

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

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 51-4.212, 51-4.217, 51A-4.210, and 51A-4.217; providing amended definitions and regulations for service station, motor vehicle fueling station, and accessory electric vehicle charging station uses; 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 Subparagraph (A) of Paragraph (13), “Service Station,” of Section 51-4.212, “Motor Vehicle Related Uses,” of Division 51-4.200, “Use 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) Definition: A facility for the retail sale of motor vehicle fuel, lubricating oils, and parts for use in motor vehicles and a facility for the retail sale of motor vehicle fuel dispensed from electric vehicle supply equipment (EVSE) excluding an accessory electric vehicle charging station.”

SECTION 2. That Subparagraph (F) of Paragraph (13), “Service Station,” of Section 51-4.212, “Motor Vehicle Related Uses,” of Division 51-4.200, “Use 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:

“(F) Additional provisions:

(i) A gasoline service station pump island or station canopies may be located 18 feet or more from a property line.

(ii) The rental of trailers that can be pulled by passenger automobiles is permitted as an accessory use.

(iii) A gasoline pump island must be constructed in a manner that allows vehicular access adjacent to the gasoline pump island without interference with or obstruction to off-street parking. Determination of the proper placement of gasoline pump islands must be based on the dimensions in the City of Dallas manual, “Layout and Design Standards for Parking Lots,” which is expressly adopted as part of this subsection. A person shall obtain approval from the director for the placement of a gasoline pump island before the building official may issue a building permit for the construction.

(iv) Except for compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.

(vi) Charging equipment may not obstruct a required off-street parking space. A charging cord may not cross over a sidewalk or pedestrian walkway.

(vii) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.”

SECTION 3. That Paragraph (18), “Accessory Electric Vehicle Charging Station,” of Subsection (b), “Specific Accessory Uses,” of Section 51-4.217, “Accessory Uses,” of Division 51-4.200, “Use 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:

“(18) Accessory electric vehicle charging station.

(A) Definition: A facility that provides electric~~[al charging for]~~ vehicle[s] supply equipment (EVSE) on a site with a main use excluding commercial parking lot or garage, commercial motor vehicle parking, motor vehicle fueling, liquefied natural gas fueling station, and truck stop uses.

(B) Districts permitted: Residential and nonresidential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Any amount [Up to 10 percent] of [required] parking [may be electric vehicle parking spaces that will count towards required parking] for a main use on the property may be electric vehicle charging spaces.

(ii) If this accessory use is located in a residential district, it may not have a sign advertising its services.

(iii) Charging equipment may not obstruct a required off-street parking space. A charging cord may not cross over a sidewalk or pedestrian walkway.

(iv) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.”

SECTION 4. That Subparagraph (A) of Paragraph (19), “Motor Vehicle Fueling Station,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal 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:

“(A) Definition: A facility for the retail sale of motor vehicle fuel dispensed from pumps or electric vehicle supply equipment (EVSE) excluding accessory electric vehicle charging station[s] uses. This use does not include a truck stop or a liquefied natural gas fueling station as defined in this section.”

SECTION 5. That Subparagraph (E) of Paragraph (19), “Motor Vehicle Fueling Station,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal 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:

“(E) Additional provisions:

(i) Except for compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(ii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iii) Fuel pumps are permitted as an accessory use only if they comply with the following subparagraphs:

(aa) The pumps must be available only to the owner and tenant of the main building and not available to the general public.

(bb) The fuel pump and any sign relating to the pump must not be visible from the public street. No sign may be erected indicating the availability of motor vehicle fuel.

(iv) Fuel pumps must be located at least 18 feet from the boundary of the site.

(v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.

(vi) Charging equipment may not obstruct a required off-street parking space. A charging cord may not cross over a sidewalk or pedestrian walkway.

(vii) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.

SECTION 6. That Paragraph (1.1), “Accessory Electric Vehicle Charging Station,” of Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory 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:

“(1.1) Accessory electric vehicle charging station.

(A) Definition: A facility that provides electric[~~al charging for~~] vehicle[s] supply equipment (EVSE) on a site with a main use other than a commercial parking lot or garage use or commercial motor vehicle parking use.

(B) District restrictions: Residential and nonresidential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Any amount [Up to 10 percent] of parking [counted as required parking] for a main use on the property may be electric vehicle charging spaces. The area restrictions in Subsection (a)(3) do not apply to this use.

(ii) If this accessory use is located in a residential district, it may not have a sign advertising its services.

(iii) Charging equipment may not obstruct a required off-street parking space. A charging cord may not cross over a sidewalk or pedestrian walkway.

(iv) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.”

SECTION 7. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 8. 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 9. 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 10. 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 11. 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:

TAMMY L. PALOMINO, Interim City Attorney

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

Passed \_\_\_\_\_