

FILE NUMBER: DCA190-001

DATE INITIATED: September 26, 2019

TOPIC: House Bill Amendments

CITY COUNCIL DISTRICTS: All

CENSUS TRACTS: All

PROPOSAL: Consideration of amending Chapters 51 and 51A of the Dallas Development Code by deleting certain prohibitions, limitations, or requirements of building materials in accordance with state law; and Chapter 51A Section 51A-4.703, of the Dallas Development Code “Board of Adjustment Hearing Procedures.”

SUMMARY: The proposed amendments to the Dallas Development Code intend to bring Section 51A-4.703, “Board of Adjustment Hearing Procedures,” and Chapters 51 and 51A regarding building materials, into compliance with the newly effective state law.

ZOAC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND

- On June 10, 2019, House Bill No. 2497 (“HB 2497”) was signed into Texas law by Governor Abbott.
- On June 14, 2019, House Bill No. 2439 (“HB 2439”) was signed into Texas law by Governor Abbott.
- HB 2439 and HB 2497 became effective on September 1, 2019.
- On October 3, 2019, the Zoning Ordinance Advisory Committee (ZOAC) considered amending Section 51A-4.703, “Board of Adjustment Hearing Procedures,” of Chapter 51A, “Dallas Development Code,” of the Dallas City Code to be in compliance with HB 2497, and voted to recommend the proposal move to City Plan Commission (CPC).
- On December 12, 2019, January 9, 2020, January 23, 2020, and February 6, 2020, ZOAC considered amendments to the Dallas Development Code to bring Chapters 51 and 51A of the Dallas Development Code regarding building materials into compliance with HB 2439, and on February 6, 2020, voted to recommend the proposal move to CPC. ZOAC aimed to maintain as much of the intent of the current code as possible by ensuring that deleted “required” language was replaced with “recommended” language.

GENERAL INFORMATION:

Two House Bills, House Bill No. 2497 and House Bill No. 2439, became effective on September 1, 2019.

HB 2497 amended Section 211.010 of the Texas Local Government Code by amending Subsections (a), (b), and (d) and adding Subsection (a-1). The amendments define who is allowed to file an appeal of a decision of an administrative official to the city’s board of adjustment and established a timetable for appeal.

HB 2439 prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within

the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

PROPOSAL for HB 2497:

For decisions that are not related to a specific application, address, or project, the following persons may appeal: (1) a person aggrieved by the decision; or (2) any officer, department, or board of the city affected by the decision. For a decision that is related to a specific application, address, or project, the following persons may appeal: (1) a person who filed the application that is subject to the decision, is the owner or representative of the property that is subject of the decision, or is aggrieved by the decision and is the owner of real property within 200 feet of the subject property that is the subject of the decision; or (2) any officer, department, or board of the city affected by the decision.

Further, HB 2497 requires that an appeal must be filled not later than the 20th day after the date the decision is made, and the board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.

PROPOSAL for HB 2439:

The proposal passed by ZOAC aimed to maintain as much of the intent of the current code as possible. City staff drafted language for Chapters 51 and 51A deleting “required” language and replaced with “recommended” language in order to reflect the intent of the regulation. The affected sections are listed below:

SECTION 1

Section 51-4.201(b)(1)(E)(viii)(ff)

“Accessory structures must have a ~~a [exterior siding, roofing,] roof-pitch[, foundation fascia,]~~ and fenestration compatible with the main building. It is recommended that accessory structures have exterior siding, roofing, and foundation fascia compatible with the main building. “Compatible” as used in this provision means similar in application, color, ~~[materials,]~~ pattern, ~~[quality,]~~ shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply the proof of compatibility. Use of similar materials or materials of similar quality to the main building serves as additional evidence that the property owner’s burden of proof of compatibility has been met. This provision does not apply to accessory structures with a floor area of 200 square feet or less.”

- Compatible exterior siding, roofing, foundation fascia, materials, and quality imply restriction of building material. Because the language requires compatibility to existing single-family dwelling units, the possible building materials that could be used would be limited. Therefore, all language that

limits what building materials may be used must be removed. However, language was added to give direction through recommendations.

SECTION 2

Section 51A-2.102(140.1)

“TRANSPARENCY means the total area of window opening, door opening, or other opening, expressed as a percentage of the total facade area by story.”

- A new definition was created to ensure that transparency requirements do not impede material choice, but is an architectural element.

SECTION 3

Section 51A-4.127(c)(8)(F)(i)

“Building facades. Building facades must be as close as possible to the pedestrian zone. Columns of an arcade must be on the building line, and the internal facade of an arcade must be set back from the building line no more than 10 feet. Parking deck and garage facades visible at ground level from any street or alley must have the appearance of a multiple-story building ~~[, and be of similar material finish as the building on the site for which the parking is being provided]~~. It is recommended that parking deck and garage facades visible at ground level from any street or alley have the appearance of similar material finish as the building on the site for which the parking is being provided.”

- Similar material finish implies restriction of building material. If material finish must be similar to an existing material finish, then the possible building materials that could be used would be limited. All language that limits what building materials may be used must be removed. However, language was added to give direction through recommendations.

SECTION 4

Section 51A-4.127(c)(8)(F)(iii)

“Storefront treatments. The following provisions apply to all uses at ground level except church use and residential uses.

(aa) All street-fronting street-level portions of a building must have windows and primary entrances facing the street or a plaza. No more than 10 continuous linear feet of street-fronting street-level facade may lack a transparent opening [surfaee] (e.g. a window or a transparent door).

(bb) Corner lot structures must have corner entrances in compliance with the visibility triangle standards set by the department of sustainable development and construction.

(cc) Street-fronting, street-level windows must:

~~[(aa) be clear, unpainted, or made of similarly treated glass allowing visibility within street-level uses;]~~

(bb) cover 50 percent or more of street-level frontage;

~~[(ee)]~~ not have a bottom edge higher than three feet above the base of building; and

~~[(dd)]~~ be less than 10 feet high.

(dd) It is recommended that street-fronting, street-level windows be clear, unpainted, or made of similarly treated glass allowing visibility within street-level uses.”

- Cannot require a transparent surface because not all building materials are transparent. However, a transparent opening is an architectural element and does not necessarily mandate building material type. A glass requirement limits building material choice, but language was added to give direction through recommendations.

SECTION 5

Section 51A-4.209(b)(6)(E)(vii)(ff)

“Accessory structures must have a ~~[exterior siding, roofing,]~~ roof-pitch~~[, foundation fascia,]~~ and fenestration compatible with the main building. It is recommended that accessory structures have exterior siding, roofing, and foundation fascia compatible with the main building. “Compatible” as used in this provision means similar in application, color, ~~[materials,]~~ pattern, ~~[quality,]~~ shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply the proof of compatibility. Use of similar materials or materials of similar quality to the main building serves as additional evidence that the property owner’s burden of proof of compatibility has been met. This provision does not apply to accessory structures with a floor area of 200 square feet or less.”

- Compatible exterior siding, roofing, foundation fascia, materials, and quality imply restriction of building material. Because the language requires compatibility to existing single-family dwelling units, the possible building materials that could be used would be limited. Therefore, all language that

limits what building materials may be used must be removed. However, language was added to give direction through recommendations.

SECTION 6

Section 51A-4.217(b)(12)(F)(xii)

~~“Reserved. [At least 70 percent of the side walls must be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than six percent. “Light transmission” means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. “Luminous reflectance” means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.]”~~

- Cannot require glass or transparent materials because the requirement limits building material choice and is deleted as being required but moved to the following section as recommended standards.

SECTION 7

Section 51A-4.217(b)(12)(G)

“At least 70 percent of the side walls should be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than six percent. “Light transmission” means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. “Luminous reflectance” means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.”

- The language from the previous section is added in “Recommended Pedestrian Skybridge Standards”.

SECTION 8

Section 51A-4.345(k)

“Facade.

(1) These facade requirements apply to any portion of a building containing mechanized parking except when accessory to a single family or duplex use. If there is a conflict between the regulations within a zoning district that require concealment of parking structure facades, this subsection controls.

(2) An aboveground mechanized parking facility must be concealed by a facade. ~~that~~ It is recommended that the facade be:

(A) compatible in appearance with the facade of the main building it serves, or

(B) compatible in appearance with other buildings within a one block radius.

~~[(3) The burden is on the property owner or applicant to supply proof of compatibility.]~~

~~(3[4])~~ Aperture area or articulation must be provided at a minimum of 20 percent and a maximum of 80 percent for any street facing facade.

~~(4[5])~~ Articulation must be provided at least every 30 feet, measured horizontally and vertically.

~~(5[6])~~ Except for pedestrian and vehicular entrances, the aperture area must be screened. It is recommended that the required screening be constructed with an opaque or translucent material that may be permeable or impermeable and that. ~~Screening materials for~~ the aperture area ~~[may]~~ have no more than 36 square inches of transparent material in any given square foot of surface and ~~[may]~~ have no more than 25 percent transparency.

~~(6[7])~~ The board of adjustment may grant a special exception to the standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property. The alternative facade must provide adequate screening of equipment and structures and mitigate noise.”

- Cannot compel development to have compatible building materials because compatibility to the main building, or other buildings within a one block radius, would limit the choice of building materials to be used. Also, building material type to be used for screening cannot be limited. However, language was added to give direction through recommendations.

SECTION 9

Section 51A-4.605(a)(6)

“Materials and colors.

(A) No more than 75 percent of the area of a facade wall, exclusive of fenestration, may have a single material or color.

(B) It is recommended that t[he] the following materials are [may] only [be] used on rear facade walls:

(i) Smooth-faced concrete block that is non-tinted or non-burnished.

(ii) Tilt-up concrete panels that are unadorned or untextured.

(iii) Prefabricated steel panels.”

- Building material choice is limited in this section. The recommendation suggests the listed materials not to be used anywhere other than on the rear façade wall.

SECTION 10

Section 51A-4.906(b)(3)

“The design [~~and materials~~] of SAH units must be equivalent to the design [~~and materials~~] of other units located on the same lot. It is recommended that the materials of SAH units be equivalent to the materials of other units located on the same lot. The size of bedrooms in SAH units must be consistent with the size of bedrooms in other units located on the same lot.”

- Building material choice is limited in this section. By requiring materials to be equivalent to that of other units on the same lot, building material choice is limited to those that are equivalent to that of other units on the same lot. A recommendation is added to give direction.

SECTION 11

Section 51A-13.201(34)

“TRANSPARENCY means the total area of window opening [~~and~~] door opening, or other opening [~~filled with glass~~], expressed as a percentage of the total facade area by story.”

- The definition limits building material choice, therefore, openings, not glass content, is the factor that determines transparency.

SECTION 12

Section 51A-13.304(b)(6)

“Ground-Story Shopfront Windows. A minimum of 60 percent of the street-fronting, street-level window openings [~~pane surface area~~] must allow views into the ground-story use for a depth of at least four feet. If glass is installed, it is recommended that it [~~Windows must~~] be clear or unpainted, or, if treated, [~~must~~] be translucent. [~~Spandrel glass or backpainted glass does not comply with this provision.~~”

- Cannot require shopfront windows to be measured by pane surface area as a specific building material type is implied. However, language was added to give direction through recommendations if glass were the material type chosen.

SECTION 13

Section 51A-13.304(c)(6)

“Ground-Story Shopfront Windows. A minimum of 60 percent of the street-fronting, street-level window opening [~~pane surface area~~] must allow views into the ground-story use for a depth of at least four feet. If glass is installed, it is recommended that it [~~Windows must~~] be clear or unpainted, or, if treated, [~~must~~] be translucent. [~~Spandrel glass or backpainted glass does not comply with this provision.~~”

- Cannot require shopfront windows to be measured by pane surface area as a specific building material type is implied. However, language was added to give direction through recommendations if glass were the material type chosen.

**Zoning Ordinance Advisory Committee (ZOAC) Meeting Minutes
October 3, 2019**

Consideration of amending Section 51A-4.703, “Board of Adjustment Hearing Procedures,” of Chapter 51A, “Dallas Development Code,” of the Dallas City Code.

Motion to approve and recommend the amendment to City Plan Commission.

Motion: Gomez
2nd: Hall

Result: Passed: 4-0
For: Shidid, Hall, Gomez, and MacGregor
Against: none
Absent: Murphy, Behring, and Brown

**Zoning Ordinance Advisory Committee (ZOAC) Meeting Minutes
December 12, 2019**

Consideration of amending Chapters 51 and 51A of the Dallas Development Code by deleting certain prohibitions, limitations, or requirements of building materials in accordance with state law.

Motion to hold item to next ZOAC meeting.

Motion: MacGregor
2nd: Rieves

Result: Passed: 4-1
For: Murphy, MacGregor, Castella, and Rieves
Against: Hall
Absent: none

**Zoning Ordinance Advisory Committee (ZOAC) Meeting Minutes
January 23, 2020**

Consideration of amending Chapters 51 and 51A of the Dallas Development Code by deleting certain prohibitions, limitations, or requirements of building materials in accordance with state law.

Motion to send agenda item 1, DCA190-001 back to staff to edit language with the intent to keep the same revised language, to “recommend” instead of deleting all references to required materials, throughout the amendment.

Motion: MacGregor
2nd: Rieves

Result: Passed: 6-1
For: Murphy, MacGregor, Bagley, Hall, Johnson, and Rieves
Against: Behring
Absent: Castella

**Zoning Ordinance Advisory Committee (ZOAC) Meeting Minutes
February 6, 2020**

Consideration of amending Chapters 51 and 51A of the Dallas Development Code by deleting certain prohibitions, limitations, or requirements of building materials in accordance with state law.

Motion to approve Discussion item (1), DCA190-001 Consideration of amending Chapters 51 and 51A of the Dallas Development Code by deleting certain prohibitions, limitations, or requirements of building materials in accordance with state law, with the revised language as proposed by staff.

Motion: MacGregor
2nd: Rieves

Result: Passed: 8-0
For: Murphy, MacGregor, Bagley, Behring, Castella, Hall, Johnson, and Rieves
Against: none
Absent: none

DRAFT ORDINANCE for HB 2497 – BDA Appeal

SEC. 51A-4.703. BOARD OF ADJUSTMENT HEARING PROCEDURES.

(a) Initiation.

(1) Authorized public hearings. The board may authorize a public hearing on issues within the board's jurisdiction. A board authorized public hearing must comply with the procedures in this section. If 10 or fewer property owners are involved, the director shall send written notice to the owners of real property within the subject area not less than 10 days before the meeting at which the board will consider authorization of a public hearing. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census. If more than 10 property owners are involved, the director shall give notice of the public hearing in the official newspaper of the city at least 10 days before the meeting at which the board will consider authorization of a public hearing.

(2) Appeals of decisions of administrative officials. Parties listed in Subparagraphs (A) and (B) [~~Any aggrieved person, or an officer, department, or board of the city~~] may appeal a decision of an administrative official to the board when that decision concerns issues within the jurisdiction of the board. For purposes of this section, "administrative official" means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.

(A) For a decision made by an administrative official that is not related to a specific application, address, or project, the following persons may appeal to the board:

- (i) a person aggrieved by the decision; or
- (ii) any officer, department, or board of the city affected by the decision.

(B) For a decision made by an administrative official that is related to a specific application, address, or project, the following persons may appeal to the board:

- (i) a person who:
 - (aa) filed the application that is the subject of the decision;

(bb) is the owner or representative of the property that is the subject of the decision; or

(cc) is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or

(ii) any officer, department, or board of the city affected by the decision.

(C) An appeal to the board must be made not later than the 20th day after the date [within 15 days after notice of] the decision is made by [of] the official.

(D[B]) The appellant shall file with the official a written notice of appeal on a form approved by the board.

(E[C]) The official shall forward the notice of appeal and the record upon which the appeal is based to the director.

(b) Appeal stays all proceedings.

(1) An appeal to the board stays all enforcement proceedings involving the action appealed from unless the official appealed from certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property.

(2) If the official makes such a finding, enforcement proceedings will be stayed only if, after notice to the official, the board or a court of record, upon a finding of due cause, issues a restraining order.

(c) Notice of hearing.

(1) The board shall hold a public hearing on all applications.

(2) The director shall send written notice of a public hearing to the applicant and all owners of real property located within 200 feet, including streets and alleys, from the boundary of the area upon which the request is made. The notice must be given not less than 10 days before the day set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census.

(3) The director shall give notice of the time and place of the public hearing in the official newspaper of the city at least 10 days before the hearing.

(d) Board action.

(1) The applicant has the burden of proof to establish the necessary facts to warrant favorable action of the board.

(2) Cases must be heard by a minimum of 75 percent of the members of a board panel. The concurring vote of 75 percent of the members of a panel is necessary to:

(A) reverse an order, requirement, decision, or determination of an administrative official involving the interpretation or enforcement of the zoning ordinance;

(B) decide in favor of an applicant on a matter on which the board is required to pass under state law, the city charter, or city ordinances; or

(C) grant a variance.

(3) The board shall decide an appeal of a decision of administrative official at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the appeal date is filed. The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official.

(4) The board may impose reasonable conditions in its order to be complied with by the applicant in order to further the purpose and intent of this chapter.

(5) The decision of the board does not set a precedent. The decision of the board must be made on the particular facts of each case.

(6) The applicant shall file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. The filing of a request for an extended time period does not toll the 180 day time period. If the applicant fails to file an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again.

(e) Two year limitation.

(1) Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may be considered for that property for two years from the date of the final decision.

(2) If the board renders a final decision of denial without prejudice, the two year limitation is waived.

(3) The applicant may apply for a waiver of the two year limitation in the following manner:

(A) The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.

(B) The board may waive the two year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in this section.

DRAFT ORDINANCE for HB 2439 – Building Materials

ORDINANCE NO. _____

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 51-4.201, 51A-2.102, 51A-4.127, 51A-4.209, 51A-4.217, 51A-4.345, 51A-4.605, 51A-4.906, 51A-13.201, and 51A-13.304; deleting building materials requirements to comply with state law; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the 86th Texas Legislature met between January 8, 2019 and May 27, 2019; and

WHEREAS, H.B. 2439 prohibits a city from prohibiting or limiting, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that

applies to the construction, renovation, maintenance, or other alteration of the building; and

WHEREAS, H.B. 2439 was approved by both chambers of the Texas Legislature; and

WHEREAS, H.B. 2439 was signed by Governor Greg Abbott on June 14, 2019; and

WHEREAS, H.B. 2439 became law on September 1, 2019; and

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 Item (ff) of Romanette (viii) of Subparagraph (E) of Paragraph (1), "Single Family," of Subsection (b), "Specific Residential Uses," of Section 51-4.201, "Residential 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:

"(ff) Accessory structures must have a [exterior siding, roofing,] roof-pitch[, foundation fascia,] and fenestration compatible with the main building. It is recommended that accessory structures have exterior siding, roofing, and foundation fascia compatible with the main building. "Compatible" as used in this provision means similar in application, color, ~~[materials,]~~ pattern, ~~[quality,]~~ shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply the proof of compatibility. Use of similar materials or materials of similar quality to the main building serves as additional evidence that the property owner's burden of proof of

compatibility has been met. This provision does not apply to accessory structures with a floor area of 200 square feet or less.”

SECTION 2. That Section 51A-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (140.1) to read as follows:

“(140.1) TRANSPARENCY means the total area of window opening, door opening, or other opening, expressed as a percentage of the total facade area by story.”

SECTION 3. That Romanette (i), “Building Facades,” of Subparagraph (F), “Building Envelope Design Requirements,” of Paragraph (8), “Site Design Requirements,” of Subsection (c), “UC Districts,” of Section 51A-4.127, “Urban Corridor Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” 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:

“(i) Building facades. Building facades must be as close as possible to the pedestrian zone. Columns of an arcade must be on the building line, and the internal facade of an arcade must be set back from the building line no more than 10 feet. Parking deck and garage facades visible at ground level from any street or alley must have the appearance of a multiple-story building~~[-and be of similar material finish as the building on the site for which the parking is being provided].~~ It is recommended that parking deck and garage facades visible at ground level from any street or alley have the appearance of similar material finish as the building on the site for which the parking is being provided.”

SECTION 4. That Romanette (iii), “Storefront Treatments,” of Subparagraph (F), “Building Envelope Design Requirements,” of Paragraph (8), “Site Design Requirements,” of Subsection (c), “UC Districts,” of Section 51A-4.127, “Urban Corridor Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” 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:

"(iii) Storefront treatments. The following provisions apply to all uses at ground level except church use and residential uses.

(aa) All street-fronting street-level portions of a building must have windows and primary entrances facing the street or a plaza. No more than 10 continuous linear feet of street-fronting street-level facade may lack a transparent opening ~~[surface]~~ (e.g. a window or a transparent door).

(bb) Corner lot structures must have corner entrances in compliance with the visibility triangle standards set by the department of sustainable development and construction.

(cc) Street-fronting, street-level windows must:

~~[(aa) be clear, unpainted, or made of similarly treated glass allowing visibility within street-level uses;]~~

~~[(bb)]~~ cover 50 percent or more of street-level frontage;

~~[(cc)]~~ not have a bottom edge higher than three feet above the base of building; and

~~[(dd)]~~ be less than 10 feet high.

(dd) It is recommended that street-fronting, street-level windows be clear, unpainted, or made of similarly treated glass allowing visibility within street-level uses."

SECTION 5. That Item (ff) of Romanette (vii), "Accessory Structures," of Subparagraph (E) of Paragraph (6), "Single Family," of Subsection (b), "Specific Uses," of Section 51A-4.209, "Residential 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:

“(ff) Accessory structures must have a [exterior siding, roofing,] roof-pitch[, foundation fascia,] and fenestration compatible with the main building. It is recommended that accessory structures have exterior siding, roofing, and foundation fascia compatible with the main building. “Compatible” as used in this provision means similar in application, color, [materials,] pattern, [quality,] shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply the proof of compatibility. Use of similar materials or materials of similar quality to the main building serves as additional evidence that the property owner’s burden of proof of compatibility has been met. This provision does not apply to accessory structures with a floor area of 200 square feet or less.”

SECTION 6. That Romanette (xii) of Subparagraph (F), “Mandatory Pedestrian Skybridge Standards,” of Paragraph (12), “Pedestrian Skybridges,” of Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory 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:

~~“(xii) Reserved. [At least 70 percent of the side walls must be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than six percent. “Light transmission” means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. “Luminous reflectance” means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.]”~~

SECTION 7. That Subparagraph (G), “Recommended Pedestrian Skybridge Standards,” of Paragraph (12), “Pedestrian Skybridges,” of Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory 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 Romanette (vii) to read as follows:

“(xii) At least 70 percent of the side walls should be open, or glass or transparent material with a light transmission of not less than 36

percent and a luminous reflectance of not more than six percent. "Light transmission" means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material."

SECTION 8. That Subsection (k), "Facade," of Section 51A-4.345, "General Standards," of Division 51A-4.340, "Mechanized Parking," 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:

"(k) Facade.

(1) These facade requirements apply to any portion of a building containing mechanized parking except when accessory to a single family or duplex use. If there is a conflict between the regulations within a zoning district that require concealment of parking structure facades, this subsection controls.

(2) An aboveground mechanized parking facility must be concealed by a facade. ~~[that]~~ It is recommended that the facade be:

(A) compatible in appearance with the facade of the main building it serves, or

(B) compatible in appearance with other buildings within a one block radius.

~~[(3) The burden is on the property owner or applicant to supply proof of compatibility.]~~

~~(3[4])~~ Aperture area or articulation must be provided at a minimum of 20 percent and a maximum of 80 percent for any street facing facade.

~~(4[5])~~ Articulation must be provided at least every 30 feet, measured horizontally and vertically.

~~(5[6])~~ Except for pedestrian and vehicular entrances, the aperture area must be screened. It is recommended that the required screening be constructed with an opaque or translucent material that may be permeable or impermeable and that. ~~Screening materials for~~ the aperture area ~~[may]~~ have no more than 36 square inches of transparent material in any given square foot of surface and ~~[may]~~ have no more than 25 percent transparency.

(6[7]) The board of adjustment may grant a special exception to the standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property. The alternative facade must provide adequate screening of equipment and structures and mitigate noise.”

SECTION 9. That Paragraph (6), “Materials and Colors,” of Subsection (a), “Design Standards for Large Retail Uses,” of Section 51A-4.605, “Design Standards,” 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:

“(6) Materials and colors.

(A) No more than 75 percent of the area of a facade wall, exclusive of fenestration, may have a single material or color.

(B) It is recommended that t[he] the following materials are [may] only [be] used on rear facade walls:

(i) Smooth-faced concrete block that is non-tinted or non-burnished.

(ii) Tilt-up concrete panels that are unadorned or untextured.

(iii) Prefabricated steel panels.”

SECTION 10. That Paragraph (3) of Subsection (b), “Standards,” of Section 51A-4.906, “Review by the Director,” of Division 51A-4.900, “Affordable Housing,” 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:

“(3) The design [~~and materials~~] of SAH units must be equivalent to the design [~~and materials~~] of other units located on the same lot. It is recommended that the materials of SAH units be equivalent to the materials of other units located on the same lot. The size of bedrooms in SAH units must be consistent with the size of bedrooms in other units located on the same lot.”

SECTION 11. That Paragraph (34) of Section 51A-13.201, “Defined Terms,” of Division 51A-13.200, “Definitions,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(34) TRANSPARENCY means the total area of window opening ~~[and] door opening, or other opening [filled with glass]~~, expressed as a percentage of the total facade area by story.”

SECTION 12. That Paragraph (6), “Ground-Story Shopfront Windows,” of Subsection (b), “Mixed Use Shopfront,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(6) **Ground-Story Shopfront Windows.** A minimum of 60 percent of the street-fronting, street-level window openings ~~[pane surface area]~~ must allow views into the ground-story use for a depth of at least four feet. If glass is installed, it is recommended that it ~~[Windows must]~~ be clear or unpainted, or, if treated, ~~[must]~~ be translucent. ~~[Spandrel glass or backpainted glass does not comply with this provision.]”~~

SECTION 13. That Paragraph (6), “Ground-Story Shopfront Windows,” of Subsection (c), “Single-Story Shopfront,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(6) **Ground-Story Shopfront Windows.** A minimum of 60 percent of the street-fronting, street-level window opening ~~[pane surface area]~~ must allow views into the ground-story use for a depth of at least four feet. If glass is installed, it is recommended that it ~~[Windows must]~~ be clear or unpainted, or, if treated, ~~[must]~~ be translucent. ~~[Spandrel glass or backpainted glass does not comply with this provision.]”~~

SECTION 14. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 15. 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 16. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 17. 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 18. 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:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____