

6-4-18

ORDINANCE NO. 30895

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.401, 51-4.402, 51-4.403, 51-6.102, 51A-4.401, 51A-4.402, 51A-4.403, and 51A-6.102; providing for certain projections and structures in required yards; deleting certain noise provisions for air conditioning units and generators; 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 Paragraph (1) of Subsection (a), "General Provisions," of Section 51-4.401, "Minimum Front Yard," of Division 51-4.400, "Yard, Lot, and Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(1) Required front yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required front yard. A fireplace chimney may project up to two feet into the required front yard if its area of projection does not exceed 12 square feet. Cantilevered roof eaves and balconies may project up to five feet into the required front yard."

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SECTION 2. That Paragraph (4) of Subsection (a), “General Provisions,” of Section 51-4.401, “Minimum Front Yard,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(4) The building official may approve a ramp that projects into the required front yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp must be completed in 10 days [Reserved].”

SECTION 3. That Subsection (a), “General Provisions,” of Section 51-4.402, “Minimum Side Yard,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(a) General provisions.

(1) Required side yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard.

(2) The side yard setback is measured from the side lot line of the building site, except when a front yard is treated as a side yard, the setback is measured from the lot line or the required right-of-way as determined by the thoroughfare plan, for all thoroughfares except for minor streets, whichever creates the greater setback. On minor streets, the setback is measured from the lot line or the existing right-of-way, whichever creates the greater setback.

(A) When city council by ordinance establishes a specific right-of-way line for a street, the required setback is measured from that right-of-way line.

(3) If a building is erected or altered to exceed 36 feet in height and the building site is either perpendicularly contiguous to or, if a front yard is treated as a side yard, perpendicularly across an adjoining street or alley from an R, R(A), D, D(A), TH, TH(A), or CH district, an additional setback must be provided that is equal to twice the total height of the building. The additional setback is only required for that portion of a building that exceeds 36 feet in height.

(4) A unitary air conditioning unit [~~which has a standard sound rating number (SRN) designation of 20 or less according to the Air Conditioning and Refrigeration Institute~~] may be located in the required side yard, but not nearer than three feet to the property line [as follows:

(A) ~~no more than three units with a SRN designation of 18 or less with a minimum separation of 10 feet between units.~~

(B) ~~no more than two units with a SRN designation of 19 or less with a minimum separation of 10 feet between units; or~~

(C) ~~no more than one unit with a SRN designation of 20.]~~

(5) The building official may approve a ramp that projects into the required side yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp must be completed in 10 days. [The minimum side yard requirements in a planned development district are controlled by the planned development district regulations.]

SECTION 4. That Paragraph (3) of Subsection (b), “Side Yard Provisions for Residential Districts,” of Section 51-4.402, “Minimum Side Yard,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(3) In a residential district, a person need not provide a side yard setback for a structure accessory to a residential use, including a generator, if the structure:

(A) does not exceed 15 feet in height; and

(B) is located in the rear 30 percent of the lot.

Note: This paragraph does not apply to a front yard governed by the side yard regulations in Section 51-4.402 (such as a front yard treated as a side yard on a corner lot).”

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SECTION 5. That Paragraph (4) of Subsection (a), “General Provisions,” of Section 51-4.403, “Minimum Rear Yard,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(4) The building official may approve a ramp that projects into the required rear yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp must be completed in 10 days. [~~The minimum rear yard requirements in a planned development district are controlled by the planned development district regulations.~~]”

SECTION 6. That Paragraph (2) of Subsection (b), “Rear Yard Provisions for Residential Districts,” of Section 51-4.403, “Minimum Rear Yard,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(2) In a residential district, a person need not provide a rear yard setback for a structure accessory to a residential use, including a generator, if:

- (A) the structure does not exceed 15 feet in height; and
- (B) the rear yard is not adjacent to an alley.”

SECTION 7. That Paragraph (5) of Subsection (a), “General Provisions,” of Section 51-6.102, “Noise Regulations,” of Article VI, “Environmental Performance Standards,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(5) The requirements of this section do not apply to:

(A) [~~the side yard placement of a unitary air conditioning unit which complies with the requirements in Section 51-4.402(a)(4);~~

~~(B)~~] mobile sources;

~~(B)~~~~(C)~~] construction/demolition activities regulated by Chapter 30;

~~(C)~~~~(D)~~] special events for which a special events permit is issued under Chapter 42A;

~~(D)~~~~(E)~~] sound generating equipment or apparatus to warn the public of an emergency or for public safety;

~~(E)~~~~(F)~~] noise from use-related loading/unloading operations that impact residential areas when conducted during daytime hours; or

~~(F)~~~~(G)~~] the following activities, as long as they are conducted between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday, Sunday, and legal holidays as a normal function of a permitted use and the equipment is maintained in proper working condition:

- (i) Lawn maintenance.
- (ii) Repair of personal use vehicles.
- (iii) Home repair of place of residence.”

SECTION 8. That Paragraph (1) of Subsection (a), “General Provisions,” of Section 51A-4.401, “Minimum Front Yard,” of Division 51A-4.400, “Yard, Lot, and Space 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:

“(1) Required front yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required front yard. A fireplace chimney may project up to two feet into the required front yard if its area of projection does not exceed 12 square feet. Cantilevered roof eaves and balconies may project up to five feet into the required front yard.”

SECTION 9. That Paragraph (4) of Subsection (a), “General Provisions,” of Section 51A-4.401, “Minimum Front Yard,” of Division 51A-4.400, “Yard, Lot, and Space 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:

“(4) The building official may approve a ramp that projects into the required front yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp must be completed in 10 days. [Reserved.]”

SECTION 10. That Subsection (a), “General Provisions,” of Section 51A-4.402, “Minimum Side Yard,” of Division 51A-4.400, “Yard, Lot, and Space 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:

“(a) General provisions.

(1) Required side yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard.

(2) The side yard setback is measured from the side lot line of the building site, except when a front yard is treated as a side yard, the setback is measured from the lot line or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback. On minor streets, the setback is measured from the lot line or the existing right-of-way, whichever creates the greater setback.

(A) When city council by ordinance establishes a specific right-of-way line for a street, the required setback is measured from that right-of-way line.

(3) Reserved.

(4) A unitary air conditioning unit [~~which has a standard sound rating number (SRN) designation of 20 or less according to the Air Conditioning and Refrigeration Institute~~] may be located in the required side yard, but not nearer than three feet to the property line [~~as follows:~~

(A) ~~No more than three units with a SRN designation of 18 or less with a minimum separation of 10 feet between units.~~

(B) ~~No more than two units with a SRN designation of 19 or less with a minimum separation of 10 feet between units; or~~

(C) ~~No more than one unit with a SRN designation of 20].~~

(5) The building official may approve a ramp that projects into the required side yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp must be completed in 10 days. ~~[The minimum side yard requirements in a planned development district are controlled by the planned development district regulations.]~~

SECTION 11. That Paragraph (3) of Subsection (b), “Side Yard Provisions for Residential Districts,” of Section 51A-4.402, “Minimum Side Yard,” of Division 51A-4.400, “Yard, Lot, and Space 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:

“(3) In a residential district, a person need not provide a side yard setback for a structure accessory to a residential use, including a generator, if the structure:

(A) does not exceed 15 feet in height; and

(B) is located in the rear 30 percent of the lot.”

SECTION 12. That Paragraph (4) of Subsection (a), “General Provisions,” of Section 51A-4.403, “Minimum Rear Yard,” of Division 51A-4.400, “Yard, Lot, and Space 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:

“(4) The building official may approve a ramp that projects into the required rear yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp must be completed in 10 days. ~~[The minimum rear yard requirements in a planned development district are controlled by the planned development district regulations.]~~”

SECTION 13. That Paragraph (2) of Subsection (b), "Rear Yard Provisions for Residential Districts," of Section 51A-4.403, "Minimum Rear Yard," of Division 51A-4.400, "Yard, Lot, and Space 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:

"(2) In a residential district, a person need not provide a full rear yard setback for a structure accessory to a residential use, including a generator, if the structure does not exceed 15 feet in height. Where the rear yard is adjacent to an alley, a three-foot setback must be provided. Where the rear yard is not adjacent to an alley, no setback is required."

SECTION 14. That Paragraph (5) of Subsection (a), "General Provisions," of Section 51A-6.102, "Noise Regulations," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows

"(5) The requirements of this section do not apply to:

(A) ~~[the side yard placement of a unitary air conditioning unit which complies with the requirements in Section 51A-4.402(a)(4);~~

~~(B)]~~ mobile sources;

~~(B)(C)]~~ construction/demolition activities regulated by Chapter 30;

~~(C)(D)]~~ special events for which a special events permit is issued under Chapter 42A;

~~(D)(E)]~~ sound generating equipment or apparatus to warn the public of an emergency or for public safety;

~~(E)(F)]~~ noise from use-related loading/unloading operations that impact residential areas when conducted during daytime hours; or

(E[G]) the following activities, as long as they are conducted between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday, Sunday, and legal holidays as a normal function of a permitted use and the equipment is maintained in proper working condition:

- (i) Lawn maintenance.
- (ii) Repair of personal use vehicles.
- (iii) Home repair of place of residence.”

SECTION 15. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 16. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 17. 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 18. 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.

SECTION 19. 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.

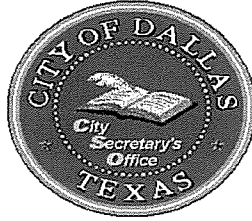
APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

JUN 13 2018

Passed _____



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 30895

DATE PUBLISHED JUN 16 2018

ATTESTED BY: