximately 133.80 feet to a point for corner on a line, said line being perpendicular to the southwest line of Allen Street;

THENCE in a southwesterly direction along said line, a distance of approximately 20.74 feet to a point for corner on the southwest line of Allen Street, said point also being the northernmost corner of (the originally Platted) Lot 5 in City Block 577;

THENCE in a southerly direction along the western boundary of said (the originally platted Lots 5, 6, 7) Lot 5 and continuing in a southeasterly direction along the southwestern boundary of Lots 6 and 7, and continuing along the southeastward prolongation of the southwestern boundary of said Lot 7, a distance of approximately 338.06 feet to a point for corner on the centerline of a 15 feet wide public alley adjacent to City Block A/577;

THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 172.16 feet to a point for corner on the centerline of Worthington Street;

THENCE in a southeasterly direction along the centerline of Worthington Street, a distance of approximately 34.54 feet to a point for corner on a line, said line being perpendicular to the southwest line of Worthington Street;

THENCE in a southwesterly direction along said line, a distance of approximately 30.06 feet to a point for corner on the southwest line of Worthington Street, said point also being the most northerly corner of Lot 5-A in City Block A/561;

THENCE in a southwesterly direction along the northwest line of said Lot 5-A, a distance of 154.52 feet to a point for corner;

THENCE in a southeasterly direction along the southwest line of Lot 5-A in City Block A/561, a distance of 45.64 feet to a point for corner;

THENCE South 39°38'00" West along a common property line, a distance of approximately 160.56 feet to a point for corner on the centerline of Boll Street;

THENCE in a southeasterly direction along the centerline of Boll Street, a distance of approximately 68.51 feet to a point for corner on a line, said line being perpendicular to the southwest line of Boll Street;

THENCE in a southwesterly direction along said line, a distance of approximately 22.19 feet to a point for corner on the southwest line of Boll Street, said point also being the most easterly corner of Lot 4 in City Block A/554;

THENCE in a southerly and southwesterly direction along the southeasterly boundary of Lots 1, 2, 3 and 4 in City Block A/554, and continuing along the southwestward prolongation of the southeast boundary of Lot 1 in City Block A/554, a distance of approximately 351.07 feet to a point for corner on the centerline of Routh Street;

THENCE in a southeasterly direction along the centerline of Routh Street, a distance of approximately 117.25 feet to a point for corner on a line, said line being perpendicular to the southwest line of Routh Street;

THENCE in a southwesterly direction along said line, a distance of approximately 23.31 feet to a point for corner on the southwest line of Routh Street, said point also being the centerline of a 15 feet wide public alley in City Block C/549;

THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 373.43 feet to a point for corner on the centerline of Fairmount

Street;

THENCE in a southeasterly direction along the centerline of Fairmount Street, a distance of approximately 51.05 feet to a point for corner on a line, said line being the northeastward prolongation of the centerline of a 20 feet wide public alley in City Block B/548;

THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 209.58 feet to a point for corner on the centerline of Leonard Street;

THENCE in a northwesterly direction along the centerline of Leonard Street, a distance of approximately 120 feet to a point for corner on the centerline of McKinney Avenue, the POINT OF BEGINNING; and containing a calculated approximate area of 3,539,275.582 square feet or 81.25 acres. (Ord. Nos. 21145; 31265; 32497)

SEC. 51A-7.1502. DESIGNATION OF SUBDISTRICTS.

~~—(a) This district is hereby divided into three subdistricts, which shall be known as the Spine, Quadrangle, and Peripheral Subdistricts.~~

(a) This district is hereby divided into five subdistricts, which shall be known as the Spine, Quadrangle, Peripheral, Maple, and Quad Subdistricts.

(b) The Spine Subdistrict is that area of the city within the following described boundaries:

BEGINNING at a point on the northwest line of McKinney Avenue, said point being 166.84 feet southwest of the southwest line of Fairmount Street;

THENCE in a northwesterly direction along a line, said line being approximately 142 feet southwest of and parallel to the southwest line of Fairmount Street, a distance of approximately 317.05 feet to a point for corner on a line, said line being approximately 165 feet southeast of and parallel to the common line between City Blocks 949 and 1/949;

THENCE in a northeasterly direction along said line, a distance of approximately 167 feet to a point for corner on the centerline of Fairmount Street;

THENCE in a northeasterly direction along a line, said

line being the southwestward prolongation of the centerline of Howland Street and continuing along the centerline of Howland Street and its northeastward prolongation, a distance of approximately 458 feet to a point for corner on the centerline of Routh Street;

THENCE in a northwesterly direction along the centerline of Routh Street, a distance of 90 feet to a point for corner on a line, said line being the southwestward prolongation of the centerline of Howland Street in City Block 3/955;

THENCE in a northeasterly direction along said line and continuing along the centerline of Howland Street to a point for corner on the centerline of Boll Street;

THENCE in a northwesterly direction along the centerline of Boll Street to a point for corner on a line, said line being 105 feet northwest of and parallel to the northwest line of Howland Street;

THENCE in a northeasterly direction along said line to a point for corner on the common line between Lots 6 and 6A in City Block 2/955;

THENCE in a northwesterly direction along said common lot line to a point for corner on the north/south common line between Lots 6 and 6A in City Block 2/955;

THENCE in a southwesterly direction along said common lot line and its southwestward prolongation to a point for corner on the centerline of Boll Street;

THENCE in a northwesterly direction along the centerline of Boll Street to a point for corner on the centerline of Howell Street;

THENCE in a northeasterly direction along the centerline of Howell Street to a point for corner on the centerline of Worthington Street;

THENCE in a southeasterly direction along the centerline of Worthington Street to a point for corner on a line, said line being the southwestward prolongation of the common line between Lots 1 and 10 in City Block 1/955;

THENCE in a northeasterly direction along said line, and continuing along said common lot line, a distance of approximately 195.86 feet to a point for corner on the south line of Lot 1 in City Block 955;

~~Being all of City Block 956 bounded by Laclede Street on the northwest, Vine Street on the northeast, Howell Street on the southeast, and Routh Street on the southwest.~~

BEING a tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being a part of Lot 1A, Block 956 of Quadrangle, an addition to the City of Dallas recorded Volume 86024, Page 4941, Deed Records of Dallas County, Texas and being all of a tract of land described in Special Warranty Deed to PPF AMLI DEVCO, LLC, recorded in Instrument No. 200600350615, Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a PK nail found for the south corner of said PPF AMLI DEVCO, LLC tract and being the most westerly west corner of a tract of land described in Special Warranty Deed to SRPF B/Quadrangle Property, L.L.C., recorded in Instrument Number 201900023836 of said Official Public Records, in the northwest right-of-way line of Howell Street (a 50' right-of-way);

THENCE with the southwest lines of said PPF AMLI DEVCO, LLC tract and the northeast lines of said SRPF B/Quadrangle Property, L.L.C. tract, the following courses and distances:

North 45°32'26" West, a distance of 178.64 feet to a point for corner;

North 44°27'34" East, a distance of 16.76 feet to a point for corner;

North 45°32'26" West, a distance of 166.45 feet to a point for the most easterly east corner of said PPF AMLI DEVCO, LLC tract and the north corner of said SRPF B/Quadrangle Property, L.L.C. tract, in the southeast right-of-way line of Laclede Street (a 50' right-of-way);

THENCE with said southeast right-of-way line of Laclede Street, North 44°09'34" East, a distance of 306.98 feet to a point for the north corner of said PPF AMLI DEVCO, LLC tract, at the intersection of said southeast right-of-way line of Laclede Street and the southwest right-of-way line of Vine Street (a 52' right-of-way);

THENCE with said southwest right-of-way line of Vine

Street, South 45°32'26" East, a distance of 345.00 feet to a point for the most easterly east corner of said PPF AMLI DEVCO, LLC tract, at the intersection of said southwest right-of-way line of Vine Street and said northwest right-of-way line of Howell Street;

THENCE with said northwest right-of-way line of Howell Street, South 44°09'34" West, a distance of 323.74 feet to the POINT OF BEGINNING and containing 108,901 square feet or 2.5000 acres of land.

~~—(d) The Peripheral Subdistrict is that area within the McKinney Avenue Sign District that is not in either the Spine Subdistrict or the Quadrangle Subdistrict.~~

(d) The Peripheral Subdistrict is that area within the McKinney Avenue Sign District that is not in the Spine Subdistrict, the Quadrangle Subdistrict, or the Maple Subdistrict; and containing a calculated area of 953,544.485 square feet or approximately 21.89 acres.

(e) The Maple Subdistrict is that area of the city within the following described boundaries:

BEING a 2.795 acre tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas; said tract being part of Fairmount Street right-of-way (a 50-foot wide right-of-way), part of McKinney Avenue right-of-way (a 60-foot wide right-of-way), part of Maple Avenue right-of-way (a 70-foot wide right-of-way), part of Block 949, Official Block Number of the City of Dallas and all of Lot 1A, Block 1/949, The James P. Leake Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 94089, Page 4668 in the Deed Records of Dallas County, Texas; said 2.795 acre tract being more particularly described as follows:

BEGINNING, at a point for corner at the intersection of the centerline of said Fairmount Street with the centerline of said McKinney Avenue; said point being North 83 degrees, 18 minutes, 43 seconds East, a distance of 32.24 feet from the intersection of the southwest right-of-way line of said Fairmount Street with the northwest right-of-way line of said McKinney Avenue at the easternmost corner of said Block 949; said POINT OF BEGINNING having State Plane Coordinates (Grid) of: North: 6,976,403.44, East: 2,490,190.20;

THENCE, departing the said centerline of Fairmount Street and along the said centerline of McKinney Avenue, the following two calls:

South 14 degrees, 48 minutes, 49 seconds West, a distance of 177.58 feet to a point for corner;

South 14 degrees, 36 minutes, 22 seconds West, a distance of 262.42 feet to a point for corner at the intersection of said centerline of McKinney Avenue with the centerline of said Maple Avenue; said point being South 23 degrees, 12 minutes, 10 seconds East, a distance of 90.17 feet from the southernmost south corner of said Lot 1A, Block 1/949, The James P. Leake Addition and the southwest end of a right-of-way corner clip at the intersection of said northwest right-of-way line of McKinney Avenue with the northeast right-of-way line of said Maple Avenue; said point for corner having State Plane Coordinates (Grid) of: North: 6,975,977.74, East: 2,490,078.80;

THENCE, North 46 degrees, 02 minutes, 38 seconds West, departing the said centerline of McKinney Avenue and along the said centerline of Maple Avenue, a distance of 388.94 feet to a point for corner;

THENCE, North 44 degrees, 30 minutes, 52 seconds East, departing the said centerline of Maple Avenue and into, over and across said right-of-way of Maple Avenue, at a distance of 35.00 feet passing the said northeast line of Maple Avenue, the southernmost corner of Lot 7, Block 1/949, North Dallas Improvement Co., an addition to the City of Dallas, Texas according to the plat recorded in Volume 106, Page 258, in said Deed Records, and the westernmost corner of said Lot 1A, Block 1/949, The James P. Leake Addition, continuing along the southeast line of said Lot 7, Block 1/949 and the northwest line of said Lot 1A, Block 1/949, The James P. Leake Addition, at a distance of 96.36 feet passing the easternmost corner of said Lot 7, Block 1/949, then continuing along a southeast line of said City Block 949, in all a total distance of 214.86 feet to a point for corner; said point being the northernmost corner of said Lot 1A, Block 1/949, The James P. Leake Addition and a reentrant corner of said City Block 949;

THENCE, into, over and across said City Block 949, the following two calls:

North 45 degrees, 51 minutes, 08 seconds West, a distance of 85.00 feet to a point for corner;

North 44 degrees, 08 minutes, 52 seconds East, at a distance of 144.55 feet passing the said southwest line of Fairmount Street, then continuing into, over and through said Fairmount Street right-of-way, in all a total distance of 169.55 feet to a point for corner in the said centerline of Fairmount Street;

THENCE, South 45 degrees, 51 minutes, 08 seconds East, along the said centerline of Fairmount Street, a distance of 256.18 feet to the POINT OF BEGINNING; and CONTAINING, approximately 121,756 square feet or 2.795 acres.

(f) The Quad Subdistrict is that area of the city within the following described boundaries:

BEING a tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being a part of Lot 1A, Block 956 of Quadrangle, an addition to the City of Dallas recorded Volume 86024, Page 4941, Deed Records of Dallas County, Texas and being all of the tract of land described in Special Warranty Deed to SRPF B/Quadrangle Property, L.L.C., recorded in Instrument Number 201900023836, Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an "X" cut in concrete found for the south corner of said Lot 1A, Block 956, at the intersection of the northwest right-of-way line of Howell Street (a 50-foot right-of-way) and the northeast right-of-way line of Routh Street (a variable width right-of-way);

THENCE with said northeast right-of-way line of Routh Street, North 45°32'26" West, a distance of 345.00 feet to a point at the intersection of said northeast right-of-way line of Routh Street and the southeast right-of-way line of Laclede Street (a 50-foot right-of-way);

THENCE with said southeast right-of-way line of Laclede Street, North 44°09'34" East, a distance of 493.02 feet to a point at the north corner of said SRPF B/Quadrangle Property, L.L.C. tract;

THENCE departing said southeast right-of-way line of Laclede Street, over and across said Lot 1A, Block 956 and with the northeast line of said SRPF B/Quadrangle Property, L.L.C. tract, the following courses and distances:

South 45°32'26" East, a distance of 166.45 feet to a point for corner;

South 44°27'34" West, a distance of 16.76 feet to a point for corner;

South 45°32'26" East, a distance of 178.64 feet to a pk nail found for the east corner of said SRPF B/Quadrangle Property, L.L.C. tract and in the said northwest right-of-way line of Howell Street;

THENCE with said northwest right-of-way line of Howell Street, South 44°09'34" West, a distance of 476.26 feet to the POINT OF BEGINNING and containing 3.8360 acres or 167,097 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (Ord. Nos. 21145; 24132; 31265; 32497; 32642)

SEC. 51A-7.1503. 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 this district. These sign regulations have been developed with the following objectives in mind:

(a) To protect the historical and architectural character of this district from inappropriate signs in terms of number (clutter), style, color, and materials.

(b) To ensure that significant architectural features in this district are not obscured.

(c) To encourage signs that are complimentary to the architectural styles and historical nature of the buildings and trolley in this district.

(d) To ensure that the size and orientation of signs are geared toward the high number of pedestrians in this district.

(e) To attract the public to the goods and services available in the district by enhancing the aesthetic quality of signs in this district.

(f) To encourage artistic, creative, and innovative signs that reflect the themes of the area.

(g) To promote safety, communications efficiency, and landscape quality and preservation as described in Section 51A-7.101. (Ord. 21145)

SEC. 51A-7.1504. DEFINITIONS.

(a) Unless the context clearly indicates otherwise, in this division:

(1) ARCADE means any structure that is attached to a building and neither fully enclosed on all sides nor structural to the building itself, which is covered by a roof having the primary function of weather protection for a walkway.

~~———— (2) FLAT ATTACHED SIGN means an attached sign projecting from a building and parallel to the building facade.~~

~~———— (3) HIGHRISE BUILDING means a building that has a height of more than 36 feet.~~

~~———— (4) LOWER FACADE means the area of a highrise building facade that is 36 feet or less above grade when measured vertically.~~

~~———— (5) LOWRISE BUILDING means a building that has a height of 36 feet or less.~~

~~———— (6) 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.~~

~~———— (7) PAINTED APPLIED SIGN means a sign painted directly onto the exterior facade of a building, not including doors and windows.~~

~~———— (8) PROJECTING ATTACHED SIGN means an attached sign projecting 18 or more inches from a building.~~

~~———— (9) SMALL WORD means a word with no character that exceeds four inches in height.~~

~~———— (10) THIS DISTRICT means the McKinney Avenue Sign District.~~

———— (11) ~~UPPER FACADE means the area of a highrise building facade that is more than 36 feet above grade when measured vertically.~~

———— (12) ~~WINDOW SIGN means a sign painted or affixed to a window.~~

(2) **BLADE SIGN** means a multi-face attached sign containing messages that are perpendicular to the building facade.

(3) **FLAT ATTACHED SIGN** means an attached sign projecting from a building and parallel to the building facade.

(4) **HIGHRISE BUILDING** means a building that has a height of more than 36 feet.

(5) **LOWER FACADE** means the area of a highrise building facade that is 36 feet or less above grade when measured vertically.

(6) **LOWRISE BUILDING** means a building that has a height of 36 feet or less.

(7) **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.

(8) **PAINTED APPLIED SIGN** means a sign painted directly onto the exterior facade of a building, not including doors and windows.

(9) **PROJECTING ATTACHED SIGN** means an attached sign projecting 18 or more inches from a building.

(10) **SMALL WORD** means a word with no character that exceeds four inches in height.

(11) **THIS DISTRICT** means the McKinney Avenue Sign District.

(12) **UPPER FACADE** means the area of a highrise building facade that is more than 36 feet above grade when measured vertically.

(13) **WINDOW ART DISPLAY** means an exhibit or arrangement placed within a street level

storefront window.

(14) **WINDOW SIGN** means a sign painted or affixed to 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. 21145; 32497)

SEC. 51A-7.1505. SIGN PERMIT REQUIREMENTS.

The regulations relating to the erection of all signs in this district are expressly modified as follows:

(a) No person may alter, erect, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city. This section does not apply to government signs described in Section 51A-7.207.

(b) The procedure for obtaining a sign permit is outlined in Section 51A-7.505. Section 51A-7.602 does not apply to signs in this district. (Ord. 21145)

SEC. 51A-7.1506. SPECIAL PROVISIONS FOR ALL SIGNS.

The regulations relating to the erection of all signs in this district are expressly modified as follows:

(a) Signs in right-of-way. Signs in this district are permitted to overhang the public right-of-way subject to city franchising requirements.

(b) Materials.

(1) The use of plastic is prohibited, except when it is:

(A) used as a decoration (as opposed to a character) on the exterior face of a sign, in which case no more than five percent of the effective area of the sign may consist of plastic;

———— (B) ~~placed behind the exterior face of a sign in places where that face has been cut in the shape~~

of a character; or

~~(C) used in or on a marquee sign.~~

(B) placed behind the exterior face of a sign in places where that face has been cut in the shape of a character;

(C) used in or on a marquee sign; or

(D) used as the exterior face of individual channel letters in the Maple or Quad Subdistricts where channel letters are either trim-capless or use metal fabricated retainers.

(2) Although not required, painted applied signs and enameled metal sheet signs are encouraged.

(c) Lighting.

~~(1) The only light sources that may be used to illuminate a sign are cold cathode, neon, and incandescent lamps.~~

(1) Except in the Maple and Quad Subdistricts, the only light sources that may be used to illuminate a sign are cold cathode, neon, and incandescent lamps.

(2) A light source external to a sign may illuminate a sign if the light does not cross into either a public right-of-way or a residential zoning district.

(3) Illuminated signs on translucent fabric are encouraged.

(4) No light used to illuminate a sign may turn on or off, or change its brightness more than twice a day.

(d) Colors. Fluorescent and neon colors on signs are prohibited. (Ord. Nos. 21145; 32497; 32642)

SEC. 51A-7.1507.

SPECIAL PROVISIONS FOR ATTACHED SIGNS.

The regulations relating to the erection of attached signs in this district are expressly modified as follows:

~~(a) Location restrictions.~~

~~(1) No attached sign may be erected on a facade unless it faces a public right-of-way that is adjacent to the lot where the sign is proposed to be located.~~

~~————— (2) No small words may be on an attached sign erected partially or totally within an upper facade in either the Spine or Quadrangle Subdistricts.~~

~~————— (3) In the Peripheral Subdistrict, no attached sign may be erected on:~~

~~————— (A) an upper facade; or~~

~~————— (B) a lot where a detached sign is erected.~~

~~————— (b) Effective area.~~

~~————— (1) Spine and Quadrangle Subdistricts. In the Spine and Quadrangle Subdistricts, the combined effective area of all attached signs:~~

~~————— (A) on a lowrise building or a lower facade may not exceed ten percent of the total area of the building facade or the lower facade, as the case may be; and~~

~~————— (B) on an upper facade may not exceed five percent of the total area of the lower facade.~~

~~————— (2) Peripheral Subdistrict. In the Peripheral Subdistrict, the combined effective area of all attached signs on a lowrise building or a lower facade may not exceed eight percent of the total area of the building facade or the lower facade, as the case may be.~~

~~————— (c) Flat attached signs.~~

~~————— (1) No flat attached sign may project more than eight inches from a building.~~

~~————— (2) A flat attached sign may be erected on an arcade, but it may not project above the roof of the attached building.~~

~~————— (d) Projecting attached signs.~~

~~————— (1) A projecting attached sign may be erected on an arcade, but it may not project above the roof of the attached building.~~

~~————— (2) No projecting attached sign may be erected partially or totally within an upper facade.~~

~~————— (3) No face of a projecting attached sign erected below the bottom of a second story window may exceed eight square feet.~~

~~————— (4) No face of a projecting attached sign erected above the bottom of a second story window may exceed 15 square feet.~~

~~————— (e) Marquee signs.~~

~~————— (1) No marquee sign may:~~

~~————— (A) exceed 100 square feet in effective area;~~

~~————— (B) be longer than one-half of the length of the frontage of the building to which the marquee is attached; and~~

~~————— (C) be located above the bottom of a second story window.~~

~~————— (2) A marquee sign must:~~

~~————— (A) be parallel to the surface to which it is attached; and~~

~~————— (B) have a height dimension between two and six feet.~~

~~————— (3) No premise may have more than one marquee sign.~~

~~————— (4) A marquee sign may be erected only on a building that contains a theater use.~~

~~————— (5) A marquee sign may consist of up to 100 percent plastic.~~

~~————— (f) Window signs.~~

~~————— (1) Except as modified by Paragraph (2), the effective area of a window sign may not exceed more~~

than 25 percent of the area of a window or 10 percent of the facade area, whichever is less.

~~———— (2) If a window sign uses neon bulbs, the effective area of that sign may not exceed more than 15 percent of the area of a window.~~

~~———— (3) No window sign may be erected on an upper facade.~~

(a) Location restrictions.

(1) Except as provided in Paragraph (2), no attached sign may be erected on a facade unless it faces a public right-of-way that is adjacent to the lot where the sign is proposed to be located, except that flat attached signs may be located on any upper facade within the Maple Subdistrict and any facade within the Quad Subdistrict.

(2) In the Maple Subdistrict, flat attached signs may be located on any upper facade. A maximum of two flat attached signs may be located between the top of the lower facade and the 14th floor on each facade.

(3) No small words may be on an attached sign erected partially or totally within an upper facade in either the Spine, Maple, Quad, or Quadrangle Subdistricts.

(4) In the Peripheral Subdistrict, no attached sign may be erected on:

(A) an upper facade; or

(B) a lot where a detached sign is erected.

(b) Effective area.

(1) Spine, Maple, Quad, and Quadrangle Subdistricts. In the Spine, Maple, Quad, and Quadrangle Subdistricts, the combined effective area of all attached signs:

(A) on a lowrise building or a lower facade may not exceed 10 percent of the total area of the building facade or the lower facade, as the case may be; and

(B) on an upper facade may not exceed five percent of the total area of the lower facade, except in the Quad Subdistrict on the upper facade facing Howell Street or Routh Street may not exceed three percent of the total area of the upper facade.

(2) Peripheral Subdistrict. In the Peripheral Subdistrict, the combined effective area of all attached signs on a lowrise building or a lower facade may not exceed eight percent of the total area of the building facade or the lower facade, as the case may be.

(c) Flat attached signs.

(1) Except as provided in this paragraph, no flat attached sign may project more than eight inches from a building. In the Maple and Quad Subdistricts, no flat attached sign may project more than 18 inches from a building.

(2) A flat attached sign may be erected on an arcade, but it may not project above the roof of the attached building.

(3) In the Quad Subdistrict, a flat attached sign on one upper facade may be attached to any part of the building and project 10 feet above the roof of the attached building.

(d) Projecting attached signs.

(1) A projecting attached sign may be erected on an arcade, but it may not project above the roof of the attached building.

(2) No projecting attached sign may be erected partially or totally within an upper facade.

(3) No face of a projecting attached sign erected below the bottom of a second story window may exceed eight square feet.

(4) No face of a projecting attached sign erected above the bottom of a second story window may exceed 15 square feet.

(5) In the Maple Subdistrict, projecting attached signs are prohibited on a facade with one or more blade signs.

(e) Marquee signs.

(1) No marquee sign may:

(A) exceed 100 square feet in effective area;

(B) be longer than one-half of the length of the frontage of the building to which the marquee is attached; and

(C) be located above the bottom of a second story window.

(2) A marquee sign must:

(A) be parallel to the surface to which it is attached; and

(B) have a height dimension between two and six feet.

(3) No premise may have more than one marquee sign.

(4) A marquee sign may be erected only on a building that contains a theater use.

(5) A marquee sign may consist of up to 100 percent plastic.

(f) Window signs.

(1) Except as modified by Paragraph (2), the effective area of a window sign may not exceed more than 25 percent of the area of a window or 10 percent of the facade area, whichever is less.

(2) If a window sign uses neon bulbs, the effective area of that sign may not exceed more than 15 percent of the area of a window.

(3) No window sign may be erected on an upper facade.

(g) Blade signs. Blade signs may only be located in the Maple Subdistrict and:

(1) may only be located on a facade facing Fairmont Street;

(2) may not exceed 20 square feet in effective area;

(3) may not be located lower than 12 feet above grade or outside of the lower facade;

(4) may not be located more than four feet from the facade or above a roof of a building; and

(5) must maintain a minimum 25 foot horizontal spacing separation from all other blade signs.

(h) Window art displays. In the Maple Subdistrict, window art displays on the ground floor of a building are allowed subject to the following regulations:

(1) A window art display must be located within a window on a facade facing Fairmont Street and may contain only a promotional message, generic graphics (including three-dimensional artifacts or objects), cultural event or activity, merchandise only if sold by a tenant occupying space within the premise, a message identifying the sponsor of the display, or a message referring to the sale or lease of the premises.

(2) No sign permit or certificate of appropriateness is required to erect or remove a window art display. (Ord. Nos. 21145; 32497; 32642)

SEC. 51A-7.1508.

**SPECIAL PROVISIONS
FOR DETACHED SIGNS.**

The regulations relating to the erection of detached signs in this district are expressly modified as follows:

~~— (a) No detached sign may:~~

~~— (1) exceed 20 feet in height; or~~

~~— (2) be located within five feet of any public right-of-way.~~

~~— (b) If a detached sign has an effective area of more than 10 square feet, it must be located at least 10 feet from any public right-of-way.~~

~~— (c) No detached sign may have an effective area of more than:~~

~~— (1) 150 square feet if the sign is located in the Quadrangle Subdistrict;~~

~~———— (2) 20 square feet if the sign is located in the Spine Subdistrict; and~~

~~———— (3) 15 square feet if the sign is located in the Peripheral Subdistrict.~~

~~———— (d) In the Peripheral Subdistrict, no detached sign may be erected on a lot where an attached sign is erected.~~

~~———— (e) Detached non-premise signs are prohibited in this district.~~

(a) No detached sign may:

(1) exceed 20 feet in height; or

(2) be located within five feet of any public right-of-way.

(b) Except in the Maple and Quad Subdistricts, if a detached sign has an effective area of more than 10 square feet, it must be located at least 10 feet from any public right-of-way.

(c) No detached sign may have an effective area of more than:

(1) 150 square feet if the sign is located in the Quad or Quadrangle Subdistricts;

(2) 20 square feet if the sign is located in the Spine Subdistrict;

(3) 15 square feet if the sign is located in the Peripheral Subdistrict; and

(4) the size limitations provided in Subsection (f) of this section.

(d) In the Peripheral Subdistrict, no detached sign may be erected on a lot where an attached sign is erected.

(e) Detached non-premise signs are prohibited in this district.

(f) In the Maple Subdistrict, detached signs are limited to:

(1) one multi-tenant monument sign, not to exceed 125 square feet in effective area or six feet in height;

(2) two single-tenant monument signs, not to exceed 50 square feet in effective area or six feet in height; and

(3) movement control signs as provided for in Section 51A-7.205(e).

(g) Except as proved in Sections 51A-7.1509 and 51A-7.1510, in the Quad Subdistrict, detached signs are limited to no more than four multi-tenant monument signs, not to exceed two along any street frontage.

(h) In the Quad and Maple Subdistricts, each monument sign must maintain a minimum spacing separation of 175 feet from all other monument signs within the subdistrict. (Ord. Nos. 21145; 32497; 32642)

SEC. 51A-7.1509.

SPECIAL PROVISIONS FOR SUBDIVISION SIGNS IN THE QUAD SUBDISTRICT.

(a) Except as provided in this section, subdivision signs are permitted in accordance with Section 51A-7.303(d).

(b) The maximum effective area of each subdivision sign may not exceed 65 square feet.

(c) Subdivision signs may be internally illuminated.

(d) The highest part of a subdivision sign may not exceed 10 feet in height.

(e) For the purposes of permitting, Section 51A-7.303(d)(10) does not apply. (Ord. No. 32642)

SEC. 51A-7.1510.

SPECIAL PROVISIONS FOR MOVEMENT CONTROL SIGNS IN THE QUAD SUBDISTRICT.

(a) Except as provided in this section, movement controls signs are permitted in accordance with Section 51A-7.205(e).

(b) Movement control signs are subject to the following:

(1) Movement control signs may contain

tenant and subdivision identification messages.

(2) Detached movement control signs may not exceed six square feet in effective area.

(3) Attached movement control signs may not exceed 10 square feet in effective area.

(4) Projecting attached movement control signs:

(A) may only be erected on the lower facade but not located lower than 12 feet above grade;

(B) may not project more than three feet from the facade; and

(C) may not have letters or symbols that exceed six inches in height, except for letters or symbols indicating parking or subdivision logos.

(c) No setback is required for a detached movement control sign that does not exceed four feet in height. (Ord. No. 32642)

**Division 51A-7.1600.
Farmers Market Sign District.**

SEC. 51A-7.1601. DESIGNATION OF SIGN DISTRICT.

A special provision sign district is hereby created to be known as the Farmers Market Sign District. The boundaries of the Farmers Market Sign District are the same as those of the Farmers Market Special Purpose District (Planned Development District No. 357). (Ord. Nos. 22097; 29233)

SEC. 51A-7.1601.1. DESIGNATION OF SIGN SUBDISTRICTS.

(a) Camden Sign Subdistrict. The Camden Sign Subdistrict is that area of the Farmers Market Sign District within the following described boundaries:

TRACT 1:

BEING all of Lot 2B in City Block 40/164.

TRACT 2:

BEING all of Lot 1A in City Block 7/153.

TRACT 3:

BEING a tract of land situated in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas and being a portion of Blocks 142, 5/155/4/156, 36/168 and 37/167, a portion of a 200-foot-wide H. & T.C. Railroad right-of-way, a portion of a 150-foot-wide T. & N.O. Railroad spur right-of-way, all as dedicated on the Final Plat of Railroad Addition, an Addition to the City of Dallas according to the Map or Plat thereof recorded in Volume 4 at Page 350 of the Map Records of Dallas County, Texas, a portion of a 20-foot-wide alley situated in Block 4/156 abandoned in Ordinance No. 8234, a portion of St. Louis Street, Paris Street and a w-foot wide alley abandoned in Ordinance No. 11472, a portion of St. Louis Street and

accordance with Texas Local Government Code Section 212.016 that does not increase or decrease the number of lots.

(9) BARRIER-FREE SIDEWALK means a sidewalk designed using ramps, curb transitions, and additional sidewalk width to facilitate use by persons in wheel chairs.

(10) CERTIFICATE OF CORRECTION means an amending plat (minor) in the form of a document used to make a correction to a recorded plat in cases where a sketch is not needed for clarity, as determined by the subdivision administrator.

(11) COMMISSION means the city plan commission of the city of Dallas.

(12) CONDITIONS OF APPROVAL mean conditions imposed on a plat by the commission that must be satisfied before the subdivision administrator may submit a plat for endorsement by the commission chair.

(13) CORNER CLIP means an area consisting of the triangular extension of street right-of-way at intersections of streets. This area is used for curb returns, utilities, barrier-free ramps, and other public facilities.

(14) COVENANT means an agreement in writing that touches and concerns real property platted or developed under this chapter, executed as required by law, in which a party pledges that something shall be done or shall not be done. A covenant is binding on successors in title to the real property that is the subject of the covenant.

(15) CUL-DE-SAC means an area of circular pavement constructed at the end of a dead-end street to facilitate vehicular access and turnaround.

(16) DEAD-END STREET OR ALLEY means a street or alley having right-of-way or pavement that terminates abruptly at one end without intersecting another street.

(17) DETENTION AREA means an area which temporarily stores stormwater runoff and discharges that runoff at a reduced rate.

(18) DEVELOPER means the owner of the property or the person authorized by the owner to develop the property.

(19) DIVIDED THOROUGHFARE means a street on the thoroughfare plan with travel lanes divided by a median.

(20) DRIVEWAY means a private drive on private property used for vehicular access and maneuvering.

(21) DRIVEWAY APPROACH means a paved connection from a street to a driveway or access way.

(22) DUPLEX LOT means a lot in a duplex D(A) zoning district or a lot in an identifiable duplex component of a planned development district.

~~(23) ENGINEERING PLANS mean drawings and specifications, including paving, storm water drainage, water, wastewater, traffic signals, streetlights, pavement markings, signs, or other required plans, submitted to the department of development services or the water utilities department for review in conjunction with a plat.~~

(23) ENGINEERING PLANS mean drawings and specifications, including paving, storm water drainage, water, wastewater, traffic signals, streetlights, pavement markings, signs, or other required plans, submitted to the department of planning and development or the water utilities department for review in conjunction with a plat.

(24) ESTATE IN EXPECTANCY means an interest in property that is not yet in possession, but the enjoyment of which is to begin at a future time.

(25) FINAL PLAT means a plat that will be signed by the commission chair upon satisfaction of all conditions of approval and all other requirements of this article, and will be effective once it is filed with the county clerk.

(26) FLOODWAY means a drainage area designated on a plat to accommodate the design flood

staff and presented by staff to the city plan commission for consideration. If the commission determines that approval subject to conditions is appropriate, the subdivision administrator ensures that those conditions are met before the plat is finalized for endorsement by the commission chair.

(43) PRIVATE DEVELOPMENT CONTRACT means a contract between a developer and a contractor for the construction of infrastructure that is to be dedicated to the public.

(44) PRIVATE STREET means a privately owned street that is required by this article to meet the same standards as a street dedicated to public use.

(45) REPLAT means a plat changing a previously approved and recorded plat that is not an amending plat (minor) or an amending plat (major).

(46) RESIDENTIAL REPLAT means a replat without vacation of the preceding plat for property: (a) any part of which was limited during the preceding five years by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or (b) that contains a lot in the preceding plat that was limited by deed restrictions to residential use for not more than two residential units per lot.

(47) SIDEWALK means a paved area dedicated to the public for pedestrian use.

(48) SINGLE FAMILY LOT means a lot in a single family zoning district, or a lot in an identifiable single family component of a planned development district.

(49) STREET CENTERLINE OFFSET means the distance between the centerlines of two more or less parallel streets measured along the centerline of an intersecting street.

(50) SUBDIVISION means land included within the boundaries of an original plat, or any of the following for the purpose of creating a building site for land development or transfer of ownership:

(A) The division of property into two or more parts.

(B) The combination of lots or tracts into one or more parts.

(C) The redivision or recombination of lots or tracts.

(51) SUBDIVISION ADMINISTRATOR means the city staff employee designated by the city manager to supervise the platting and subdivision process.

(52) TEMPORARY DEAD-END STREET means a street that is planned to or can feasibly be extended in the foreseeable future to another street.

(53) TOWNHOUSE LOT means a lot in a townhouse TH(A) zoning district, or a lot in an identifiable townhouse component of a planned development district.

(54) TRAFFIC BARRIER means a physical barrier that prevents the indiscriminate and unauthorized crossing of traffic between a street or alley and a thoroughfare. Examples of traffic barriers include a series of posts connected by a cable or chain, a deep beam highway guard rail, or a New Jersey barrier-type wall on an engineered foundation.

(55) VACATION means the legal process by which unimproved, platted land, no part of which the city has accepted as a dedication for public use, may be returned to the legal status of being a parcel of unplatted land.

(56) WATER FACILITIES mean the infrastructure required to deliver potable water to property.

(57) WASTEWATER FACILITIES mean the infrastructure required to convey wastewater from property. (Ord. Nos. 20092; 21186; 23384; 24843; 26529; 28424; 30239; 30654; 32002; 32760; 32864)

(g) To develop a planned development district.

A preliminary plat must be submitted at the same time as the development plan for a planned development district. The subdivision administrator and the director shall coordinate the commission review of the preliminary plat and the development plan in accordance with Section 51A-4.702. (NOTE: If the property included in a development plan application has been previously platted or a building site otherwise exists under Section 51A-4.601, this requirement does not apply.)

(h) To establish a shared access development.

Platting is required to establish a shared access development as provided in Section 51A-4.411. (Ord. Nos. 20092; 23384; 24270; 24731; 24843)

SEC. 51A-8.402. PLATTING OF STREET RIGHT-OF-WAY PROHIBITED.

~~Platting street right-of-way without platting adjacent property to be served by the street is prohibited unless the director of development services and the chief planning officer recommend platting the right-of-way because a graphic representation of the right-of-way is needed to facilitate thoroughfare or local street planning.~~

Platting street right-of-way without platting adjacent property to be served by the street is prohibited unless the director of planning and development recommends platting the right-of-way because a graphic representation of the right-of-way is needed to facilitate thoroughfare or local street planning. (Ord. Nos. 20092; 22026; 23384; 28424; 29478; 32002; 32760)

SEC. 51A-8.403. PLATTING PROCESS.

(a) Plat approval process.

(1) Preliminary plat application. An applicant seeking approval of a plat or replat shall submit a preliminary plat application to the subdivision administrator on a form available at the subdivision administrator's office. If the subdivision administrator determines that the application is complete, the subdivision administrator shall accept it and route it to

all affected departments. If the subdivision administrator determines that the application is incomplete, the subdivision administrator shall return it to the applicant with a description of its deficiencies.

(A) The preliminary plat application must include the following unless the subdivision administrator determines that an item listed is not applicable and may be omitted:

(i) All required fees.

~~(ii) The proposed layout of the plat legibly drawn on a sheet of paper which measures 24 inches by 30 or 36 inches. The plat must show the bearings and distances of the property, and must be drawn to a scale of one inch equals forty feet or the largest practical scale determined to be legible by the survey section of the department of development services. (Unless otherwise indicated, all words on a plat must be at least 10 characters per inch.)~~

(ii) The proposed layout of the plat legibly drawn on a sheet of paper which measures 24 inches by 30 or 36 inches. The plat must show the bearings and distances of the property, and must be drawn to a scale of one inch equals forty feet or the largest practical scale determined to be legible by the survey section of the planning and development. (Unless otherwise indicated, all words on a plat must be at least 10 characters per inch.)

(iii) An arrow indicating north.

(iv) A vicinity map showing all thoroughfares and existing streets within the two nearest intersecting arterials of the boundary of the plat.

(v) The proposed name of the subdivision in bold, capital letters.

(vi) The names, addresses, and telephone numbers of the surveyor performing or preparing the metes and bounds description of the property, and all owners and developers.

(vii) The proposed boundaries of the property indicated with a bold, solid line, and other boundaries indicated with thinner lines.

(x) The location and purpose of all proposed easements and common areas.

~~(xi) The layout and dimensions of proposed storm drainage areas and other areas offered for dedication to public use. If the combined on-site and off-site drainage area is less than one acre, this requirement may be waived by the director of development services if the impact of the drainage is not significant.~~

(xi) The layout and dimensions of proposed storm drainage areas and other areas offered for dedication to public use. If the combined on-site and off-site drainage area is less than one acre, this requirement may be waived by the director of planning and development if the impact of the drainage is not significant.

(xii) The layout of platted lots and unplatted parcels, streets, storm drainage facilities, water and wastewater facilities, public rights-of-way, and other pertinent features existing within a distance of 150 feet from the proposed boundary of the plat.

(xiii) The location and identification of any structure or improvement within the boundaries of the property to be platted, and any significant topographic features located on the property or within 150 feet of the boundaries of the property. Any of these items that are to be removed or altered must be identified on the plat.

(xiv) The general layout and dimensions of proposed streets and alleys, and proposed street names.

~~(xv) Contour lines indicating the terrain and drainage pattern of the area. Contour intervals must be five feet or less unless the director of development services determines that the slope of the land is less than 1 to 100 (vertical to horizontal). If the director of development services determines that the property being platted is fully developed, contour lines are not required.~~

(xv) Contour lines indicating the terrain and drainage pattern of the area. Contour intervals must be five feet or less unless the director of planning and development determines that the slope of the land is less than 1 to 100 (vertical to horizontal). If the director of planning and development determines

that the property being platted is fully developed, contour lines are not required.

(xvi) A copy of any specific use permit or planned development district ordinance regulating the property.

(xvii) A copy of any deed restrictions regulating the property in which the city of Dallas is an enforcing party.

(xviii) If the plat is a replat in accordance with Subsection (b)(1) or (2), a certified copy of the original subdivision of the area filed with the county clerk and a certified copy of the latest replat of the property filed with the county clerk.

(xix) A metes and bounds description of the property included in the plat, as well as all appropriate language of dedication and acknowledgment. Signatures are not required at the time of application.

(xx) If the property is located in the escarpment area or a geologically similar area, an escarpment permit is required at the time of application.

(xxi) The location, caliper, and name (both common and scientific) of all trees near proposed construction (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).

(xxii) A copy of the recorded deed reflecting current ownership and a copy of the title policy if title insurance is in place (if no title insurance is in place then a copy of the most recent property tax certificate must be provided). The ownership indicated in the owner's certificate on the plat must match the deed exactly unless documentation is provided to explain any variation.

(xxiii) All requirements set forth in the survey division's plat guidelines.

(xxiv) A copy of any regulating plan approved pursuant to Article XIII.

administrative plat, the subdivision administrator shall send an action letter to the applicant with all conditions of approval. The letter must contain a citation to the relevant section of the Dallas City Code or state or federal law for each condition of approval.

(6) Satisfaction of conditions required. The subdivision administrator shall endorse the administrative plat or submit the plat for endorsement pursuant to Paragraph (8) as soon as the owner has complied with the following requirements: (Any proposed change to a preliminary plat condition must be resubmitted to the commission as a preliminary plat.)

(A) All conditions to approval must be satisfied, including:

(i) On-site easements and rights-of-way must be properly described and noted on the proposed plat.

(ii) Off-site easements and rights-of-way must be dedicated by the respective owners and filed of record with the county.

(iii) All proposed easements and public right-of-way dedications created by the plat must be properly described by bearings and distances.

(iv) Approved language of easement and dedication must be stated on the final plat, executed, and properly acknowledged.

(v) All required licenses and railroad agreements must be executed by the owner, the railroad, utilities, and the city council.

(vi) All required abandonments of public rights-of-way or easements must be approved by the city council, and the abandonment ordinance numbers must be shown on the plat.

(vii) All required infrastructure plans must be approved.

(viii) All required private development contracts must be executed and approved.

(ix) All required covenants must be approved by the city and filed of record with the county.

(x) All monuments required in Section 51A-8.617 must be installed on the property.

(xi) The apportionment determination pursuant to Section 51A-1.109.

(B) All required fees must be paid.

(C) All taxes assessed by the city against the property must be paid.

~~_____ (D) Releases must be secured by the applicant from the department of development services, the city controller, and the city attorney.~~

(D) Releases must be secured by the applicant from the department of planning and development, the city controller, and the city attorney.

(E) The plat must be endorsed with properly acknowledged original signatures and seals of all owners of the property and surveyors.

(F) For a plat that includes dedication of any streets or alleys, the lienholder must provide a letter of consent subordinating the lienholder's interest to the dedicated area, and if the owner has a title insurance policy for the platted area, the policy must be updated to within ninety days prior to the date the plat is signed by the commission chair. This provision does not apply to a residential replat that meets the criteria set forth for a minor plat.

~~_____ (G) All plats other than minor plats must be provided to the chief city surveyor in an electronic format approved by the geographic information systems section of the department of development services.~~

(G) All plats other than minor plats must be provided to the chief city surveyor in an electronic format approved by the geographic information systems section of the department of planning and development.

(i) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement if the amendment does not increase or decrease the number of lots.

(ii) To relocate one or more lot lines between one or more adjacent lots if:

(aa) the owners of all those lots join in the application for amending the plat;

(bb) the amendment does not attempt to remove recorded covenants or restrictions; and

(cc) the amendment does not increase or decrease the number of lots.

(iii) To replat one or more lots fronting on an existing street if:

(aa) the owners of all the lots join in the application for amending the plat;

(bb) the amendment does not attempt to remove recorded covenants or restrictions;

(cc) the amendment does not increase or decrease the number of lots; and

(dd) the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(C) A minor plat involving four or fewer lots fronting on an existing street, that is not in a residential district, and that does not require the creation of any new street or the extension of municipal facilities.

(2) A certificate of correction may be used to make the corrections listed in Subparagraph (1)(A), unless the subdivision administrator determines that a sketch is needed for clarity, in which case an amending plat must be submitted. A certificate of correction must

be certified by a registered professional surveyor in a form approved by the chief city surveyor.

(3) Except as provided in this subsection, notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an administrative plat.

(d) Vacation plat.

(1) Any plat may be vacated upon application of the owners of the land in accordance with state law and this article.

(2) A vacation plat must be approved by the commission.

(3) An approved vacation plat must be recorded with the vacated plat and operates to destroy the effect of recording the vacated plat and to divest all public rights to the streets, alleys, and other public areas laid out or described in the vacated plat.

(4) Vacation of a park is prohibited unless approved as required by state law. (Ord. Nos. 20092; 21186; 22053; 22026; 23384; 24843; 25047; 26529; 26530; 27495; 28073; 28424; 31394; 32002; 32760)

SEC. 51A-8.404.

ENGINEERING PLAN APPROVAL PROCEDURE.

(a) Generally. A person seeking approval of engineering plans for infrastructure must not submit those plans until a preliminary plat has been approved for the property which the infrastructure is to serve. After approval of the preliminary plat, plans for the infrastructure must be submitted to the department. The director shall review the plans submitted under this section for completeness.

(b) Contents of engineering plans. Plans submitted must include the following:

(1) All required fees.

following unless the director determines that an item listed is not applicable and may be omitted:

(A) A copy of the conditionally approved or previously disapproved engineering plan.

(B) A copy of the action letter sent by the director.

(C) An explanation of corrections made on the resubmitted engineering plan to bring the plan in to compliance with the provisions of the Dallas City Code and state or federal law cited in the disapproval letter sent by the director.

(D) All information required in Subsection (b)(2) through (7).

(h) Infrastructure plans approval. Upon approval of the infrastructure engineering plans, the applicant shall be notified by the director and advised of the documents needed to secure a final release from the department.

~~— (i) Extension of infrastructure plan approval. An extension of the approval of the street paving, storm drainage, bridge, and culvert plans will be considered upon a formal request by the owner to the director of development services. Six-month extensions may be granted only if the conditions surrounding the plat, as well as the standards, criteria, and requirements listed in Section 51A-8.601 do not require a redesign of the infrastructure improvements.~~

(i) Extension of infrastructure plan approval. An extension of the approval of the street paving, storm drainage, bridge, and culvert plans will be considered upon a formal request by the owner to the director of planning and development. Six-month extensions may be granted only if the conditions surrounding the plat, as well as the standards, criteria, and requirements listed in Section 51A-8.601 do not require a redesign of the infrastructure improvements. (Ord. Nos. 20092; 23384; 25047; 28073; 28424; 31394; 32002; 32760)

SEC. 51A-8.405. APPORTIONMENT OF EXACTIONS AND PARK LAND DEDICATION.

(a) See Section 51A-1.109 for regulations and

procedures concerning apportionment of exactions.

(b) See Article VIIIA for regulations and procedures concerning park land dedication. (Ord. Nos. 26530; 30934; 33280)

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.

from the director and the chief planning officer only upon their determination that a turnaround is not needed to serve the traffic on the street or otherwise needed to protect the public interest.

(c) Intersections. The following regulations govern the alignment of intersections:

(1) All streets must intersect as close to a right angle as permitted by topography or other natural physical conditions. A street must not intersect with another street or railroad at an angle of more than 105 degrees or less than 75 degrees.

(2) The intersection of two streets must not be located within 100 feet of a railroad right-of-way if one of the streets crosses the railroad right-of-way at grade. This 100 foot separation is measured from the nearest point of the intersection of the street right-of-way and the nearest point of the railroad right-of-way.

(3) A driveway or alley approach must not be located within 100 feet of a railroad right-of-way.

(4) An intersection must not have more than four street approaches.

(5) Proposed intersections along one side of an existing cross street must, wherever practical, align with existing intersections on the opposite side of the cross street. Street centerline offsets of less than 150 feet are not permitted unless the cross street is divided by a median without openings at either intersection.

(6) If served by a median opening, minor streets that intersect divided thoroughfares must be spaced at least 360 feet apart, measured from centerline to centerline unless otherwise approved by the traffic engineer.

(d) Private streets. If a private street is indicated in the street layout, it must be designed and constructed in accordance with this section and Section 51A-8.604.

~~(e) Street names. The naming of public or private streets created through the platting process is the responsibility of the applicant. Street names must conform to the standards for street names contained in Division 51A-9.300 of this chapter. All proposed street names must be reviewed by the fire department, the~~

~~department of development services, and the police department before consideration by the commission.~~

(e) Street names. The naming of public or private streets created through the platting process is the responsibility of the applicant. Street names must conform to the standards for street names contained in Division 51A-9.300 of this chapter. All proposed street names must be reviewed by the fire department, the department of planning and development, and the police department before consideration by the commission. (Ord. Nos. 20092; 21186; 23384; 25047; 28073; 28424; 29478; 31314; 32002; 32760)

SEC. 51A-8.507.

ALLEYS.

(a) When required. Alleys are required only in residential zoning districts, and then only when required under Section 51A-8.604 based on accommodation of street pavement width and zoning density. Alleys must provide continuous vehicular access regardless of zoning.

(b) Regulations. All alleys must meet the following standards:

(1) Alleys must have a minimum right-of-way of 15 feet in width.

(2) Alley right-of-way must not exceed 20 feet in width.

(3) Alleys must consist of at least 10 feet of pavement.

(4) Permanent dead-end alleys are not allowed unless all access is prohibited between the alley and public rights-of-way. Alleys must either intersect with a dedicated public or private undivided street or an existing alley. If a dead-end alley is shown on a proposed plat, an approved turnaround must be provided unless a waiver is obtained from the director and the chief planning officer. A waiver is permitted only if the director and the chief planning officer determine a turnaround is not necessitated by the amount of traffic on the alley, nor otherwise needed to protect the public interest.

(5) Alleys must function without reliance on fire lanes or access easements. An alley must

**SEC. 51A-8.603. CONSTRUCTION
REQUIRED.**

(a) All public and private streets and alleys within or along the perimeter of the proposed plat must be improved to the standards of this article.

(b) Storm drainage improvements, bridges, and culverts must be provided as needed to serve the subdivision in accordance with this article.

(c) Sidewalks must be provided in accordance with Section 51A-8.606 of this article.

(d) Median openings, extra lanes, and driveways must be provided in accordance with Section 51A-8.607 of this article.

(e) Street appurtenances must be provided in accordance with Section 51A-8.608 of this article.

(f) Railroad crossing facilities must be provided in accordance with Section 51A-8.609 of this article.

(g) Utility facilities must be provided in accordance with Section 51A-8.610 of this article.

(h) Monumentation must be provided in accordance with Section 51A-8.617 of this article. (Ord. Nos. 20092; 23384)

**SEC. 51A-8.604. STREET ENGINEERING
DESIGN AND
CONSTRUCTION.**

(a) Generally. Streets, whether dedicated to the public use or privately owned, must be designed in accordance with the Street Design Manual of the city of Dallas. The geometrics of streets must be designed to provide appropriate access for passenger, delivery, emergency, and maintenance vehicles.

(b) Street construction required.

(1) Within the boundaries of the proposed plat, the owner must construct all thoroughfares, minor streets, and alleys shown on the proposed plat.

(2) When a minor street is along the perimeter of the proposed plat and the street is not improved with an approved all weather paving material to a width of 20 feet, the owner must improve the street to that standard along the length of the proposed plat.

(3) When a thoroughfare is along the perimeter of the proposed plat for 1000 feet or more, the owner must construct thoroughfare, sidewalk, and storm drainage improvements to complete one-half of the thoroughfare requirements along the entire length of the plat, adjusted for any participation in the construction under Section 51A-8.614.

~~—(c) Minor street criteria. If additional right-of-way for a minor street has been waived by the commission in accordance with Section 51A-8.602 (c)(3), the amount of street construction required for the streets on which the requirements have been waived is determined by the director of development services. Additional street construction may be required, if necessary, based on the existing condition or width of the streets, and if warranted by the expected traffic volumes, property access requirements, or truck, bus, and taxi loading. If additional right-of-way has not been waived, minor streets must be designed and constructed to meet criteria given in the Street Design Manual of the city of Dallas.~~

(c) Minor street criteria. If additional right-of-way for a minor street has been waived by the commission in accordance with Section 51A-8.602 (c)(3), the amount of street construction required for the streets on which the requirements have been waived is determined by the director of planning and development. Additional street construction may be required, if necessary, based on the existing condition or width of the streets, and if warranted by the expected traffic volumes, property access requirements, or truck, bus, and taxi loading. If additional right-of-way has not been waived, minor streets must be designed and constructed to meet criteria given in the Street Design Manual of the city of

Dallas.

(d) Private streets criteria. When permitted, private streets are governed by the following regulations:

(1) Private streets must be constructed and maintained to the standards for public rights-of-way and must be approved by the director and the chief

(17) The city has no obligation to maintain a private street. (Ord. Nos. 20092; 21186; 22392; 23384; 23535; 25047; 27495; 28073; 28424; 29478; 30239; 30654; 31314; 32002; 32760)

**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.

(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 Street 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.

(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.

storm water runoff drainage onto, through, and originating within the subdivision. No final plat release may be issued until proper provision has been made for drainage.

(2) Private drainage systems are those which serve one lot or tract, or any open system that serves more than one lot or tract for which a private entity has maintenance obligations. Private systems are owned and maintained by a private entity. Easements must be provided to allow access by the city to any open system in the event that private system failure or diminished function jeopardizes the public's health, safety or welfare. Private storm water drainage systems must be designed in general conformance with the design standards of the department of water utilities as set forth in the Drainage Design Manual of the city of Dallas. Private enclosed systems are not required to be constructed according to the Standard Construction Details, File 251D-1.

(3) Public drainage systems are those systems which serve more than one lot or tract, excluding open systems maintained by a private entity. The portion of a drainage system located downstream from a lot or tract boundary, and the portion of any drainage system within the lot or tract boundary which conveys storm drainage from outside the lot or tract boundary are public systems. Public storm water drainage systems must be designed and constructed in strict conformance with department of water utilities requirements.

(4) The city owns and maintains public systems that have been constructed and accepted pursuant to Section 51A-8.612.

(5) All storm drainage facilities must be designed and constructed to safely drain a one-percent annual chance storm event as outlined in the Drainage Design Manual of the city of Dallas. Paved streets and alleys, ditches, and swales may be used for emergency overflow capacity in parallel with enclosed systems provided the requirements of the Drainage Design Manual of the city of Dallas are met.

(6) Storm water must be discharged in an acceptable form and at a controlled rate so as not to endanger human life or public or private property.

(7) The owner shall fund and construct all storm drainage outfalls necessary to safely and adequately drain the subdivision.

(8) The city may provide new public drainage outfalls and public drainage system upgrades to serve existing and future subdivisions through specific items in the capital improvement bond programs.

(b) Erosion and sedimentation control.

~~—————(1) The owner shall provide erosion control plans for review and subsequent approval by the department of development services for any development requiring grading or clearing where sediments can be carried to natural or manmade drainageways. Erosion and sedimentation control plans are required in the following instances:~~

(1) The owner shall provide erosion control plans for review and subsequent approval by the department of planning and development for any development requiring grading or clearing where sediments can be carried to natural or manmade drainageways. Erosion and sedimentation control plans are required in the following instances:

(A) When the property to be platted is located in the escarpment or in a geologically similar area (See Division 51A-5.200).

(B) Where ground cover is disturbed over an area larger than three acres.

(C) If required as a condition of approval of the preliminary plat.

(2) Erosion control plans must include the following:

~~—————(A) A timing schedule indicating the starting and completion dates of the development activities sequence and the time of exposure of each area. Written approval of the director of development services is necessary to authorize any time of exposure exceeding six months.~~

(A) A timing schedule indicating the starting and completion dates of the development activities sequence and the time of exposure of each area. Written approval of the director of planning and development is necessary to authorize any time of exposure exceeding six months.

(B) A complete description of all control measures designed to control erosion and

~~————— (7) Storm water runoff from any plat into a contiguous city may be required to comply with the criteria of the contiguous city as directed by the director of development services provided there is a written agreement in effect at the time.~~

(7) Storm water runoff from any plat into a contiguous city may be required to comply with the criteria of the contiguous city as directed by the director of planning and development provided there is a written agreement in effect at the time.

(8) When development of the property downstream results in the construction of facilities designed to accommodate the one-percent annual chance storm event, and the detention facilities upstream are no longer necessary, the detention facilities may be abandoned and the land reclaimed for other purposes.

(d) Floodways.

(1) Generally. Floodways must be provided in accordance with the recommendation of the director of water utilities and the requirements of the commission to accommodate the one-percent annual chance storm event drainage flows. Floodway dedications must be identified on the plat and monumented on the ground. Floodway conditions must be satisfied before submitting a final plat for a certificate of approval. Division 51A-5.100 applies to all floodways.

(2) Floodway easements.

(A) Floodway easements are drainage areas dedicated to the city as an easement to prevent obstructions of floodway capacity in a flood plain. Except as provided in Paragraph (3), a floodway easement is required for any portion of a property that is within a flood plain.

(B) A 15-foot wide floodway access easement from a publicly dedicated right-of-way may be required and may extend along a creek, parallel to the top of the bank to inspect or maintain a floodway easement.

(C) The owner of a lot that includes a floodway easement is liable for floodway easement maintenance in compliance with this subsection, taxes,

and all other standard property owner liabilities.

~~————— (D) Unless approved by the directors of development services and water utilities in an instrument filed in the county deed records or by a city council approved tree mitigation plan, structures, fencing, trees, shrubs, or any other improvement or growth may not be placed in or across any floodway easement.~~

(D) Unless approved by the directors of planning and development and water utilities in an instrument filed in the county deed records or by a city council approved tree mitigation plan, structures, fencing, trees, shrubs, or any other improvement or growth may not be placed in or across any floodway easement.

(E) Common areas, such as in a CUD, may be located within floodway easements. Before the release of a final plat, access to the common area must be shown on the plat and a permanent maintenance plan must be approved as to form by the city for a common area within a floodway easement. Owners of a common area within a floodway easement are jointly and severally liable for the floodway easement common area maintenance in compliance with this subsection, taxes, and all other standard property owner liabilities.

(F) For purposes of this subsection, "maintenance" means removing any object or condition that, as determined by the director of water utilities, impedes the free flow of water. Maintenance includes:

(i) keeping the floodway easement free from any structures;

(ii) removing debris;

(iii) desilting lakes, ponds, and detention areas; and

(iv) controlling the growth of vegetation.

(G) The city retains the right, but not the obligation, to enter onto the floodway easement to inspect or maintain the easement. If the floodway easement is not maintained in compliance with this subsection, the city has the right, but not the

owners when due, the city shall file a lien statement that includes expenses assessed, the name of the owner, if known, and the legal description of the lot with the county clerk of the county where the lot is located.

(3) Floodway management areas.

(A) Floodway management areas are drainage areas dedicated to the city in fee simple to prevent obstructions of floodway capacity in a flood plain. All floodways not dedicated as a floodway management area must be dedicated as a floodway easement.

~~————— (B) If any portion of the subject property is (1) within a flood plain and (2) abuts a public park, green belt, open space, trail system, or the Trinity River that has been recommended for improvement in a flood plain management plan, the Trinity River corridor plan, the park and recreation long range development plan, the park and recreation master plan, the trail network plan, or any other master plan adopted by the park and recreation board or city council, the directors of water utilities, development services, and parks and recreation must be notified and given an opportunity to negotiate for the acquisition of the property for a floodway management area before a final plat is approved. The property owner is encouraged, but not required, to donate the floodway management areas to the city.~~

(B) If any portion of the subject property is (1) within a flood plain and (2) abuts a public park, green belt, open space, trail system, or the Trinity River that has been recommended for improvement in a flood plain management plan, the Trinity River corridor plan, the park and recreation long range development plan, the park and recreation master plan, the trail network plan, or any other master plan adopted by the park and recreation board or city council, the directors of water utilities, planning and development, and parks and recreation must be notified and given an opportunity to negotiate for the acquisition of the property for a floodway management area before a final plat is approved. The property owner is encouraged, but not required, to donate the floodway management areas to the city.

(C) If the applicant donates or commits to sell that portion of the property to the city, the applicant must designate that portion as a dedication or

reservation on the plat. Upon acquisition of the property, the city maintains the floodway management area.

(D) The area for each floodway management area must be identified on the plat in square feet or in acres.

(E) No lot may extend into a floodway management area.

~~————— (e) Lot to lot drainage. Each lot must be drained to an abutting street or alley unless the director of development services determines that drainage to a street or alley is infeasible. If the director of development services determines that street or alley drainage is not feasible, drainage may be provided as follows:~~

~~————— (1) If no more than the rear 15 feet of a lot drains toward the rear lot line, a well-pronounced swale must be provided as approved by the director of development services.~~

(e) Lot to lot drainage. Each lot must be drained to an abutting street or alley unless the director of planning and development determines that drainage to a street or alley is infeasible. If the director of planning and development determines that street or alley drainage is not feasible, drainage may be provided as follows:

(1) If no more than the rear 15 feet of a lot drains toward the rear lot line, a well-pronounced swale must be provided as approved by the director of planning and development.

(2) If more than the rear 15 feet of a lot drains toward the rear lot line, a paved invert in a common area or a drainage easement is required. In order to accommodate the one-percent annual chance storm event, an enclosed drainage system with inlets may be designed. Each portion of the system that drains one lot must be a private system. Each portion of the system that drains more than one lot must be a public system within an easement. (Ord. Nos. 20092; 23384; 25047; 27333; 27572; 27697; 30994; 31314; 32002; 32760)

CONTRACTS.

~~—(a) Generally. Once the infrastructure plans and apportionment determination have been approved, but before the final release of a plat or approval of a zoning district classification or boundary change requiring an exaction, private development contracts must be executed by the chief engineer for development services to build the proposed infrastructure facilities. Private development contracts for water and wastewater improvements, if needed, must comply with Chapter 49 of the Dallas City Code. Private development contracts for other infrastructure improvements must comply with this section. In addition, to ensure that the city will not incur claims or liabilities as a result of the developer's failure to make payment in accordance with the terms of a private development contract, the director may require the developer, as a precondition of approval or release of a final plat or approval of a zoning district~~

classification or boundary change requiring an exaction, to provide sufficient surety guaranteeing satisfaction of claims against the development in the event such default occurs. The surety shall be in the amount of the private development contract. The surety shall also be in the form of a bond, escrow account, cash deposit or unconditional letter of credit drawn on a state or federally chartered lending institution. The form of surety shall be reviewed and approved by the city attorney. If a bond is furnished, the bond shall be on a form provided by the director and approved by the city attorney. The bond shall be executed by the developer and at least one corporate surety authorized to do business and licensed to issue surety bonds in the State of Texas and otherwise acceptable to the city. If a cash deposit is provided, the deposit shall be placed in a special account and shall not be used for any other purpose. Interest accruing on the special account shall be credited to the developer. If an escrow account is provided, the account shall be placed with a state or federally chartered lending institution with a principal office or branch in Texas, and any escrow agreement between the developer and the escrowing institution shall provide for a retainage of not less than ten percent of the private development contract amount, to be held until the director gives written approval of the construction of the facilities.

(a) Generally. Once the infrastructure plans and apportionment determination have been approved, but before the final release of a plat or approval of a zoning district classification or boundary change requiring an exaction, private development contracts must be executed by the chief engineer for planning and development to build the proposed infrastructure facilities. Private development contracts for water and wastewater improvements, if needed, must comply with Chapter 49 of the Dallas City Code. Private development contracts for other infrastructure improvements must comply with this section. In addition, to ensure that the city will not incur claims or liabilities as a result of the developer's failure to make payment in accordance with the terms of a private development contract, the director may require the developer, as a precondition of approval or release of a final plat or approval of a zoning district classification or boundary change requiring an exaction, to provide sufficient surety guaranteeing satisfaction of claims against the development in the event such default occurs. The surety shall be in the amount of the private development contract. The surety shall also be in the

form of a bond, escrow account, cash deposit or unconditional letter of credit drawn on a state or federally chartered lending institution. The form of surety shall be reviewed and approved by the city attorney. If a bond is furnished, the bond shall be on a form provided by the director and approved by the city attorney. The bond shall be executed by the developer and at least one corporate surety authorized to do business and licensed to issue surety bonds in the State of Texas and otherwise acceptable to the city. If a cash deposit is provided, the deposit shall be placed in a special account and shall not be used for any other purpose. Interest accruing on the special account shall be credited to the developer. If an escrow account is provided, the account shall be placed with a state or federally chartered lending institution with a principal office or branch in Texas, and any escrow agreement between the developer and the escrowing institution shall provide for a retainage of not less than 10 percent of the private development contract amount, to be held until the director gives written approval of the construction of the facilities.

(b) Cost. The cost of infrastructure construction is the responsibility of the developer of the property to be platted except as provided in Sections 51A-1.109 and 51A-8.614.

(c) Form. The private development contract must be on a form provided by the director and approved by the city attorney.

(d) Bonds. The private development contract must include performance and payment bonds equivalent to those the city uses and requires in its standard specifications, and the city must be a named obligee in the bonds.

(e) Duplicate plans. As part of the contract submission, duplicate sets of approved plans must be submitted to the director in sufficient number to meet the current contract plan distribution requirements of the city.

(f) Construction inspection. Before the approval of a private development contract, the owner shall submit to the director the name of the engineer licensed to practice in the State of Texas with whom he has contracted to provide the required construction inspection. The engineer performing the construction

conclusive on the determination as to needed maintenance or defective materials or workmanship. The director's determination shall be based upon applicable guidelines. (Ord. Nos. 20092; 21045; 21491; 22022; 23384; 25047; 25048; 26530; 28073; 30239; 30654; 32002; 32760)

SEC. 51A-8.613. COVENANT PROCEDURES.

(a) An owner who desires to plat more property than he is willing to construct or design paving, storm drainage, water, or wastewater facilities to serve may plat the property if he executes a covenant for the benefit of the city in accordance with this section. The covenant must run with the land. As part of the covenant, the owner shall agree to, at his cost: submit any needed additional plans; construct the required infrastructure; and secure or dedicate easements and rights-of-way necessary to serve the development at the owner's cost. Covenants involving water or wastewater facilities must be approved in accordance with Chapter 49 of the Dallas City Code, as amended.

(b) Upon approval of the terms of the paving and storm drainage covenant by the director, the owner shall execute the covenant on a form provided by the director. Executed covenants must be submitted to the department for processing.

(c) All covenants must be approved in accordance with the procedure set out in Section 2-11.2 of this code.

(d) If a covenant is not fulfilled, no building permit or certificate of occupancy may be issued for any property included within the boundaries of the plat which the covenant was executed to serve.

(e) Upon determination by the director that all conditions of a covenant have been fulfilled, the city manager may execute, and cause to be filed of record, a release of the covenant without the necessity of city council approval. In the event of a conflict between this subsection and other provisions in the Dallas City Code, this subsection controls. (Ord. Nos. 20092; 22026; 23384; 23694; 25047; 28073)

SEC. 51A-8.614. COST SHARING CONTRACT.

(a) Generally. All funding requests for city cost sharing participation in municipal infrastructure additions or improvements must be approved by the city council. City participation is generally limited to items that benefit a broad population segment. The developer's apportioned share of any exaction pursuant to Section 51A-1.109 is the responsibility of the developer unless the developer, as documented in a cost sharing contract, volunteers to pay a greater proportion. If the developer volunteers to pay a greater proportion, the city has no obligation for the amount volunteered. All city participation is subject to the availability of funds. City participation must comply with Subchapter C of Chapter 212 and Chapter 252 of the Texas Local Government Code. (Ord. Nos. 20092; 20730; 21186; 23384; 25047; 26530)

SEC. 51A-8.615. NONSTANDARD MATERIALS.

(a) Generally. Nonstandard materials may be used in the public right-of-way for paving, parkway, sidewalk, driveway, and other street enhancement if the criteria in this section are met.

(b) Plans. Plans indicating the nonstandard materials must be approved by the director of transportation and public works.

(c) Samples. Samples of each material used for a walking or traveling surface in the public right-of-way must be submitted to and approved by the director of transportation and public works.

(d) Standards. All street paving, sidewalk, driveway, curb, and gutter construction must conform to the Standard Construction Details and the Standard Specifications for Public Works Construction of the department of transportation and public works.

(e) Sidewalks. Sidewalks must be designed barrier-free to the handicapped.

ARTICLE IX.

THOROUGHFARES.

Division 51A-9.100. Thoroughfare Plan Amendments.

SEC. 51A-9.101. THOROUGHFARE PLAN DEFINED.

For the purposes of Section 8, Chapter XV, Dallas City Charter, as approved by the citizens of Dallas at an election held on January 17, 1981, the thoroughfare plan of the City consists of Ordinance No. 20860, THOROUGHFARE PLAN - CITY OF DALLAS, TEXAS, as amended, and Ordinance No. 13262, CBD STREETS AND VEHICULAR CIRCULATION, as amended. These two ordinances, as amended, are hereby designated and will be referred to as the "thoroughfare plan." (Ord. Nos. 19455; 21186)

SEC. 51A-9.102. THOROUGHFARE PLAN AMENDMENT PROCESS.

(a) Initiation of thoroughfare plan amendments.

(1) Proposed changes in the thoroughfare plan may be initiated by the city staff, city plan commission, thoroughfare committee, or the city council by referring the proposed change to the city manager for study and recommendation.

~~———— (2) Proposed changes in the thoroughfare plan may also be initiated by any person who submits the following to the department of planning and urban design:~~

(2) Proposed changes in the thoroughfare plan may also be initiated by any person who submits the following to the department of planning and development:

(A) An application, on a form provided for that purpose, with all required information completed.

(B) The required fee.

(3) For the purpose of this article "city manager" means the city manager or his designee.

(b) Commission report and recommendation required.

(1) The commission shall make a report and recommendation to the city council on all proposed amendments to the thoroughfare plan. The commission may appoint a thoroughfare committee to study proposed amendments to the thoroughfare plan.

(2) The city manager shall conduct those studies necessary for the commission to make its recommendation and report to city council.

(3) The commission shall hold a public hearing to allow proponents and opponents of an amendment to the thoroughfare plan to present their views.

(4) Before the commission holds the public hearing on an amendment to the thoroughfare plan the city manager shall give notice of the public hearing in the official newspaper of the city at least 10 days before the hearing.

(5) In addition to notice by publication, if the amendment to the thoroughfare plan is a change in a thoroughfare classification or route description, the city manager shall send written notice of a public hearing on the proposed change to all owners of real property in the area of change lying within 200 feet of the existing right-of-way line if the proposed change will narrow the right-of-way, or within 200 feet of the proposed right-of-way line if the proposed changes will widen the right-of-way. The measurement of the 200 feet includes streets and alleys. The notice must be given not less than 10 days before the date set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidence by the last approved city tax roll.

(6) The commission shall make its recommendation on a proposed amendment to the

thoroughfare plan from staff reports of the city manager, field inspections and the evidence presented at the public hearing.

(7) The city manager shall forward to the city council the commission's recommendation and report as well as the staff recommendation on amendments to the thoroughfare plan.

(c) City council action.

(1) Before the city council holds the public hearing on an amendment to the thoroughfare plan, the city manager shall give notice of the public hearing in the official newspaper of the city at least 15 days before the hearing.

(2) In addition to notice by publication, if the amendment to the thoroughfare plan is a change in a thoroughfare classification or route description, the city manager shall send written notice of a public hearing on the proposed change to all owners of real property in the area of change lying within 200 feet of the existing right-of-way line if the proposed change will narrow the right-of-way, or within 200 feet of the proposed right-of-way line if the proposed change will widen the right-of-way. The measurement of the 200 feet includes streets and alleys. The notice must be given not less than 10 days before the date set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidence by the last approved city tax roll.

(3) The written notice of a hearing before the city council may be combined with the written notice of a hearing before the commission if the date of the city council hearing is known at the time of sending commission hearing notices.

(4) An amendment to the thoroughfare plan requires the favorable vote of a majority of the members of the city council present. (Ord. Nos. 19455; 22026; 25047; 28424; 29478; 29882, ~~eff. 10/1/15~~; 32760)

Division 51A-9.200. Approval of Alignment of Thoroughfares.

SEC. 51A-9.201. PROCEDURES FOR ESTABLISHMENT OF THOROUGHFARE ALIGNMENT.

(a) In cases where the city must purchase right-of-way to construct a freeway, thoroughfare, or a street in the CBD, before initiating purchasing procedures, the city manager shall present to the city council, the city staff recommendation for alignment of the roadway and its appurtenant facilities based on engineering criteria.

(b) If the city council determines that the nature of the proposed alignment does not warrant a public hearing, the city council may approve the alignment by majority vote of city council members present.

(c) If the city council determines that the nature of the proposed alignment requires notification of affected property owners and a public hearing, the city manager shall send written notice of a public hearing on the proposed alignment to all owners of real property lying within 200 feet of the proposed right-of-way line. The measurement of the 200 feet includes streets and alleys. The notice must be given not less than 10 days before the date set for the hearing by depositing the notice properly addressed and postage paid, in the United States mail to the property owners as evidenced by the last approved city tax roll.

(d) After a public hearing the city council may approve an alignment by a majority vote of the city council members present.

(e) After an alignment has been approved by the city council, the alignment may not be changed in a way that will require the purchase of additional right-of-way unless the change is approved by the city council following the same procedures for approval of an original alignment in accordance with Subsections (b) and (c).

(f) Guidelines.

(1) A street name may be based upon physical, political, or historic features of the area.

(2) The name of a subdivision and names thematically related to the name of a subdivision may be given to a street within the subdivision.

(g) Waiver. The city council, by a three-fourths vote of its members, may waive any of the standards contained in this section when waiver would be in the public interest and would not impair the public health, safety, or welfare. (Ord. Nos. 19832; 23407)

SEC. 51A-9.305. REVIEW OF APPLICATION.

(a) Within 10 working days after receipt of a complete application for a street name change, the subdivision administrator shall request comment regarding the potential impacts of the name change on the operations of the following departments and other affected entities:

- (1) Department of transportation and public works.
- (2) Office of budget and management services.
- (3) Fire-rescue department.
- ~~(4) Department of development services.~~
- (4) Department of planning and development.
- (5) Police department.
- (6) Water utilities department.
- (7) Department of sanitation services.
- (8) Department of code compliance.

(9) Contiguous municipalities if any property abutting the street is within the contiguous municipality.

(10) Dallas County Historical Commission.

(11) TXU Electric, or its successor.

(12) TXU Gas, or its successor.

(13) Southwestern Bell Telephone Company, or its successor.

(14) U.S. Postal Service.

(b) The subdivision administrator shall formulate a recommendation on the proposed street name change based upon his own review of the application, the standards in Section 51A-9.304, and the comments received from those listed in Subsection (a). The subdivision administrator shall set a date for review of the application before the subdivision review committee of the city plan commission.

(c) Notice of the public hearing before the subdivision review committee must be advertised in the official newspaper of the city no fewer than 15 days before the date of the hearing. The subdivision administrator must also send written notice of the public hearing to abutting property owners as ownership appears on the last approved ad valorem tax roll no fewer than 15 days before the date of the hearing. Notification signs must be posted along the street for no fewer than 15 days before the date of the hearing.

(d) The subdivision review committee shall formulate a recommendation based upon their review of the application, the standards contained in Section 51A-9.304, and the recommendation of the subdivision administrator. (Ord. Nos. 19832; 22026; 23694; 24410; 24843; 25047; 27204; 28073; 28424; 30239; 30654; 31658; 32002; 32760; 32864)

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:

(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 transportation and public works;

(D) the director of sanitation services;

(E) the director of code compliance;

(F) the director of park and recreation;

~~_____ (G) the director of development services; or~~

(G) the director of planning and development; 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;

(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; or

(10) was specifically listed as a vulnerable or threatened tree species. or species subject to quarantine, as determined by the Texas Department of Agriculture, and was in imminent threat of infestation. (Ord. Nos. 22053; 23694; 25047; 25155; 28073; 28424; 30239; 30654; 30929; 32002; 32340; 32760; 32864)

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>
32441	4-12-23		1	Amends 51-4.212(13)(A)
			2	Amends 51-4.212(13)(F)
			3	Amends 51-4.217(b)(18)
32465	5-24-23		1	Amends 51-4.217(b)(20)(E)(iii)
32482	6-14-23		1	Adds 51-4.216.1(5)
32659	2-14-24		1	Amends 51-4.204(4)
			2	Amends 51-4.204(6)
			3	Amends 51-4.217(b)(10)
			4	Amends 51-4.402
			6	Amends 51-4.403
			7	Amends 51-4.407(a)
			8	Amends 51-4.408(a)(1)
			12	Amends 51-2.102(32)
			13	Amends 51-2.102(33)
32864	9-18-24		34	Amends 51-2.102(19)
			35	Amends 51-4.206(1)(C)(v)
			36	Amends 51-4.217(b)(8)(E)(i)
			37	Amends 51-4.217(b)(8)(E)(iv)
			38	Amends 51-4.217(b)(20)(E)(iii)
			39	Amends 51-4.803(e)(1)
			40	Amends 51-4.803(f)(2)(A)
			1	Adds 51-2.102(91.1)
			2	Adds 51-2.102(91.2)
			3	Adds 51-2.102(121.1)
32907	10-23-24		4	Amends 51-4.212(2)
			5	Amends 51-4.212(18)(E)(i)
			6	Amends 51-4.217(b)(9)
			1	Amends 51-1.102(b)(1)
			2	Amends 51-2.102(8.1)
			3	Adds 51-2.102(8.2)
			4	Adds 51-2.102(8.3)
			5	Deletes 51-2.102(23.1)
			6	Deletes 51-2.102(23.2)
			7	Amends 51-4.201(b)(1)(C)
			8	Amends 51-4.201(b)(1.1)(C)
			9	Amends 51-4.201(b)(2)(C)
			10	Amends 51-4.201(b)(3)(C)
			11	Amends 51-4.201(b)(3)(D)
33112	5-14-25		12	Amends 51-4.201(b)(3.1)(C)
			13	Amends 51-4.201(b)(6)(C)
			14	Amends 51-4.201(b)(7)(C)

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>
33112 (Cont'd)			179	Amends 51-4.214(6)(C)
			180	Amends 51-4.214(7)(C)
			181	Amends 51-4.214(8)(C)
			182	Amends 51-4.214(11)(C)
			183	Amends 51-4.214(12)(C)
			184	Amends 51-4.215(1)(C)
			185	Amends 51-4.215(2)(C)
			186	Amends 51-4.215(3)(C)
			187	Amends 51-4.215(4)(C)
			188	Amends 51-4.215(5)(C)
			189	Amends 51-4.215(6)(C)
			190	Amends 51-4.215(7)(C)
			191	Amends 51-4.215(8)(C)
			192	Amends 51-4.215(9)(C)
			193	Amends 51-4.215(10)(C)
			194	Amends 51-4.215(11)(C)
			195	Amends 51-4.216(2)(C)
			196	Amends 51-4.216(4)(C)
			197	Amends 51-4.216(5)(C)
			198	Amends 51-4.216(6)(C)
			199	Amends 51-4.216(7)(C)
			200	Amends 51-4.216(8)(C)
			201	Amends 51-4.216(9)(C)
			202	Amends 51-4.216(10)(C)
			203	Amends 51-4.216(11)(C)
			204	Amends 51-4.216(12)(C)
			205	Amends 51-4.216(13)(C)
			206	Amends 51-4.216(14)(C)
			207	Amends 51-4.216(15)(C)
			208	Amends 51-4.216.1(1)(C)
			209	Amends 51-4.216.1(2)(C)
			210	Amends 51-4.216.1(3)(C)
			211	Amends 51-4.216.1(4)(C)
			212	Amends 51-4.216.1(5)(C)
			213	Amends 51-4.217(b)(1)(C)
			214	Amends 51-4.217(b)(6)(C)
			215	Amends 51-4.217(b)(15)(C)
33233	9-17-25		16	Amends 51-4.217(b)(20)(E)(iii)
33280	11-12-25		1	Adds Ch. 51, Art. VIIIA
33444	5-27-26		1	Adds 51-4.208(14)
			2	Amends 51-4.210(24)

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>
32497	6-28-23		1	Amends 51A-7.1101
			2	Amends 51A-7.1501
			3	Amends 51A-7.1502(a)
			4	Amends 51A-7.1502(d)
			5	Adds 51A-7.1502(e)
			6	Amends 51A-7.1504(a)
			7	Amends 51A-7.1506(b)(1)
			8	Amends 51A-7.1506(c)(1)
			9	Amends 51A-7.1507
			10	Amends 51A-7.1508
32556	9-20-23	10-1-23	45	Amends 51A-1.105(t)(4)
32624	12-13-23		1	Amends 51A-4.507(b)(4)
			2	Amends 51A-4.507(e)(5)(C)
32642	1-10-24		1	Amends 51A-7.1502(a)
			2	Amends 51A-7.1502(c)
			3	Adds 51A-7.1502(f)
			4	Amends 51A-7.1506(b)(1)
			5	Amends 51A-7.1506(c)(1)
			6	Amends 51A-7.1507(a)
			7	Amends 51A-7.1507(b)(1)
			8	Amends 51A-7.1507(c)
			9	Amends 51A-7.1508
			10	Adds 51A-7.1509
			11	Adds 51A-7.1510
32659	2-14-24		9	Amends 51A-2.102(55)
			10	Amends 51A-4.111(2)(D)
			11	Amends 51A-4.112(a)(2)(D)
			12	Amends 51A-4.112(b)(2)(D)
			13	Amends 51A-4.112(c)(2)(D)
			14	Amends 51A-4.112(d)(2)(D)
			15	Amends 51A-4.112(e)(2)(D)
			16	Amends 51A-4.112(f)(2)(D)
			17	Amends 51A-4.112(g)(2)(D)
			18	Amends 51A-4.113(2)(D)
			19	Amends 51A-4.114(2)(D)
			20	Amends 51A-4.115(2)(D)
			21	Amends 51A-4.116(a)(2)(D)
			22	Amends 51A-4.116(b)(2)(D)
			23	Amends 51A-4.116(c)(2)(D)
			24	Amends 51A-4.116(d)(2)(D)
			25	Amends 51A-4.117(2)(D)

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>
32676 (Cont'd)			12	Amends 51A-1.105(s)
			13	Amends 51A-1.105(y)
			14	Amends 51A-8.702(c)
32760	6-26-24		14	Amends 51A-1.105(j)(2)
			15	Amends 51A-1.105(l)(1)(b)
			16	Amends 51A-2.102(28)
			17	Amends 51A-2.102(32)
			18	Amends 51A-3.103(a)(4)
			19	Amends 51A-4.127(c)(8)(F)(iii)(bb)
			20	Amends 51A-4.206(5)(E)(iv)
			21	Amends 51A-4.211(5)(E)(iv)
			22	Amends 51A-4.502(e)(6)
			23	Amends 51A-4.803(e)(1)
			24	Amends 51A-5.102(e)
			25	Amends 51A-5.105(e)
			26	Amends 51A-5.209(a)
			27	Amends 51A-6.108(e)(1)
			28	Amends 51A-7.932(i)(6)
			29	Amends 51A-8.201(23)
			30	Amends 51A-8.402(23)
			31	Amends 51A-8.403(a)(1)(A)(ii)
			32	Amends 51A-8.403(a)(1)(A)(xi)
			33	Amends 51A-8.403(a)(1)(A)(xv)
			34	Amends 51A-8.403(a)(6)(D)
			35	Amends 51A-8.403(a)(6)(G)
			36	Amends 51A-8.404(i)
			37	Amends 51A-8.506(e)
			38	Amends 51A-8.604(c)
			39	Amends 51A-8.611(b)
			40	Amends 51A-8.611(c)(7)
			41	Amends 51A-8.611(d)(2)(D)
			42	Amends 51A-8.611(d)(3)(B)
			43	Amends 51A-8.611(e)
			44	Amends 51A-8.612(a)
			45	Amends 51A-9.102(a)(2)
			46	Amends 51A-9.305(a)
			47	Amends 51A-10.140(b)
32789	8-14-24		3	Amends 51A-4.303(b)(10)
32817	8-14-24		1	Adds 51A-7.1001(d)
			2	Adds 51A-7.1007.3
32821	8-28-24		1	Adds Ch. 51A, Art. IX, Div. 51A-9.600

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>
33282	12-10-25		1	Amends 51A-11.401
33288	12-10-25		16	Amends 51A-3.102(a)
			17	Amends 51A-3.103(a)(2)
33444	5-27-26		3	Adds 51A-4.210(b)(11.1)
			4	Amends 51A-4.210(b)(18)
33484	6-24-26		1	Amends 51A-3.102(d)

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