

6-17-11

28272

ORDINANCE NO. _____

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51A-1.105 and 51A-4.124; providing an administrative waiver of sidewalk width requirements in the CA-1(A) Central Area District; requiring a fee for the administrative waiver; 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 Paragraph (3), "Fee Schedule," of Subsection (k), "Fees for Miscellaneous Items," of Section 51A-1.105, "Fees," of Article I, "General Provisions," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

“(3) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Minor plan amendment	\$825.00	[200 feet. See also note below]
Detailed development plan when submitted after passage of an ordinance establishing a planned development district	\$600.00 for each submission	
Waiver of the two year waiting period under Section 51A-4.701(d)(3)	\$300.00	
Extension of the development schedule under Section 51A-4.702(g)(3)	\$75.00	

Waiver of requirement of proof that
taxes, fees, fines, and penalties are not
delinquent under Section 51A-1.104.1 \$200.00

Appeal to the city council of a
moratorium on a zoning or nonzoning
matter handled by the department of
development services \$300.00

Request for a letter from the department
of development services explaining the
availability of water services for a
development site \$150.00

Request for a letter from the department
of development services explaining the
availability of wastewater services for a
development site \$150.00

Request for performance of a wastewater
capacity analysis on an existing wastewater
line to determine its capacity for a proposed
development or land use \$800.00

Appeal an apportionment determination
to the city council \$600.00

Appeal a decision of the landmark
commission on a predesignation certificate
of appropriateness, certificate of
appropriateness, or certificate for demolition
or removal to the city plan commission
regarding a single family use or a
handicapped group dwelling unit use[-] \$300.00

Appeal a decision of the landmark
commission on a predesignation certificate
of appropriateness, certificate of
appropriateness, or certificate for demolition
or removal to the city plan commission
regarding any other use[-] \$700.00

Request for a sidewalk width waiver under
Section 51A-4.124(a)(8)(C)(v) \$300.00

Note: The director shall also send notification of minor plan amendments to the city plan commission members, any known neighborhood associations covering the property, and persons on the early notification list at least 10 days prior to the public hearing."

SECTION 2. That Subparagraph (C), "Sidewalk Regulations," of Paragraph (8), "Additional Provisions," 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 by adding new Item (v) to read as follows:

"(v) Waiver of sidewalk width requirements. An applicant for a sidewalk width waiver shall submit an application to the director on a form approved by the director and signed by all owners of property abutting the sidewalk. The director shall take into account the needs of pedestrians and the proximity of the sidewalk to intersections and crosswalks, transit stops, parks and playgrounds, and other pedestrian-intensive areas when considering the application. The director may grant a sidewalk waiver if the director finds:

(aa) the potential pedestrian traffic in the area does not warrant the width of the sidewalk required;

(bb) the waiver will facilitate an amenity that promotes pedestrian activity such as sidewalk seating areas, enhanced landscaping, or retail kiosks; or

(cc) there are sufficient alternative pedestrian passageways to accommodate pedestrian traffic in the area.

The granting of a waiver does not preclude the city from requiring compliance with all sidewalk standards at some later time and assessing the abutting owners for the cost of the installation or replacement.

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

SECTION 3. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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.

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SECTION 5. 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:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed JUN 22 2011