

10-28-15

ORDINANCE NO. 29917

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 51-4.213, 51-4.214, 51A-4.123, 51A-4.124, 51A-4.203, 51A-4.213, and 51A-4.602; providing screening requirements for the organic compost recycling use, the petroleum product storage and wholesale use, and the sand, gravel, or earth sales and storage use; providing landscaping, screening, and stacking height requirements for the open storage use and the outside storage use; providing additional screening materials for outside storage in IM districts; providing a specific use permit requirement for outside storage in central area districts; 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 (E) of Paragraph (10), "Petroleum Products Storage and Wholesale," of Section 51-4.213, "Commercial 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 by adding a new Romanette (ii) to read as follows:

“(ii) In the I-2 and I-3 districts, petroleum products storage and wholesale must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an I-2 or I-3 district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.”

SECTION 2. That Subparagraph (E) of Paragraph (13), “Sand, Gravel, or Earth Sales and Storage,” of Section 51-4.213, “Commercial 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 by adding a new Romanette (iii) to read as follows:

“(iii) In the I-2 and I-3 districts, sand, gravel, or earth sales and storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an I-2 or I-3 district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.”

SECTION 3. That Paragraph (4), “Open Storage,” of Section 51-4.214, “Storage and Waste Disposal 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:

“(4) Open storage.

(A) Definition: A lot used for the outside placement of an item[;] for a period in excess of 24 hours.~~[, of an item which is:]~~ Outside placement includes storage in a structure that is open or not entirely closed.

~~[(i) customarily used or stored outside; and~~

~~(ii) made of a material that is resistant to damage or deterioration from exposure to the outside environment.]~~

(B) Districts permitted: By right in HC, I-1, I-2, and I-3 districts. RAR required in HC and industrial districts. By SUP only in the central area and LC districts.

~~[(i) Open storage with visual screening: HC, central area, and industrial districts; specific use permit required in a LC district.~~

~~(ii) Open storage without visual screening: I-2 and I-3 districts.]~~

(C) Required off-street parking: One space for each 5,000 [2,000] square feet of site area excluding the parking area; a minimum of one space is required, and a maximum of four spaces is allowed.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Landscaping:

(i) A landscape buffer must be provided between any required screening fence and an adjacent thoroughfare.

(ii) The director may approve an alternative irrigation plan for landscaping if the director determines that it will maintain the required landscaping.

(F) Screening:

(i) In central area, HC, LC, and I-1 districts, open storage must be screened.

(ii) In I-2 and I-3 districts, open storage must be screened on any side that is within 200 feet of and visible from a thoroughfare, expressway as defined in Section 51A-7.102, new expressway as defined in Section 51A-7.102, or an adjacent property that is not zoned an I-2 or I-3 district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.

(G) Stacking height.

(i) Except as provided in this subparagraph, maximum open storage stacking height is 30 feet if the open storage is visible from and within 200 feet of a thoroughfare or adjacent property that is not zoned an I-3 district. If open storage is 200 feet or more from a thoroughfare or adjacent property, no maximum open storage stacking height. For purposes of this provision, adjacent means across the street or sharing a common lot line.

(ii) Open storage stacking height within 40 feet of required screening may not exceed the height of the required screening.

(H) Additional provisions:

(i) A person shall not place, store, or maintain outside for a period in excess of 24 hours, an item that [~~which~~] is not:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) Open storage may be an accessory use if it is customarily incidental to a main use. See Section 51-4.217. [~~The required screening for open storage must comply with the screening requirements in this article.~~]

(iii) Open storage is prohibited in required yards, landscaping areas, and parking areas.

(iv) All nonconforming open storage uses must comply with Subparagraphs (F) and (G) before September 22, 2018. The owner or operator may request from the board of adjustment an extension of this time period by filing an application with the director on a form provided by the city. The application must be filed before the September 22, 2018 deadline expires. The application is not considered filed until the fee is paid. The board of adjustment may grant an extension of this time period if it determines, after a public hearing, that strict compliance would result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this Paragraph (4), "Open Storage." The fee to request that the board of adjustment extend time is the same fee as the fee for a nonresidential special exception set forth in Article I, "General Provisions," of the Dallas Development Code.

SECTION 4. That Subparagraph (M), "Wholesale, Distribution, and Storage Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (a), "Commercial Service (CS) District," of Section 51A-4.123, "Commercial Service and Industrial Districts," of Division 51A-4.120, "Nonresidential District 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:

“(M) Wholesale, distribution, and storage uses.

- Auto auction. [SUP]
- Building mover’s temporary storage yard. [SUP]
- Contractor’s maintenance yard. [RAR]
- Freight terminal. [RAR]
- Manufactured building sales lot. [RAR]
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage [~~(with visual screening)~~]. [RAR]
- Petroleum product storage and wholesale. [SUP]
- Recycling buy-back center. [See Section 51A-4.213(11).]
- Recycling collection center. [See Section 51A-4.213(11.1).]
- Recycling drop-off container. [See Section 51A-4.213(11.2).]
- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
- Sand, gravel, or earth sales and storage. [SUP]
- Trade center.
- Vehicle storage lot. [SUP]
- Warehouse. [RAR]”

SECTION 5. That Subparagraph (M), “Wholesale, Distribution, and Storage Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “Light Industrial (LI) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District 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:

“(M) Wholesale, distribution, and storage uses.

- Freight terminal. [RAR]
- Manufactured building sales lot. [RAR]
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage [~~(with visual screening)~~]. [RAR]
- Recycling buy-back center. [See Section 51A-4.213(11).]
- Recycling collection center. [See Section 51A-4.213(11.1).]
- Recycling drop-off container. [See Section 51A-4.213(11.2).]
- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
- Trade center.
- Warehouse. [RAR]

SECTION 6. That Subparagraph (M), “Wholesale, Distribution, and Storage Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “Industrial/Research (IR) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District 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:

“(M) Wholesale, distribution, and storage uses.

- Freight terminal. *[RAR]*
- Manufactured building sales lot. *[RAR]*
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage [~~with visual screening~~]. *[RAR]*
- Recycling buy-back center. *[See Section 51A-4.213(11).]*
- Recycling collection center. *[See Section 51A-4.213(11.1).]*
- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
- Trade center.
- Warehouse. *[RAR]*”

SECTION 7. That Subparagraph (M), “Wholesale, Distribution, and Storage Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “Industrial Manufacturing (IM) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District 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:

“(M) Wholesale, distribution, and storage uses.

- Auto auction. *[SUP]*
- Building mover's temporary storage yard. *[SUP]*
- Contractor's maintenance yard. *[RAR]*
- Freight terminal. *[RAR]*
- Livestock auction pens or sheds. *[SUP]*
- Manufactured building sales lot. *[RAR]*
- Mini-warehouse.

- Office showroom/warehouse.
- Outside storage [~~(with visual screening)~~]. [RAR]
- [– ~~Outside storage (without visual screening).~~] [RAR-]
- Petroleum product storage and wholesale. [RAR]
- Recycling buy-back center. [See Section 51A-4.213(11).]
- Recycling collection center. [See Section 51A-4.213(11.1).]
- Recycling drop-off container. [See Section 51A-4.213(11.2).]
- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
- Sand, gravel, or earth sales and storage. [RAR]
- Trade center.
- Vehicle storage lot.
- Warehouse. [RAR]”

SECTION 8. That Subparagraph (M), “Wholesale, Distribution, and Storage Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “CA-1(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District 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:

“(M) Wholesale, distribution, and storage uses.

- Freight terminal. [DIR]
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage [~~(with visual screening)~~]. [SUP]
- Recycling buy-back center. [See Section 51A-4.213(11).]
- Recycling collection center. [See Section 51A-4.213(11.1).]
- Recycling drop-off container. [See Section 51A-4.213(11.2).]
- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
- Trade center.
- Warehouse.”

SECTION 9. That Subparagraph (M), “Wholesale, Distribution, and Storage Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “CA-2(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District 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:

“(M) Wholesale, distribution, and storage uses.

- Freight terminal. *[DIR]*
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage [~~with visual screening~~]. *[SUP]*
- Recycling buy-back center. *[See Section 51A-4.213(11).]*
- Recycling collection center. *[See Section 51A-4.213(11.1).]*
- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
- Trade center.
- Warehouse.”

SECTION 10. That Paragraph (4.1), “Organic Compost Recycling Facility,” of Subsection (b), “Specific Uses,” of Section 51A-4.203, “Industrial 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 by adding a new Subparagraph (E) to read as follows:

“(E) Additional provisions:

(i) In an IM district, an organic compost recycling facility must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an IM district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.”

SECTION 11. That Paragraph (9), “Outside Storage,” of Section 51A-4.213, “Wholesale, Distribution, and Storage 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:

“(9) Outside storage.

(A) Definition: A lot used for the outside placement of an item for a period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.



(B) Districts permitted: By right in CS[;] and industrial[; and central area] districts. By SUP only in central area districts. [Screening required in CS, LI, IR, and central area districts.] RAR required in CS and industrial districts.

(C) Required off-street parking: One space for each 5,000 square feet of site area exclusive of parking area up to a maximum of five required spaces; a minimum of one space is required.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Landscaping.

(i) A landscape buffer must be provided between any required screening fence and an adjacent thoroughfare.

(ii) The director may approve an alternative irrigation plan for landscaping if the director determines that it will maintain the required landscaping.

(F) Screening.

(i) In CS, LI, and IR districts, outside storage must be screened.

(ii) In the IM district, outside storage must be screened on any side that is within 200 feet of and visible from a thoroughfare, expressway as defined in Section 51A-7.102, new expressway as defined in Section 51A-7.102, or an adjacent property that is not zoned an IM district. For purposes of this provision, adjacent means across the street or sharing a common lot line.

(G) Stacking height.

(i) Except as provided in this subparagraph, maximum outside storage stacking height is 30 feet if the open storage is visible from and within 200 feet of a thoroughfare or adjoining property that is not zoned an IM district. If outside storage is 200 feet or more from a thoroughfare or adjoining property, no maximum outside storage stacking height.

(ii) Outside storage stacking height within 40 feet of required screening may not exceed the height of the required screening.

(H) Additional provisions:

(i) A person shall not place, store, or maintain outside for a period in excess of 24 hours, an item that [~~which~~] is not:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot. Outside storage on less than five percent of the lot may qualify as an accessory use if it is customarily incidental to a main use. See Section 51A-4.217.

(iii) Outside storage is prohibited in required yards, landscaping areas, and parking areas.

(iv) All nonconforming open storage uses must comply with Subparagraphs (F) and (G) before September 22, 2018. The owner or operator may request from the board of adjustment an extension of this time period by filing an application with the director on a form provided by the city. The application must be filed before the September 22, 2018 deadline expires. The application is not considered filed until the fee is paid. The board of adjustment may grant an extension of this time period if it determines, after a public hearing, that strict compliance would result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this Paragraph (9), "Outside Storage." The fee to request that the board of adjustment extend time is the same fee as the fee for a nonresidential special exception set forth in Article I, "General Provisions," of the Dallas Development Code.

SECTION 12. That Paragraph (10), "Petroleum Product Storage and Wholesale," of Section 51A-4.213, "Wholesale, Distribution, and Storage 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 by adding a new Subparagraph (E), "Additional Provisions," to read as follows:

“(E) Additional provisions:

(i) In an IM district, petroleum product storage and wholesale must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an IM district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.”

SECTION 13. That Subparagraph (E), “Additional Provisions,” of Paragraph (12), “Sand, Gravel, or Earth Sales and Storage,” of Section 51A-4.213, “Wholesale, Distribution, and Storage 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 by adding new Romanette (ii) to read as follows:

“(ii) In an IM district, sand, gravel, or earth sales and storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjoining property that is not zoned an IM district.”

SECTION 14. That Subsection (b), “Required Screening,” of Section 51A-4.602, “Fence, Screening and Visual Obstruction Regulations,” of Division 51A-4.600, “Regulations of Special Applicability,” 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:

“(b) Required screening. Unless otherwise specifically provided for in this chapter, screening must be constructed and maintained in accordance with the following regulations.

(1) Screening required in this article must be not less than six feet in height.

(2) The board may grant a special exception to the height requirement for screening when, in the opinion of the board, the special exception will not adversely affect neighboring property, except that the board may not grant a special exception to the height requirements for screening around off-street parking.

(3) Required screening must be constructed of:

(A) brick, stone, [or] concrete masonry, [~~stone,~~] 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. 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. 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.

(4) A required screening wall or fence may not have more than 10 square inches of openings in any given square foot of surface. Plant materials used for required screening must obtain a solid appearance and provide a visual barrier of the required height within three years after [øf] their initial planting.

(5) Access through required screening may be provided only by a solid gate equalling the height of the screening. The gate must remain closed:

(A) between the hours of 10 p.m. and 7 a.m.; and

(B) at all other times except when in actual use.

(6) Garbage storage areas must be visually screened on any side visible from a street or an adjoining property by a brick, stone, concrete masonry, [stæææ,] concrete, or wood wall or fence or by landscape screening. Screening is not required on a side adjacent to an alley or easement used for garbage pick-up service. Screening is not required if the garbage storage area is 200 feet or more from the street or adjoining property. To allow air circulation and visibility, the screening from grade to one foot above grade may be up to 50 percent open. [~~Screening must be properly maintained so that:~~

~~(A) the screening is not out of vertical alignment more than one foot from the vertical, measured at the top of the screening; and~~

~~(B) any rotted, fire damaged, or broken slats or support posts; any broken or bent metal posts; any torn, cut, bent, or ripped metal screening; any loose or missing bricks, stones, rocks, mortar, or similar materials; and any dead or damaged landscaping materials are repaired or replaced.]~~

(7) An owner shall provide screening in accordance with this section for the rear or service side of a nonresidential building if:

(A) the nonresidential building is in a residential district and is exposed to a residential use; or

(B) the nonresidential building is in an office, retail, CS, IL, IR, or IM district and is exposed to and closer than 150 feet to the boundary line of an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(8) When all service, storage, and loading facilities are contained within a nonresidential building, the screening requirement in Subsection (b)(7) does not apply.

(9) Plant materials used for required screening must be maintained in a healthy growing condition at all times. The property owner is responsible for the regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with screening requirements within 90 days after notification by the city.

(10) All required screening with plant materials must be irrigated by an automatic irrigation system installed to comply with industry standards.

(11) Fences that are painted or stained must be uniformly painted or stained across the entire length of the fence. This provision prohibits different colored patches of paint or stain on portions of a fence. For example, if a fence is painted white, graffiti should be covered with the same color of white paint, not with blue or red paint."

SECTION 15. That the director of development services shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code.

SECTION 16. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

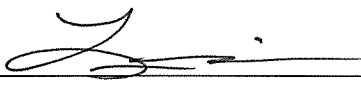
SECTION 17. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 18. 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.

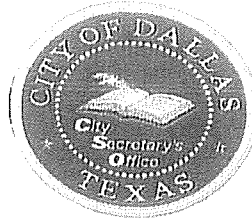
SECTION 19. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

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

Passed           OCT 28 2015



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL OCT 28 2015

ORDINANCE NUMBER 29917

DATE PUBLISHED OCT 31 2015

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose C. Liss".