

ORDINANCE NO. 32002

An ordinance amending Sections 2-26.7, 2-41, 2-42, 2-49, 2-53, 2-98, and 2-139.2 of Chapter 2, “Administration”; amending Section 6-4 of Chapter 6, “Alcoholic Beverages”; amending Section 14-4 of Chapter 14, “Dance Halls”; amending Section 41A-6 of Chapter 41A, “Sexually Oriented Businesses”; amending Sections 43-121, 43-126.5, and 43-126.16 of Chapter 43, “Streets and Sidewalks”; amending Section 49-1 of Chapter 49, “Water and Wastewater”; amending Section 51-2.102 of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended”; amending Sections 51A-1.105, 51A-2.102, 51A-3.103, 51A-4.127, 51A-4.206, 51A-4.211, 51A-4.502, 51A-4.803, 51A-5.102, 51A-5.105, 51A-5.209, 51A-6.108, 51A-7.932, 51A-8.201, 51A-8.402, 51A-8.403, 51A-8.404, 51A-8.506, 51A-8.604, 51A-8.611, 51A-8.612, 51A-9.305, and 51A-10.140 of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended”; changing the name of the Department Sustainable Development and Construction to Department of Development Services; assigning real estate services from the Department of Sustainable Development and Construction to the Department of Public Works; assigning zoning functions from the Department of Sustainable Development and Construction to the Department of Planning and Urban Design; assigning coordination of engineering and construction of transportation operation elements done by a private developer to the Department of Transportation; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

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

SECTION 1. That Subsection (a) of Section 2-26.7, "Purchase Proposals by Nonprofit Organizations; Procedures and Requirements for City Approval or Rejection of Proposals," Division 2, "Alternate Manner of Sale of Real Property to Nonprofit Organizations for Affordable Housing," of Article III, "Management and Sale of City-Owned Real Property," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

"(a) A nonprofit organization wanting to purchase land under this division must submit a complete proposal to the director and the director of [sustainable] development services [~~and construction~~]. The proposal must include all of the following information:

- (1) Evidence that the requestor is a qualified nonprofit organization.
- (2) A plan to develop the land as either single-family or multi-family affordable housing for low-income individuals or families in compliance with this code and all other applicable city ordinances and state and federal laws.
- (3) A timetable showing the commencement of construction, completion of construction, and occupancy of affordable housing on the land by low-income individuals or families.
- (4) Evidence of a citizen participation plan or the approval of area residents of the use of the land by the nonprofit organization.
- (5) Identification and sources of the necessary project financing.
- (6) Evidence that the requestor is not delinquent in payment to the city of any fees, charges, taxes, or liens, or, if delinquent, has paid at least one-third of the total amount owed and is currently on an approved payout arrangement with the city.
- (7) Evidence that the requestor is current on payment of taxes and liens owed to any other affected taxing unit under the Texas Property Tax Code."

SECTION 2. That Subsection (c) of Section 2-26.7, "Purchase Proposals by Nonprofit Organizations; Procedures and Requirements for City Approval or Rejection of Proposals," Division 2, "Alternate Manner of Sale of Real Property to Nonprofit Organizations for Affordable Housing," of Article III, "Management and Sale of City-Owned Real Property," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

"(c) If, after investigating the facts set forth in the proposal, the director determines that the nonprofit organization does not meet all requirements for receiving a quitclaim of land under this division, the director shall reject the proposal. The director shall notify the nonprofit organization and the director of [sustainable] development services [~~and construction~~] in writing of the director's decision. The notice must state the reason the proposal was rejected and that the nonprofit organization may appeal the director's decision under Section 2-26.14 of this division."

SECTION 3. That Article V, "Department of Sustainable Development and Construction," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

#### **"ARTICLE V.**

#### **DEPARTMENT OF [SUSTAINABLE] DEVELOPMENT SERVICES [~~AND CONSTRUCTION~~].**

#### **SEC. 2-41. CREATED; DIRECTOR OF [SUSTAINABLE] DEVELOPMENT SERVICES [~~AND CONSTRUCTION~~].**

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

#### **SEC. 2-42. DUTIES OF THE DIRECTOR OF [SUSTAINABLE] DEVELOPMENT SERVICES [~~AND CONSTRUCTION~~].**

(a) The director of [sustainable] development services [~~and construction~~] shall perform the following duties:

(1) Supervise and administer the department of [sustainable] development services [~~and construction~~].

(2) [~~Supervise the purchase and sale of all real property of the city.~~]

~~(3) Manage real property under the director's supervision including approval of short term month to month leases.~~

~~(4) 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.~~

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

~~[(6) Solicit proposals from independent appraisers for the furnishing of appraisals of real property when appropriate.]~~

(3[7]) 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[8]) Participate with the chief planning officer in developing and recommending to the city manager a comprehensive plan for the city.

(5[9]) Participate with the chief planning officer in reviewing and making recommendations regarding proposed actions implementing the comprehensive plan.

(6[10]) Participate in the preparation and revision of the capital improvement program.

(7[11]) Administer the regulations governing the subdivision and platting of land in accordance with state and local laws.

(8[12]) 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.

~~[(13) Give advice and provide staff assistance to the board of adjustment and the plan commission in the exercise of their responsibilities.]~~

(9[14]) Serve as secretary to the landmark commission.

(10[15]) 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[16]) Supervise the engineering and construction of the storm sewers and storm drainage systems when the work is being done by a private developer.

(12[47]) Administer, implement, and enforce city regulations relating to the construction of public water and wastewater infrastructure improvements by private developers.

(13[48]) Provide for the administration, implementation, and enforcement of the city's construction codes.

(14[49]) Perform plan reviews and inspections for new construction and renovation of fixed facilities for food products establishments.

(15[20]) 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 [~~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 [~~sustainable~~] development services [~~and construction~~].”

SECTION 4. That Section 2-49, “Duties of the Director of Public Works,” of Article V-c, “Department of Public Works,” of Chapter 2, “Administration,” of the Dallas City Code, is amended to read as follows:

**“SEC. 2-49. DUTIES OF THE DIRECTOR OF PUBLIC WORKS.**

The director of public works shall perform the following duties:

- (1) Supervise and administer the department of public works.
- (2) Supervise the engineering, opening, construction, and paving of all streets, boulevards, alleys, sidewalks, and public ways, except when the work is being done by a private developer.
- (3) Supervise the engineering and construction of the storm sewers and storm drainage systems associated with a paving project, except when the work is being done by a private developer.
- (4) Approve the location of equipment and facilities installed under, on, or above the public right-of-way.
- (5) Provide for the maintenance and repairs of streets, alleys, medians, and public rights-of-way, as designated by the city manager.
- (6) Provide for street hazard and emergency response.

(7) Supervise the engineering and construction of the storm sewers and storm drainage systems associated with a paving project, except when the work is being done by a private developer.

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

(9) Supervise the purchase and sale of all real property of the city.

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

(11) 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.

(12) Solicit proposals from independent appraisers for the furnishing of appraisals of real property when appropriate."

SECTION 5. That Section 2-53, "Duties of the Chief Planning Officer," of Article V-e, "Department of Planning and Urban Design," of Chapter 2, "Administration," of the Dallas City Code, is amended by adding a new Paragraph (8) to read as follows:

"(8) Give advice and provide staff assistance to the board of adjustment and the plan commission in the exercise of their responsibilities."

SECTION 6. That Section 2-98, "Public Notice Requirements for Hearings on Exemptions From Locational Restrictions," of Article IX, "Permit and License Appeal Board," of Chapter 2, "Administration," of the Dallas City Code, is amended to read as follows:

**"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 [~~sustainable~~] development services [~~and construction~~] at the time the written request for the exemption hearing is filed. Not less than 10 days before the hearing date, the director of [~~sustainable~~] development services [~~and construction~~] 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 [~~sustainable~~] development services [~~and construction~~] to receive zoning notices for the area in which the subject of the exemption is located. The director of [~~sustainable~~] development services

[~~and construction~~] may waive the \$100 public notice fee upon receipt of an affidavit from the applicant showing financial hardship.”

SECTION 7. That Section 2-139.2, “Duties of the Director of Transportation,” of Article XVII-a, “Department of Transportation,” of Chapter 2, “Administration,” of the Dallas City Code, is amended by adding a new Paragraph (11) to read as follows:

“(11) Supervise the coordination of engineering and construction of traffic signals, streetlights, and associated transportation operations elements when the work is being done by a private developer.”

SECTION 8. That Subsection (g), “Variances,” of Section 6-4, “Dealers Located Near Churches, Schools, Day-Care Centers, Child-Care Facilities, and Hospitals; Variances,” of Chapter 6, “Alcoholic Beverages,” of the Dallas City Code, is amended to read as follows:

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

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

(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 [sustainable] development services [~~and construction~~] deems necessary.

(2) Fee. A nonrefundable fee of \$1,200 must be paid to the director of [sustainable] development services [~~and construction~~] 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 [sustainable] development services [~~and construction~~] 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 [sustainable] development services [~~and construction~~] 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 [sustainable] development services [~~and construction~~] 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 [sustainable] development services [~~and construction~~] 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;

(iii) a winery permit pursuant to Chapter 16 of the Texas Alcoholic Beverage Code;

(iv) a wine and beer retailer's permit pursuant to Chapter 25 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, microdistillery, or winery; or

(iv) alcoholic beverage manufacturing;

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

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

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

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

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

(iv) does not serve its intended purpose;

(v) is not effective or necessary; or

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

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

(7) Renewal and transfer. A variance granted pursuant to this subsection is valid for subsequent renewals of the alcohol permit. A variance granted pursuant to this subsection may not be transferred to another location or to another alcohol permit holder.”

SECTION 9. That Subsection (c) of Section 14-4, “Fees,” of Chapter 14, “Dance Halls,” of the Dallas City Code, is amended to read as follows:

“(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 [sustainable] development services [~~and construction~~] 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.”

SECTION 10. That Subsection (c) of Section 41A-6, “Fees,” of Chapter 41A, “Sexually Oriented Businesses,” of the Dallas City Code, is amended to read as follows:

“(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 [sustainable] development services [~~and construction~~] 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.”

SECTION 11. That Subsection (c) of Section 43-121, “License Required; Application Issuance,” of Division 2, “Bicycle Parking Devices,” of Article VI, “License for the Use of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code, is amended to read as follows:

“(c) The director shall forward a copy of any completed application to the departments of public works, sanitation services, code compliance, planning and urban design, and [sustainable] development services [~~and construction~~], 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.”

SECTION 12. That Subsection (d) of Section 43-126.5, “License Required; Application; Issuance,” of Division 3, “Valet Parking Services,” of Article VI, “License for the Use of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code, is amended to read as follows:

“(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 public works, sanitation services, code compliance, [sustainable] development services [~~and construction~~], 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.”

SECTION 13. That Paragraph (5) of Section 43-126.16, “Definitions,” of Division 4, “Newsracks,” of Article VI, “License for the Use of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code, is amended to read as follows:

“(5) DIRECTOR means the director of public works [~~sustainable development and construction~~], or a designee.”

SECTION 14. That Subsection (32) of Section 49-1, “Definitions,” of Article I, “General,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code, is amended to read as follows:

“(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 [~~sustainable~~] development services [~~and construction~~].”

SECTION 15. That Paragraph (32) of Section 51-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code, is amended to read as follows:

“(32) DEPARTMENT means department of [~~sustainable~~] development services [~~and construction~~]. The department of [~~sustainable~~] development services [~~and construction~~] was formerly named the department of sustainable development and construction [~~services~~], 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 [~~sustainable~~] development services [~~and construction~~].”

SECTION 16. That Paragraph (33) of Section 51-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code, is amended to read as follows:

“(33) DIRECTOR means the director of the department of [~~sustainable~~] development services [~~and construction~~] or his representative.”

SECTION 17. That Paragraph (2) of Subsection (j), “Fees for Thoroughfare Plan Amendments,” of Section 51A-1.105, “Fees,” of Article I, “General Provisions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(2) The applicant shall pay the filing fee to the director of ~~[sustainable]~~ development services ~~[and construction]~~. The director of ~~[sustainable]~~ development services ~~[and construction]~~ shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.”

SECTION 18. That Subparagraph (B) of Paragraph (1) of Subsection (l), “Fees for a Street Name Change and for a Ceremonial Street Naming,” of Section 51A-1.105, “Fees,” of Article I, “General Provisions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(B) A fee for new street identification signs must be paid to the director of ~~[sustainable]~~ development services ~~[and construction]~~ within 60 days of the approval of a street name change by the city council.”

SECTION 19. That Paragraph (28) of Section 51A-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(28) DEPARTMENT means the department of ~~[sustainable]~~ development services ~~[and construction]~~. The department of ~~[sustainable]~~ development services ~~[and construction]~~ was formerly named the department of sustainable development and construction ~~[services]~~, 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 ~~[sustainable]~~ development services ~~[and construction]~~.”

SECTION 20. That Paragraph (32) of Section 51A-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(32) DIRECTOR means the director of the department of sustainable development and construction ~~[services]~~ or the director’s representative.”

SECTION 21. That Paragraph (4) of Subsection (a), “Creation; Membership; Appointment,” of Section 51A-3.103, “Landmark Commission,” of Article III, “Decisionmaking and Administrative Bodies,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(4) In addition to the 15 regular members, representatives from the city plan commission, department of [sustainable] development services [~~and construction~~], the building inspection division of the department [sustainable] development services [~~and construction~~], 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 [~~department~~] shall provide adequate staff support to the landmark commission and shall assign a member of the staff to act as the historic preservation officer.”

SECTION 22. That Subromanette (bb) of Romanette (iii), “Storefront Treatments,” of Subparagraph (F), “Building Envelope Design Requirements,” of Paragraph (8), “Site Design Requirements,” of Subsection (c), “UC Districts,” of Section 51A-4.127, “Urban Corridor Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” is amended to read as follows:

“(bb) Corner lot structures must have corner entrances in compliance with the visibility triangle standards set by the department of [sustainable] development services [~~and construction~~].”

SECTION 23. That Romanette (iv), “Operations Plan,” of Subparagraph (E) of Paragraph (5), “Placement of Fill Material,” of Section 51A-4.206, “Miscellaneous Uses,” of Division 51A-4.200, “Use 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:

“(iv) Operations plan. An applicant shall submit to the director of [sustainable] development services [~~and construction~~] an operations plan which includes:

- (aa) hours of operation;
- (bb) location and depth of fill;
- (cc) fences or any other barriers necessary for safety and screening;
- (dd) drainage and erosion control measures, if required;
- (ee) means for protection of trees;
- (ff) truck routes to be used (usage of truck routes must be in compliance with Article X of Chapter 28 of the Dallas City Code);
- (gg) the length of time necessary to complete the filling;
- (hh) sufficient ingress and egress to and from the site; and
- (ii) any other information the director determines is reasonably necessary for a complete review of the proposed filling operations.”

SECTION 24. That Romanette (iv) of Subparagraph (E) of Paragraph (5), “Private Street or Alley,” of Section 51A-4.211, “Transportation Uses,” of Division 51A-4.200, “Use 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:

“(iv) Street lights comparable with those required on public rights-of-way must be provided. Street lighting design plans must be approved by the director in compliance with applicable standards of the department of [~~sustainable~~] development services [~~and construction~~].”

SECTION 25. That Paragraph (6), “Departmental Review,” of Subsection (e), “Site Plan Process,” of Section 51A-4.502, “Institutional Overlay District,” of Division 51A-4.500, “Overlay and Conservation District 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:

“(6) Departmental review. The director shall forward the information to the department of [~~sustainable~~] development services [~~and construction~~], public works, sanitation

services, water utilities, and code compliance, and to any other appropriate departments. Within 30 days following receipt of a completed 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 public works, transportation, 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.”

SECTION 26. That Paragraph (1) of Subsection (e), “Review by the Director,” of Section 51A-4.803, “Site Plan Review,” of Division 51A-4.800, “Development Impact Review,” 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) Upon the filing of a complete application for review of a site plan and a complete site plan submission, the director of [~~sustainable~~] development services [~~and construction~~] shall promptly forward one copy of each 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 [~~sustainable~~] development services [~~and construction~~] within 15 calendar days of the filing date.”

SECTION 27. That Subsection (e), “Zoning Map Revision,” of Section 51A-5.102, “Designation or Removal of FP Areas,” of Division 51A-5.100, “Flood Plain 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:

“(e) Zoning map revision. The director of water utilities must notify the director of [~~sustainable~~] development services [~~and construction~~] 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. The director of water utilities shall keep a copy of the notification in a permanent file and send a copy of the notification to the city secretary, who shall keep the copy in a permanent file.”

SECTION 28. That Subsection (e), "Filling to Remove an FP Designation," of Section 51A-5.105, "Filling in the Flood Plain," of Division 51A-5.100, "Flood Plain 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:

"(e) Filling to remove an FP designation.

(1) In general. This subsection applies to applications to remove an FP designation other than applications to remove an FP designation from an interior drainage area pursuant to Subsection (f).

(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 [~~sustainable~~] development services [~~and construction~~], the chief planning officer, and the director of park and recreation for review.

(B) The director of [~~sustainable~~] development services [~~and construction~~], 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. They shall also determine whether the applicant's property should be considered for public acquisition due to its ecological, scenic, historic, or recreational value. The director of water utilities shall provide a report to the city council on each application regarding environmental impacts and public acquisition issues.

(3) Neighborhood meeting. The water utilities department shall schedule and conduct a 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 [~~sustainable~~] development services [~~and construction~~]. 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 and public hearing. 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

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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 [sustainable] development services [~~and construction~~]. Written notice must be given in the same manner required in Paragraph (2) for the neighborhood meeting.

(5) Decision on application.

(A) After notice and a public hearing in compliance with Paragraph (3), the city council shall approve or deny the application for a fill permit. The city council may only deny an application if:

(i) the application does not meet the requirements of Section 51A-5.105(g); or

(ii) the city council has, by resolution, authorized acquisition of the property under the laws of eminent domain, and denial of the application is necessary to preserve the status quo until the property is acquired.

(B) In connection with its approval of a fill permit, the city council may grant a variance to the requirements of Subsection (h) if the variance will not violate any provision of federal or state law or endanger life or property.

(C) If the city council approves a fill permit application, the FP designation for the filled area may be removed from the official zoning district map upon compliance by the applicant with the specifications for filling.

(6) Zoning map revision. Upon compliance with all applicable requirements of this section by the applicant, the director of water utilities shall notify the director of [sustainable] development services [~~and construction~~], who shall remove the FP designation for the filled area from the official zoning district map.

(7) Letter of Map Revision (LOMR). 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 if a conditional letter of map revision (CLOMR) is obtained; however, no building permit for construction of a structure may be issued until a final letter of map revision (LOMR) is obtained.”

SECTION 29. That Subsection (a) of Section 51A-5.209, "Escarpment Area Review Committee," 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:

"(a) In order to assist the director and the board of adjustment in the administration and interpretation of these escarpment regulations, and to establish an efficient forum for city input and review of proposed developments in geologically similar areas, an escarpment area review committee ("the committee") shall be established. The committee shall be advisory in nature and be comprised of at least one representative from the departments of [sustainable] development services [and construction], parks and recreation, planning and urban design, 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."

SECTION 30. That Paragraph (1) of Subsection (e), "Staff Review," of Section 51A-6.108, "Municipal Setting Designation Ordinance," 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:

"(1) The director shall distribute a copy of the complete application to the city attorney, the department of [sustainable] development services [and construction], the office of management services, the park and recreation department, the department of transportation, and the Dallas water utilities department for review and comment. The director shall also send a copy of the application to the TCEQ."

SECTION 31. That Paragraph (6) Subsection (i), "Middle-Level Sign Area," of Section 51A-7.932, "Akard Station Subdistrict," of Division 51A-7.900, "Downtown Special Provision Sign District," of Article VII, "Sign Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code, is amended to read as follows:

"(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 [sustainable] development services [and construction] detailing compliance with this section."

SECTION 32. That Paragraph (23) of Section 51A-8.201, “Definitions,” of Division 51A-8.200, “Definitions,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(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 [~~sustainable~~] development services [~~and construction~~] or the water utilities department for review in conjunction with a plat.”

SECTION 33. That Section 51A-8.402, “Platting of Street Right-of-Way Prohibited,” of Division 51A-8.400, “Procedures,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

**“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 [~~sustainable~~] development services [~~and construction~~] 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.”

SECTION 34. That Romanette (ii) of Subparagraph (A) of Paragraph (1), “Preliminary Plat Application,” of Subsection (a), “Plat Approval Process,” of Section 51A-8.403, “Platting Process,” of Division 51A-8.400, “Procedures,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(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 [~~sustainable~~] development services [~~and construction~~]. (Unless otherwise indicated, all words on a plat must be at least 10 characters per inch.)”

SECTION 35. That Romanette (xi) of Subparagraph (A) of Paragraph (1), "Preliminary Plat Application," of Subsection (a), "Plat Approval Process," of Section 51A-8.403, "Platting Process," of Division 51A-8.400, "Procedures," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code, is amended to read as follows:

"(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 [sustainable] development services [~~and construction~~] if the impact of the drainage is not significant."

SECTION 36. That Romanette (xv) of Subparagraph (A) of Paragraph (1), "Preliminary Plat Application," of Subsection (a), "Plat Approval Process," of Section 51A-8.403, "Platting Process," of Division 51A-8.400, "Procedures," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code, is amended to read as follows:

"(xv) Contour lines indicating the terrain and drainage pattern of the area. Contour intervals must be five feet or less unless the director of [sustainable] development services [~~and construction~~] determines that the slope of the land is less than 1 to 100 (vertical to horizontal). If the director of [sustainable] development services [~~and construction~~] determines that the property being platted is fully developed, contour lines are not required."

SECTION 37. That Subparagraph (D) of Paragraph (6), "Satisfaction of Conditions Required," of Subsection (a), "Plat Approval Process," of Section 51A-8.403, "Platting Process," of Division 51A-8.400, "Procedures," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code, is amended to read as follows:

"(D) Releases must be secured by the applicant from the department of [sustainable] development services [~~and construction~~], the city controller, and the city attorney."

SECTION 38. That Subparagraph (G) of Paragraph (6), “Satisfaction of Conditions Required,” of Subsection (a), “Plat Approval Process,” of Section 51A-8.403, “Platting Process,” of Division 51A-8.400, “Procedures,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(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 [~~sustainable~~] development services [~~and construction~~].”

SECTION 39. That Subsection (i), “Extension of Infrastructure Plan Approval,” of Section 51A-8.404, “Engineering Plan Approval Procedure,” of Division 51A-8.400, “Procedures,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(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 [~~sustainable~~] development services [~~and construction~~]. 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.”

SECTION 40. That Subsection (e), “Street Names,” of Section 51A-8.506, “Street Layout,” of Division 51A-8.500, “Subdivision Layout and Design,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(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 [~~sustainable~~] development services [~~and construction~~], and the police department before consideration by the commission.”

SECTION 41. That Subsection (c), “Minor Street Criteria,” of Section 51A-8.604, “Street Engineering Design and Construction,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(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 [sustainable] development services [~~and construction~~]. 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.”

SECTION 42. That Subsection (b), “Erosion and Sedimentation Control,” of Section 51A-8.611, “Storm Drainage Design,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(b) Erosion and sedimentation control.

(1) The owner shall provide erosion control plans for review and subsequent approval by the department of [sustainable] development services [~~and construction~~] 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 [sustainable] development services [~~and construction~~] is necessary to authorize any time of exposure exceeding six months.

(B) A complete description of all control measures designed to control erosion and sedimentation of soils during and after construction. The owner is responsible for maintenance of erosion and sedimentation control measures during development and shall remove sediment from city right-of-way or storm drainage systems that occurs during the construction phase. Revegetation of the disturbed area is required as a part of the approved erosion control plan.”

SECTION 43. That Paragraph (7) of Subsection (c), “Detention,” of Section 51A-8.611, “Storm Drainage Design,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(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 [sustainable] development services [~~and construction~~] provided there is a written agreement in effect at the time.”

SECTION 44. That Subparagraph (D) of Paragraph (2), “Floodway Easements,” of Subsection (d), “Floodways,” of Section 51A-8.611, “Storm Drainage Design,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(D) Unless approved by the directors of [sustainable] development services [~~and construction~~] 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.”

SECTION 45. That Subparagraph (B) of Paragraph (3), “Floodway Management Areas,” of Subsection (d), “Floodways,” of Section 51A-8.611, “Storm Drainage Design,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(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, [sustainable] development services [~~and construction~~], 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.”

SECTION 46. That Subsection (e), “Lot to Lot Drainage,” of Section 51A-8.611, “Storm Drainage Design,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(e) Lot to lot drainage. Each lot must be drained to an abutting street or alley unless the director of [sustainable] development services [~~and construction~~] determines that drainage to a street or alley is infeasible. If the director of [sustainable] development services [~~and construction~~] 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 [sustainable] development services [~~and construction~~].

(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.”

SECTION 47. That Subsection (a), “Generally,” of Section 51A-8.612, “Private Development Contracts,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(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 [sustainable] development services [~~and construction~~] 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.”

SECTION 48. That Subsection (a) of Section 51A-9.305, “Review of Application,” of Division 51A-9.300, “Street Naming and Name Change Process,” of Article IX, “Thoroughfares,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(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.
- (2) Department of public works.
- (3) Office of budget and management services.
- (4) Fire-rescue department.
- (5) Department of [sustainable] development services [~~and construction~~].
- (6) Police department.
- (7) Water utilities department.
- (8) Department of sanitation services.
- (9) Department of code compliance.
- (10) Contiguous municipalities if any property abutting the street is within the contiguous municipality.
- (11) Dallas County Historical Commission.
- (12) TXU Electric, or its successor.
- (13) TXU Gas, or its successor.
- (14) Southwestern Bell Telephone Company, or its successor.
- (15) U.S. Postal Service.”

SECTION 49. That Subsection (b) of Section 51A-10.140, “Criminal Responsibility, and Defenses to Prosecution,” of Division 51A-10.130, “Urban Forest Conservation,” of Article X, “Landscape and Tree Conservation Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(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 public works;

(D) the director of transportation;

(E) the director of sanitation services;

(F) the director of code compliance;

(G) the director of park and recreation;

(H) the director of [sustainable] development services [~~and construction~~]; or

(I) the director of aviation.

(7) was designated for removal without replacement in a landscape plan approved by the city council, city plan commission, or board of adjustment;

(8) interfered with construction or maintenance of a public utility or public right-of-way; or

(9) was removed or seriously injured to allow construction, including the operation of construction equipment in a normal manner, in accordance with infrastructure engineering plans approved under Article V of Chapter 49 or street paving and grading in a public right-of-way, storm drainage easement, detention or retention pond designation, or bridge construction, for private development.”

SECTION 50. That Chapters 2, 6, 14, 41, 43, 49, 51, and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 51. 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 52. 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 53. 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:

CHRISTOPHER J. CASO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed SEP 22 2021



## 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 SEP 22 2021

ORDINANCE NUMBER 32002

DATE PUBLISHED SEP 25 2021

ATTESTED BY: