

6-1-18

ORDINANCE NO. 30893

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51A-4.301; 51A-4.602, 51A-5.206, and 51A-5.208; changing director of park and recreation to building official for certain plant and landscape provisions; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Romanette (iii) of Paragraph (5) of Subsection (f), "Screening Provisions for Off-Street Parking," of Section 51A-4.301, "Off-Street Parking Regulations," of Division 51A-4.300, "Off-Street Parking and Loading Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(iii) Evergreen plant materials recommended for local area use by the building official [~~director of parks and recreation~~]. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years."

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SECTION 2. That Paragraph (3) of Subsection (b), "Required Screening," of Section 51A-4.602, "Fence, Screening and Visual Obstruction Regulations," of Division 51A-4.600, "Regulations of Special Applicability," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(3) Required screening must be constructed of:

(A) brick, stone, concrete masonry, concrete, or wood;

(B) earthen berm planted with turf grass or ground cover recommended for local area use by the building official [~~director of parks and recreation~~]. The berm may not have a slope that exceeds one foot of height for each two feet of width;

(C) evergreen plant materials recommended for local area use by the building official [~~director of parks and recreation~~]. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years; or

(D) any combination of the above."

SECTION 3. That Paragraph (3) of Subsection (b) of Section 51A-5.206, "Soil Erosion Control Plan," of Division 51A-5.200, "Escarpment Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(3) Indigenous vegetation must be retained and protected except in immediate areas of development so that a minimal amount of vegetation is removed or replaced. If vegetation is removed, it must be replaced with new vegetation of the same variety unless the building official [~~director of parks and recreation~~] approves an alternative variety as being less susceptible to disease or better suited for urban development."

SECTION 4. That Paragraph (1) of Subsection (b) of Section 51A-5.208, "Vegetation Plan," of Division 51A-5.200, "Escarpment Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(1) Indigenous vegetation must be retained and protected except in immediate areas of development so that a minimal amount of vegetation is removed or replaced. If vegetation is removed, it must be replaced with new vegetation of the same variety unless the building official [~~director of parks and recreation~~] approves an alternative variety as being less susceptible to disease or better suited for urban development."

SECTION 5. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 6. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

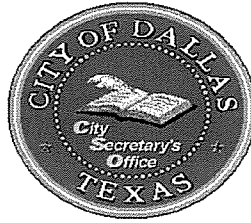
APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By

Assistant City Attorney

Passed JUN 13 2018



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL JUN 13 2018

ORDINANCE NUMBER 30893

DATE PUBLISHED JUN 16 2018

ATTESTED BY: