191431

8-29-19

ORDINANCE NO. 31314

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51A-4.803, 51A-5.101, 51A-5.104, 51A-5.105, 51A-5.206, 51A-8.506, 51A-8.507, 51A-8.601, 51A-8.602, 51A-8.604, 51A-8.606, 51A-8.611, 51A-8.702, 51A-10.101, and 51A-12.204; clarifying definitions; providing a definition of one-percent annual chance floodplain; renaming the paving design manual; 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 (1), "In General," of Subsection (d), "Site Plan Requisites," of Section 51A-4.803, "Site Plan Review," of Division 51A-4.800, "Development Impact Review," 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:

"(1) In general. If the site plan is required due to estimated trip generation or a requirement for DIR in the use regulations, it must:

(A) include a location diagram showing the position of the lot in relation to surrounding streets in the city's major street network;

(B) contain title block and reference information pertaining to the lot and plan, including the name of the project, the names of the persons responsible for preparing the

plan, the zoning classification of the lot, the scale of the plan (both numeric and graphic), and the date of submission, with provisions for dating revisions;

(C) show the dimensions of the lot, and indicate lot area in both square feet and acres;

(D) show or describe the building envelope for each existing and proposed building on the lot;

(E) show the location of all existing streets, alleys, easements for street purposes, utility and other easements, floodway management areas, and the one-percent annual chance [~~100-year~~] flood plain, if applicable;

(F) show all areas proposed for dedication or reservation;

(G) show zoning setback and building lines for each existing and proposed building on the lot;

(H) show all existing and proposed points of ingress and egress and estimated peak hour turning movements to and from existing and proposed public and private streets and alleys;

(I) show all existing and proposed median cuts and driveways located within 250 feet of the lot;

(J) show all existing and proposed off-street parking and loading areas, indicating the general dimensions of parking bays, aisles, and driveways, and the number of cars to be accommodated in each row of parking spaces;

(K) show all existing and proposed provisions for pedestrian circulation on the lot, including sidewalks, walkways, crosswalks, and pedestrian plazas;

(L) indicate average daily traffic counts on adjacent streets and illustrate estimated peak hour turning movements at intersections located within 250 feet of the lot;

(M) show the location and indicate the type of any special traffic regulation facilities proposed or required;

(N) show the existing and proposed topography of the lot using contours at intervals of two feet or less. Existing contours must be shown with dashed lines; proposed contours must be shown with solid lines;

(O) show the existing and proposed locations for municipal solid waste containers and receptacles;

(P) show surrounding properties and the approximate location of buildings within a distance of 250 feet of the lot, indicating their zoning district classification. Surrounding properties may be drawn at a smaller scale than that required under Subsection (c);

(Q) show locations, calipers, and names (both common and scientific) of all trees near proposed construction activity (trees in close proximity that all have a caliper of less than eight inches may be designated as a "group of trees" with only the number noted); and

(R) contain any other reasonable and pertinent information that the director determines to be necessary for site plan review."

SECTION 2. That Subsection (a), "Definitions," of Section 51A-5.101, "Definitions and Interpretations Applicable to the Flood Plain Regulations," of Division 51A-5.100, "Flood Plain Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations,"of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(a) Definitions. The following definitions are applicable to the flood plain regulations in this article:

(1) AREA OF SPECIAL FLOOD HAZARD means the land in the flood plain within a community that is subject to a one percent or greater chance of flooding in any given year.

(2) BASEMENT means any area of a building having its floor subgrade, or below ground level, on all sides.

(3) BASE FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year.

(4[~~3.1~~]) BASE FLOOD ELEVATION means the water surface elevation from a flood having a one percent chance of being equalled or exceeded in any given year, which is shown on the flood insurance rate map (FIRM) and in the accompanying flood insurance study (FIS) for Zones A, AE, AH, A1 - A30, AR, V1-V30, or VE.

(5[4]) DESIGN FLOOD (City's Design Standard) means the one-percent chance flood frequency [~~100-year frequency flood~~] discharge as calculated for fully developed watershed conditions. For the Dallas Floodway Levee System, the design flood is the standard project flood as calculated for the Corridor Development Certificate process.

(6[~~5~~]) DEVELOPMENT means any manmade change in improved and unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of

equipment or materials unless approved by the city on a temporary basis in connection with authorized construction activities.

(7[~~6~~]) ENVIRONMENTALLY SIGNIFICANT AREA means an area in the flood plain:

(A) with slopes greater than three to one;

(B) containing endangered species of either flora or fauna;

(C) which is geologically similar to the Escarpment Zone, as defined in Division 51A-5.200, "Escarpment Regulations," of this article;

(D) identified as wetlands;

(E) determined to be an archeological or historic site; or

(F) containing more than 1,000 square inches of trunk area of protected trees, in the aggregate, within a 10,000 square foot land area. Trunk diameter is measured at a point 12 inches above grade. To be included in the calculation of trunk area, a tree must have a trunk equal to or greater than six inches. For purposes of this subparagraph, a protected tree is defined in Section 51A-10.101 of this chapter.

(8[~~7~~]) EXISTING MANUFACTURED HOME PARK means a manufactured home park or subdivision for which the construction of facilities for servicing the lots was completed before March 16, 1983, the effective FIRM date.

(9[~~8~~]) FEMA means the Federal Emergency Management Agency, which is the federal agency responsible for administering the National Flood Insurance Program.

(10[~~9~~]) FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

(11[~~10~~]) FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated the areas of special flood hazards and the insurance risk premium zones applicable to the community.

(12[~~11~~]) FLOOD INSURANCE STUDY (FIS) means the official report provided by FEMA containing flood profiles, water surface elevation of the base flood, and the Flood Boundary-Floodway Map.

(13[~~12~~]) FLOOD PLAIN (FP) means any land area susceptible to inundation by the design flood.

(14[~~13~~]) FLOOD PLAIN ALTERATION means the construction of buildings or other structures, alterations, mining, dredging, filling, grading, or excavation in the flood plain which does not remove an FP designation. (Examples include the construction of a tennis court, a playground, a swimming pool, a fence, a deck, an erosion control wall, or the installation of significant landscaping.)

(15[~~14~~]) FLOOD PLAIN OR FP ADMINISTRATOR means the director of water utilities, who is responsible for administering the federal flood insurance program, or the director's designated representative.

(16[~~15~~]) FLOOD PROOFING means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage.

(17[~~16~~]) FLOODWAY (OR REGULATORY FLOODWAY) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the design flood without cumulatively increasing the water surface elevation or to discharge more than a designated height or rate.

[~~(17) HUNDRED-YEAR FREQUENCY FLOOD (100-year flood) means the flood having a one percent chance of being equalled or exceeded in any given year. The 100-year flood in Dallas is based upon fully developed land uses within the watershed as defined by the current zoning designation.~~]

(18[~~17.1~~]) INTERIOR DRAINAGE AREAS mean the geographical areas that act as a watershed for the sumps.

(19[~~18~~]) LEVEE means a manmade structure (usually an earthen embankment) designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water for protection from temporary flooding.

(20[~~19~~]) LEVEE SYSTEM means a flood protection system consisting of a levee or levees and associated structures such as closure and drainage devices constructed and operated in accordance with sound engineering practices.

(21[~~20~~]) LOWEST FLOOR means the lowest floor of the lowest enclosed area of a building (including its basement). An unfinished or flood resistant enclosure that is useable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

(22[~~21~~]) MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. In this article only, the term "manufactured home" includes park trailers, travel trailers, and similar vehicles placed on a site for more than 180 consecutive days, but does not include recreational vehicles.

(23[~~22~~]) MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(24[~~23~~]) NATIONAL FLOOD INSURANCE PROGRAM (NFIP) means the federal program administered by FEMA which enables property owners to purchase flood insurance against damage to or loss of property resulting from a flood.

(25) ONE-PERCENT ANNUAL CHANCE FLOOD FREQUENCY (one-percent annual chance flood) means the flood having a one percent chance of being equalled or exceeded in any given year. The one-percent annual chance flood in Dallas is based upon fully developed land uses within the watershed as defined by the current zoning designation.

(26[~~24~~]) POOL-RIFFLE SEQUENCES mean the alternating deep and shallow flow conditions caused by a moving, nonuniform channel grade.

(27[~~25~~]) SEEP means a location where natural groundwater makes its way in a non-continuous flow to the surface, creating a wet soil condition.

(28[~~26~~]) SPECIAL EXCEPTION means a grant of relief to a property owner permitting reconstruction in a manner otherwise prohibited by this division.

(29[~~27~~]) STANDARD PROJECT FLOOD means the flood caused by the most severe combination of meteorological and hydrological conditions reasonably characteristic of the region. The standard project flood is defined by the U.S. Army Corps of Engineers for use in major flood control projects.

(30[~~28~~]) STRUCTURE means, for purposes of this division, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(31[~~29~~]) SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(32[~~30~~]) SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market or tax appraisal value of the structure, whichever is greater, as determined by an independent appraiser or the last official City tax roll, either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure for the sole purpose of complying with federal, state, or local health, sanitary, or safety code specifications which have been identified by the local

code enforcement official as necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(33[~~31~~]) SUMPS mean drainage features of levee systems that temporarily store storm water runoff before it is conveyed to a river system by pumping over or draining through a levee.

(34[~~32~~]) SWALES mean low lying areas in the flood plain that convey flood waters when flow exceeds channel capacity.

(35[~~33~~]) VALLEY STORAGE means the measure of a stream's ability to store water as it moves downstream.

(36[~~34~~]) VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation.

(37[~~35~~]) WATER SURFACE ELEVATION means the height, in relation to the North American Vertical Datum (NAVD) [~~of 1988~~], of floods of various magnitudes and frequencies in the flood plain."

SECTION 3. That Paragraph (12) of Subsection (c), "Construction Standards," of Section 51A-5.104, "Uses and Improvements Permitted," of Division 51A-5.100, "Flood Plain Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(12) Tanks must be vented at a location above the one-percent annual chance [~~100-year~~] flood level."

SECTION 4. That Subsection (i), "Special Criteria for the Trinity and the Elm Fork," of Section 51A-5.105, "Filling in the Flood Plain," of Division 51A-5.100, "Flood Plain Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(i) Special criteria for the Trinity and Elm Fork. If the FP area is in the flood plain of the Trinity River, Elm Fork of Trinity River, West Fork of the Trinity River, Five Mile Creek -

confluence to Bonnie View Road, White Rock Creek - confluence to Scyene Road, or the regulatory floodways established by FEMA, the following requirements must be met:

(A) Encroachment into the floodway is prohibited unless FEMA issues a conditional Letter of Map Revision.

(B) Fill elevations and first floor elevations in flood plain areas located along the Elm Fork, West Fork or main stem of the Trinity River that would be protected from inundation by the one-percent annual chance [~~100-year~~] or greater flood by a federally authorized flood control project must be constructed at a minimum elevation of one foot above the design flood. The parking requirements in Section 51A-5.104(b)(4) do not apply."

SECTION 5. That Paragraph (2) of Subsection (b) of Section 51A-5.206, "Soil Erosion Control Plan," of Division 51A-5.200, "Escarpment Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(2) Grading is not permitted within the one-percent annual chance [~~100-year~~] flood plain boundaries of watercourses unless it is:

(A) in conjunction with the construction of approved drainage facilities; or

(B) authorized by a city council approved fill permit. All grading must comply with Section 51A-5.207 of this division."

SECTION 6. That Subsection (c), "Intersections," of Section 51A-8.506, "Street Layout," of Division 51A-8.500, "Subdivision Layout and Design," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(c) Intersections. The following regulations govern the alignment of intersections:

(1) All streets must intersect as close to a right angle as permitted by topography or other natural physical conditions. A street must not intersect with another street or railroad at an angle of more than 105 degrees or less than 75 degrees.

(2) The intersection of two streets must not be located within 100 [~~115~~] feet of a railroad right-of-way if one of the streets crosses the railroad right-of-way at grade. This 100

[~~115~~] foot separation is measured from the nearest point of the intersection of the street right-of-way and the nearest point of the railroad right-of-way.

(3) A driveway or alley approach must not be located within 100 [~~50~~] feet of a railroad right-of-way.

(4) An intersection must not have more than four street approaches.

(5) Proposed intersections along one side of an existing cross street must, wherever practical, align with existing intersections on the opposite side of the cross street. Street centerline offsets of less than 150 feet are not permitted unless the cross street is divided by a median without openings at either intersection.

(6) If served by a median opening, minor streets that intersect divided thoroughfares must be spaced at least 360 feet apart, measured from centerline to centerline unless otherwise approved by the traffic engineer."

SECTION 7. That Paragraph (8) of Subsection (b), "Regulations," of Section 51A-8.507, "Alleys," of Division 51A-8.500, "Subdivision Layout and Design," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(8) Alleys must be designed and constructed according to the requirements of the Street [~~Paving~~] Design Manual and the Standard Details for Public Works Construction of the departments of public works."

SECTION 8. That Subsection (b) of Section 51A-8.601, "General Standards," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(b) All street paving, storm drainage, bridge, and culvert design and construction must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation, except that the design criteria in effect on the date the commission approves the preliminary plat must be used to design the infrastructure.

(1) The Thoroughfare Plan for the city of Dallas.

(2) The Central Business District Streets and Vehicular Circulation Plan.

(3) The Long Range Physical Plan for Parks and Recreational Facilities.

(4) The Street [~~Paving~~] Design Manual of the city of Dallas [~~department of public works~~].

(5) The storm drainage policy of the city of Dallas.

(6) The Drainage Design Manual of the city of Dallas [~~department of public works~~].

(7) The Plan Development Checklist of the department.

(8) The Standard Construction Details of the department of public works.

(9) The Texas Uniform Traffic Control Device Manual.

(10) The Dallas Central Business District Pedestrian Facilities Plan.

(11) The most recently adopted [~~1985~~] Dallas Bike Plan.

(12) The City of Dallas Planning Policies.

(13) All other codes and ordinances of the city of Dallas."

SECTION 9. That Subsection (d), "Corner Clips and Sight Easements," of Section 51A-8.602, "Dedications," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(d) Corner clips and sight easements.

(1) Corner clips must be dedicated at all intersections by means of a street easement. A corner clip is a triangle with the legs along the edges of the street rights-of-way. The size of the corner clip is based on the city's current design standards. Corner clips must be sized to provide an adequate turning radius, or to maintain public appurtenances within the area of the corner clip. [~~The minimum size for the corner clip is that of a triangle with the legs along the edges of the street rights-of-way equalling 10 feet. A larger or smaller corner clip may be required where conditions exist that restrict the ability of the city to provide an adequate turning radius, or to maintain public appurtenances within the area of the corner clip.~~]

(2) Sight easements must be provided if required by the Street [~~Paving~~] Design Manual of the city of Dallas [~~department of public works~~]."

SECTION 10. That Subsection (a), "Generally," of Section 51A-8.604, "Street Engineering Design and Construction," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(a) Generally. Streets, whether dedicated to the public use or privately owned, must be designed in accordance with the Street [~~Paving~~] Design Manual of the city of Dallas [~~department of public works~~]. The geometrics of streets must be designed to provide appropriate access for passenger, delivery, emergency, and maintenance vehicles."

SECTION 11. That Subsection (c), "Minor Street Criteria," of Section 51A-8.604, "Street Engineering Design and Construction," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(c) Minor street criteria. If additional right-of-way for a minor street has been waived by the commission in accordance with Section 51A-8.602(c)(3), the amount of street construction required for the streets on which the requirements have been waived is determined by the director of sustainable development and construction. Additional street construction may be required, if necessary, based on the existing condition or width of the streets, and if warranted by the expected traffic volumes, property access requirements, or truck, bus, and taxi loading. If additional right-of-way has not been waived, minor streets must be designed and constructed to meet [~~the following~~] criteria given in the Street Design Manual of the city of Dallas.

~~**Standards for Minor Streets***~~					
~~**Zoning**~~	~~**Street Classification**~~	~~**Pvmt. Width (In feet)**~~	~~**ROW Width (In feet)**~~	~~**Min. Alley Required**~~	~~**Centerline Radius (In feet)****~~
~~R-1 thru R-7.5~~	~~L-2-U(B)~~	~~26~~	~~50~~	~~YES~~	~~150~~
	~~L-2-U(A)~~	~~33~~	~~53~~	~~NO~~	~~200~~
	~~S-2-U~~	~~36~~	~~56~~	~~NO~~	~~230~~
~~R-5,MH,D~~	~~L-2-U(A)~~	~~33~~	~~53~~	~~YES~~	~~200~~
~~TH-1, TH-2~~	~~S-2-U~~	~~36~~	~~56~~	~~NO~~	~~230~~
~~TH-3, CH, Multifamily~~	~~S-2-U~~	~~36~~	~~56~~	~~NO~~	~~230~~
~~All Non-Residential Districts Except PDDs, and the WMU and WR Districts in Article XIII.~~	~~S-2-U~~	~~36~~	~~56~~	~~NO~~	~~280~~

~~*Minor streets are referred to as local streets in the Paving Design Manual. Local streets comprise all roadways not identified as expressways, arterials, or collectors. All pavement widths are measured from face of curb to face of curb. Additional pavement width is required for all bike routes designated in the 1985 Dallas Bike Plan.~~
~~**Unusual circumstances or special designs requiring variance from the standards in this column may be approved by the traffic engineer upon a finding that unsafe conditions would result from strict enforcement of these provisions or a special design will enhance safety or traffic flow.~~"

SECTION 12. That Subsection (b), "Design," of Section 51A-8.606, "Sidewalks," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(b) Design. All sidewalks must be designed and constructed to be barrier-free to the handicapped, and in accordance with the requirements contained in the Street [~~Paving~~] Design Manual, the Standard Construction Details, and any other council approved plan as amended. When poles, standards, and fire hydrants must be placed in the proposed sidewalk alignment, the sidewalk must be widened as delineated in the Standard Construction Details to provide a three-foot-wide clear distance between the edge of the obstruction or overhang projection and the edge of the sidewalk."

SECTION 13. That Paragraph (2) of Subsection (a), "Generally," of Section 51A-8.611, "Storm Drainage Design," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(2) Private drainage systems are those which serve one lot or tract, or any open system that serves more than one lot or tract for which a private entity has maintenance obligations. Private systems are owned and maintained by a private entity. Easements must be provided to allow access by the city to any open system in the event that private system failure or diminished function jeopardizes the public's health, safety or welfare. Private storm water drainage systems must be designed in general conformance with the design standards of the department of water utilities as set forth in the Drainage Design Manual of the city of Dallas [~~department of water utilities~~]. Private enclosed systems are not required to be constructed according to the Standard Construction Details, File 251D-1.

SECTION 14. That Paragraph (5) of Subsection (a), "Generally," of Section 51A-8.611, "Storm Drainage Design," of Division 51A-8.600, "Infrastructure Design and Construction," of

Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(5) All storm drainage facilities must be designed and constructed to safely drain a one-percent annual chance storm event [~~100-year storm~~] as outlined in the Drainage Design Manual of the city of Dallas [~~department of water utilities~~]. Paved streets and alleys, ditches, and swales may be used for emergency overflow capacity in parallel with enclosed systems provided the requirements of the Drainage Design Manual of the city of Dallas [~~department of water utilities~~] are met."

SECTION 15. That Subsection (c), "Detention," of Section 51A-8.611, "Storm Drainage Design," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(c) Detention.

(1) Detention facilities required in this subsection must be designed to provide detention for the one-percent, two-percent, 10 percent, and 50 percent annual chance storm events. [~~100-year frequency storm with dual outlet control structures designed for 5-year and 100-year storms. Dual outlet design provides control of peak rates for more frequent storms, thus reducing chances of flooding and erosion downstream.~~] Detention must be provided in the following instances:

(A) The property to be platted is in or drains through the escarpment zone or a geologically similar area as defined in Division 51A-5.200 of this chapter.

(B) The development of the platted area results in an increase to the existing rate of runoff due to a rezoning of the platted area that allows higher density. Detention will not be required if:

(i) the rezoned area is in the redeveloped area and there is no increase in impermeable surface; [~~or~~]

(ii) the change in zoning results in less than a 20 percent increase in the runoff, and the area rezoned is less than 3 acres, or an adequate outfall exists to handle the developed discharge; or

(iii) the rezoned area is less than one acre in size and adds less than 5,000 square feet of additional impervious surface relative to existing conditions.

(C) The proposed development does not have adequate outfall to carry the one-percent annual chance storm event [~~100-year flood~~] without damaging property downstream, or the owner of downstream property refuses to provide the needed easements to the city. Detention will not be required under this subparagraph if the owner funds and constructs the storm drainage system to provide a one-percent annual chance storm event [~~100-year~~] runoff carrying capacity.

(D) The property to be platted contributes to the storm drainage of a neighboring municipality having detention requirements, provided there are written agreements with the neighboring municipalities.

(2) Detention facilities must be designed and constructed in conformance with the Drainage Design Manual of the city of Dallas [~~department of water utilities~~].

(3) Detention area easements must be dedicated on the plat when detention facilities are on-site, and dedicated by a separate instrument when detention facilities are off-site.

(4) Each adjoining property owner and his successors and assigns shall be responsible for simple, routine maintenance of the detention area easement. The city of Dallas is responsible for any major maintenance and repair work necessary for the public safety and welfare.

(5) The constructed detention facilities and pond area must remain to line and grade and must not be altered without the approval of the director of water utilities.

(6) If detention is provided due to inadequate outfall pursuant to Section 51A-8.611(c)(1), then upstream storm drainage systems must be designed for a one-percent annual chance storm event [~~100-year storm~~], up to the outfall into the detention basin. Drainage systems constructed downstream must be designed for a one-percent annual chance storm event [~~100-year storm~~] of the drainage basin without taking into consideration the reduction in flow provided by the detention facility upstream, unless a lesser criteria is approved by the director of water utilities when the proposed development does not increase the stormwater drainage from the property and the director determines that the drainage system is not necessary to preserve public health or safety.

(7) Storm water runoff from any plat into a contiguous city may be required to comply with the criteria of the contiguous city as directed by the director of sustainable development and construction provided there is a written agreement in effect at the time.

(8) [~~The dual outlet control is not required in the design of the detention basin when the proposed outfall is onto an erosion protected surface that is no less than 100 feet from the outfall.~~

~~(9)~~] When development of the property downstream results in the construction of facilities designed to accommodate the one-percent annual chance storm event [~~100-year storm~~], and the detention facilities upstream are no longer necessary, the detention facilities may be abandoned and the land reclaimed for other purposes."

SECTION 16. That Paragraph (1), "Generally," of Subsection (d), "Floodways," of Section 51A-8.611, "Storm Drainage Design," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(1) Generally. Floodways must be provided in accordance with the recommendation of the director of water utilities and the requirements of the commission to accommodate the one-percent annual chance storm event [~~100-year storm~~] drainage flows. Floodway dedications must be identified on the plat and monumented on the ground. Floodway conditions must be satisfied before submitting a final plat for a certificate of approval. Division 51A-5.100 applies to all floodways."

SECTION 17. That Paragraph (2) of Subsection (e), "Lot to Lot Drainage," of Section 51A-8.611, "Storm Drainage Design," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(2) If more than the rear 15 feet of a lot drains toward the rear lot line, a paved invert in a common area or a drainage easement is required. In order to accommodate the one-percent annual chance storm event [~~100-year storm~~], an enclosed drainage system with inlets may be designed. Each portion of the system that drains one lot must be a private system. Each portion of the system that drains more than one lot must be a public system within an easement."

SECTION 18. That Subsection (d), "Requirements for Approval," of Section 51A-8.702, "Early Release of Building or Foundation Permit," of Division 51A-8.700, "Administration," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(d) Requirements for approval. No early release may be authorized until:

(1) clearance has been received from all affected departments;

(2) the commission or the subdivision administrator has approved a preliminary or final plat subject to conditions in accordance with this article.

(3) all submitted plans conform to all applicable city ordinances, requirements, and conditions of plat approval, and compliance can otherwise be enforced;

(4) all affected departments have determined the basic requirements necessary for final approval;

(5) the proposed building site has adequate all-weather access through public or private right-of-way;

(6) adequate storm drainage outfall exists to safely discharge on-site drainage of a one-percent annual chance [~~one-hundred-year~~] flood;

(7) adequate assurance has been received that off-site easements necessary for infrastructure to serve the plat have been secured;

(8) the proposed site has adequate water facilities for emergency fire service;

(9) infrastructure plans for the proposed plat have been submitted to the department and are in general conformance with city standards;

(10) if required by the director, private development contracts and bonds have been submitted;

(11) the application complies with all applicable laws;

(12) the only requirement preventing the building or foundation permit from being issued is the completion and filing for record of the plat;

(13) the building or foundation permit clearly states that no certificate of occupancy will be issued for the property or, for residential applications, no final inspection will be made until all platting requirements have been met;

(14) the owner acknowledges in writing concurrence with the conditions under which the permit is issued; and

(15) the fee required by Subsection (c) is paid to the building official."

SECTION 19. That Section 51A-10.101, "Definitions," of Division 51A-10.100, "In General," of Article X, "Landscape and Tree Conservation Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"**SEC. 51A-10.101. DEFINITIONS.**

In this article:

(1) AGE CLASS means a distinct group of trees originating from a single natural event or regeneration activity (i.e., a 10-year age class), as used in inventory management.

(2) ANSI A300 means the American National Standard for Tree Care Operations, including all parts, as amended.

(3) APPROVED TREE LIST means the list of replacement and landscape trees approved by the director.

(4) ARTIFICIAL LOT means an area within the building site that is delineated by the building official or the director of park and recreation for the sole purpose of satisfying the requirements of this article (see Section 51A-10.122).

(5) BOUNDARY TREE means:

(A) a tree growing on a property boundary line between two private lots resulting in joint ownership by the adjacent property owners when the trunk exists on each property; or

(B) a tree that has 20 percent or more of its tree canopy cover extending over a property line into an adjacent building site.

(6) BROWNFIELD means a building site, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

(7) CALIPER means the thickness of a tree trunk measured in inches.

(8) CANOPY TREE means a species of tree that normally bears crown foliage no lower than six feet above ground level upon maturity.

(9) CLASS 1 TREE means a tree located in a primary natural area or a geologically similar area within 50 feet above the escarpment zone.

(10) CLASS 2 TREE means a tree that is not otherwise classified as a Class 1 tree or Class 3 tree.

(11) CLASS 3 TREE means Arizona ash, black willow, cottonwood, hackberry, honeylocust, mesquite, mimosa, mulberry, ornamentals, *pinus spp.*, Siberian elm, silver maple, sugarberry, or a small tree.

(12) CLEARING means any activity that removes or seriously injures one or more trees or the vegetative ground cover of one or more trees, such as root mat removal or topsoil removal.

(13) COVERED SOIL AREA means an area of soil that is under nonpermeable pavement and is designed to accommodate tree root growth.

(14) CRITICAL ROOT ZONE means the circular area of ground surrounding a tree extending a distance of one foot per diameter inch of the tree, measured from the tree trunk or stem.

(15) DEVELOPMENT IMPACT AREA means the area of land or vegetation alteration within a property including, but not limited to, clearing, grading, excavating, filling, and any construction site operations, paving, or any other installation.

(16) DIAMETER means the thickness of a tree trunk.

(17) DRIP LINE means a vertical line that runs from the outermost point of the crown of a tree to the ground.

(18) ENHANCED PAVEMENT means any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use approved by the director. Examples of enhanced pavement include, but are not limited to, brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.

(19) EVERGREEN TREE OR SHRUB means a tree or shrub of a species that normally retains its leaves throughout the year.

(20) FACADE PLANTING AREA means the portion of a lot abutting a storefront, office, or mixed use building facade.

(21) FLOOD PLAIN means any land area susceptible to inundation by the one-percent annual chance [~~hundred year frequency~~] flood.

(22) FOREST STAND DELINEATION ("FSD") means a comprehensive assessment of the conditions of a property using multiple types of information, including, but not limited to, a tree survey, aerial imagery collected from private or public sources, natural resources assessments, topographic maps, management plans, a map of conservation areas, land use maps, etc., to provide the required data to determine tree replacement requirements and forest conservation objectives.

(23) GRADING means any digging, scooping, removing, depositing, or stockpiling[~~,~~] of earth materials.

(24) GREEN INFRASTRUCTURE means the ecological framework of trees and vegetation used in conjunction with engineered systems for the effective and resilient processes of stormwater management, climate adaptation, urban heat abatement, biodiversity, improved air quality, clean water, and healthy soils, for sustainable social, health, and economic benefits of the urban community.

(25) GROUND COVER means natural mulch, or plants of species that normally reach a height of less than three feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

(26) HABITAT PRESERVATION AND RESTORATION AREA means a designated area on a landscape plan dedicated to the restoration and preservation of an undeveloped site through active or passive management practices.

(27) HISTORIC TREE means a tree, or grove of trees, that has been recognized by resolution of the city council as having cultural or historical significance.

(28) [~~HUNDRED-YEAR FREQUENCY FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year. This flood is based upon the drainage area being fully developed to current zoning limitations.~~

~~(29)~~] INTERIOR ZONE means the area of a lot not included in a street buffer zone or a residential buffer zone.

(29[~~30~~]) INVASIVE PLANT means a plant that has been classified as invasive to the Dallas region by Texas Parks and Wildlife or the Texas Department of Agriculture.

(30[~~31~~]) LANDSCAPE ARCHITECT means a person licensed to use the title of "landscape architect" in the State of Texas in accordance with state law.

(31[~~32~~]) LANDSCAPE AREA means an open soil area covered by natural grass, ground cover, stone aggregate or river rock, or other plant materials for the purpose of landscaping or the growth and establishment of trees and other vegetation.

(32[~~33~~]) LANDSCAPE BUFFER STRIP means a landscape area that serves a buffer function.

(33[~~34~~]) LARGE SHRUB means a shrub that normally reaches a height of six feet or more upon maturity.

(34[~~35~~]) LARGE TREE means a tree species that typically attains a height and canopy width of at least 50 feet at maturity, or as classified by the director.

(35[~~36~~]) LEGACY TREE means a large or medium tree planted in a landscape area in accordance with Section 51A-10.104 and Section 51A-10.135.

(36[~~37~~]) LOT means:

(A) a "lot" as defined in Section 51A-2.102; and

(B) an "artificial lot" as defined in this section.

(37[~~38~~]) LOT WITH RESIDENTIAL ADJACENCY means any of the following:

(A) A building site containing a multifamily use that is adjacent to or directly across:

(i) a street 64 feet or less in width; or

(ii) an alley;

from private property in a single family, duplex, townhouse, CH, or RTN district or a residential planned development district.

(B) A building site containing a nonresidential use that is adjacent to or directly across:

(i) a street 64 feet or less in width; or

(ii) an alley;

from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, manufactured housing, or RTN district, or a residential planned development district.

(C) An artificial lot containing a multifamily use if the lot is less than 200 feet from private property in a single family, duplex, townhouse, CH, or RTN district, or a residential planned development district.

(D) An artificial lot containing a nonresidential use if the lot is less than 200 feet from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, manufactured housing, or RTN district, or a residential planned development district.

(38[~~39~~]) MEDIUM TREE means a tree that typically attains a canopy height of at least 30 feet and a width between 15 feet and 50 feet in width at maturity, or as otherwise classified by the director.

(39[~~40~~]) NONPERMEABLE COVERAGE means coverage with any pavement that is not "permeable pavement" as defined in this section.

(40[~~41~~]) NURSERY STOCK means a plant grown in or obtained from a nursery.

(41) ONE-PERCENT ANNUAL CHANCE FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year. This flood is based upon the drainage area being fully developed to current zoning limitations.

(42) OPEN SOIL AREA means an unpaved area of soil.

(43) PEDESTRIAN PATHWAY means an area intended for use by pedestrians or non-motorized vehicles that is physically or visually distinguishable from parking and driving surfaces by concrete curbs, wheel stops, or other permanent barriers, landscape barriers, or a change in surface materials such as pavers, patterned concrete, or flagstones.

(44) PERMEABLE PAVEMENT means director approved paving systems, pavers, or other structural surfaces that allow stormwater infiltration.

(45) PREVIOUSLY DEVELOPED SITE means a building site that has been substantially altered through paving, construction, or other activity that requires or required permitting or licensing through a regulatory agency.

(46) PRIMARY NATURAL AREA means an ecologically sensitive area including one-percent annual chance floodplain [~~100-year flood plain~~] and riparian areas, wetlands or 50-foot wetland buffer, perennial and intermittent streams measured to 50 feet above top of bank, and the escarpment zone.

(47) PRIVATE PROPERTY means any property not dedicated to public use, except that "private property" does not include the following:

(A) A private street or alley.

(B) Property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.

(C) A railroad right-of-way.

(D) A cemetery or mausoleum.

(48) PROTECTED TREE means:

(A) a tree of any species that has a minimum diameter of eight inches that is not classified as unprotected in this article;

(B) any tree in a stand which projects a tree canopy over a building site when identified within a forest stand delineation review; or

(C) a tree that was planted as a replacement tree.

(49) REMOVE OR SERIOUSLY INJURE means an intentional or negligent action that will more likely than not cause a tree to decline and die within five years of the act. Actions that constitute removing or seriously injuring a tree include, but are not limited to: cutting down a tree; excessively pruning or topping a tree; compacting the soil above the root system of a tree; changing the natural grade above the root system of a tree; damaging the root system or the trunk of a tree (such as by operating machinery near, or by clearing or grading the area around, the trunk of a tree); failing to repair an injury to a tree from fire or other causes, which results in or

permits tree infections or pest infestations into or on the tree; applying herbicidal or other lethal chemicals; and placing nonpermeable pavement over the root system of a tree.

(50) RESPONSIBLE PARTY means the property owner and any other person or entity responsible for removing or seriously injuring a protected tree.

(51) REPLACEMENT TREE means a tree that is planted in accordance with Section 51A-10.134.

(52) ROOT PATH means a path constructed using aeration or drainage strips providing roots a route under pavement from a tree to an adjacent landscape area.

(53) SCREENING means screening that complies with Section 51A-4.602, except as those regulations may be expressly modified in this article.

(54) SECONDARY NATURAL AREA means undisturbed areas on a building site other than primary natural areas.

(55) SIGNIFICANT TREE means a protected healthy tree whose age, size, unique type, or natural or historical character are of special importance to the city, and meets the following species and size requirements:

(A) Post oaks with a minimum diameter of 12 inches.

(B) Trees of the following species having a minimum 24-inch diameter: American elm, bois d'arc, cedar elm, chittamwood, common persimmon, eastern red cedar, green ash, all other oaks, pecan, all walnut species, and white ash.

(56) SMALL TREE means a tree that typically attains a maximum height of 30 feet at maturity or is classified as a small tree by the director.

(57) SOIL means a medium that plants will grow in.

(58) STAND means a group of trees or other growth occupying a specific area that is sufficiently similar in species composition, size, age, arrangement, and condition, to be distinguishable from adjacent forest.

(59) SUSTAINABLE DEVELOPMENT INCENTIVE ("SDI") means a method of compliance that applies sustainable development, tree preservation practices, and tree mitigation reductions.

(60) TOPPING means the reduction of tree size using internodal cuts without regard to tree health or structural integrity.

(61) TREE CANOPY COVER means the amount of ground area directly beneath a tree's crown to the drip line or the combined crowns of a stand of trees, measured in square feet.

(62) TREE REMOVAL PROPERTY means the lot, parcel, right-of-way, or tract of land where a protected tree will be or has been removed or seriously injured.

(63) TREE SURVEY means a report that meets all of the requirements for a tree survey in Section 51A-10.132.

(64) UNPROTECTED TREE means the following:

(A) Callery pear (all cultivars).

(B) Chinaberry.

(C) Chinese tallow.

(D) Ilex species (except for yaupon holly and Possumhaw holly).~~)~~

(E) Palm (all plants in *Palmae*).

(F) Tree-of-heaven or *Ailanthus*.

(G) Other trees listed as invasive plants.

(H) Trees with a diameter of less than 10 inches at the point on the trunk 4.5 feet above the ground, located on a lot with an existing single family or duplex use that is occupied at the time of removal.

(65) UNRESTRICTED ZONE means the area on a lot where tree mitigation is not required.

(66) URBAN STREETSCAPE means the pedestrian-oriented street environment between the back of curb and building facade for frontages that have a required front yard of 15 feet or less in depth.

(67) WATER COURSE means a natural or constructed channel for the flow of water."

SECTION 20. That Subparagraph (B) of Paragraph (4), "Tree Survey or Forest Stand Delineation," of Subsection (b), "Application for Review," of Section 51A-10.132, "Tree Removal Applications," of Division 51A-10.130, "Urban Forest Conservation," of Article X, "Landscape

and Tree Conservation Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(B) A forest stand delineation ("FSD") used for the purpose of calculating the total square footage of forest canopy coverage of building sites and providing an ecological assessment of a property. An FSD must be approved by the building official. The building official shall determine the information required to be provided in an FSD. The FSD is applicable to and may be used to calculate:

(i) Tree canopy cover assessment for old-field tree stands and undeveloped lots, two acres or larger, in early succession stages when:

(aa) a stand, or partial stand, with a minimum of 60 percent Class 3, eastern red cedar, or unprotected trees is located in a proposed development impact area;

(bb) the forest stand delineation excludes areas within 50 feet of a one-percent chance [~~100-year~~] floodplain, 50 feet of a wetland, 50 feet of an escarpment zone, or 150 feet of a stream bank;

(cc) the trees in the stand, or partial stand, is designated in an age class of 60 years or less by the building official based on site and historical data; and

(dd) the stand is assessed and surveyed using tree sampling methods which provide general species quantity and tree size determinations based on the use of quadrat plots, a transect line sampling method, point-quarter sampling method, or other method approved by the building official.

(ii) Tree canopy cover credit for single family and duplex construction.

(iii) Tree canopy cover assessment of development impact areas in conjunction with sustainable development incentives.

(iv) Tree canopy cover assessment on properties five acres or larger with institutional and community service uses or recreation uses when the measured tree canopy coverage is the baseline for determining the number of trees required for replacement when using the canopy cover replacement calculation for legacy trees in Section 51A-10.134(c)(7).

(v) Forest analysis for baseline documentation to create a conservation easement.

(vi) Tree canopy cover assessment where trees are removed without authorization."

SECTION 21. That Subparagraph (D) of Paragraph (1), "In General," of Subsection (g), "Fresh-Water Fracture Ponds," of Section 51A-12.204, "Operations," of Division II, "Gas Drilling," of Article XII, "Gas Drilling and Production," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(D) The fresh-water fracture pond must comply with the Drainage Design Manual of the city of Dallas [~~Department of Public Works~~] and all other city, state, and federal rules and regulations."

SECTION 22. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 23. 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 24. 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 25. 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 26. 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 SEP 11 2019

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 SEP 11 2019

ORDINANCE NUMBER 31314

DATE PUBLISHED SEP 14 2019

ATTESTED BY:

OFFICE OF CITY SECRETARY
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