

Clean-up Amendments Round 1

**Zoning Ordinance
Advisory Committee
November 30, 2017**

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City of Dallas

Request

- DCA 178-006: Consideration of amending Chapter 51A to clarify language regarding handicapped parking regulations, which panels must hear board of adjustment cases, number of duplicate applications required for remote parking procedures and sign permits, and instances where “director of parks and regulation” should be amended to “building official.”



Background

- Over the past few months, staff has been collecting a variety of clean up amendments to Chapter 51A. Round 1 of these clean up amendments includes:
 - 1) Handicapped parking regulations
 - 2) Board of Adjustment same matter back to same panel rule
 - 3) Duplicate applications
 - 4) Amend “director of parks and recreation” to be “building official”



ZOAC Direction and Update

- This first round of amendments ensure compliance with federal law, clarify BDA procedures, save paper, and make code parallel with appropriate city operations.
- Staff recommendation is to approve the requested changes.



1) Handicapped parking

- Examples of existing regulations in current code:

SEC. 51A-4.201. AGRICULTURAL USES.

(1) Animal production. (C) Required off-street parking: Two spaces. *No handicapped parking is required.*

SEC. 51A-4.202. COMMERCIAL AND BUSINESS SERVICE USES.

(1) Building repair and maintenance shop. (C) Required off-street parking: One space per 300 square feet of floor area. *If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.*



1) Handicapped parking

- Existing governing city regulation:

SEC. 51A-4.305. HANDICAPPED PARKING REGULATIONS.

Handicapped parking must be provided and maintained in compliance with all Federal and State laws and regulations. (Ord. Nos. 20493; 27864)

- This section ensures that the City's regulations are always in compliance with federal and state laws and regulations.



1) Handicapped parking

- **Recommendation:**

- Remove all individual references to handicapped parking in the use regulations of both Chapter 51 and Chapter 51A, allowing Section 51A-4.305 to regulate handicapped parking in accordance with federal and state law.

- **For example:**

SEC. 51A-4.201. AGRICULTURAL USES.

(1) Animal production. (C) Required off-street parking: Two spaces. ~~No handicapped parking is required.~~

SEC. 51A-4.202. COMMERCIAL AND BUSINESS SERVICE USES.

(1) Building repair and maintenance shop. (C) Required off-street parking: One space per 300 square feet of floor area. ~~If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305~~



2) Board of Adjustment rule

- **Background:**

- Both state law and current code require that if a city has a board of adjustment with multiple panels, only one panel can hear that case.
- This prevents applicants from shopping cases to multiple panels in hopes of a different outcome.
- However, because the code does not set a time limit on this rule, some applicants are forced to go before a specific panel if, even decades ago, a previous owner had a similar request.
- This amendment sets a time limit on the rule and provides that after five years a case may be heard according to the normal rules of case assignment.

- **Proposal:**

Section 51A-3.102 Board of adjustment

(b) Case Assignments. The board shall adopt rules for the assignment of cases to a panel. Only one panel may hear, handle, or render a decision in a particular case. If a case is dismissed or withdrawn and subsequently refiled within a period of five years from the date the original case was dismissed or withdrawn, it must be returned to the panel to which it was originally assigned.



3) Duplicate applications

- **Background:**

- Currently, code requires multiple duplicates of applications for processes such as special parking approval.
- Current practices and technology have made these additional duplicates unnecessary.
- This amendment aligns code with current preferred practices, streamlines the application process, and saves paper.



3) Duplicate applications

- **Proposal: Remove references to unnecessary duplicates in the following sections:**
 - **Section 51A-4.323 Procedures for special parking approval.**
 - (b) Application. An application for special parking approval ~~and five duplicates~~ must be filed with the building official. An application form may be obtained from the building official. The application must include the following:
 - **Sec. 51A-7.505. Permit procedures for special provision sign districts.**
 - (2) Application. When applying for a sign permit in a special provision sign district, the applicant shall submit an application ~~in duplicate~~ to the building official.



3) Duplicate applications

- **Proposal: Remove references to unnecessary duplicates in the following sections:**
 - **Sec. 51A-7.507. Temporary signs in special provision sign districts**
 - (2) Application for permit. An application for a permit ~~and two duplicates~~ must be filed with the building official on a form provided by the city. Each application must comply with the requirements of Subchapter 61 of the Dallas Building Code
 - **Sec. 51A-7.1706. Victory district sign permit requirements.**
 - (ii) Application for a roof sign. When applying for a roof sign in Subdistrict B, the applicant shall submit an application ~~in duplicate~~ to the building official.



4) Amend “director of parks...” to “building official”

- **Background:**

- Currently, code designates certain staff members to make recommendations or rulings.
- In several cases, the code calls out the director of Parks and Recreation as the arbiter of a process when the building official is better suited to make that decision.
- This amendment aligns code with current preferred practices and existing staff duties.



4) Amend “director of parks...” to “building official”

- **Proposal: Amend “director of parks and recreation” to “building official” to better align with current practice and staff roles:**
 - **Sec. 51A-4.602. Fence, screening and visual obstruction regulations**
 - (3) Required screening must be constructed of:
 - (A) brick, stone, concrete masonry, concrete, or wood;
 - (B) earthen berm planted with turf grass or ground cover recommended for local area use by the ~~director of parks and recreation~~ building official. The berm may not have a slope that exceeds one foot of height for each two feet of width;
 - (C) evergreen plant materials recommended for local area use by the ~~director of parks and recreation~~ building official.



4) Amend “director of parks...” to “building official”

- **Proposal: Amend “director of parks and recreation” to “building official” to better align with current practice and staff roles:**

- **Sec. 51A-4.301. Off-street parking regulations.**

(f) Screening provisions for off-street parking.

(5) In an office district, all off-street surface parking lots, excluding driveways used for ingress or egress, must be screened from the street by using one or more of the following three methods to separately or collectively attain a minimum height of three feet above the parking surface:

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



4) Amend “director of parks...” to “building official”

- **Proposal: Amend “director of parks and recreation” to “building official” to better align with current practice and staff roles:**

- **Sec. 51A-5.206. Soil erosion control plan.**

(b) Development within a geologically similar area must conform to the following performance standards:

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



4) Amend “director of parks...” to “building official”

- **Proposal: Amend “director of parks and recreation” to “building official” to better align with current practice and staff roles:**

- **Sec. 51A-5.208. Vegetation plan.**

(b) Development in a geologically similar area must conform to the following performance standards:

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



ZOAC Direction and Update

- Unintended consequences – these are all straightforward changes needed to align with federal or state law, to clarify BDA procedures, to save paper, and to make code parallel with appropriate city operations. Staff does not anticipate any unintended consequences.



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