

FILE NUMBER: DCA078-006

DATE INITIATED: May 8, 2007

TOPIC: Chapter 51 Codification

CITY COUNCIL DISTRICTS: All

CENSUS TRACTS: All

PROPOSAL: An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended;" making the provisions of Chapter 51 and Chapter 51A more consistent; incorporating Chapter 51A by reference into Chapter 51 when the language in the codes is identical; updating definitions, department names, and other references; moving off-street loading regulations to the use regulations in Chapter 51; updating uses to make consistent with state and federal law; moving appropriate uses from the residential use category to a new lodging use category to make consistent with Chapter 51A; adding and updating accessory use regulations in Chapter 51; adding language to assist in the interpretation of Chapter 51; making amendments to Chapter 51A necessary to accommodate the amendments to Chapter 51; and making other formatting and grammatical changes.

SUMMARY: The proposal is to codify Chapter 51 to make it easy to reference and to bring where possible regulations of Chapter 51 and 51A into alignment and call forward all redundant sections from Chapter 51 to Chapter 51A.

STAFF RECOMMENDATION: Approval of the attached ordinance.

ZOAC RECOMMENDATION: Approval of the attached ordinance.

CPC RECOMMENDATION: Approval of the attached ordinance.

BACKGROUND

- The City Attorneys office has been working on this project for more than 3 years. Development Services staff and Building Inspection staff have met with City Attorneys office over the last year to address issues related to the codification project where questions were raised on specific regulations and inconsistencies between the two codes.
- The Planned Development Codification project was completed approximately 2 years ago. This has proven to have been a great asset to both city staff and the development community. This project will have the same benefits in finding the appropriate regulations which govern the roughly 200 planned development districts still in place that were created under Chapter 51 prior to the transition to Chapter 51A in 1989.
- The Zoning Ordinance Advisory Committee discussed the proposed changes at 4 meetings beginning in January of 2008.
- The City Plan Commission was briefed on the proposed ordinance at two separate briefings on August 21, 2008 and September 11, 2008.

PROPOSAL

The final draft ordinance was distributed to the City Plan Commission at the September 11, 2008 briefing. Additional copies of the draft ordinance are available for review in 5BN of Dallas City Hall.

ZOAC ACTION

On April 24, 2008 the Zoning Ordinance Advisory Committee voted 6 to 0 to recommend approval of the proposal.

CPC ACTION (September 25, 2008)

Motion: It was moved to recommend **approval** of amendments to Chapter 51A, the Dallas Development Code, to amend regulations pertaining to dedication of floodway management areas and floodway easements.

Maker: Buehler
Second: Bagley
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers, Lozano,
Bagley, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 8

Speakers: For (Did not speak): Kirk Williams, 5400 Renaissance Tower, Dallas, TX, 75270
Against: None

Summary of Revisions to Chapter 51
(except for certain main and accessory use regulations
which are noted separately)

Section 51-2.102(19): Update department name.
"Center line" definition

Section 51-2.102(32): Update department name.
"Department" definition

Section 51-2.102(33): Update department name.
"Director" definition

Section 51-2.102(60.3): Add definition.
"Lodging use" definition

Section 51-2.102(67.1) & (67.2): Re-number.
"Manufactured home" &
"Manufactured home district"
definitions.

Section 51-2.102(82): Re-number internal
"Nonresidential use" definition cross-reference.

Section 51-2.102(104.1): Add internal
"Residential use" definition cross-reference.

Section 51-4.206(1)(C)(v): Update department name.
Church use

Section 51-4.212(13)(F)(iii): Update department name.
Service station use

Section 51-4.218: Call-forward section.
Limited uses

Section 51-4.220: Call-forward section.
Classification of new uses

Section 51-4.221: Call-forward section.
Sexually oriented businesses

Section 51-4.302: Call-forward section.
Parking district regulations

<u>Section 51-4.303:</u> Off-street loading regulations	Call-forward loading, location/design, and CA-1 district regulations. Refer screening for loading to use regulations.
<u>Section 51-4.304:</u> Off-street stacking space regulations	Add off-street stacking space regulations and call-forward section.
<u>Section 51-4.306:</u> Off-street parking in the Central business district	Call-forward section.
<u>Section 51-4.320:</u> Special parking regulations	Call-forward division.
<u>Section 51-4.401(a)(10):</u> Minimum front yard	Add carport special exception. (CPC struck)
<u>Section 51-4.402(a)(6):</u> Minimum side yard	Add carport special exception. (CPC struck)
<u>Section 51-4.407(a)(2):</u> Exclusion of parking structure from lot coverage calculation	Delete provision to make consistent with 51A.
<u>Section 51-4.408(a)(1):</u> Building height exemptions	Add exemption for certain cell towers.
<u>Subsections 51-4.502(d)&(e):</u> Procedures for establishing an institutional overlay & site plan process	Call-forward subsections.
<u>Section 51-4.503:</u> D & D-1 liquor control overlay districts	Call-forward section.
<u>Section 51-4.504:</u> Airport flight overlay districts	Call-forward section.

Section 51-4.506:
Modified delta overlay

Call-forward section.

Section 51-4.604:
**Restrictions on access
through a lot**

Call-forward section.

Section 51-4.605:
Design standards

Call-forward section.

Section 51-6.103:
Toxic and noxious matter

Call-forward section.

Section 51-6.104:
Glare

Call-forward section.

Section 51-6.106:
**Odors, smoke, particulate
matter and other
contaminants**

Call-forward section.

Section 51-6.107:
**Nonconformance with the
environmental performance
standards**

Call-forward section.

Article VII:
Sign regulations

Call-forward article.

Section 51-9.102:
**Thoroughfare plan
amendment process**

Call-forward section.

Division 51-9.400:
**Four-way/all-way stop
controls at residential
intersections**

**Add the four-way/all-way all-way stop
controls and call-forward division.**

Section 51A-4.221(c):
**Zoning classification of
sexually oriented businesses**

**Amend by adding reference to
Chapter 51 districts.**

Section 51A-4.303(b)(2):
Off-street loading regulations/loading space size requirement

Add language to trigger call-forwarded section's application in Chapter 51.

Section 51A-4.303(b)(12):
Off-street loading regulations/loading space location restriction in the office district

Add language to trigger call-forwarded section's application in Chapter 51.

Section 51A-4.320:
Special parking regulations general standards

Add language to trigger call-forwarded section's application in Chapter 51.

Section 51A-4.605(a)(2)(A):
Applicability (of design standards)

Add list of Chapter 51 uses triggering regulations.

Section 51A-4.605(a)(9)(G):
Miscellaneous design standards

Add CA-1 use.

Section 51A-4.702(6):
General regulations in PD district regulations

Add interpretational section to address conflicts between Chapters 51 and 51A and to provide district equivalents

ARTICLE IV DISTRICT AND MAIN USE REGULATION REVISIONS

Sections 51-4.101 and 51-4.102: Add the D-1 Dry Overlay, MD Modified Delta Overlay, Overlay districts NSO Neighborhood Stabilization Overlay, and TC Turtle Creek Environmental Corridor Overlay Districts inadvertently left out of sections.

Section 51-4.201(b)(1): Update “additional dwelling unit” special exception to single-family uses mirror the language of Chapter 51A.

Delete building code requirements (already addressed in the residential building codes).

Sections 51-4.201 thru 51-4.216: Add loading requirements to uses (rather than referring loading requirements the reader to another section of the code).

Sections 51-4.201(b)(4) and (5): Delete the lodging and boarding house and hotel/motel lodging/boarding/hotel/motels uses from the residential use category and place them in a new category entitled, “Lodging Uses.”

Section 51-4.202(12): Add the tower/antenna for cellular communication use.

Section 51-4.204(3)(A): Revise definition of “foster home” to mirror that of foster home in Chapter 51A.

Section 51-4.204(6): Add the “adult day care facility” use to Chapter 51.

Section 51-4.206(1): Update references to director of public works and transportation.

Section 51-4.206(5): Delete establishment of a religious, charitable, or philanthropic use – covered by other uses in the code.

Section 51-4.207(8): Add “history” to definition of library, art gallery, or library/art gallery/museum museum.

Make the off-street parking requirement consistent w/Chapter 51A. (Page 5-28)

Section 51-4.209(2): Revise definition to authorize both drive-in and drive- restaurant use through service at a restaurant.

Provide an off-street stacking space requirement.

Section 51-4.210(3): Revise name of use to indicate that a bank and savings bank/savings & loan use and loan office may be permitted to have drive-through windows.

Add a stacking space requirement should drive-through windows be permitted.

Section 51-4.211(15): Delete the SUP requirement for pawnshops in Chapter 51/prohibit pawnshops in the CA districts.

Add the relocation provision for pawnshops provided for in state law (this provision is already in Chapter 51A).

Section 51-4.211(18): Specifically provide that the accessory outside sales, home improvement center display of merchandise, or storage use may occupy 25% of the lot of a home improvement center.

Section 51-4.211(22): Provide that outside sales of more than 5% of the lot is outside sales considered a main use; 5% or less is considered an accessory use.

Section 51-4.212(13): Update references to director of public works and transportation.

Section 51-4.213(5): Provide that accessory outside sales and display of lumber/brick/bldg materials, merchandise may occupy 100% of the lot.

Section 51-4.213(13): Sand & gravel sales - Provide that accessory outside sales, display of sand & gravel sales merchandise, and storage may occupy 100% of the lot.

- Section 51-4.213(22):** Garden shop/plant sales - Provide that accessory outside sales, display of merchandise, and storage may occupy 100% of the lot.
- Section 51-4.213(27):** Add the “labor hall” use to Chapter 51 consistent w/Chapter 51A.
- Section 51-4.214(1):** Warehouse parking - Provide that one parking space must be provided per 4,000 square feet of floor area for the floor area above 20,000 square feet.
- Section 51-4.214(9):** Sanitary landfill - Remove citation to state law.
- Section 51-4.214(12):** Add the “office/showroom warehouse” use to Chapter 51, consistent w/the regulations of Chapter 51A.
- Section 51-4.216.1:** Add the “Lodging Use” category to Chapter 51. Within that use category, place the lodging/boarding house use and the hotel/motel use, previously categorized as residential uses. Add the following new uses, consistent w/the regulations of Chapter 51P: (1) extended stay hotel or motel; and (2) overnight general purpose shelter.
- Section 51A-4.101:** Make identical revisions to Chapter 51A to update references in the overlay districts.

Article IV Accessory Use Regulation Revisions

The accessory use regulations in Chapter 51 were previously call-forwarded, but after a careful evaluation, we recommend replacing these regulations in Chapter 51.

To re-create the accessory use regulations, we developed a version of what the accessory use regulations would have said had they not been taken out. Then we updated those regulations to include any changes that have occurred since they were taken out. Finally, staff compared the accessory uses in Chapters 51 and 51A. We used the attached document to facilitate our discussion.

After comparing the accessory use regulations in Chapters 51 and 51A, staff recommends making the rules as consistent as possible by adding the more recently approved Chapter 51A accessory uses and by updating the regulations as follows:

Section 51-4.217(a):
General provisions

Adds accessory use general provisions. The only change is a cross-reference to the more specific regulations in Subsection (b) and one cross-reference to the main use regulations to avoid a conflict in interpretation. Does not add the five percent floor area limitation from Chapter 51A.

Section 51-4.217(b)(1):
Game court (private)

Adds prohibition of the use in the P district. Changes the parking requirement from five to three. Adds space occupancy limitation. All of these changes are made to make consistent with Chapter 51A.

Section 51-4.217(b)(2):
Swimming pool (private)

Adds prohibition of the use in the P district to make consistent with Chapter 51A.

Section 51-4.217(b)(3):
Private stable

Adds prohibition of the use in the P district to make consistent with Chapter 51A.

Section 51-4.217(b)(4):
Home occupation

51-4.217(b)(4)(B) adds prohibition of the use in the P district to make consistent with Chapter 51A.

51-4.217(b)(4)(E)(i)(aa) adds "relating to the home occupation" for clarity.

51-4.217(b)(4)(E)(i)(bb) adds address "of the premises" for clarity.

51-4.217(b)(4)(E)(i)(cc) reorders the regulations and reduces the number of people who may be involved on the premises at one time from 10 to three to make consistent with Chapter 51A.

51-4.217(b)(4)(E)(i)(dd) adds a regulation allowing the employment of one person other than the occupants of residence to make consistent with Chapter 51A.

**The following staff-proposed addition to the regulations was deleted by ZOAC:
*[51-4.217(b)(4)(E)(i)(ee) adds a four-hour-weekly limitation on outside employees to make consistent with Chapter 51A.]***

51-4.217(b)(4)(E)(i)(ee) makes the outdoor activity restriction a complete prohibition to make consistent with Chapter 51A.

51-4.217(b)(4)(E)(i)(hh) adds "offer or advertise products of the home occupation" to make consistent with Chapter 51A.

51-4.217(b)(4)(E)(i)(ii) adds regulation to address traffic congestion issues to make consistent with Chapter 51A.

51-4.217(b)(4)(E)(i)(jj) adds a regulation addressing parking issues to make consistent with Chapter 51A.

51-4.217(b)(4)(E)(ii) adds an area limitation to make consistent with Chapter 51A.

Section 51-4.217(b)(5):
Occasional sales

Section 51-4.217(b)(5)(A) adds expanded definition ("does not hold himself or herself out to be in the business") to make consistent with Chapter 51A.

Section 51-4.217(b)(5)(B) adds prohibition in the P district to make consistent with Chapter 51A.

Section 51-4.217(b)(5)(E)(iii) adds "offer or advertise for sale" merchandise "made, produced or" acquired for resale to make consistent with Chapter 51A.

Section 51-4.217(b)(5)(E)(vii) adds requirement that signs for the sale must show the address and dates of the sale to make consistent with Chapter 51A.

Section 51-4.217(b)(6):
Community center (private)

Section 51-4.217(b)(6)(A) adds a new reference to "development" as alternative to term "project" to expand applicability of definition and to make consistent with Chapter 51A, and changes term "tenants" to term "residents" to make consistent with Chapter 51A.

Section 51-4.217(b)(6)(B) adds prohibition in the P district to make consistent with Chapter 51A.

Section 51-4.217(b)(6)(E)(ii) changes the term "project site" to "project or development site" to make consistent with Chapter 51A.

Section 51-4.217(b)(6)(E)(iv) adds provision providing that the community center accessory use may be located on a different lot from that of the main use for clarity and to make consistent with Chapter 51A.

Section 51-4.217(b)(7): Amateur communication tower restriction. **Section 51-4.217(b)(7)(iv)** adds 25 percent area restriction.

Section 51-4.217(b)(7)(v) adds prohibition against locating a tower in front of the street-facing façade of a main or an accessory structure.

Section 51-4.217(b)(7)(vi) adds removal requirement if tower ceases operation.

Section 51-4.217(b)(8): Private street or alley **Updates** reference to director of public works and transportation.

Section 51-4.217(b)(9): Open storage **Section 51-4.217(b)(9)(A)** deletes provisions in the definition that appear later in additional provisions and adds definition of outside placement.

Section 51-4.217(b)(9)(B) adds prohibition in the P district to make consistent with Chapter 51A.

Section 51-4.217(b)(9)(E)(v) adds provision stating that open storage is considered a main use if it occupies more than 5 percent of the lot to make it consistent with Chapter 51A.

Section 51-4.217(b)(10): Day home **Section 51-4.217(b)(10)(A)** adds additional statement clarifying that a day home is incidental to the primary use of the premises as a residence.

Deletes exemption (formerly 51-4.217(b)(10)(E)(iv), the area restriction exemption (there is no area restriction in Chapter 51).

Section 51-4.217(b)(11): Pedestrian skybridges **Minor** form changes only.

Section 51-4.217(b)(12): Accessory helistop **Add** use to Chapter 51.

Section 51-4.217(b)(13): **Add** use to Chapter 51.

**Accessory medical/infectious
waste incinerator**

Section 51-4.217(b)(14):

**Accessory outside display
of merchandise**

Add use to Chapter 51.

Section 51-4.217(b)(15):

Accessory outside sales

Add use to Chapter 51.

Section 51-4.217(b)(16):

**Accessory pathological
waste incinerator**

Add use to Chapter 51.

Section 51-4.217(b)(17):

General waste incinerator

Add use to Chapter 51.