

Cleanup Amendments Round 1

Planner: Pam Thompson

Request: Consideration of amending Chapter 51A to clarify language regarding handicapped parking regulations, 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.”

1) Handicapped Parking

Request:

Consideration of removing specific regulations related to handicapped parking in Dallas Development Code Section 51A-4.200 Use Regulations in order to allow handicapped parking to be entirely governed by Section 51A-4.305 Handicapped Parking Regulations.

Background:

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

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.*

However, one section in the current code clearly states the city’s handicapped parking requirements. Dallas Development Code Section 51A-4.305 states that “handicapped parking must be provided and maintained in compliance with all Federal and State laws and regulations. (Ord. Nos. 20493; 27864)”

Proposal:

The proposed regulations 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:

Proposed amendments:

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 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. 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) 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. This amendment aligns code with current preferred practices and streamlines the application process.

Proposal:

Section 51A-4.323 Procedures for special parking approval.

(a) In general. All special parking must be approved by the building official in accordance with this division. A person seeking approval of special parking shall submit an application to the building official pursuant to Subsection (b).

(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.

Unless otherwise provided as part of the ordinance creating a special provision sign district or as part of an amendment thereto, the following permit procedures apply:

(1) When required. Except when erecting a sign in a historic overlay district, in which case a certificate of appropriateness must be obtained in accordance with Section 51A-4.501(b), no sign permit may be issued in a special provision sign district to any applicant unless the application has first been reviewed by the director and a certificate of appropriateness has been issued in accordance with this section.

(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. After determining that the proposed sign conforms with the other sections of the code, the building official shall forward a copy of the application to the director within five working days of its receipt. The applicant shall provide the building official, the director, and the committee with specific information in the form of perspectives, renderings, photographs, models, or other representations sufficient to show the nature of the proposed sign and its effect on the immediate premises. Any applicant may request a meeting with the director or the committee before submitting an application and may consult with the director or the committee during the review of the permit application. Every applicant is entitled to appear before the committee and to be present when any vote is taken.

Sec. 51A-7.507. Temporary signs in special provision sign districts

(a) Purpose. This section allows persons to erect and maintain temporary signs within special provision sign districts while their applications for permanent signs in those districts are pending. Nothing in this section shall be construed as prohibiting a special provision sign district from having a separate procedure for obtaining a temporary sign permit.

(b) Procedures to obtain permit.

(1) In general. Notwithstanding Section 51A-7.505, an applicant for a sign permit in a special provision sign district may apply for a permit to erect a temporary sign in accordance with this section. The permit must be obtained before erecting or maintaining the sign.

(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.

(a) In general. Except as provided in this subsection, a person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city. A sign permit is not required to:

(i) Erect an illuminated projection sign in accordance with Section 51A-7.1727(i).

(ii) change the text on a changeable message sign or a kiosk.

(iii) Erect or replace a banner using the existing sign hardware. A sign permit is required to install sign hardware for a banner.

(b) Sign permit procedures. Except as provided in Subsection (c) below, the procedures for obtaining a sign permit in Division 51A-7.600 apply in this district.

(c) Roof Signs in Subdistrict B.

(i) Certificate of appropriateness required. No sign permit may be issued to authorize a roof sign in Subdistrict B unless the commission has first issued a certificate of appropriateness in accordance with this subsection.

(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. After determining that the proposed roof sign conforms with all building, electrical, and mechanical codes and all sign regulations in this ordinance, the building official shall forward a copy of the application to the director within five working days of its receipt. The applicant shall provide the building official and the director with specific information in the form of perspectives, renderings, photographs, models, or other representations sufficient to show the nature of the proposed sign and its effect on the building on which it is located as well as its effect on surrounding premises. Any applicant may request a meeting with the director before submitting an application and may consult with the director during the review of the permit application.

4) Amend “director of parks and recreation” 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 staff duties.

Proposal:

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. 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 building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years; or

(D) any combination of the above.

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:

(i) Brick, stone, or concrete masonry, stucco, concrete, or wood wall or fence.

(ii) Earthen berm planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each two feet of width.

(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.

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

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

(1) Development must be fitted to the topography and soils to minimize cut and fill sections.

(2) Grading is not permitted within the 100 year flood plain boundaries of watercourses unless it is:

(A) in conjunction with the construction of approved drainage facilities; or

(B) authorized by a city council approved fill permit. All grading must comply with Section 51A-5.207 of this division.

(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.

Sec. 51A-5.208. Vegetation plan.

(a) A vegetation plan must be submitted for all proposed development in a geologically similar area. Except for items that are expressly waived by the director, the plan must:

(1) show the location and type of landscape features and plant materials in the areas of proposed development; and

(2) specify all proposed vegetation removal and replacement.

(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~~ building official approves an alternative variety as being less susceptible to disease or better suited for urban development.

(2) Shrub borders must be maintained around woodlands where practicable.

(3) Landscaping must consist of ecologically suitable plant species. (Ord. Nos. 19455; 26000)