

Cleanup Amendments Round 3

Planner: Pam Thompson

**Request:** Consideration of amending Chapter 51 and Chapter 51A to clarify language regarding handicapped ramps for dwellings and consideration of amending Chapter 51 to clarify handicapped parking provisions.

**1) 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 house on the lot, it can be difficult or impossible to add the needed ramp to meet both accessibility standards and 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 for handicapped persons when a ramp must be located within the required setbacks.

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

**Proposal:**

▪ **Front yards:**

Section 51-4.401 and Section 51A-4.401 (Wording is the same, except for some reserved sections, and light poles were recommended to be approved at a previous ZOAC meeting.)

(a) **General provisions.**

(1) Required front yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required front yard. A fireplace chimney may project up to two feet into the required front yard if its area of projection does not exceed 12 square feet. Cantilevered roof eaves and balconies may project up to five feet into the required front yard.

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(10) The building official may approve a ramp that projects into the required front yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the appropriate accessibility standard as determined by the building official.

▪ **Side yards:**

Section 51-4.402 and Section 51A-4.402 (wording is the same)

(a) **General provisions.**

(1) Required side yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard.

(6) The building official may approve a ramp that projects into the required side yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the appropriate accessibility standard as determined by the building official.

▪ **Rear yards:**

Section 51-4.403 (a) and Section 51A-4.403

(a) **General provisions.** (wording is the same)

(1) Required rear yards must be open and unobstructed except for fences. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required rear yard. A fireplace chimney may project up to two feet into the required rear yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required rear yard. Balconies may not project into the required rear yard.

(2) The rear yard setback is measured from the rear lot line of the building site.

[51A-4.403(a)(3) Reserved.]

[51-4.403(a)(3) addresses urban form setback]

(4) The minimum rear yard requirements in a planned development district are controlled by the planned development district regulations.

(5) The building official may approve a ramp that projects into the required rear yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the appropriate accessibility standard as determined by the building official.

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## **2) Handicapped parking regulations in Chapter 51**

During the November 30, 2017 ZOAC meeting, committee members discussed and approved changes to handicapped parking regulations in Chapter 51A.

Staff and the City Attorney's Office recommend this change to Chapter 51 to address handicapped parking regulations:

SEC. 51-4.305.                      HANDICAPPED PARKING REGULATIONS.

This section incorporates by reference the language of Section 51A-4.305, "Handicapped parking regulations," of Division 51A-4.300, "Off-street Parking and Loading Regulations," of Article IV, "Zoning Regulations," of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as that section exists today and as it may be amended in the future [RESERVED].

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