

3-28-18

30808

ORDINANCE NO. \_\_\_\_\_

An ordinance correcting Sections 51A-1.105, "Fees," 51A-4.212, "Utility and Public Service Uses," and 51A-4.702, "Planned Development (PD) District Regulations," of the Dallas City Code; providing a savings clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council finds that it is in the public interest to correct Chapter 51A to accurately reflect the intent of the city council; Now, Therefore,

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

SECTION 1. That the note to Paragraph (3) of Subsection (k), "Fees for Miscellaneous Items," 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 corrected to read as follows:

"Note: The director shall also send notification of minor plan amendments to the city plan commission members, any known neighborhoods associations covering the property, and persons on the early notification list at least 10 days prior to the city plan commission meeting [~~public hearing~~]."

SECTION 2. That Item (iii) of Subparagraph (B) of Paragraph (10.1), "Tower/Antenna for Cellular Communication," of Section 51A-4.212, "Utility and Public Service 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:

"(iii) Monopole cellular towers: By right in commercial, industrial, and central area districts with RAR required in commercial and industrial districts. By right in LO(A), MO(A), GO(A), mixed use, and multiple commercial districts if the height of the tower does not exceed the maximum height for structures in that district as provided in the district

regulations (Divisions 51A-4.100 et seq.) with RAR required in the same districts; otherwise by SUP only. By right in the CR district if the height of the tower does not exceed 65 feet, with RAR required; otherwise by SUP only. By right in the RR district if the height of the tower does not exceed 80 feet, with RAR required; otherwise by SUP only. By SUP only in all residential, NO(A), NS(A) districts, and in any district where a monopole cellular tower is permitted by right but exceeds the residential proximity slope height restrictions. The impact of the monopole [mounted] cellular tower height on an adjacent residential district must be considered in the SUP process.”

SECTION 3. That Paragraph (2), “Determination of Procedure,” of Subsection (h), “Amendments to the Development Plan,” of Section 51A-4.702, “Planned Development (PD) District Regulations,” of Division 51A-4.700, “Zoning Procedures,” 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) Determination of procedure. Upon receipt of an application, the director shall determine if the proposed amendments are minor amendments and, if so, whether the proposed amendments are to be reviewed under the director procedure, the city plan commission procedure, or the public notice [hearing] procedure.

(A) Director procedure. The director may forward any application to the city plan commission for review. The director may, however, approve minor amendments to a development plan without the notification described in Section 51A-1.105(k) if:

(i) the purpose of the amendment is to bring the request area into compliance with screening requirements; or

(ii) the proposed development plan:

(aa) does not have residential adjacency;

(bb) does not increase enclosed floor area from that allowed on the original development plan;

(cc) does not increase structure height from that allowed on the original development plan;

(dd) does not change uses from those allowed on the original development plan;

(ee) does not permit access to a street for which no ingress or egress point was previously shown; and

30808

(ff) does not reduce designated perimeter buffer area or designated open space.

The director shall notify the city plan commission of all applications for minor amendments eligible for approval under the director procedure.

(B) City plan commission procedure. The city plan commission may approve a minor amendment to a development plan without the notification described in Section 51A-1.105(k) if the proposed development plan:

- (i) does not have residential adjacency;
- (ii) does not change uses from those allowed on the original development plan; and
- (ii) does not reduce designated perimeter buffer area or designated open space.

(C) Public notice procedure. Minor amendments that do not qualify for the director procedure or the city plan commission procedure must be reviewed under the public notice procedure. The notification described in Section 51A-1.105(k) is required.”

SECTION 4. That Paragraph (2), “Determination of Procedure,” of Subsection (i), “Amendments to the Landscaping Plan,” of Section 51A-4.702, “Planned Development (PD) District Regulations,” of Division 51A-4.700, “Zoning Procedures,” 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) Determination of procedure. Upon receipt of an application, the director shall determine if the proposed amendments are minor amendments and, if so, whether the proposed amendments are to be reviewed under the director procedure, the city plan commission procedure, or the public notice [~~hearing~~] procedure.

(A) Director procedure. The director may forward any application to the city plan commission for review. The director may, however, approve minor amendments to a landscape plan without the notification described in Section 51A-1.105(k) if:

- (i) the proposed minor amendments are necessary to keep landscaping from interfering with service provided by a public utility or state regulated entity for the transmission of power, fuel, water, or communication services; or

30808

(ii) the proposed landscape plan:

(aa) does not change the landscape plan within 25 feet of a property line with residential adjacency;

(bb) does not reduce the number of trees or amount of plant materials in a landscape buffer area (locations and types of trees or plant materials may be altered if the screening and aesthetic function of the buffer area is not affected);

(cc) does not reduce the number of trees or amount of plant materials within 25 feet of a street right-of-way; and

(dd) does not reduce the number of trees, plant materials, or landscape points on the site.

The director shall notify the city plan commission of all applications for minor amendments eligible for approval under the director procedure.

(B) City plan commission procedure. The city plan commission may approve a minor amendment to a landscape plan without the notification described in Section 51A-1.105(k) if the proposed landscape plan does not change the landscape plan within 25 feet of a property line with residential adjacency.

(C) Public notice procedure. Minor amendments that do not qualify for the director procedure or the city plan commission procedure must be reviewed under the public notice procedure. The notification in Section 51A-1.105(k) is required.”

SECTION 5. That the zoning ordinances of the City of Dallas and Chapter 51A of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. 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.

30808

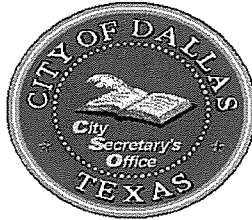
SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By Anna Jambusti Holmes  
Assistant City Attorney

Passed 3/28/2018



## 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 MAR 28 2018

ORDINANCE NUMBER 30808

DATE PUBLISHED MAR 31 2018

ATTESTED BY: