

FILE NUMBER: DCA 178-006

DATE INITIATED: October 30, 2017

TOPIC: Cleanup Amendments

CITY COUNCIL DISTRICTS: All

CENSUS TRACTS: All

PROPOSAL: Consideration of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to clarify language regarding 1) handicapped parking regulations; 2) board of adjustment same matter back to same panel; 3) number of duplicate applications required for remote parking procedures and sign permits; 4) instances where “director of parks and recreation” should be amended to “building official”; 5) pedestrian skybridges; 6) light poles, handicap ramps, air conditioning units, and generators in required front, side, and rear yards as applicable, and clarification of associated noise regulation standards; and 7) remote parking for church use.

SUMMARY: This proposal is comprised of several amendments to Chapter 51 and Chapter 51A that address inconsistencies throughout the code and that more closely align with department procedures.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND

On November 30, 2017, December 14, 2017, and February 15, 2018, the Zoning Ordinance Advisory Committee considered the proposed amendments at public meetings and recommended approval of each.

On April 5, 2018, the City Plan Commission considered the proposed amendments and recommended approval of each.

On April 23, 2018, the Mobility Solutions, Infrastructure, and Sustainability Committee was briefed on the proposed amendments and recommended forwarding them to City Council for approval.

This action is comprised of several code amendments, each addressing the posted topics. The proposed amendments were each presented, assessed, and passed by the Zoning Ordinance Advisory Committee and are summarized individually below.

1) Handicapped Parking

BACKGROUND

- Over the years, specific regulations governing handicapped parking have been written into the regulations for each use in Section 51A-4.200, such as these from current code:

SEC. 51A-4.201. AGRICULTURAL USES.

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

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

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.*

- However, one section in the current code clearly states the city's handicapped parking requirements. Section 51A-4.305 states that "handicapped parking must be provided and maintained in compliance with all Federal and State laws and regulations."

PROPOSAL

- The proposed amendment removes 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.
- References to handicapped parking in Chapter 51 are call-forwarded to Chapter 51A-4.305.

2) Board of adjustment same matter back to same panel 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 is to prevent applicants from shopping their 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 because decades ago a previous owner had a similar request.

PROPOSAL

- 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.

3) Duplicates of 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. If needed, additional copies will be requested under an administrative, rather than regulatory, process.

PROPOSAL

- This amendment removes the requirement for duplicates of applications for special parking and for permits for signs in special provision sign districts, aligns code with current preferred practices, and streamlines the application process.

4) Amend *director of parks and recreation to building official*

BACKGROUND

- Currently, code designates certain departments or 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 it is the building official who reviews and permits the plans. This amendment aligns code with current department duties.

PROPOSAL

- This amendment replaces director of parks and recreation with building official in sections related to screening provisions for off-street parking and fence regulations and related to vegetation regulations in soil erosion plans and vegetation plans.

5) Light poles, air conditioning units, generators, and handicapped ramps in setbacks

BACKGROUND – light poles

- Pedestrian lighting encourages walkability by supporting pedestrian safety at night. The Dallas Development Code currently does not allow lighting to be placed in the required front or side yards, and the City requires a license for additional pedestrian lighting in the right of way. This conflict becomes a disincentive to providing adequate lighting near sidewalks.

PROPOSAL

- The proposed changes to Chapter 51 and 51A would allow additional lighting to be installed in the required front and side yards.

BACKGROUND – air conditioning units and generators

- A portion of Section 51A-4.402 regulates the location and noise levels for air conditioning units. However, the current language refers to an outdated rating method.
- Currently, Section 51A-4.402(a)(3) refers to SRN (sound rating number) designations to regulate noise levels generated by air conditioning units. Modern units are now much quieter, and sound levels are measured in decibels. The quietest units fall into the 50–60 decibel range, approximately the level of a quiet conversation.
- In addition, electrical generator placement is not specifically addressed in the code. In the absence of regulation, Building Inspection staff has been treating electrical generators as accessory structures in residential districts.

PROPOSAL

- The proposed changes:
 - Remove the outdated SRN language and also remove the exception for air conditioning units in Section 6.102(a)(5) of the noise regulations, ensuring that an exceptionally loud air conditioner will continue to be regulated by code.
 - Codify the practice of treating electrical generators as accessory structures and ensure that the generators, if installed, are placed to the rear of the lot.
 - Remove unnecessary language requiring 10 feet of separation between units.

BACKGROUND – handicapped ramps for dwellings

- People who experience mobility issues often need to install a ramp to provide access to their home. Depending on the location of the existing house on the lot, it can be difficult or impossible to add the needed ramp and continue to meet the front, side, or rear yard setback requirements of City Code. Ramps are considered structures, and structures are not currently allowed in required yards.
- Code currently provides relief in Section 51A-1.107(b)(1):
 - “The board of adjustment shall grant a special exception to any regulation in this chapter if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term

'handicapped person' means a person with a 'handicap,' as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended."

- However, going to the Board of Adjustment creates an extra procedural step and a delay when a handicapped ramp becomes needed by the occupant of an existing home and must be located within the required setback.
- City Plan Commission recommended a requirement that the initial review of a complete building permit for a ramp be completed within 10 days. Staff recommends against adding this limit as state law mandates maximum review times for building permit review.

PROPOSAL

- The proposed changes to Chapter 51 and Chapter 51A would allow ramps to be placed in the required front, side, or rear setbacks of existing homes under the appropriate accessibility standard as determined by the building official.

BACKGROUND – setbacks in planned development district regulations

- The development code currently includes redundant paragraphs stating that yard regulations in planned development districts are controlled by the planned development district regulations.

PROPOSAL:

- Remove redundant paragraphs.

6) Pedestrian skybridges

BACKGROUND

- Pedestrian skybridges are allowed by specific use permit (SUP) as an accessory use in some planned development districts and all of the base zoning districts except the P and P(A) Parking districts.
- Current regulations:
 - Prohibit skybridges in required yards. Because setbacks begin at ground level and go to infinity, this effectively prohibits skybridges in districts with required yards, forcing a developer to go to the Board of Adjustment to request a variance to the front yard setback.
 - Do not allow skybridge supports to be placed in the right of way. Some skybridges need support mid-way between buildings.
 - Require a special exception from the Board of Adjustment (BDA) for skybridges that cannot meet mandatory design provisions.
 - Use "block" to mean "blockface" in the section that says, "No more than one pedestrian skybridge may be located within any block or 700 feet of frontage, whichever is less."

PROPOSAL

- The proposed changes:
 - Allow skybridges to be placed in a required yard. The SUP process requires review of the proposed site plan at both CPC and City Council.
 - Remove the prohibition of supports in the ROW. Continue to require ROW license (including staff review and City Council approval), adherence to sidewalk standards, and normal SUP review and approval process.
 - For relief from design provisions, replace the BDA special exception with a request for a waiver from Council as part of the SUP process. The waiver would require a three-quarters vote of the Council.
 - Change *block* to *blockface*, thus clarifying that the number of skybridges should be limited along the frontage of a single side of a block, not within the area of a block nor the entire perimeter of a block.
 - Correct *sky bridge* to *skybridge* as needed, thereby making the spelling consistent throughout Chapters 51 and 51A.

7) remote parking for places of worship

BACKGROUND

- Regulations for remote and shared parking for church uses are listed in the use regulations
- Regulations for remote and shared parking for all other uses are located in Section 51A-4.324(d)

PROPOSAL

- Relocate the remote and shared parking regulations from the church use regulations and have Section 51A.4.324(d) control as it does for other uses.

CPC ACTION

April 5, 2018

Motion: It was moved to approve of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to clarify language regarding handicapped parking regulations; board of adjustment same matter back to same panel; number of duplicate applications required for remote parking procedures and sign permits; instances where “director of parks and recreation” should be amended to “building official”; pedestrian skybridges; light poles, handicap ramps, air conditioning units, and generators in required front, side, and rear yards as applicable, and clarification of associated noise regulation standards

Maker: Shidid
Second: Murphy
Result: Carried: 12 to 0

For: 12 - West, Rieves, Davis, Shidid, Carpenter, Mack, Jung,
Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 – Houston, Schultz
Vacancy: 1 - District 8

Speakers: None