This supplement includes all ordinances passed or effective in the months of July 2018 through September 2018. Before inserting these supplement pages in your code book, please refer to the Title Page of your copy of the Code to see if you have the 2015 printing, including the 7/18 Supplement. If so, then proceed to insert the 10/18 Supplement. If you do not have the 2015 printing, you are missing the current version of the Dallas City Code. If you wish to check on the current status of any section of the code, you may call American Legal Publishing Corporation at 1-800-445-5588. Copies of amending ordinances are available at a nominal charge from the Dallas City Secretary at 214-670-3730.

Leave this page in your book until the next supplement is delivered to you.

Please replace the following pages in your copy of the 2015 printing of the Dallas City Code:

**VOLUME III - DALLAS DEVELOPMENT CODE**

<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>REMOVE OLD PAGES</th>
<th>INSERT NEW PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 51A: DALLAS DEVELOPMENT CODE: ORDINANCE NO. 19455, AS AMENDED</td>
<td>Title Page</td>
<td>Title Page</td>
</tr>
<tr>
<td></td>
<td>21 through 24</td>
<td>21 through 24</td>
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<td>27 through 30</td>
<td>27 through 30</td>
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<td>35, 36</td>
<td>35, 36</td>
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<tr>
<td></td>
<td>41 through 46</td>
<td>41 through 46</td>
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<td>401, 402</td>
<td>401, 402</td>
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<td>479, 480</td>
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<td>493, 494</td>
<td>493, 494</td>
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<td>497, 498</td>
<td>497, 498</td>
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<td></td>
<td>507 through 510</td>
<td>507 through 510</td>
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<tr>
<td></td>
<td>639 through 642</td>
<td>639 through 642</td>
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<td>737 through 740</td>
<td>737 through 740</td>
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<td></td>
<td>755 through 766</td>
<td>755 through 766</td>
</tr>
<tr>
<td></td>
<td>771 through 776</td>
<td>771 through 776</td>
</tr>
<tr>
<td></td>
<td>785, 786</td>
<td>785, 786</td>
</tr>
<tr>
<td></td>
<td>807, 808</td>
<td>807, 808</td>
</tr>
<tr>
<td></td>
<td>810W, 810X</td>
<td>810W, 810X</td>
</tr>
<tr>
<td></td>
<td>839 through 842</td>
<td>839 through 842</td>
</tr>
<tr>
<td></td>
<td>847, 848</td>
<td>847, 848</td>
</tr>
<tr>
<td></td>
<td>853, 854</td>
<td>853, 854</td>
</tr>
<tr>
<td></td>
<td>857, 858</td>
<td>857, 858</td>
</tr>
<tr>
<td>CODE COMPARATIVE TABLE</td>
<td>27, 28</td>
<td>27, 28</td>
</tr>
<tr>
<td>DALLAS DEVELOPMENT CODE: ORDINANCE NO. 19455, AS AMENDED (CHAPTER 51A)</td>
<td>101 through 106</td>
<td>101 through 106</td>
</tr>
</tbody>
</table>

PMca - October 26, 2018
(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
<th>Area of Notification for Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family variance</td>
<td>$600.00</td>
<td></td>
</tr>
<tr>
<td>Single family special exception</td>
<td>$600.00</td>
<td></td>
</tr>
<tr>
<td>Multifamily or nonresidential variance</td>
<td>$900.00 + $25 per acre</td>
<td></td>
</tr>
<tr>
<td>Multifamily or nonresidential special exception</td>
<td>$1,200.00 + $25 per acre</td>
<td></td>
</tr>
<tr>
<td>Landscaping or tree mitigation special exception</td>
<td>$1,200.00 + $50 per acre</td>
<td></td>
</tr>
<tr>
<td>Variance and special exception to off-street parking requirements</td>
<td>$900.00 + $100 per parking space variance or special exception requested</td>
<td></td>
</tr>
<tr>
<td>Compliance request for a nonconforming use</td>
<td>$1,000</td>
<td></td>
</tr>
<tr>
<td>All other non-sign appeals</td>
<td>$900.00</td>
<td></td>
</tr>
<tr>
<td>Sign special exceptions</td>
<td>$1,200.00</td>
<td></td>
</tr>
<tr>
<td>All other sign appeals</td>
<td>$900.00</td>
<td></td>
</tr>
</tbody>
</table>

(5) The applicant shall pay a separate filing fee for each type of variance requested. The maximum fee for all variances on one building site heard at one public hearing is $10,000.00.

(6) The board may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board’s miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the board. In making this determination, the board may require the production of financial documents. Notwithstanding the above, the board may waive the fee for a request to establish a compliance date under Section 51A-4.704(a)(1) only if:

(A) the applicant is a corporeal person for whom payment of the fee would result in substantial financial hardship; or

(B) a written request for a fee waiver is signed by the owners, as evidenced by the last approved city tax roll, of 20 percent or more of real property within 200 feet, including streets and alleys, of the boundary of the lot containing the nonconforming use.

(c) Fees for fill permits for removal of a flood plain designation.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the director of Trinity watershed management. The director of Trinity watershed management shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
<th>Area of Notification for Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fill permit for land within the Trinity River or Elm Fork flood plains</td>
<td>$8,150.00</td>
<td>500 feet</td>
</tr>
<tr>
<td>Fill permit for land within the interior drainage areas</td>
<td>$1,436.00</td>
<td></td>
</tr>
<tr>
<td>Fill permit in all other applications</td>
<td>$8,150.00</td>
<td>500 feet</td>
</tr>
<tr>
<td>Single family</td>
<td>$8,150.00</td>
<td>500 feet</td>
</tr>
</tbody>
</table>

(d) Fees for extraordinarily significant sign designation.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.
§ 51A-1.105  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-1.105

(3) No refund of a fee may be made.

(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
<th>Area of Notification for Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designation of an existing sign as an extraordinarily significant sign</td>
<td>$600.00</td>
<td>200 feet</td>
</tr>
</tbody>
</table>

(e) Fees for creating or amending a voluntary deed restriction.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) The controller shall refund 35 percent of the filing fee to the applicant if the application is not forwarded to council after a public hearing by the commission.

(4) If a deed restriction amendment is submitted as part of an application for a change in a zoning district classification or boundary, the fee outlined in this subsection is not required.

(5) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Inspection</th>
<th>Inspection Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creation of a voluntary deed restriction where the city is a party</td>
<td>$350.00</td>
</tr>
<tr>
<td>Amendment to a voluntary deed restriction where the city is a party</td>
<td>$900.00</td>
</tr>
</tbody>
</table>

(f) Fees for notification signs.

(1) An application will not be processed until the fee for notification signs has been paid.
§ 51A-1.105 Dallas Development Code: Ordinance No. 19455, as amended

(h) Fees for letters of zoning verification.

(1) A letter of zoning verification will not be processed until the fee for the letter has been paid.

(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) The standard fee for a letter of zoning verification is $90 per letter. A minimum processing time of seven days is required after payment of the standard fee. If expedited processing is requested, a surcharge must be paid in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Processing Time</th>
<th>Surcharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 day</td>
<td>$25.00</td>
</tr>
<tr>
<td>2-3 days</td>
<td>$20.00</td>
</tr>
<tr>
<td>4-5 days</td>
<td>$15.00</td>
</tr>
<tr>
<td>6 days</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

(5) A request for a letter of zoning verification must be made in writing. The maximum area for which a letter of zoning verification may be requested is one city block. If the area for which zoning verification is requested cannot be clearly defined by lot and block number, the applicant must furnish a plat with the request.

(i) Fees for development impact review.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) The fee for a site plan review required under Section 51A-4.803 is $50.00.

(5) An applicant shall pay a fee of $300.00 for an appeal to the city plan commission of a decision of the director denying a development impact review or residential adjacency review application, as described in this chapter.

(j) Fees for thoroughfare plan amendments.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the director of sustainable development and construction. The director of sustainable development and construction shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) Fee schedule for thoroughfare plan amendment:

<table>
<thead>
<tr>
<th>Length of Roadway</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-25 miles</td>
<td>$2,660.00</td>
</tr>
<tr>
<td>Longer than .25 miles</td>
<td>$2,660.00 plus $.87 per linear foot</td>
</tr>
</tbody>
</table>

(k) Fees for miscellaneous items.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.
§ 51A-1.105 Dallas Development Code: Ordinance No. 19455, as amended

(3) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application</th>
<th>Fee</th>
<th>Area of Notification for Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor plan amendment</td>
<td></td>
<td>$825.00</td>
<td></td>
</tr>
<tr>
<td>Appeal of the decision of the director to city plan commission or the decision of the city plan commission to the city council for a minor plan amendment</td>
<td></td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>Detailed development plan when submitted after passage of an ordinance establishing a planned development district</td>
<td></td>
<td>$600.00 for each submission</td>
<td></td>
</tr>
<tr>
<td>Waiver of the two year waiting period under Section 51A-4.701(d)(3)</td>
<td></td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>Extension of the development schedule under Section 51A-4.702(g)(3)</td>
<td></td>
<td>$75.00</td>
<td></td>
</tr>
<tr>
<td>Waiver of the requirement of proof that taxes, fees, fines, and penalties are not delinquent under Section 51A-1.104.1</td>
<td></td>
<td>$200.00</td>
<td></td>
</tr>
<tr>
<td>Appeal to the city council of a moratorium on a zoning or nonzoning matter handled by the department</td>
<td></td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>Request for a letter from the department explaining the availability of water services for a development site</td>
<td></td>
<td>$200.00</td>
<td></td>
</tr>
<tr>
<td>Request for a letter from the department explaining the availability of wastewater services for a development site</td>
<td></td>
<td>$200.00</td>
<td></td>
</tr>
<tr>
<td>Request for performance of a wastewater capacity analysis on an existing wastewater line to determine its capacity for a proposed development or land use</td>
<td></td>
<td>$2,500.00</td>
<td></td>
</tr>
<tr>
<td>Appeal of an apportionment determination to the city plan commission</td>
<td></td>
<td>$600.00</td>
<td></td>
</tr>
<tr>
<td>Appeal an apportionment determination decision of the city plan commission to the city council</td>
<td></td>
<td>$600.00</td>
<td></td>
</tr>
</tbody>
</table>

Type of Application Application Fee Area of Notification for Hearing

Appeal a decision of the landmark $300.00 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 $700.00

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

Request for an administrative parking reduction under Section 51A-4.313 $375.00 and $25 per space over 10 spaces

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

(l) Fees for a street name change.

(1) The following fees are required for a street name change.

(A) A street name change fee must be paid to the director before an application will be processed.

(B) A fee for new street identification signs must be paid to the director of sustainable development and construction within 60 days of the approval of a street name change by the city council.

(C) A fee for change of official address records must be paid to the building official within 60 days of the approval of a street name change by the city council.
(p) Fee for amendment to the Dallas Development Code other than to Article VII, “Sign Regulations.”

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) The fee for an application to amend, supplement, or change the Dallas Development Code, other than Article VII, “Sign Regulations,” is $6,700.

(q) Fees for sign review in special provision sign districts.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) Fee schedule.

\[
\begin{array}{|l|l|}
\hline
\text{Type of Application} & \text{Application Fee} \\
\hline
\text{Certificate of appropriateness for a sign in a special provision sign district when review by the city plan commission is required under Section 51A-7.505.} & $345 \\
\hline
\text{Appeal of the decision of the director to city plan commission for a sign permit in a special provision sign district} & $300 \\
\hline
\end{array}
\]

(r) Fee for an escarpment permit.

(1) An application for an escarpment permit under Section 51A-5.204 of this chapter will not be processed until the fee has been paid.

(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) Fee schedule.

\[
\begin{array}{|l|l|}
\hline
\text{Type of Application} & \text{Application Fee} \\
\hline
\text{Escarpment permit} & $1,000.00 \\
\hline
\end{array}
\]

(s) Fee for tree removal application.

(1) An application for a tree removal under Section 51A-10.132 of this chapter will not be processed until the fee has been paid.

(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.
§ 51A-1.105  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-1.105

(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree removal application</td>
<td>Cost of tree removal x $0.0095, with a minimum charge of $60.00 for the project</td>
</tr>
<tr>
<td>First reinspection of work not completed, not corrected, or not accessible in initial inspection</td>
<td>$60.00</td>
</tr>
<tr>
<td>Second reinspection of work not completed, not corrected, or not accessible in prior inspections</td>
<td>$90.00</td>
</tr>
<tr>
<td>Third or subsequent reinspection of work not completed, not corrected, or not accessible in prior inspections</td>
<td>$120.00</td>
</tr>
</tbody>
</table>

(t) Fee for municipal setting designation ordinance.

(1) An application will not be accepted until the initial filing fee has been paid. An application will not be placed on a city council agenda until the additional processing fee has been paid.

(2) The applicant shall pay the fees to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of the fees may be made.

(4) The initial filing fee for a municipal setting designation ordinance is $4,000. The director shall not mail notices or advertise the public meeting until the estimated cost of mailing notices and advertising the public meeting is paid. The director shall not place a municipal setting designation ordinance on a city council agenda until an additional processing fee of $8,550 is paid.

(5) The city council may, by resolution, waive or reimburse the initial filing fee when the city council finds that payment of the fee would result in substantial financial hardship to the applicant.

(u) Fees for gas drilling and production.

(1) The city may use a qualified third party to conduct any inspections required by Article XII. The operator shall pay the city for any fees charged by third party inspectors within 30 days of receipt of an invoice from the city.

(2) Any permit that lapses for nonpayment of the annual permit fee will be reinstated upon payment of an additional fee of $50.00 for each thirty-day period during the lapse.

(3) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seismic survey permit</td>
<td>$150.00</td>
</tr>
<tr>
<td>New gas well permit</td>
<td>$3,000.00 for the first well on an operation site and $1,000 for each additional well on that same operation site</td>
</tr>
<tr>
<td>Amended permit</td>
<td>$600.00</td>
</tr>
<tr>
<td>Reworking fee</td>
<td>$800.00</td>
</tr>
<tr>
<td>Operator transfer</td>
<td>$600.00</td>
</tr>
<tr>
<td>Annual fee (per well)</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Regulated pipeline permit</td>
<td>$1,500.00</td>
</tr>
</tbody>
</table>

(v) Fee for the city’s review and consent to the creation of or amendment to a municipal utility district or any other district created under Article 16, Section 59 of the Texas Constitution.

(1) The fee shall be paid to the director when the application is filed. An application will not be processed until the fee has been paid.

(2) The director shall deposit fees in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.
(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>City’s review and consent to the creation of or amendment to a municipal utility</td>
<td>$3,825.00</td>
</tr>
<tr>
<td>district or any other district created under Article 16, Section 59 of the Texas</td>
<td></td>
</tr>
<tr>
<td>Constitution</td>
<td></td>
</tr>
</tbody>
</table>

(w) Fees for annexation, disannexation, boundary adjustment agreement, and waiver of extraterritorial jurisdiction applications.

(1) The fee shall be paid to the director when the application is filed. An application will not be processed until the fee has been paid.

(2) The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) If an annexation, disannexation, boundary adjustment agreement, or waiver of extraterritorial jurisdiction is initiated by the city, no fee is required.

(5) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>All applications relating to annexation, disannexation, boundary adjustment agreements, and waiver of extraterritorial jurisdiction</td>
<td>$3,825.00</td>
</tr>
</tbody>
</table>

(x) Fee and permit for accessory occasional sales (garage sales).

(1) An application for an occasional sale permit will not be processed until the fee has been paid.

(2) The applicant shall pay the fee to the director of code compliance. The director of code compliance shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) There is no fee for the first occasional sale permit in each 12 month period. The fee for the second occasional sale permit in a 12 month period is $25.00.

(5) A person may not operate an occasional sale without a valid permit issued by the director of code compliance. Only the owner or lessee of the property where the occasional sale is being conducted may obtain a permit. The applicant shall provide proof (driver’s license, utility bills, or other proof) that the applicant is the owner or lessee of the property.

(6) The application for an occasional sale permit must be on a form provided by the director and must contain the dates, location, hours of operation of the occasional sale, and any other information that may be reasonably required by the director of code compliance.

(7) The director of code compliance shall deny the application for an occasional sale permit if the director of code compliance determines that:

(A) the applicant has not paid the required fee;

(B) the applicant made a false statement of material fact in the application;

(C) the applicant has been given two or more citations for violating the provisions of this subsection or Section 51A-4.217(b)(9) within 12 months before submitting an application; or

(D) the occasional sale would not meet the requirements of this subsection or of Section 51A-4.217(b)(9).

(8) The applicant may appeal the denial of an application for an occasional sale permit to the
permit and license appeal board in accordance with Section 2-96 of the Dallas City Code.

(9) By making an application for an occasional sale permit, accepting the permit, and conducting the sale, the permit holder authorizes any code enforcement officer to enter the property to determine that the occasional sale is being conducted in compliance with this chapter.

(10) Permits are only valid for the dates specified on the application. If inclement weather prevents the occasional sale, the director of code compliance may, in his sole discretion, issue a replacement permit at no cost to the applicant. The applicant must request the replacement permit within one week after the date of the cancelled occasional sale. No more than one replacement permit shall be issued per calendar year per address.

(y) Fees for property description review.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) A fee is required for each review.

(4) No refund of a fee may be made.

(5) Fee schedule:

<table>
<thead>
<tr>
<th>Type of Property Description</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Platted</td>
<td>$12.50</td>
</tr>
<tr>
<td>Metes and bounds less than four pages</td>
<td>$25.00</td>
</tr>
<tr>
<td>Metes and bounds four pages and more</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

(z) Fee-in-lieu for park land dedication and park development fees.

(1) The developer shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(2) Fee schedule for park land dedication fee-in-lieu.

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Fee-in-lieu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family or duplex</td>
<td>$762.00 per dwelling unit</td>
</tr>
<tr>
<td>Multifamily (one bedroom)</td>
<td>$299.00</td>
</tr>
<tr>
<td>Multifamily (two or more bedrooms)</td>
<td>$600.00</td>
</tr>
<tr>
<td>College dormitory, fraternity, or sorority house</td>
<td>$299.00 per sleeping room</td>
</tr>
<tr>
<td>Hotel and motel</td>
<td>$327.00 per guest room</td>
</tr>
</tbody>
</table>

(3) Park development fees.

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Park land development fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family or duplex</td>
<td>$403.00 per dwelling unit</td>
</tr>
<tr>
<td>Multifamily (one bedroom)</td>
<td>$158.00</td>
</tr>
<tr>
<td>Multifamily (two or more bedrooms)</td>
<td>$317.00</td>
</tr>
<tr>
<td>College dormitory, fraternity, or sorority house</td>
<td>$158.00 per sleeping room</td>
</tr>
<tr>
<td>Hotel and motel</td>
<td>$173.00 per guest room</td>
</tr>
</tbody>
</table>

(Ord. Nos. 19455; 19557; 19832; 20037; 20073; 20093; 20132; 20612; 20920; 20926; 20927; 21431; 21553; 21751; 22004; 22026; 22206; 22392; 22738; 22920; 24051; 24542; 24843; 25047; 25048; 25384; 26001; 26161; 26529; 26530; 26536; 26730; 26920; 27069; 27430; 27495; 27587; 27695; 27697; 27893; 28021; 28073; 28096; 28272; 28424; 28553; 28803; 29128; 29228; 29024; 30215; 30808; 30931; 30934; 30993)
ARTICLE II.
INTERPRETATIONS AND DEFINITIONS.

SEC. 51A-2.101. INTERPRETATIONS.

Unless the context clearly indicates otherwise, the following rules apply in interpreting this chapter:

(1) Words used in the present tense include the future tense.

(2) Words in the singular include the plural, and words in the plural include the singular.

(3) The word “building” includes the word “structure”, and the word “structure” includes the word “building.”

(4) The word “lot” includes the words “building site,” “site,” “plot” or “tract.”

(5) The word “shall” is mandatory and not discretionary.

(6) If there is a conflict:

(A) the text of this chapter controls over the charts or any other graphic display in this chapter;

(B) the use regulations (Division 51A-4.200) control over the district regulations (Division 51A-4.100, et seq.) in this chapter; and

(C) the text, charts, or other graphic display in Article XIII control over the text, charts, or other graphic display in other articles of this chapter. (Ord. Nos. 19455; 27495)

SEC. 51A-2.102. DEFINITIONS.

In this chapter, unless the context requires otherwise:

(1) “A” DISTRICT means the agricultural district established under Chapter 51.

(2) “A(A)” DISTRICT means the agricultural district established under this chapter.

(2.1) ACCESSORY STRUCTURE means a structure located on the same lot as the main building that is subordinate in floor area, location, and purpose to the main building and used for a permitted accessory use.

(3) ACCESSORY USES means those uses defined in Section 51A-4.217.

(4) AGRICULTURAL DISTRICT means the A(A) district established under this chapter.

(5) AGRICULTURAL USES means those uses defined in Section 51A-4.201.

(6) AIRPORT HAZARD means any structure, tree, sign, vehicle or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to the landing or taking off of aircraft.

(7) ALLEY means a right-of-way which provides secondary access to adjacent property.

(7.1) ARTERIAL means a street designated as either a principal or minor arterial in the city’s thoroughfare plan.

(8) BASEMENT means any level of a building where more than one half of the vertical distance between floor and ceiling is below grade.

(8.1) BATHROOM means any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.

(9) BEDROOM means any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.
(9.1) BICYCLE PARKING means Class I bicycle parking and Class II bicycle parking.

(10) BLOCK means an area bounded by streets on all sides.

(10.1) BLOCKFACE means:

(A) the distance along one side of a street between the two nearest intersecting streets;

(B) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(C) where a street centerline contains a change of direction 90 degrees or more, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.

(11) BOARD means the board of adjustment.

(11.1) BREEZEWAY means an unenclosed passage connecting two buildings or portions of a building.

(12) BUILDING means a structure for the support or shelter of any use or occupancy.

(13) BUILDING LINE means a line marking the minimum distance a building may be erected from a street, alley, or lot line. (Also called the “setback line.”)

(14) BUILDING OFFICIAL means the person designated by the city manager as the building official of the city, or the building official’s authorized representative.

(15) BUILDING SITE means property that meets the requirements of Section 51A-4.601.

(16) “CA-1” DISTRICT means the CA-1 district established under Chapter 51.

(17) “CA-1(A)” DISTRICT means the CA-1(A) district established under this chapter.

(18) “CA-2” DISTRICT means the CA-2 district established under Chapter 51.

(19) “CA-2(A)” DISTRICT means the CA-2(A) district established under this chapter.

(20) CENTER LINE means a line running midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the center line shall be determined by the director of public works.

(21) CENTRAL AREA DISTRICTS means the CA-1(A) and CA-2(A) districts established under this chapter.

(22) CENTRAL BUSINESS DISTRICT means the area of the city within Woodall Rodgers Freeway, Central Expressway (elevated bypass), R. L. Thornton Freeway, and Stemmons Freeway.

(23) CITY COUNCIL means the governing body of the city.

(23.1) CLASS I BICYCLE PARKING means unenclosed parking spaces intended for bicycles where one or both wheels and the frame of a bicycle can be secured to a rack with a user-supplied lock.

(23.2) CLASS II BICYCLE PARKING means enclosed parking spaces intended for bicycles within a building or structure designed for increased security from theft and vandalism, such as locked bicycle storage rooms, bicycle check-in systems, and bicycle lockers.

(23.3) COLLECTOR means a street designated as either a community or residential collector in the city’s thoroughfare plan.


(25) COMMISSION or CITY PLAN COMMISSION means the city plan and zoning commission.
(77.2) MINOR STREET means a street not designated in the city’s thoroughfare plan.

(78) MISCELLANEOUS USES means those uses defined in Section 51A-4.206.

(79) MIXED USE DISTRICTS means the MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, and MU-3(SAH) districts established under this chapter (also called “MU” districts).

(80) “MO” DISTRICTS means the mid-range office matrix districts established under Chapter 51.

(81) “MO-1” DISTRICT means the MO-1 district established under this chapter.

(82) “MO-2” DISTRICT means the MO-2 district established under this chapter.

(82.1) MO(A) DISTRICTS means the MO-1 and MO-2 districts established under this chapter.

(83) MOBILE HOME means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(83.1) MOBILITY AND STREET SERVICES means public works or transportation. Any reference to mobility and street services is a reference to public works or transportation.

(84) “MU” DISTRICTS means the MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, and MU-3(SAH) districts established under this chapter (also called “mixed use districts”).

(85) MULTIFAMILY DISTRICTS means the MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MF-3(A), and MF-4(A) districts established under this chapter [also called “MF(A)” districts].

(85.1) MULTIPLE COMMERCIAL DISTRICTS means the MC-1, MC-2, MC-3, and MC-4 districts established under this chapter (also called “MC” districts).

(86) NET ACRE means an acre of land that does not include public rights-of-way.

(87) “NO” DISTRICTS means the neighborhood office matrix districts established under Chapter 51.

(88) “NO(A)” DISTRICT mean the neighborhood office district established under this chapter.

(89) NONCONFORMING STRUCTURE means a structure which does not conform to the regulations (other than the use regulations) of this chapter, but which was lawfully constructed under the regulations in force at the time of construction.

(90) NONCONFORMING USE means a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

(91) NONRESIDENTIAL DISTRICTS means the office, retail, CS, industrial, central area, mixed use, multiple commercial, P(A), urban corridor, walkable urban mixed use, and walkable urban residential districts.

(92) NONRESIDENTIAL USE means any main use that is not listed in Section 51A-4.209.

(93) “NS” DISTRICT means the neighborhood service district established under Chapter 51.

(94) “NS(A)” DISTRICT means the neighborhood service district established under this chapter.
§ 51A-2.102 Dallas Development Code: Ordinance No. 19455, as amended

(95) “O-1” DISTRICT means the O-1 district established under Chapter 51.

(96) “O-2” DISTRICT means the O-2 district established under Chapter 51.

(97) OCCUPANCY means the purpose for which a building or land is used.

(98) OFFICE DISTRICTS means the NO(A), LO-1, LO-2, LO-3, MO-1, MO-2, and GO(A) districts established under this chapter.

(99) OFFICE USES means those uses defined in Section 51A-4.207.

(99.1) OFF-STREET PARKING means parking spaces provided for a motor vehicle that are not located on a public right-of-way or private street. Off-street parking does not include bicycle parking spaces.

(100) OMITTED WALL LINE means a line on the ground determined by a vertical plane from:

(A) the overhang or outermost projection of a structure; or

(B) the outer edge of the roof of a structure without walls; or

(C) two feet inside the eave line of a structure with roof eaves.

(101) OPEN SPACE means an area that is unobstructed to the sky and contains no structures except for ordinary projections of cornices and eaves.

(102) OPENINGS FOR LIGHT OR AIR means any windows, window walls, or glass panels in an exterior wall of a building, excluding doors used for access.

(103) OUTER COURT means an open space bounded on all sides except one by the walls of a building, and opening upon a street, alley or a permanent open space.

(104) OUTSIDE DISPLAY means the placement of a commodity outside for a period of time less than 24 hours.

(105) “P” DISTRICT means the parking district established under Chapter 51.

(106) “P(A)” DISTRICT means the parking district established under this chapter.

(107) PARKING means the standing of a vehicle, whether occupied or not. Parking does not include the temporary standing of a vehicle when commodities or passengers are being loaded or unloaded.

(108) PARKING DISTRICT means the “P(A)” district established under this chapter.

(109) PARKING BAY WIDTH means the width of one or two rows of parking stalls and the access aisle between them.

(110) PARTY WALL means a wall built on an interior lot line used as a common support for buildings on both lots.

(111) PERSON means any individual, firm, partnership, corporation, association, or political subdivision.

(111.1) PRINCIPAL ARTERIAL means a street designated as a principal arterial in the city’s thoroughfare plan.

(112) PRIVATE STREET means a street or an alley built to the same specifications as a street or alley dedicated to the public use, whose ownership has been retained privately.

(113) QUASI-PUBLIC AGENCY means an institution obtaining more than 51 percent of its funds from tax revenue.

(114) RAR means “residential adjacency review” (See Division 51A-4.800).
“R” DISTRICTS means the R-1ac, R-1/2ac, R-16, R-13, R-10, R-7.5, and R-5 districts established under Chapter 51.

“R(A)” DISTRICTS means the R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), and R-5(A) districts established under this chapter (also called “single family districts”).

REAR YARD means that portion of a lot between two side lot lines that does not abut a street and that extends across the width of the lot between the rear setback line and the rear lot line.

RECREATION USES means those uses defined in Section 51A-4.208.

REFUSE means waste principally composed of trash and rubbish and containing no more than 50 percent by weight garbage or 50 percent by weight moisture, and no more than seven percent by weight noncombustible solids.

RESIDENTIAL DISTRICTS means the A(A), R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), R-5(A), D(A), TH-1(A), TH-2(A), TH-3(A), CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), MH(A), and RTN districts established under this chapter.

RESIDENTIAL PROXIMITY SLOPE means “residential proximity slope” as defined in Section 51A-4.412.

RESIDENTIAL USES means those uses defined in Section 51A-4.209.

RESIDENTIAL TRANSITION DISTRICT means the RTN district established under Article XIII of this chapter.


RETAIN DISTRICTS means the NS(A), CR, and RR districts established under this chapter.

RIDGE means the line of intersection at the top between the opposite slopes or sides of a roof.

RIGHT-OF-WAY means an area dedicated to public use for pedestrian and vehicular movement.

RIGHT-OF-WAY LINE means the dividing line between a right-of-way and an adjacent lot.

RTN DISTRICT means the residential transition district established under Article XIII of this chapter.

RUBBISH means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible materials. Combustible rubbish includes, but is not limited to, paper, rags, cartons, wood, excelsior, rubber, plastics, non-metal furniture, leaves, and yard trimmings. Noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and similar items or materials which will not burn at ordinary incinerator temperatures. For purposes of this paragraph, temperatures from 1600 to 1800 degrees Fahrenheit are considered ordinary incinerator temperatures.

“SC” DISTRICT means the shopping center district established under Chapter 51.

SCREENING means a structure that provides a visual barrier.

SETBACK LINE means a line marking the minimum distance a building may be erected from a street, alley, or lot line (also called the “building line”).

SHARED ACCESS DEVELOPMENT means a development that meets all of the requirements of Section 51A-4.411.

SIDE YARD means:

(A) that portion of a lot extending from the front setback line to the rear setback line between the side setback line and the side lot line; or
§ 51A-2.102 Dallas Development Code: Ordinance No. 19455, as amended

(B) that portion of a lot which is between a lot line and a setback line but is not a front or rear yard.

(130) SINGLE FAMILY DISTRICTS means the R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), and R-5(A) districts established under this chapter (also called “R(A)” districts).

(131) SITE AREA means that portion of a building site occupied by a use and not covered by a building or structure. For purposes of determining required off-street parking, site area does not include that area occupied by off-street parking, landscaped areas, and open space not used for storage or sales.

(131.1) SOLID WASTE means garbage; refuse; sludge from waste treatment plants, water supply treatment plants, and air pollution control facilities; and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities. Solid waste does not include:

   (i) Solid or dissolved material in domestic sewage, solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued pursuant to Chapter 26, Water Code.

   (ii) Soil, dirt, rock, sand, and other natural or manmade inert solid materials used to fill land to make it suitable for the construction of surface improvements.

   (iii) Waste materials resulting from activities associated with the exploration, development, or production of oil or gas which are subject to control by the Texas Railroad Commission.

(131.2) SPECIAL WASTE means solid waste from health-care-related activities which if improperly treated or handled may serve to transmit infectious disease, and which is comprised of the following: animal waste, bulk blood and blood products, microbiological waste, pathological waste, and sharps.

(132) STACKING SPACE means a space for one motor vehicle to line up in while waiting to enter or use a parking lot, garage, drive-in, or drive-through facility.

(133) STORY means that portion of a building between any two successive floors or between the top floor and the ceiling above it.

(133.1) STREET LEVEL means, in a multi-level building, the level having the floor closest in elevation to the adjacent street; if the floors of two levels are equally close in elevation to the adjacent street, the level with the higher elevation is the street level.

(134) STREET means a right-of-way which provides primary access to adjacent property.

(134.1) STREET SERVICES means public works. Any reference to street services is a reference to public works.

(135) STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(136) SUP means “specific use permit” (See Section 51A-4.219).

(137) “TH” DISTRICTS means the TH-1, TH-2, TH-3, and TH-4 districts established under Chapter 51.

(138) “TH(A)” DISTRICTS means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter (also called townhouse districts).

(138.1) THOROUGHFARE means a street designated in the city’s thoroughfare plan.

(139) TOWNHOUSE DISTRICTS means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter [also called “TH(A)” districts].

(139.1) TRAFFIC ENGINEER means the person designated by the city manager as the traffic engineer.
§ 51A-2.102 Dallas Development Code: Ordinance No. 19455, as amended

of the city, or the traffic engineer’s authorized representative.

(140) TRANSIENT STAND means a site for the placing and use of a manufactured home, recreational vehicle, or tent.

(141) TRANSPORTATION USES means those uses defined in Section 51A-4.211.

(141.1) “UC” DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called “urban corridor districts”).

(141.2) URBAN CORRIDOR DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called “UC” districts). [Note: Section 1 of Ordinance No. 24718 adds 51A–2.102 (141.2), providing a definition for the term “street level.” Section 4 of Ordinance No. 24718 adds 51A–2.102(141.2), providing a definition for the term “urban corridor districts.”]

(142) UTILITY AND PUBLIC SERVICE USES means those uses defined in Section 51A-4.212.

(142.1) WALKABLE URBAN MIXED USE DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter.

(142.2) WALKABLE URBAN RESIDENTIAL DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter.

(143) WHOLESALE, DISTRIBUTION, AND STORAGE USES means those uses defined in Section 51A-4.213.

(143.1) WMU DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter (also called “walkable urban mixed use districts”).

(143.2) WR DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter (also called “walkable urban residential districts”).

(144) ZONING DISTRICT means a classification assigned to a particular area of the city within which zoning regulations are uniform.

(145) ZONING DISTRICT MAP means the official map upon which the zoning districts of the city are delineated. (Ord. Nos. 19455; 19786; 19806; 20272; 20360; 20361; 20411; 20478; 20673; 20902; 20920; 21002; 21186; 21663; 22018; 24163; 24718; 24731; 24843; 25047; 25977; 26286; 26530; 27334; 27495; 27572; 28072; 28073; 28424; 29128; 30239; 30654; 30932)
(C) provide any other information necessary to aid the applicant in the preparation of the site plan application.

(4) Application for site plan approval. An applicant for site plan approval shall submit to the director:

(A) a site plan application in the form prescribed by the director that contains at least the following information:

(i) The applicant’s name and address and his ownership interest in the property proposed for development.

(ii) The signatures of all owners of the property proposed for development.

(iii) The size of the parcel proposed for development, its street address, and a legal description of the property.

(iv) A statement setting forth the current uses of the property and plans for future development;

(B) ten copies of the site plan and one 8-1/2 x 11 inch clear transparency of the site plan;

(C) copies of legal instruments guaranteeing the availability of remote off-street parking and the mode of transportation to serve that parking, and copies of any restrictive covenants that are to be recorded with respect to the institutional uses; and

(D) a site plan fee.

(5) Site plan. The applicant shall provide a site plan drawn to a scale not less than 100 feet to the inch or to a scale specified by the director, on a sheet of paper no larger than two feet by three feet. The site plan must depict the following for a complete review of the proposed development:

(A) The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, rail lines, and public rights-of-way that cross or are adjacent to the property.

(B) Topography of the property proposed for development in contours of not less than five feet, together with any proposed grade elevations, if different from existing elevations.

(C) Flood plains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.

(D) The location and use of all existing and proposed buildings or structures.

(E) Total number and location of off-street parking and loading spaces.

(F) All points of vehicular ingress and egress and circulation within the property.

(G) Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.

(H) The location, size, and arrangement of all outdoor signs and lighting.

(I) The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.

(J) Location, designation, and total area of all usable open space and any proposed improvements to the open space.

(K) Land uses and zoning districts contiguous to the property.

(L) Any other information the director determines necessary for a complete review of the proposed development.

(6) Departmental review. The director shall forward the information to the departments of sustainable development and construction, public works, sanitation services, Trinity watershed management, and code compliance, and to any other appropriate departments. Within 30 days following receipt of a completed application for site plan
§ 51A-4.502 Dallas Development Code: Ordinance No. 19455, as amended

approval, or for a longer time agreed to by the applicant, the departments shall review the proposed development and forward their comments, if any, in writing to the director. Upon conclusion of the departmental review, the director shall forward to the commission the application for site plan approval and the written information provided by the departments.

(A) The directors of the departments of public works, transportation, Trinity watershed management, and water utilities shall prepare a written statement evaluating the impact of the proposed institutional uses on public facilities including sewers, water utilities, and streets.

(B) The director of Trinity watershed management shall prepare a written statement describing any known drainage or topography problems.

(7) Conferences and modifications during review. If the application for site plan approval meets one or more of the standards for site plan disapproval, and the director and the applicant meet to discuss the application for site plan approval, the director may accept an amended application for site plan approval.

(8) City plan commission review. The commission shall review the application for site plan approval and render its decision within 21 days from the date of referral by the director, or for a longer time that has been agreed to by the applicant. The commission shall review the application for site plan approval and may approve the application, disapprove the application, or approve the application subject to specified conditions and modifications that are permanently marked on the site plan or made a part of the site plan conditions.

(9) Standards for site plan disapproval. The commission may disapprove an application for site plan approval upon findings of fact based on one or more of the following standards:

(A) The application for site plan approval is incomplete or contains violations of this chapter or other applicable regulations, and the applicant, after written request from the director, has failed to supply the additional information or correct the violation.

(B) The proposed site plan interferes with or is in conflict with a right-of-way, easement, or any approved plan such as a thoroughfare plan or transit plan.

(C) The proposed site plan destroys, damages, or interferes with significant natural, topographic, or physical features of the site that are determined significant by the commission.

(D) The proposed site plan is incompatible with adjacent land use and detrimental to the enjoyment of surrounding property in that the proposed development would create noise above the ambient level, substantially increase traffic, or fail to provide adequate buffers.

(E) The points of egress and ingress or the internal circulation of traffic within the site creates a traffic hazard, either on or off the site.

(F) The proposed site plan creates drainage or erosion problems to the site or adjacent property.

(10) City council appeal. An applicant may appeal to city council the decision of the commission concerning an application for site plan approval by filing a written request with the director within ten days of the action of the commission.

(11) Amendment. A site plan may be amended by following the same procedure as required in this section. (Ord. Nos. 19455; 19786; 20920; 21044; 22026; 23694; 25047; 28073; 28424; 30239; 30654)

SEC. 51A-4.503. D AND D-1 LIQUOR CONTROL OVERLAY DISTRICTS.

General provisions. Note: These provisions apply only to D and D-1 Liquor Control Overlay Districts enacted before June 11, 1987.

(1) A D or D-1 liquor control overlay district is designated as “dry” by the suffix “D” or “D-1” on the zoning district map.
§ 51A-5.206 Dallas Development Code: Ordinance No. 19455, as amended § 51A-5.208

the director that these velocities do not produce detrimental erosion. If damaging erosion is occurring, site-specific erosion control measures are required. Energy dissipators, if required, must be approved by the director to maintain channel velocities at acceptable levels. (Ord. Nos. 19455; 26000; 30893)

SEC. 51A-5.207. GRADING PLAN.

(a) A grading plan must be submitted for all proposed development within a geologically similar area. Except for items that are expressly waived by the director, the following items must be included as part of the plan:

(1) A soil engineering report. This report must include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of the site to be developed. The report must be signed by a registered professional engineer.

(2) An engineering geology report. This report must include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering adequacy of the site to be developed. The report must be signed by a registered professional engineer.

(3) Limiting dimensions, elevations or finish contours to be achieved by grading, and proposed drainage channels and related construction.

(4) Detailed plans for all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with or as a part of the proposed work, together with a map showing the drainage area and the estimated runoff of the area.

(b) Development within a geologically similar area must conform to the following performance standards:

(1) Grading must be planned so as to have the least disturbance on the area’s natural topography, watercourses, vegetation, and wildlife. This may preclude all development in certain areas. No cleared, graded, or otherwise disturbed land may be left without temporary protective stabilizing cover. (See Section 51A-5.206.)

(2) The maximum slopes permitted in geologically similar areas shall be determined by the director based on the results of the geotechnical investigations of the site materials and other factors analyzed in this division.

(3) Topsoil must be stockpiled and redistributed on areas where vegetation will be grown after the grading is completed. Methods to insure maintenance of these areas until vegetation is established must be detailed. (Ord. Nos. 19455; 26000)

SEC. 51A-5.208. VEGETATION PLAN.

(a) A vegetation plan must be submitted for all proposed development in a geologically similar area. Except for items that are expressly waived by the director, the plan must:

(1) show the location and type of landscape features and plant materials in the areas of proposed development; and

(2) specify all proposed vegetation removal and replacement.

(b) Development in a geologically similar area must conform to the following performance standards:

(1) Indigenous vegetation must be retained and protected except in immediate areas of
§ 51A-5.208 Dallas Development Code: Ordinance No. 19455, as amended

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development so that a minimal amount of vegetation is removed or replaced. If vegetation is removed, it must be replaced with new vegetation of the same variety unless the building official approves an alternative variety as being less susceptible to disease or better suited for urban development.

(2) Shrub borders must be maintained around woodlands where practicable.

(3) Landscaping must consist of ecologically suitable plant species. (Ord. Nos. 19455; 26000; 30893)

SEC. 51A-5.209. ESCARPMENT AREA REVIEW COMMITTEE.

(a) In order to assist the director and the board of adjustment in the administration and interpretation of these escarpment regulations, and to establish an efficient forum for city input and review of proposed developments in geologically similar areas, an escarpment area review committee ("the committee") shall be established. The committee shall be advisory in nature and be comprised of at least one representative from the departments of sustainable development and construction, parks and recreation, planning and urban design, and public works. Members of the committee shall be appointed by the heads of the departments they represent. At least two representatives must be present to constitute a quorum.

(b) The committee shall have the following powers and duties:

(1) To thoroughly familiarize itself with the structures, land, areas, geology, hydrology, and indigenous plant life in the escarpment zone and in geologically similar areas.

(2) To thoroughly familiarize itself with the escarpment regulations.

(3) To identify criteria to be used in evaluating proposed development in the escarpment zone and in geologically similar areas.

(4) To identify guidelines to be used in determining whether a proposed development complies with the spirit and intent of the escarpment regulations.

(5) To meet with each prospective developer of a project for which an escarpment permit is required and make recommendations to the director as to what information may be waived or what additional information is required to allow a complete evaluation of the proposed project.

(6) To review applications for escarpment permits for compliance with the escarpment regulations, and to make recommendations to the director as to whether the applications should be approved or denied.

(7) To give advice and provide staff assistance to the board of adjustment and the city plan commission in the exercise of their responsibilities.

(8) To initiate amendments to the escarpment regulations when, in the opinion of the committee, the amendments are necessary to further the spirit and intent of the escarpment regulations.

(c) The committee shall meet at least once each month, with additional meetings to be held upon the call of the director, or upon petition of a simple majority of the members of the committee.

(d) The provisions of Chapter 8, "Boards and Commissions," of the Dallas City Code, as amended, do not apply to the committee.

(e) Actions taken or recommendations made by the committee are not binding upon the director, the board of adjustment, the city plan commission, and the city council, and these persons and public bodies may decide a matter contrary to the recommendations of the committee. (Ord. Nos. 19455; 25047; 26000; 28073; 28424; 29478; 29882; 30239; 30654)
to correct the deficiencies or submit additional documentation. The director may, for good cause, extend the deadline to correct or supplement the application. If the applicant fails to correct or supplement the application within 60 days or the extended period, the application shall be deemed withdrawn and the initial filing fee forfeited. No application shall be deemed complete until all supporting documentation is supplied. The director shall notify the applicant in writing when the application is deemed complete.

(e) Staff review.

(1) The director shall distribute a copy of the complete application to the city attorney, the department of sustainable development and construction, the office of management services, the department of Trinity watershed management, the park and recreation department, the department of transportation, and the Dallas water utilities department for review and comment. The director shall also send a copy of the application to the TCEQ.

(2) The city of Dallas is not responsible for conducting an environmental risk assessment with respect to the application or the designated property.

(f) Public meeting.

(1) The director shall conduct a public meeting within 45 days after the application is deemed complete. The public meeting must be held at a facility open to the public near the designated property.

(2) Upon receipt of the estimated cost of mailing notices and advertising the public meeting, the director shall provide notification of the public meeting in the following manner:

(A) The notice of the public meeting must include:

(i) the date, time, and location of the public meeting;

(ii) the identity of the applicant;

(iii) the location and legal description of the designated property;

(iv) the purpose of a municipal setting designation; and

(v) the type of contamination identified in the designated groundwater.

(B) The director shall publish notice of the public meeting in the official newspaper of the city at least 15 days before the public meeting.

(C) The director shall mail notice of the public meeting at least 15 days before the date of the public meeting by depositing the notice properly addressed and postage paid in the United States mail. The notice must be written in English and Spanish. The applicant may not alter, change, amend, or enlarge the application after notices for the public meeting have been mailed. The director shall mail notice of the public meeting to:

(i) the applicant;

(ii) owners of real property within 2,500 feet of the designated property as indicated by the most recent appraisal district records;

(iii) owners of state-registered private water wells within five miles of the designated property, as indicated on the application, by certified mail;

(iv) any retail public utility that owns or operates a groundwater supply well within five miles of the designated property, as indicated on the application, by certified mail;

(v) any municipality with a boundary within one-half mile of the designated property, as indicated on the application, by certified mail;
(vi) any municipality that owns or operates a groundwater supply well within five miles of the designated property, as indicated on the application, by certified mail; and

(vii) the TCEQ.

(D) The director shall cause a copy of the application to be placed on display at the public library closest to the designated property at least 15 days prior to the public meeting.

(3) The applicant, the licensed professional engineer or licensed professional geoscientist who signed and sealed the application, or a licensed professional engineer or licensed professional geoscientist who is familiar with the application must be present at the public meeting. If the required person is not present at the public meeting, the director may either deem the application withdrawn and any fees forfeited or reschedule the public meeting at the applicant’s expense.

(4) The purpose of the public meeting is to provide information to the community about municipal setting designations in general and the application in specific, allow the applicant to explain the application, allow proponents and opponents to comment, and notify the community of the date of the city council public hearing.

(g) City council public hearing.

(1) Prior to the public hearing, the director shall prepare a recommendation as to whether the municipal setting designation ordinance should be granted or denied, and listing any conditions that should be imposed.

(A) The director may recommend that the municipal setting designation ordinance prohibit the use of the designated groundwater from beneath public rights-of-way immediately adjacent to the designated property as potable water.

(B) If the director, in his sole discretion, determines it is more likely than not that a source of a contaminant of concern originated on the designated property, and that the ingestion protective concentration level exceedence zone or the non-ingestion protective concentration level exceedence zone for that contaminant of concern extends to public rights-of-way immediately adjacent to the designated property, the director may recommend that the municipal setting designation ordinance include a condition that the public rights-of-way immediately adjacent to the designated property be included, at no additional cost to the city, in the TCEQ application.

(C) The director may recommend that the municipal setting designation ordinance specify a time period for a state or federal program to address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from or through the designated property.

(2) Upon payment of the additional processing fee, the director shall provide notification of the public hearing in the following manner:

(A) The notice of the public hearing must include:

(i) the date, time, and location of the public hearing;

(ii) the identity of the applicant;

(iii) the location and legal description of the designated property;

(iv) the purpose of a municipal setting designation; and

(v) the type of contamination identified in the designated groundwater.

(B) The director shall publish notice of the public hearing in the official newspaper of the city at least 15 days before the public hearing.
(E) pursue other actions that the director believes may be warranted.

(7) The applicant shall notify the director in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), providing the name of the property owner, the property address, and a copy of the notice sent to the property owner.

(k) Authority of the director. The director is authorized to:

(1) Enter public or private property to determine whether designated groundwater is being used in violation of this section.

(2) Administer and enforce the provisions of this section.

(l) Offenses. A person commits an offense if the person:

(1) uses designated groundwater as a potable water source or for a purpose prohibited in the municipal setting designation ordinance;

(2) fails to provide the director with a copy of the municipal setting designation certificate issued by the TCEQ pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate;

(3) fails to provide the director with a copy of the certificate of completion or other documentation issued by the TCEQ showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the TCEQ within the time period required.

(4) fails to notify and provide documentation to the director within the time period required in the municipal setting designation ordinance that the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from or through the designated property has been addressed to the satisfaction of the state or federal agency administering the program. (Ord. Nos. 26001; 27697; 28073; 28424; 30239; 30654)
Dallas Development Code: Ordinance No. 19455, as amended

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§ 51A-7.208 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.211

(c) A lot is part of an industrial subdivision in which only streets, easements, and blocks are delineated. The industrial subdivision must be approved by the commission and filed in the plat records of the appropriate county. No specific lot delineation is required, but yard, lot and space requirements will be determined by property lines or lease lines.

(d) Tracts that are governed by a detached sign unity agreement in accordance with Section 51A-7.213. (Ord. Nos. 19455, 21797)

SEC. 51A-7.209. SIGNS DISPLAYING NONCOMMERCIAL MESSAGES.

(a) Notwithstanding any other provision of this article, any sign that may display a commercial message may also display a noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with other requirements of this article or other ordinances that do not pertain to the content of the message displayed.

(b) Notwithstanding any other provision of this article, or other ordinance, any sign that may display one type of noncommercial message may also display any other type of noncommercial message, so long as the sign complies with other requirements of this article or other ordinances that do not pertain to the content of the message displayed.

(c) Nothing in this article shall be construed to regulate a sign that contains primarily a political message for which a permit is not required under Section 51A-7.602. (Ord. Nos. 19455, 25921)

SEC. 51A-7.210. GENERAL MAINTENANCE.

(a) Sign and sign supports must be maintained in a state of good repair and neat appearance at all times.

(b) Revocation of permit.

(1) The building official shall revoke, in writing, the sign permit for a sign if it has for a period of one year:

(A) displayed obsolete advertising matter;

(B) been without advertising matter; or

(C) been damaged in excess of 50 percent of the cost of replacement of the sign.

(2) The owner of the sign is liable to the city for a civil penalty in the amount of $200 a day for each calendar day that the sign is maintained without a permit. The building official shall give written notice to the property owner of the amount owed to the city in civil penalties, and shall notify the city attorney of any unpaid civil penalty. The city attorney shall collect unpaid civil penalties in a suit on the city’s behalf.

(3) The civil penalty provided for in Paragraph (2) is in addition to any other enforcement remedy the city may have under city ordinances and state law. (Ord. Nos. 20359; 24232)

SEC. 51A-7.211. SIGNS ATTACHED TO STRUCTURES LOCATED ON BUILDINGS.

(a) Except as provided in Paragraph (b), no sign may be attached to the following structures located on a building:

(1) Elevator penthouse or bulkhead.

(2) Mechanical equipment room.

(3) Cooling tower.

(4) Tank designed to hold liquid.
§ 51A-7.211 Dallas Development Code: Ordinance No. 19455, as amended

(5) Ornamental cupola or dome.

(6) Skylight.

(7) Clerestory.

(8) Visual screens which surround roof mounted mechanical equipment.

(9) Chimney and vent stacks.

(10) Amateur communications tower.

(11) Parapet wall over four feet.

(12) Storage facility.

(b) A sign may be attached to a structure located on a building if the sign refers exclusively to:

(1) the identification of the premise; or

(2) a tenant that occupies in excess of 50 percent of the floor area of the premise. (Ord. 20343)

SEC. 51A-7.212. STREET CONSTRUCTION ALLEVIATION SIGNS.

(a) Definitions. In this section, unless the context clearly indicates otherwise:

(1) CONSTRUCTION means major activity involving on-site excavation, fabrication, erection, alteration, repair, or demolition that materially alters or restricts access to a premise.

(2) DIRECTOR means the director of transportation of the city or the director’s designated representative, including but not limited to the city’s traffic engineer.

(3) ERECT means erect or maintain.

(4) OPERATOR means a person who causes a use or business to function or puts or keeps a use or business in operation. A person need not have an ownership interest in a use or business to be an “operator” of the use or business for purposes of this section.

(5) OWNER includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, tenant by the entirety, or lessee.

(6) SIGN means a sign authorized to be erected or maintained under this section.

(7) STREET means a street more than 85 feet in width, including frontage roads, if applicable. “Frontage Road” means a frontage, access, or service road for a freeway or tollway.

(b) Purpose. The purpose of this section is to promote the health, safety, morals, and general welfare of the city in order to lessen the congestion in the streets; to improve communications efficiency by allowing businesses to identify themselves and by helping customers to locate these businesses; to promote the safety of persons and property by reducing the confusion created by street construction; and to preserve landscape quality by imposing uniform standards. This section is not intended to apply to temporary minor repairs to streets.

(c) Authority to erect. In addition to any other signs permitted under this chapter, up to two detached premise signs may be erected on a premise if:

(1) the premise contains at least one main use other than a single family or duplex use;

(2) the premise has frontage along that portion of a street under construction as defined in Subsection (a); and

(3) the director has given written notice in accordance with Subsection (d).

(d) Notice required to be given by the director. Whenever the director determines that construction of a street, as defined in this section, is imminent, the
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The director may change the time period for erecting and maintaining signs under this section at any time by giving a new notice in accordance with Subsection (d).

(f) Physical requirements for sign. All signs must comply with the following paragraphs:

(1) No more than two signs may be erected on a premise. No more than one sign may be erected at any motor vehicle entrance to a premise.

(2) No setback is required for a sign; however, no sign may be located in a public right-of-way. If a sign is placed in a visibility triangle as defined in Section 51A-4.602(d), it shall be a defense to prosecution under that section that the sign does not constitute a traffic hazard.

(3) The sign must be visible from and oriented towards the street under construction and have an arrow that directs motorists to a motor vehicle entrance to the premise.

(4) The sign must be a square, with dimensions of four feet by four feet. It must have a 3-inch border of white reflective sheeting or paint and a reflective blue background. The text of the sign must consist of reflective white characters. (Note: It is intended that the requirements of this paragraph be strictly and precisely complied with.)

(5) No sign may exceed eight feet in height.

(6) No sign may be a portable sign unless the director determines that the sign does not constitute a safety hazard.

(g) Criminal responsibility. If a sign violates this section and is not otherwise authorized under the Dallas City Code, a person is criminally responsible for a sign unlawfully erected or maintained if the person:

(1) erects or maintains the sign;

(2) contains a reference to or copy of this section;

(3) describe with specificity the portion of the street that is or will be under construction;

(4) contain estimated commencement and completion dates for the construction; and

(5) contain a statement that no sign may be erected or maintained on a premise:

(A) more than five days before the estimated construction commencement date stated in the notice; or

(B) more than five days after the estimated construction completion date stated in the notice.

(e) Time period when sign authorized. This section only authorizes signs to be placed on property adjacent to that portion of a street described in the notice given pursuant to Subsection (d) during the time period beginning five days before the estimated construction commencement date stated in the notice and ending five days after the estimated construction completion date stated in the notice. No sign may be erected or maintained on a premise:

(1) more than five days before the estimated construction commencement date stated in the notice; or

(2) more than five days after the estimated construction completion date stated in the notice.

The director shall serve a written notice for the purpose of authorizing the erection of signs in accordance with this section. The written notice may be hand-delivered, sent by mail, or published in the official newspaper of the city. In order to validly authorize a sign under this section, the notice must:

(1) contain a reference to or copy of this section;

(2) describe with specificity the portion of the street that is or will be under construction;

(3) contain estimated commencement and completion dates for the construction; and

(4) contain a statement that no sign may be erected or maintained on a premise:

(A) more than five days before the estimated construction commencement date stated in the notice; or

(B) more than five days after the estimated construction completion date stated in the notice.
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(2) is an owner or operator of a use or business to which the sign refers; or

(3) owns part or all of the land on which the sign is located.

(h) City may remove signs. The City of Dallas may remove any sign without liability if the director determines that the sign constitutes a safety hazard, or if the sign does not comply with this section; however, the City shall not be liable for failure to remove a sign.

(Ord. Nos. 20728; 20927; 25047; 28424; 30239; 30654)

SEC. 51A-7.213. DETACHED SIGN UNITY AGREEMENTS.

(a) The building official may authorize the dissolution of common boundary lines between lots for the limited purpose of allowing those lots to be considered one premise for the erection of detached signs, provided that a written agreement is executed in accordance with this section on a form provided by the city.

(b) The agreement must:

(1) contain legal descriptions of the properties sharing the common boundary line(s);

(2) set forth adequate consideration between the parties;

(3) state that all parties agree that the properties sharing the common boundary line(s) may be collectively treated as one lot for the limited purpose of erecting detached signs;

(4) state that the dissolution of the common boundary line(s) described in the agreement is only for the limited purpose of allowing the erection of detached signs, and that actual lines of property ownership are not affected;

(5) state that it constitutes a covenant running with the land with respect to all properties sharing the common boundary line(s);

(6) state that all parties agree to defend, indemnify, and hold harmless the city of Dallas from and against all claims or liabilities arising out of or in connection with the agreement;

(7) state that it shall be governed by the laws of the state of Texas;

(8) state that it may only be amended or terminated by a subsequent written instrument that is:

(A) signed by an owner of property sharing the common boundary line(s) or by a lienholder, other than a taxing entity, that has either an interest in a property sharing the common boundary line(s) or an improvement on such a property;

(B) approved by the building official;

(C) approved as to form by the city attorney; and

(D) filed and made a part of the deed records of the county or counties in which the properties are located;

(9) be approved by the building official and be approved as to form by the city attorney;

(10) be signed by all owners of the properties sharing the common boundary line(s);

(11) be signed by all lienholders, other than taxing entities, that have either an interest in the properties sharing the common boundary line(s) or an improvement on those properties; and

(12) be filed and made a part of the deed records of the county or counties in which the properties are located.
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(2) No detached sign may exceed two feet in height.

(3) No letter may exceed four inches in height.

(b) The protective signs authorized in the preceding subsection are in addition to all other signs permitted in this ordinance. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1719. VEHICULAR SIGNS.

(a) In addition to all other signs permitted in this ordinance, vehicular signs are permitted subject to the following restrictions:

(1) No sign may contain flashing or moving elements.

(2) No sign may have an element with a luminance greater than 200 footlamberts.

(3) No sign may project beyond the surface of a vehicle in excess of eight inches.

(4) No sign may be attached to a vehicle so that the driver’s vision is obstructed from any angle.

(5) Signs, lights, and signals used by authorized emergency vehicles are not restricted.

(b) A vehicular sign must comply with all regulations for detached signs if:

(1) it is placed so as to constitute a “sign” as defined in Section 51A-7.1704; and

(2) the vehicle upon which the sign is located is parked on other than a temporary basis.

(c) The owner of the vehicle upon which a vehicular sign is placed is responsible for ensuring that the provisions of this section are adhered to and commits an offense if any vehicular sign on his vehicle violates this section. If such a vehicle is found unattended or unoccupied, the registered owner of the vehicle shall be presumed to be the actual owner. The records of the state highway department or the county highway license department showing the name of the registered owner of the vehicle shall constitute prima facie evidence of actual ownership by the named individual. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1720. STREET CONSTRUCTION ALLEVIATION SIGNS.

(a) Definitions. In this section, unless the context clearly indicates otherwise:

(1) CONSTRUCTION means major activity involving on-site excavation, fabrication, erection, alteration, repair, or demolition that materially alters or restricts access to a premise.

(2) DIRECTOR means the director of transportation of the city or his or her designated representative.

(3) ERECT means erect or maintain.

(4) OPERATOR means a person who causes a use or business to function or puts or keeps a use or business in operation. A person need not have an ownership interest in a use or business to be an “operator” of the use or business for purposes of this section.

(5) OWNER includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, tenant by the entirety, or lessee.

(6) SIGN means a sign authorized to be erected or maintained under this section.

(7) STREET means a street more than 85 feet in width, including frontage roads, if applicable. “Frontage Road” means a frontage, access, or service road for a freeway or tollway.
§ 51A-7.1720 Dallas Development Code: Ordinance No. 19455, as amended

(b) **Purpose.** The purpose of this section is to promote the health, safety, morals, and general welfare of the city in order to lessen the congestion in the streets; to improve communications efficiency by allowing businesses to identify themselves and by helping customers to locate these businesses; to promote the safety of persons and property by reducing the confusion created by street construction; and to preserve landscape quality by imposing uniform standards. This section is not intended to apply to temporary minor repairs to streets.

(c) **Authority to erect.** In addition to any other signs permitted in this ordinance, up to two detached premise signs may be erected on a premise if:

1. the premise contains at least one main use other than a single family or duplex use;
2. the premise has frontage along that portion of a street under construction as defined in Subsection (a); and
3. the director has given written notice in accordance with Subsection (d).

(d) **Notice required to be given by the director.** Whenever the director determines that construction of a street, as defined in this section, is imminent, the director shall serve a written notice for the purpose of authorizing the erection of signs in accordance with this section. The written notice may be hand-delivered, sent by mail, or published in the official newspaper of the city. In order to validly authorize a sign under this section, the notice must:

1. contain a reference to or copy of this section;
2. describe with specificity the portion of the street that is or will be under construction;
3. contain estimated commencement and completion dates for the construction; and
4. contain a statement that no sign may be erected or maintained on a premise:
   A. more than five days before the estimated construction commencement date stated in the notice; or
   B. more than five days after the estimated construction completion date stated in the notice.

(e) **Time period when sign authorized.** This section only authorizes signs to be placed on property adjacent to that portion of a street described in the notice given pursuant to Subsection (d) during the time period beginning five days before the estimated construction commencement date stated in the notice and ending five days after the estimated construction completion date stated in the notice. No sign may be erected or maintained on a premise:

1. more than five days before the estimated construction commencement date stated in the notice; or
2. more than five days after the estimated construction completion date stated in the notice.

The director may change the time period for erecting and maintaining signs under this section at any time by giving a new notice in accordance with Subsection (d).

(f) **Physical requirements for sign.** All signs must comply with the following paragraphs:

1. No more than two signs may be erected on a premise. No more than one sign may be erected at any motor vehicle entrance to a premise.
2. No setback is required for a sign; however, no sign may be located in a public right-of-way. If a sign is placed in a visibility triangle as defined in Section 51A-4.602(d), it shall be a defense to prosecution under that section that the sign does not constitute a traffic hazard.
(3) The sign must be visible from and oriented towards the street under construction and have an arrow that directs motorists to a motor vehicle entrance to the premise.

(4) The sign must be a square, with dimensions of four feet by four feet. It must have a three-inch border of white reflective sheeting or paint and a reflective blue background. The text of the sign must consist of reflective white characters. (Note: It is intended that the requirements of this paragraph be strictly and precisely complied with.)

(5) No sign may exceed eight feet in height.

(6) No sign may be a portable sign unless the director determines that the sign does not constitute a safety hazard.

(g) Criminal responsibility. If a sign violates this section and is not otherwise authorized under the Dallas City Code, a person is criminally responsible for a sign unlawfully erected or maintained if the person:

(1) erects or maintains the sign;

(2) is an owner or operator of a use or business to which the sign refers; or

(3) owns part or all of the land on which the sign is located.

(h) City may remove signs. The City of Dallas may remove any sign without liability if the director determines that the sign constitutes a safety hazard, or if the sign does not comply with this section; however, the city shall not be liable for failure to remove a sign. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1721. ATTACHED SIGNS ON MACHINERY OR EQUIPMENT.

Words may be attached to machinery or equipment which is necessary or customary to a business, including but not limited to devices such as gasoline pumps, vending machines, ice machines, etc., provided that the words so attached refer exclusively to products or services dispensed by the device, consist of characters no more than four inches in height, and project no more than one inch from the surface of the device. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1722. DISTRICT IDENTIFICATION SIGNS.

(a) District identification signs may only identify the name or logo of this district.

(b) No sign may exceed three words or be a changeable message sign.

(c) These signs are in addition to all other signs permitted on a premise and are subject to the following regulations:

(1) In Subdistrict A, district identification signs are not permitted in addition to the other signs authorized on a premise. Any sign in Subdistrict A that identifies the name or logo of this district must meet the regulations for attached or detached signs in Subdistrict A, and the sign will be included in the calculation of the number of permitted signs on a premise.

(2) In Subdistricts B and D, district identification signs must be flat attached signs, monument signs, banners attached to pole supports, or enhanced banner signs.

(A) Attached and detached signs.

(i) In Subdistrict B, a maximum of three flat attached signs or monument signs are permitted.

(ii) In Subdistrict D, a maximum of two monument signs are permitted.

(iii) The maximum effective area for a flat attached sign is 900 square feet.
(iv) The maximum effective area for a monument sign is 150 square feet and the sign may not exceed 10 feet in height.

(B) Banners attached to pole supports.
No maximum number of banners attached to pole supports. The following additional restrictions apply:

(i) Banners and hardware must meet the sign construction and design standards contained in the Dallas Building Code and be constructed of weather-resistant and rust-proof material.

(ii) Maximum height, including masts and finials, is 36 feet.

(iii) Banners must be between 12 feet and 30 feet above grade, excluding masts and finials.

(iv) Maximum projection for banners is three feet from the pole on which it is mounted.

(v) Maximum effective area for individual banners is 50 square feet.

(C) Enhanced banner signs.

(i) In addition to the banners and elements allowed in Subparagraph B, enhanced banner signs may have one each of the following elements located between 12 feet and 30 feet above grade:

(aa) A vertically oriented illuminated blade cabinet that contains the logo or name of the district with a maximum effective area of 40 square feet with a maximum projection of three feet from the pole on which it is mounted.

(bb) A horizontal element that contains the logo or name of the district with a maximum effective area of 10 square feet and a maximum projection of six feet from the pole on which it is mounted.

(ii) A maximum of one enhanced banner sign is allowed per blockface. Enhanced banner signs are limited to the following locations:

(aa) The southwest corner of Houston Street and Olive Street;

(bb) The southwest corner of Victory Park Lane and Olive Street;

(cc) The southwest corner of Houston Street and Museum Way;

(dd) The northeast corner of Victory Park Lane and High Market Street;

(ee) The northeast corner of Houston Street and High Market Street;

(ff) The northwest corner of Victory Park Lane and High Market Street;

(gg) The northwest corner of Houston Street and Lamar Street;

(hh) The southeast corner of Victory Avenue and Olive Street; and

(ii) The southeast corner of Victory Avenue and High Market Street.

(3) In Subdistrict C, the only district identification signs permitted are one monument sign and banners attached to pole supports. If the sign is a monument sign, the sign may not exceed 10 feet in height or have an effective area greater than 150 square feet. If the sign is a banner, the banner and its hardware must:

(A) meet the sign construction and design standards contained in the Dallas Building Code;

(B) be at least 12 feet but no more than 25 feet above grade;
accordance with Texas Local Government Code Section 212.016 that does not increase or decrease the number of lots.

(9) BARRIER-FREE SIDEWALK means a sidewalk designed using ramps, curb transitions, and additional sidewalk width to facilitate use by persons in wheel chairs.

(10) CERTIFICATE OF CORRECTION means an amending plat (minor) in the form of a document used to make a correction to a recorded plat in cases where a sketch is not needed for clarity, as determined by the subdivision administrator.

(11) COMMISSION means the city plan commission of the city of Dallas.

(12) CONDITIONS OF APPROVAL mean conditions imposed on a plat by the commission that must be satisfied before the subdivision administrator may submit a plat for endorsement by the commission chair.

(13) CORNER CLIP means an area consisting of the triangular extension of street right-of-way at intersections of streets. This area is used for curb returns, utilities, barrier-free ramps, and other public facilities.

(14) COVENANT means an agreement in writing that touches and concerns real property platted or developed under this chapter, executed as required by law, in which a party pledges that something shall be done or shall not be done. A covenant is binding on successors in title to the real property that is the subject of the covenant.

(15) CUL-DE-SAC means an area of circular pavement constructed at the end of a dead-end street to facilitate vehicular access and turnaround.

(16) DEAD-END STREET OR ALLEY means a street or alley having right-of-way or pavement that terminates abruptly at one end without intersecting another street.

(17) DETENTION AREA means an area which temporarily stores stormwater runoff and discharges that runoff at a reduced rate.

(18) DEVELOPER means the owner of the property or the person authorized by the owner to develop the property.

(19) DIVIDED THOROUGHFARE means a street on the thoroughfare plan with travel lanes divided by a median.

(20) DRIVEWAY means a private drive on private property used for vehicular access and maneuvering.

(21) DRIVEWAY APPROACH means a paved connection from a street to a driveway or access way.

(22) DUPLEX LOT means a lot in a duplex D(A) zoning district or a lot in an identifiable duplex component of a planned development district.

(23) ENGINEERING PLANS mean drawings and specifications, including paving, storm water drainage, water, wastewater, or other required plans, submitted to the department of sustainable development and construction or the water utilities department for review in conjunction with a plat.

(24) ESTATE IN EXPECTANCY means an interest in property that is not yet in possession, but the enjoyment of which is to begin at a future time.

(25) FINAL PLAT means a plat that will be signed by the commission chair upon satisfaction of all conditions of approval and all other requirements of this article, and will be effective once it is filed with the county clerk.

(26) FLOODWAY means a drainage area designated on a plat to accommodate the design flood as defined in Article V of this chapter.

(27) FLOODWAY EASEMENT means an easement dedicating a drainage area to the city for control and maintenance of a flood plain.
(28) FLOODWAY MANAGEMENT AREA means a drainage area dedicated in fee simple to the city for control and maintenance of a flood plain.

(29) INFRASTRUCTURE means all streets, alleys, sidewalks, storm drainage facilities, water and wastewater facilities, utilities, lighting, transportation, and any other facilities required by law to adequately serve and support development.

(30) MEDIAN OPENING means a gap in a median allowing vehicular passage through the median.

(31) MINOR PLAT means a plat that meets both of the following requirements:

(A) The area proposed for platting must not exceed five acres in size for residential zoning districts (single family, duplex, and townhouse) and three acres in size for all other zoning districts; and

(B) The proposed plat must not require any public infrastructure. For example: the plat may not contain any new streets or alleys; it must abut an approved public or private street of adequate width as specified in Section 51A-8.604(c) or the Thoroughfare Plan for the city of Dallas; adequate water, wastewater, paving, and drainage improvements must already exist to serve the proposed plat; and any existing improvements which are to remain must meet all setback requirements and must not be divided by a proposed lot line or setback line.

(32) MONUMENT means a permanent structure set on a line to define the location of property lines, important horizontal plat control points, and other important features on a plat.

(33) NONSTANDARD MATERIALS mean any materials not specified in the Standard Construction Details of the department of public works or the North Central Texas Standard Specifications for Public Works Construction of the North Central Texas Council of Governments.

(34) OPEN SPACE, IMPROVED means open space containing structures or improvements, including but not limited to hike and bike trails.

(35) OPEN SPACE, UNIMPROVED means open space containing no buildings, fences, or other structures above or below grade.

(36) OWNER means the fee simple owner of property, or the owner's representative when authorized by a power of attorney, corporate resolution, or other appropriate document.

(37) PARKWAY means the area between the outside edge of street pavement and the street right-of-way lines abutting other public or private property.

(38) PERMANENT DEAD-END STREET means a street or alley which cannot or will not be extended to another street in the foreseeable future.

(39) PHASE means a portion of an approved preliminary plat that receives final plat approval and is developed before or during the time the owner submits the final plat on the remainder of, or on another phase of, the area shown on the preliminary plat.

(40) PLAT means the graphic presentation of one or more lots or tracts of land, or of a subdivision, resubdivision, combination, or recombination of lots or tracts.

(41) PLAT RELEASE means approval by a department to verify that those conditions of approval required by that department have been satisfied before the final plat is endorsed by the commission chair.

(42) PRELIMINARY PLAT means the initial plat proposed by the applicant, which is reviewed by city staff and presented by staff to the city plan commission for consideration. If the commission determines that approval subject to conditions is appropriate, the subdivision administrator ensures that those conditions are met before the plat is finalized for endorsement by the commission chair.
§ 51A-8.201 Dallas Development Code: Ordinance No. 19455, as amended

(43) PRIVATE DEVELOPMENT CONTRACT means a contract between a developer and a contractor for the construction of infrastructure that is to be dedicated to the public.

(44) PRIVATE STREET means a privately owned street that is required by this article to meet the same standards as a street dedicated to public use.

(45) REPLAT means a plat changing a previously approved and recorded plat that is not an amending plat (minor) or an amending plat (major).

(46) RESIDENTIAL REPLAT means a replat without vacation of the preceding plat for property: (a) any part of which was limited during the preceding five years by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or (b) that contains a lot in the preceding plat that was limited by deed restrictions to residential use for not more than two residential units per lot.

(47) SIDEWALK means a paved area dedicated to the public for pedestrian use.

(48) SINGLE FAMILY LOT means a lot in a single family zoning district, or a lot in an identifiable single family component of a planned development district.

(49) STREET CENTERLINE OFFSET means the distance between the centerlines of two more or less parallel streets measured along the centerline of an intersecting street.

(50) SUBDIVISION means land included within the boundaries of an original plat, or any of the following for the purpose of creating a building site for land development or transfer of ownership:

(A) The division of property into two or more parts.

(B) The combination of lots or tracts into one or more parts.

(C) The redivision or recombination of lots or tracts.

(51) SUBDIVISION ADMINISTRATOR means the city staff employee designated by the city manager to supervise the platting and subdivision process.

(52) TEMPORARY DEAD-END STREET means a street that is planned to or can feasibly be extended in the foreseeable future to another street.

(53) TOWNHOUSE LOT means a lot in a townhouse TH(A) zoning district, or a lot in an identifiable townhouse component of a planned development district.

(54) TRAFFIC BARRIER means a physical barrier that prevents the indiscriminate and unauthorized crossing of traffic between a street or alley and a thoroughfare. Examples of traffic barriers include a series of posts connected by a cable or chain, a deep beam highway guard rail, or a New Jersey barrier-type wall on an engineered foundation.

(55) VACATION means the legal process by which unimproved, platted land, no part of which the city has accepted as a dedication for public use, may be returned to the legal status of being a parcel of unplatted land.

(56) WATER FACILITIES mean the infrastructure required to deliver potable water to property.

(57) WASTEWATER FACILITIES mean the infrastructure required to convey wastewater from property. (Ord. Nos. 20092; 21186; 23384; 24843; 26529; 28424; 30239; 30654)
Division 51A-8.300. RESERVED.  
(Ord. 23384)

Division 51A-8.400. Procedures.

SEC. 51A-8.401. WHEN PLATTING IS REQUIRED.

Platting is required:

(a) To create a building site. Platting is required to create a building site pursuant to Section 51A-4.601(a)(1) of this chapter.

(b) To subdivide land. Platting is required to divide a lot or tract into two or more parcels for development of the parcels. Pursuant to the authority granted by Section 212.0045 of the Local Government Code to provide exceptions to state law platting requirements, the city of Dallas shall not require platting to divide property for transfer of ownership through a metes and bounds description unless and until a building permit is requested for the property to be developed as a separate building site. Unless a separate building site has otherwise been established as provided in Section 51A-4.601, a conveyance of property accomplished through a metes and bounds description without platting will not be recognized as a separate building site, nor will the lines of ownership be recognized for purposes of determining development rights on the parcel conveyed without platting.

(c) To combine lots or tracts. Platting is required to combine two or more lots or tracts into one lot.

(d) To amend a plat. Platting is required if property is to be developed in a manner inconsistent with an existing plat.

(e) To include vacated and abandoned property. Platting is required to incorporate property that has been vacated or abandoned into a legal building site.

(f) To correct errors. Platting is required to correct an error on an approved and recorded plat.
§ 51A-8.506 Dallas Development Code: Ordinance No. 19455, as amended § 51A-8.507

from the director and the chief planning officer only upon their determination that a turnaround is not needed to serve the traffic on the street or otherwise needed to protect the public interest.

(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 115 feet of a railroad right-of-way if one of the streets crosses the railroad right-of-way at grade. This 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 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.

(d) Private streets. If a private street is indicated in the street layout, it must be designed and constructed in accordance with this section and Section 51A-8.604.

(e) Street names. The naming of public or private streets created through the platting process is the responsibility of the applicant. Street names must conform to the standards for street names contained in Division 51A-9.300 of this chapter. All proposed street names must be reviewed by the fire department, the department of sustainable development and construction, and the police department before consideration by the commission. (Ord. Nos. 20092; 21186; 23384; 25047; 28073; 28424; 29478, eff. 10/1/14)

SEC. 51A-8.507. ALLEYS.

(a) When required. Alleys are required only in residential zoning districts, and then only when required under Section 51A-8.604 based on accommodation of street pavement width and zoning density. Alleys must provide continuous vehicular access regardless of zoning.

(b) Regulations. All alleys must meet the following standards:

(1) Alleys must have a minimum right-of-way of 15 feet in width.

(2) Alley right-of-way must not exceed 20 feet in width.

(3) Alleys must consist of at least 10 feet of pavement.

(4) Permanent dead-end alleys are not allowed unless all access is prohibited between the alley and public rights-of-way. Alleys must either intersect with a dedicated public or private undivided street or an existing alley. If a dead-end alley is shown on a proposed plat, an approved turnaround must be provided unless a waiver is obtained from the director and the chief planning officer. A waiver is permitted only if the director and the chief planning officer determine a turnaround is not necessitated by the amount of traffic on the alley, nor otherwise needed to protect the public interest.

(5) Alleys must function without reliance on fire lanes or access easements. An alley must provide vehicular access from a dedicated public right-of-way or easement to another dedicated public...
right-of-way along pavement which is all within dedicated public right-of-way.

(6) Alleys adjoining and parallel to divided thoroughfares must be separated from the thoroughfare by a traffic barrier in accordance with Section 51A-8.618 of this article.

(7) Dedications for an alley are required as provided in Section 51A-8.604(c). Where an alley intersects a street, a 15-foot visibility triangle (alley sight easement) is required. Measurements are taken along the property line.

(8) Alleys must be designed and constructed according to the requirements of the Paving Design Manual and the Standard Details for Public Works Construction of the department of public works.

(c) Private alleys. If a private alley is indicated, it must be designed and constructed in accordance with all of the requirements in this section, and must be labeled as a private alley on the proposed plat. Easements for utilities and franchises must be dedicated in private alleys under the same circumstances and in the same manner as required for private streets pursuant to Section 51A-8.610. (Ord. Nos. 20092; 23384; 25047; 28073; 28424; 29478; 30239; 30654)

SEC. 51A-8.508. PARKS AND COMMON AREAS.

(a) Generally. If any portion of property subject to a plat application qualifies as a prospective park site pursuant to the standards and guidelines contained in the Long Range Physical Plan for Park and Recreational Facilities, the director of parks and recreation must be notified and given an opportunity to negotiate for the acquisition of the property by the city before a final plat is approved. If the applicant elects to make a commitment to sell that portion of the property to the city, he may designate the portion as a reservation for park use if the following requirements are met:

(1) The portion is of a suitable size, dimension, topography, and general character for its intended purpose.

(2) Adequate access to the portion is provided.

(3) The dimensions of the portion are clearly identified on the plat.

(4) Any development shown on the portion complies with the standards of the park and recreation department.

(b) Proper access. Land reserved for recreation sites and parks is considered to have proper access and visibility if:

(1) the property has frontage of at least 100 feet on an improved public street; or

(2) the property has a high degree of visibility and has paved public vehicular access to an improved public street. The paved access must be at least 20 feet in width and must comply with the construction standards of the department of public works.

(c) Utilities. Water, wastewater, and electrical facilities must be provided to the perimeter of the site.

(d) Common areas. Areas retained in private ownership but intended for the benefit of the owners of lots in the plat must be shown as common areas on the plat. A permanent maintenance plan must be approved for the area before release of the final plat. (Ord. Nos. 20092; 23384; 28424; 30239; 30654)

SEC. 51A-8.509. FIRE AND POLICE ACCESS.

(a) Generally. The layout design of a plat must take into consideration the provision of adequate fire and police access.
(b) Water supply. Provisions must be made for the extension of water lines and the appropriate placement of fire hydrants as required by the department before approval of the final plat. (Ord. Nos. 20092; 23384; 25047; 28073)

SEC. 51A-8.510. COMMUNITY UNIT DEVELOPMENT.

To encourage reasonable flexibility of design and arrangement in the development of residential communities in residential zoning districts, the following provisions are made for the approval of community unit developments (“CUD’s”):

(a) A CUD must be submitted for approval to the commission as a subdivision.

(b) A CUD must comply with the maximum lot coverage or density requirements for the district in which it is located. For purposes of calculating maximum lot coverage in a CUD, the calculation is made using either the actual size of the lot or the minimum lot area specified for the zoning district in which the lot is located, whichever is greater.

(c) The minimum lot area of any lot within the CUD may be reduced by an amount not to exceed 25 percent of the minimum lot area for the zoning district in which the CUD is located. Any reduction in minimum lot area must be compensated proportionally on a square foot for square foot basis by the establishment of permanent community open space to serve the property being platted. If five percent or more of the community open space is unimproved and in a flood plain (as defined in Article V), the minimum lot area may be reduced by up to 30 percent.

(d) Front yard, side yard, and rear yard requirements may be uniformly reduced on all lots and must establish a uniform pattern within the boundaries of the property being platted. The reduction in front yard, side yard, and rear yard must not exceed the total percentage reduction of lot area within the boundaries of the property being platted.

(e) The CUD must not be used to increase the number of lots which could normally be accommodated by the size of the site.

(f) The CUD provisions are not applicable to property located in a planned development district.

(g) Open space provided in a CUD must be approved as appropriate for its intended purpose by the director and the chief planning officer. The open space area must be within 1320 feet, measured radially, of any residential lot that is reduced in size in accordance with Subsection (c) of this section.

(1) Unimproved open space:

   (A) may extend into floodway easements or floodway management areas;

   (B) must be indicated on the plat with a prohibition of structures and parking areas; and

   (C) must have a minimum of 10,000 square feet.

(2) Improved open space:

   (A) must not extend into floodway easements or floodway management areas unless the proposed improvements are in compliance with Division 51A-5.100 of this chapter; and

   (B) must be developed in accordance with a site plan approved by the city council after recommendation by the commission. The site plan must include the location and dimensions of all improvements and structures planned for the open space.

(h) A maintenance agreement for the open space area must be provided in a community unit development. The agreement must be approved as to form by the city attorney and executed by the owner(s) or homeowners’ association. (Ord. Nos. 20092; 22053; 22150; 23384; 25047; 28073; 29478)
SEC. 51A-8.511. CONSERVATION EASEMENT.

(a) The owner of the property to be platted may provide an easement on all or part of the property to conserve trees and other natural features, subject to acceptance by the city, to the city or jointly to the city and a nonprofit association dedicated to the conservation of land. Before the city may consider accepting the easement, or consider approving the acceptance of an easement with a nonprofit association as the joint grantee of a conservation easement, the owner shall provide the building official with a list of the protected trees by name (both common and scientific) and caliper or an estimate thereof calculated and documented in a manner approved by the city arborist, written consent by any lienholder of the property to subordination of the lienholder’s interest to the conservation easement area, and a preservation strategy for the easement. The grantee of a conservation easement, if not the city, should be an eligible grantee such that the grantor will have the option of receiving a property tax benefit on the assessed value of the conservation easement area. The conservation easement area should be accessible to the public for walking, upon trails if the area exceeds 30 acres, unless this activity poses a risk to endangered species.

(b) The easement must be approved by the building official and approved as to form by the city attorney.

(c) The owner may offer a conservation easement to the city through the city arborist, or to a nonprofit association approved by the city (a list of such associations may be obtained from the city arborist). (Ord. Nos. 22053; 23384; 24843)

SEC. 51A-8.512. SHARED ACCESS DEVELOPMENT.

See Section 51A-4.411 for regulations concerning shared access developments. (Ord. 26333)

Division 51A-8.600. Infrastructure Design and Construction.

SEC. 51A-8.601. GENERAL STANDARDS.

(a) Infrastructure design and construction for water and wastewater mains must comply with Chapter 49 of the Dallas City Code, as amended, and all other applicable requirements of the water utilities department. All other infrastructure design and construction must comply with this section.

(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.


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

6. The Drainage Design Manual of the department of public works.

7. The Plan Development Checklist of the department.

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

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


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

(c) If the infrastructure construction is not included in a city-approved private development contract within two years from the preliminary plat approval date, then the infrastructure must be redesigned using the most current criteria. (Ord. Nos. 20092; 21186; 23384; 25047; 28073; 28424; 30239; 30654)

SEC. 51A-8.602. DEDICATIONS.

(a) Generally. The owner of the property to be platted must provide an easement or fee simple dedication of all property needed for the construction of streets, thoroughfares, alleys, sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of this article. Dedications shown on plats are irrevocable offers to dedicate the property shown. Once the offer to dedicate is made, it may be accepted by an action by the city council, by acceptance of the improvements in the dedicated areas for the purposes intended, or by actual use by the city. No improvements may be accepted until they are constructed according to the approved plans, details, and specifications, and the final plat is filed for record in the office of the county clerk of the county in which the property is located.

(b) Apportionment of exactions. See Section 51A-1.109 for regulations and procedures concerning apportionment of exactions.

(c) Streets.

(1) The percentage of right-of-way dedication required for streets is as follows:

(A) When the full right-of-way width of a street is contained within the boundaries of a proposed plat, the entire required right-of-way contained within the boundaries of the plat must be dedicated.

(B) When a thoroughfare is along the perimeter of a proposed plat, sufficient right-of-way must be dedicated to provide one-half of the thoroughfare plan requirement, measured from the centerline of the existing right-of-way or, if there is no existing right-of-way, the proposed right-of-way as determined by the director and the chief planning officer. If the property on the side of the thoroughfare opposite the property to be platted is railroad right-of-way or a utility or floodway easement, or if some physical or topographical condition makes the property on that side of the street undesirable for street right-of-way, the commission may require a correspondingly greater dedication.

(C) When a thoroughfare has a city council approved detailed alignment, all right-of-way falling within the approved alignment and within the boundaries of the proposed plat must be dedicated.

(D) If substandard right-of-way exists for an existing perimeter thoroughfare based on the thoroughfare plan requirements, and the plat includes property on both sides of the existing thoroughfare, sufficient property on both sides of the existing thoroughfare, sufficient right-of-way must be dedicated to meet the entire right-of-way requirement.

(E) When substandard right-of-way exists based on this article for a perimeter minor street, sufficient right-of-way must be dedicated to meet one-half of the entire right-of-way width requirement.

(F) When no right-of-way exists and a minor street is proposed, whether perimeter or
§ 51A-8.602 Dallas Development Code: Ordinance No. 19455, as amended

contained within the boundaries of the proposed plat, the full right-of-way width must be dedicated.

(2) The amount of right-of-way, pavement width, and minimum centerline radius for all minor streets must be provided in accordance with the chart in Section 51A-8.604.

(3) When property has been previously platted and improvements have been constructed, accepted, and used, the commission may waive the requirements for additional right-of-way for existing streets if:

(A) no realignment of any minor street is proposed;

(B) no change in zoning classification is proposed;

(C) the street has been improved with the required number of lanes, and the full right-of-way standard is not warranted by expected traffic volumes, property access requirements, truck, bus, and taxi loading, or pedestrian use;

(D) the director and the chief planning officer recommend the waiver; and

(E) the commission finds that the area is a redeveloping area.

(d) Corner clips and sight easements.

(1) Corner clips must be dedicated at all intersections by means of a street easement. The minimum size for the corner clip is that of a triangle with the legs along the edges of the street rights-of-way equaling 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 Paving Design Manual of the department of public works.

(e) Alley sight easements. Alley sight easements must be granted at the intersection of any alley with a street. The size of the sight easement is that of a triangle with legs along the property lines equaling 15 feet.

(f) Utilities and drainage easements. Easements necessary for poles, wires, conduits, wastewater, gas, water, telephone, electric power, storm drainage, and any other utilities needed to serve the property being platted must be granted. All easements must comply with the following standards:

(1) Unless the grantee of an easement gives express written approval, no structures, fences, trees, shrubs or any other improvement may be placed in, on, above, over, or across the easement. An exception to this rule is that paving for parking, walkways, and driveways may be constructed over or across utility or drainage easements unless such construction is specifically prohibited by the plat or easement instrument.

(2) Any structures, fences, trees, shrubs, or other improvements, including paving, exist at the pleasure of the grantee. The owner of the subservient estate is liable for the full cost for any adjustments, relocations, restorations, replacements, or reconstruction to any item placed within the easement other than the utilities. The grantee has no responsibility for any destruction or damage to items other than utilities placed within the easement. Grantees of easements have the right of ingress and egress to their respective easements for the purposes of constructing, inspecting, and maintaining their improvements.

(3) If alleys are not provided, rear lot drainage easements and facilities may be required to prevent cross-lot drainage.

(g) Floodways. Floodway management areas and floodway easements must be dedicated or granted in accordance with Section 51A-8.611. (Ord. Nos. 20092; 21186; 23384; 24843; 24859; 25047; 26530; 28073; 28424; 29478; 30239; 30654)
§ 51A-8.603 Dallas Development Code: Ordinance No. 19455, as amended

SEC. 51A-8.603. CONSTRUCTION REQUIRED.

(a) All public and private streets and alleys within or along the perimeter of the proposed plat must be improved to the standards of this article.

(b) Storm drainage improvements, bridges, and culverts must be provided as needed to serve the subdivision in accordance with this article.

(c) Sidewalks must be provided in accordance with Section 51A-8.606 of this article.

(d) Median openings, extra lanes, and driveways must be provided in accordance with Section 51A-8.607 of this article.

(e) Street appurtenances must be provided in accordance with Section 51A-8.608 of this article.

(f) Railroad crossing facilities must be provided in accordance with Section 51A-8.609 of this article.

(g) Utility facilities must be provided in accordance with Section 51A-8.610 of this article.

(h) Monumentation must be provided in accordance with Section 51A-8.617 of this article. (Ord. Nos. 20092; 23384)

SEC. 51A-8.604. STREET ENGINEERING DESIGN AND CONSTRUCTION.

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

(b) Street construction required.

(1) Within the boundaries of the proposed plat, the owner must construct all thoroughfares, minor streets, and alleys shown on the proposed plat.

(2) When a minor street is along the perimeter of the proposed plat and the street is not improved with an approved all weather paving material to a width of 20 feet, the owner must improve the street to that standard along the length of the proposed plat.

(3) When a thoroughfare is along the perimeter of the proposed plat for 1000 feet or more, the owner must construct thoroughfare, sidewalk, and storm drainage improvements to complete one-half of the thoroughfare requirements along the entire length of the plat, adjusted for any participation in the construction under Section 51A-8.614.

(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.
§ 51A-8.604 Dallas Development Code: Ordinance No. 19455, as amended

Standards for Minor Streets*

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Street Classification</th>
<th>Pavmt. Width (In feet)</th>
<th>ROW Width (In feet)</th>
<th>Min. Alley Required</th>
<th>Centerline Radius (In feet)**</th>
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<td>150</td>
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<tr>
<td></td>
<td>L-2-U(A)</td>
<td>33</td>
<td>53</td>
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<tr>
<td></td>
<td>S-2-U</td>
<td>36</td>
<td>56</td>
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<td>230</td>
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<tr>
<td>R-5,MH,D</td>
<td>L-2-U(A)</td>
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<td>TH-1, TH-2</td>
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<td>36</td>
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<td>S-2-U</td>
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<td>Except PDDs, and</td>
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<td>the WMU and WR Districts in Article XIII.</td>
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</table>

* 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 those provisions or a special design will enhance safety or traffic flow.

(d) Private streets criteria. When permitted, private streets are governed by the following regulations:

(1) Private streets must be constructed and maintained to the standards for public rights-of-way and must be approved by the director and the chief planning officer. Sidewalks are required and must be constructed and maintained to the standards for sidewalks in the public right-of-way. Water and wastewater mains must be installed in accordance with the applicable ordinances.

(2) A legal entity must be created that is responsible for street lighting, street maintenance and cleaning, and the installation and maintenance of interior traffic control devices. The legal instruments establishing the responsibility for a private street or alley must be submitted to the commission for approval, be approved as to legal form by the city attorney, and be recorded in the appropriate county. A provision must be included in the legal instruments that addresses the consequences of failure to maintain the private street or alley and its appurtenances, including the right, but not the obligation, of the city to take any action needed to bring the private street or alley into compliance.

(3) Private streets must contain private service easements including, but not limited to the following easements: utilities; storm drainage; fire lane; street lighting; government vehicle access; mail collection and delivery access; and utility meter reading access.

(4) Street lights comparable with those required on public rights-of-way must be provided. Street lighting design plans must be approved by the director based upon applicable guidelines.

(5) Design plans and location of all traffic control devices must be approved by the traffic engineer. The design, size, color, and construction of all traffic control devices must comply with the requirements for those located in public rights-of-way.


(7) A public school, park, or other public facility must be accessible from public rights-of-way in accordance with this code.

(8) Private streets must comply with the thoroughfare plan and must not interrupt public through streets.

(9) Private street names and numbers must be approved by the commission.

(10) At all entrances to subdivisions with private streets, signs identifying the streets as private must be posted. Private street signs must be:

(i) black on a yellow background;

(ii) diamond-shaped;
§ 51A-8.604 Dallas Development Code: Ordinance No. 19455, as amended

(iii) a minimum of 24 by 24 inches; and
(iv) installed pursuant to city traffic standards.

(11) Private streets and the area they serve must be platted.

(12) A guard house may be constructed at any entrance to a private street. All guard houses must be at least 30 feet from a public right-of-way.

(13) Any structure that restricts access to a private street must provide a passageway 20 feet wide and 14 feet high.

(14) One private street entrance must remain open at all times. If an additional private street entrance is closed at any time, it must be constructed to permit opening of the passageway in emergencies by boltcutters or breakaway panels.

(15) A private street system serving an area containing over 150 dwelling units must have a minimum of two access points to a public street.

(16) A private street system may serve no more than 300 dwelling units.

(17) The city has no obligation to maintain a private street. (Ord. Nos. 20092; 21186; 22392; 23384; 23535; 25047; 27495; 28073; 28424; 29478; 30239; 30654)

SEC. 51A-8.605. SANITATION COLLECTION ACCESS REQUIRED.

(a) Access required. The owner or homeowners’ association must provide access for city sanitation collection. If unmanned gates are used, the gates must remain open during routine collection hours (Monday through Saturday between 7 a.m. and 7 p.m.) A notation must be placed on a plat for single family or duplex lots indicating that it is the responsibility of the owner or homeowners’ association to provide adequate access for city sanitation collection.

(b) Indemnity agreement. If sanitation collection occurs on a private access easement, the owner or homeowners’ association must execute an agreement with the city department of street, sanitation, and code enforcement services indemnifying the city against damages to any private streets in the development caused by the city’s provision of routine sanitation collection. The agreement must be approved as to form by the city attorney’s office. (Ord. Nos. 20092; 23384)

SEC. 51A-8.606. SIDEWALKS.

(a) Required. Sidewalk construction is required along all public and private streets unless waived by the director.

(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 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.

(c) Timing of construction. All sidewalks in the parkways of thoroughfares must be constructed concurrently with the thoroughfare or, if the thoroughfare is already constructed, before the acceptance of any improvements. Construction of sidewalks along improved minor streets must be completed before a certificate of occupancy is issued or before a final inspection of buildings or improvements constructed on the property.

(d) Waiver of sidewalks. A person desiring a waiver of a sidewalk requirement shall make application to the director.
§ 51A-8.606 Dallas Development Code: Ordinance No. 19455, as amended

(1) In this subsection:

(A) MID-BLOCK LOT means a lot that is not a corner lot.

(B) CORNER LOT means a lot that is located at the intersection of two or more streets.

(2) The director may grant a waiver under these conditions:

(A) In general. These conditions apply to all waiver requests.

(i) If sidewalk construction would cause drainage, safety, or other engineering issues that cannot be feasibly addressed as determined by the director.

(ii) If a city approved and funded sidewalk construction project is planned to begin within one year of the waiver application submittal.

(iii) If the waiver will not have an adverse effect on neighboring properties.

(B) Mid-block lot. If sidewalks do not exist on the adjacent lots and on more than 80 percent of the lots on the same blockface.

(C) Corner lot. If sidewalks do not exist on any of the mid-block lots on the same blockface and the lot is not located within one-quarter mile, as measured along street frontages, from a transit stop, school, park, playground, or other pedestrian accessible destination.

(3) The denial of a waiver application must clearly state the specific reasons why the waiver conditions were not satisfied.

(4) Waivers for sidewalks on separate frontages of corner lots shall be determined independently for each blockface, but will require only one fee.

(5) Granting a waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation. (Ord. Nos. 20092; 23384; 25047; 28073; 29478; 30933)

§ 51A-8.607 MEDIAN OPENINGS, EXTRA LANES, AND DRIVEWAYS.

(a) Generally. All median openings, driveway approaches, driveways, and extra lanes including left turn lanes, right turn lanes, acceleration/deceleration lanes, and other extra lanes must be located, designed, and constructed in accordance with the current standards of the department of public works.

(b) When required. Left turn lanes are required to serve median openings providing access to the proposed plat. Other extra lanes must be designed and constructed as part of the subdivision infrastructure improvements when:

(1) they are required by the thoroughfare plan;

(2) they are required by the zoning district in which the property is located; or

(3) they are recommended and approved by the director and the chief planning officer for proper traffic management.

(c) Spacing of openings. Median openings must be at least 400 feet from median openings serving thoroughfare intersections with divided thoroughfares, measured between the noses of the median. Median openings serving minor streets and driveway approaches along a divided thoroughfare must be at least 300 feet apart, measured between the noses of the median, unless the traffic engineer determines that the potential vehicular traffic in the area does not require 300-foot spacing. The minimum median opening width is 60 feet. Wider openings may be required in order to
facilitate truck turning movements. Median openings and left turn pockets must be constructed at the intersection of all streets and drive approaches that generate 250 trips in a 12-hour period.

(d) Relocation of openings. Existing median openings may be relocated if:

(1) the existing opening does not provide service to a public or private street;

(2) the proposed median opening meets the spacing requirements stated in Subsection (c) of this section;

(3) the existing opening is no longer in use or the owners of the properties being served by the existing opening sign a document requesting or
Dallas Development Code: Ordinance No. 19455, as amended
approving the change, and the document is approved by the city attorney’s office; and

(4) the proposed relocation is shown on engineering plans approved by the director.

(e) Driveways and driveway approaches. Driveways must be designed and constructed to provide proper site drainage and to maintain the conveyance of existing drainage in public and private streets. A separate street cut permit is required for each driveway approach accessing a thoroughfare. Driveways may be constructed concurrently with street construction, or with building construction, but must be completed before the issuance of a certificate of occupancy, or final inspection of the buildings or improvements on the property. (Ord. Nos. 20092; 21186; 22026; 23384; 25047; 28073; 28424; 29478; 30239; 30654)

SEC. 51A-8.608. STREET APPURTENANCES.

(a) Generally. Installation of the following items is required at the time the municipal infrastructure additions or improvements are constructed:

(1) Street lights.

(2) Traffic signals.

(3) Traffic signs and street name blades.

(4) Pavement markings.

(5) Temporary traffic control devices for use during construction.

(b) Street lights. The engineering, material, installation, and activation of street lights must be provided as required by the approved street lighting plans. All plan approvals, construction scheduling, and reimbursements must be coordinated through the director of transportation.

(c) Traffic signals. When the area being platted adds a driveway or street approach to an existing signal, the signal hardware must be modified to serve the development. The engineering, material, and construction of the upgrade to the existing signal must be provided.

(d) Traffic signs and street name blades. All of the required traffic signs and street name blades must be provided as determined by the traffic engineer. All signs must meet the standards of the department of transportation and may be obtained from the department of transportation or any other source if city standards are met. All necessary posts, hardware, and concrete required to complete the sign assembly installation must be provided as determined by the director of transportation. A maintenance bond sufficient in amount to maintain all developer installed traffic signs and street name blades for one year must be posted by the owner.

(e) Pavement markings. Pavement markings must be provided as necessary to serve the property being platted in accordance with the approved plans.

(f) Traffic control during construction. The owner is responsible for installing and maintaining all necessary barricades, temporary signs, pavement transitions, and pavement markings to safely convey traffic through the construction area in accordance with the Texas Manual on Uniform Traffic Control Devices, State Department of Highways and Public Transportation, and the Barricade Manual of the department of transportation. The owner is also responsible for the removal of all barricades, temporary signs, pavement transitions, and pavement markings. (Ord. Nos. 20092; 22026; 23384; 26530; 28424; 30239; 30654)

SEC. 51A-8.609. RAILROAD CROSSINGS.

(a) Generally. All engineering plans and construction of infrastructure in the railroad right-of-way must be approved by the department and the railroad.
§ 51A-8.609 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-8.611 Pipeline license agreements. All underground improvements in the railroad right-of-way require pipeline license agreements. The owner of the property to be platted is responsible for securing railroad approval and all costs associated with plan approval, insurance, and construction.

(c) Railroad agreements. All surface improvements in the railroad right-of-way require railroad agreements. The owner of the property to be platted is responsible for securing railroad approval and all costs associated with plan approval, insurance, and construction.

(d) Agreement processing. Both railroad agreements and railroad license agreements are processed in the following manner:

(1) The owner of the property to be platted submits the executed agreement to the director for approval.

(2) Upon approval, all required funding must be submitted to the director, who coordinates the receipt of documents and funding and schedules the items for city council approval.

(3) No improvements are permitted until all agreements are accepted and executed, and all funding has been received by the city.

(4) No improvements may be accepted until receipt and approval of final invoices from the railroad.

(5) The owner is responsible for any shortfall in funding.

(6) The city refunds any remaining funds to the owner should the final cost prove less than the funding supplied by the developer.

(e) No work permitted until agreements complete. Infrastructure work in the railroad right-of-way is not permitted until:

(1) completed agreements have been executed between the city and the property owner;

(2) completed agreements have been executed between the city and the railroad; and

(3) all required funding for the agreements is received by the city.

(f) Payment to railroad. The city shall forward funds received from the owner to the railroad upon acceptance of the improvements by both the director and the railroad, and after receipt and approval of the final invoices from the railroad. The owner is responsible for any additional costs or cost overruns on the work, and the city shall refund any remaining funds to the developer should the final cost be less than the funding supplied by the developer. (Ord. Nos. 20092; 20206; 23384; 23694; 25047; 28073)

SEC. 51A-8.610. UTILITIES.

The owner shall provide all necessary utility facilities to serve the subdivision, including easements, materials, construction, service connections, and funding as required by the various utility companies. No utility connections may be made until the final plat has been approved and recorded with the county. (Ord. Nos. 20092; 23384)

SEC. 51A-8.611. STORM DRAINAGE DESIGN.

(a) Generally.

(1) Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain storm water, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public. Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of
must comply with Chapter 49 of the Dallas City Code. Private development contracts for other infrastructure improvements must comply with this section. In addition, to ensure that the city will not incur claims or liabilities as a result of the developer’s failure to make payment in accordance with the terms of a private development contract, the director may require the developer, as a precondition of approval or release of a final plat or approval of a zoning district classification or boundary change requiring an exaction, to provide sufficient surety guaranteeing satisfaction of claims against the development in the event such default occurs. The surety shall be in the amount of the private development contract. The surety shall also be in the form of a bond, escrow account, cash deposit or unconditional letter of credit drawn on a state or federally chartered lending institution. The form of surety shall be reviewed and approved by the city attorney. If a bond is furnished, the bond shall be on a form provided by the director and approved by the city attorney. The bond shall be executed by the developer and at least one corporate surety authorized to do business and licensed to issue surety bonds in the State of Texas and otherwise acceptable to the city. If a cash deposit is provided, the deposit shall be placed in a special account and shall not be used for any other purpose. Interest accruing on the special account shall be credited to the developer. If an escrow account is provided, the account shall be placed with a state or federally chartered lending institution with a principal office or branch in Texas, and any escrow agreement between the developer and the escrowing institution shall provide for a retainage of not less than ten percent of the private development contract amount, to be held until the director gives written approval of the construction of the facilities.

(d) **Bonds.** The private development contract must include performance and payment bonds equivalent to those the city uses and requires in its standard specifications, and the city must be a named obligee in the bonds.

(e) **Duplicate plans.** As part of the contract submission, duplicate sets of approved plans must be submitted to the director in sufficient number to meet the current contract plan distribution requirements of the city.

(f) **Construction inspection.** Before the approval of a private development contract, the owner shall submit to the director the name of the engineer licensed to practice in the State of Texas with whom he has contracted to provide the required construction inspection. The engineer performing the construction inspection shall attest to the director that the engineer, or a qualified member of the engineer’s firm, made periodic visits to the worksite, as dictated by recognized and customary practice, to inspect the construction of the storm drainage, street paving, bridge, culvert, and traffic signal improvements, and to assure that the improvements were constructed according to the approved plans, profiles, details, and specifications for the project. The engineer shall submit copies of the construction inspection reports along with his declaration.

(g) **Material testing.** Before the approval of a private development contract, the name of a local materials testing company that is:

(1) competent in the field of testing pertinent to the contract; and

(2) under contract with the owner; must be submitted to and approved by the director. Materials testing and certification must comply with the standard specifications for public works construction.

(h) **Authorization to begin.** No construction of infrastructure improvements may begin until a letter authorizing the construction has been issued by the director.
(i) **Order of construction.**

(1) Except where the contractor has obtained a permit to barricade and occupy existing street right-of-way, paving and storm drainage construction which must be accomplished in existing public right-of-way must be completed and accepted by the department before the issuance of any building permits for structures in the platted area unless waived by the director when sequencing of the work is infeasible. If paving and storm drainage work in existing right-of-way and work requiring a building permit are allowed to occur simultaneously, the paving and storm drainage work must be completed and accepted by the department before the issuance of a certificate of occupancy or authorization for utility connections.

(2) In order to obtain building permits for structures to be constructed in the platted area:

(A) all required infrastructure work must have been completed and accepted; or

(B) the necessary infrastructure work to satisfy the fire department requirements must have been completed, and the developer must have furnished satisfactory evidence in the form of a development bond, approved by the city attorney and furnished by the property owner with the city of Dallas named as the obligee on the bond, in an amount equal to the estimated cost of the uncompleted infrastructure. The estimated cost of the uncompleted infrastructure must be approved by the director.

(3) Private development contracts for paving must not be approved by the city until the related storm drainage construction is completed and acceptable, and a water and wastewater release is issued by the director of water utilities approving the related water facilities construction work beneath or in close proximity to the proposed pavement.

(j) **Assurance of compliance.** The owner of the property to be platted is responsible for all construction and inspection services required for paving and drainage improvements. The owner shall ensure that the work is performed and completed in conformance with the approved plans, the standard specifications for public works construction, and the standard construction details. The responsible engineer shall certify in writing that the materials and work are in conformance with all plans and specifications.

(k) **Letter of acceptance.** No infrastructure improvements are considered accepted until:

(1) the owner has filed an affidavit affirming that:

(A) all parties to the private development contracts have been paid except for the normal and usual 10 percent retainage; and

(B) no liens exist on the property dedicated;

(2) the department has a copy of the approved recorded plat;

(3) the director has inspected the infrastructure improvements and determined that they comply with the approved plans and specifications and all applicable city ordinances;

(4) all fees required by this chapter or another city ordinance for the construction of the infrastructure improvements have been paid to the city;

(5) a letter of acceptance has been issued by the director; and

(6) the engineer of record has certified that all addition corners have been set pursuant to Section 51A-8.617.

(l) **Maintenance and repairs.** The contractor responsible for the construction of the infrastructure shall make maintenance repairs and replace all defective materials and workmanship for a period of one year from the date of the acceptance of the improvements. The decision of the director is
conclusive on the determination as to needed maintenance or defective materials or workmanship. The director’s determination shall be based upon applicable guidelines. (Ord. Nos. 20092; 21045; 21491; 22022; 23384; 25047; 25048; 26530; 28073; 30239; 30654)

SEC. 51A-8.613. COVENANT PROCEDURES.

(a) An owner who desires to plat more property than he is willing to construct or design paving, storm drainage, water, or wastewater facilities to serve may plat the property if he executes a covenant for the benefit of the city in accordance with this section. The covenant must run with the land. As part of the covenant, the owner shall agree to, at his cost: submit any needed additional plans; construct the required infrastructure; and secure or dedicate easements and rights-of-way necessary to serve the development at the owner’s cost. Covenants involving water or wastewater facilities must be approved in accordance with Chapter 49 of the Dallas City Code, as amended.

(b) Upon approval of the terms of the paving and storm drainage covenant by the director, the owner shall execute the covenant on a form provided by the director. Executed covenants must be submitted to the department for processing.

(c) All covenants must be approved in accordance with the procedure set out in Section 2-11.2 of this code.

(d) If a covenant is not fulfilled, no building permit or certificate of occupancy may be issued for any property included within the boundaries of the plat which the covenant was executed to serve.

(e) Upon determination by the director that all conditions of a covenant have been fulfilled, the city manager may execute, and cause to be filed of record, a release of the covenant without the necessity of city council approval. In the event of a conflict between this subsection and other provisions in the Dallas City Code, this subsection controls. (Ord. Nos. 20092; 22026; 23384; 25047; 25048; 26530; 28073; 30654)

SEC. 51A-8.614. COST SHARING CONTRACT.

(a) Generally. All funding requests for city cost sharing participation in municipal infrastructure additions or improvements must be approved by the city council. City participation is generally limited to items that benefit a broad population segment. The developer’s apportioned share of any exaction pursuant to Section 51A-1.109 is the responsibility of the developer unless the developer, as documented in a cost sharing contract, volunteers to pay a greater proportion. If the developer volunteers to pay a greater proportion, the city has no obligation for the amount volunteered. All city participation is subject to the availability of funds. City participation must comply with Subchapter C of Chapter 212 and Chapter 252 of the Texas Local Government Code. (Ord. Nos. 20092; 20730; 21186; 23384; 25047; 26530)

SEC. 51A-8.615. NONSTANDARD MATERIALS.

(a) Generally. Nonstandard materials may be used in the public right-of-way for paving, parkway, sidewalk, driveway, and other street enhancement if the criteria in this section are met.

(b) Plans. Plans indicating the nonstandard materials must be approved by the director of public works.

(c) Samples. Samples of each material used for a walking or traveling surface in the public right-of-way must be submitted to and approved by the director of public works.

(d) Standards. All street paving, sidewalk, driveway, curb, and gutter construction must conform to the Standard Construction Details and the Standard Specifications for Public Works Construction of the department of public works.

(e) Sidewalks. Sidewalks must be designed barrier-free to the handicapped.
§ 51A-8.615 Dallas Development Code: Ordinance No. 19455, as amended

(f) **Landscaping.** Proposed landscaping in the public right-of-way must conform to the park and recreation beautification plan or be approved by the director of public works, and must not interfere with utilities or any authorized use of the public right-of-way.

(g) **Central business district.** If the proposed plat is within the central business district, the nonstandard materials must meet all provisions of the Dallas Central Business District Pedestrian Facilities Plan Update.

(h) **Written approval.** Written approval must be obtained from the director of public works before any work is done.

(i) **Liability.** The responsibility and liability for all claims or damages resulting from injury or loss due to the use or presence of nonstandard work or materials is governed by Sections 43-33 and 43-34 of the Dallas City Code, as amended, and no liability is assumed by the city for approving plans including nonstandard materials.

(j) **Agreements required.** A written agreement must be executed between the owner of the property to be platted and the city for the use of nonstandard materials in the public right-of-way. The agreement must be executed before the construction of any improvement consisting of nonstandard materials. If the nonstandard material is to be located in a street or alley, or is otherwise intended for vehicular travel, a covenant agreement is required which provides a plan of perpetual maintenance at no cost to the city. If the nonstandard material is for a driveway, sidewalk, or for another surface outside of the area between street curbs, or is not intended for vehicular travel, a written agreement is required between the owner of the property to be platted and the city. The owner is responsible for securing all required sidewalk, driveway, or street cut permits.

(k) **Maintenance of nonstandard material in public rights-of-way.** All improvements in the public rights-of-way exist at the pleasure of the city and must be maintained to the satisfaction of the city. The owner of the property to be platted is responsible for all maintenance and replacement of nonstandard materials and all preparatory work, including subgrade and base maintenance and replacement necessary due to work performed by the city or utility companies in the discharge of their responsibilities. Failure to maintain and replace defective nonstandard materials and workmanship constitutes just cause for the city to remove any portion or all of the nonstandard work and replace it with standard materials. (Ord. Nos. 20092; 23384; 28424; 30239; 30654)

SEC. 51A-8.616. RESERVED. (Ord. 23384)

SEC. 51A-8.617. MONUMENTATION.

(a) **Minimum monumentation standards.**

1. At all angle points, points of curve, and points of tangency on the perimeter of the platted boundary, a minimum three inch metallic cap disc must be affixed to a metal pipe or rod and stamped with the addition name and the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

2. At all block corners, a minimum two inch metallic cap must be affixed to a metal pipe or rod. The cap must be stamped with the block number and registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

3. At all lot corners, points of curve, and points of tangency of curves, a minimum 1/2-inch diameter metal pipe or rod is required with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

4. All monuments installed must contain a cap or disc imprinted with the addition name, if required, and the registration number of the surveyor or the name of the engineering or surveying firm that
prepared the plat. In locations where such monuments cannot be installed, alternate types of monuments may be installed with the prior approval of the chief city surveyor. A request for alternate monumentation must be made in writing by the surveyor of record, and must include the City Plan File Number and the reason for the alternate monumentation request.

(5) Any points of monumentation that cannot be set at the designated place must be referenced with sufficient witness monumentation.

(b) Placement of a monument on the boundary of property being platted in which no areas are to be dedicated to the public.

(1) Monuments must be installed on the boundary of such property being platted at all corners, angle points, and points of curvature and tangency.

(2) The size, shape, and substance of monuments found or installed on the perimeter of the platted boundary must be described on the drawing and in the owner’s certificate of the submitted plat.

(c) Placement of monuments on and within the boundary of property being platted in which areas are to be dedicated to the public. Monuments must be installed on the boundary of such property being platted at all corners, angle points, and points of curvature and tangency, except those points falling within areas to be dedicated. In areas to be dedicated, all points on new right-of-way lines must be monumented. Monuments must be installed within the boundary of such property being platted at the following points:

(1) All corners of parks, squares, or other portions intended for public use.

(2) All block corners.

(3) On the right-of-way lines of all alleys and public and private streets at all points of intersections, angle points, and points of curvature and tangency.

(d) Placement of monuments on floodways, conservation easement areas, and escarpment lines.

(1) Monuments must be installed on each lot line and boundary line where these lines are intersected by or tangent with a floodway management area, floodway easement, conservation easement area, or the escarpment zone.

(2) Monuments for floodway management areas, floodway easements, and detention areas must be installed at all angle points and points of curvature or tangency.

(3) Floodway management areas, detention areas, escarpment zones, and conservation easement areas must be monumented with a minimum 1/2-inch iron rod with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(4) Floodway easement areas must be monumented in accordance with the dimensions and specifications set forth under City File No. 424-109.

(e) Registered Professional Land Surveyor’s certificate. The final plat of the area being platted must contain a certificate that the land being platted was surveyed under the supervision of a registered professional land surveyor. The certificate must contain the registered professional land surveyor’s name and registration number, and must be sworn to before a notary public.

(f) Monument verification. After required monumentation has been set, a letter stating this must be sent to the chief city surveyor, for field inspection and verification of the platted property. The letter must be from the surveyor of record and must include the City Plan File Number and the addition name. (Ord. Nos. 20092; 23384; 24843)
SEC. 51A-8.618. TRAFFIC BARRIERS.

(a) When required. For all property being platted with identifiable single family, duplex, or townhouse components that front on both an arterial and a public or private street or alley, traffic barriers must be constructed that separate the property from the arterial. See Section 51A-8.507(b)(6) for alley requirements.

(b) Easement. The owner must dedicate an exclusive barrier easement along the lots or alleys perimeter to the thoroughfare depending on who will maintain the barrier. Barrier easements must have a minimum width of three feet. If a screening wall serves as a traffic barrier, maintenance of the wall is the responsibility of each individual owner abutting the easement or the homeowners’ association.

(c) Design. The design and construction of traffic barriers must be approved by the director. If concrete is used for traffic barriers, it must be reinforced and have a minimum compressive strength of 3000 pounds per square inch at 28 days test. The traffic barrier must be at least 24 inches in height. All traffic barriers must be maintained by the property owner or a homeowners association.

(d) Timing of construction. All traffic barriers required by this article must be constructed concurrently with the adjoining street or, if the thoroughfare is already constructed or is not to be constructed with the subdivision infrastructure, before the issuance of a certificate of occupancy or utility connection for any structure within the boundaries of the plat.

(e) Acceptance of construction. All traffic barriers must be constructed under a private development contract in accordance with Section 51A-8.612. If a screening wall serves as a traffic barrier, it must be designed by an engineer and approved by the director.

(f) Maintenance and repair. Each adjacent property owner is responsible for simple routine maintenance and cleaning of all barriers to which his property is adjacent. The city of Dallas is responsible for any major maintenance and repair work necessary for the traffic barrier if the city has accepted it for maintenance. Any other type of traffic barriers is the responsibility of the homeowners’ association or the owner. (Ord. Nos. 20092; 21186; 23384; 25047; 28073)

SEC. 51A-8.619. SCREENING WALLS.

If the screening wall serves as a traffic barrier, it must meet the standards of Section 51A-8.618. (Ord. Nos. 20092; 23384)

SEC. 51A-8.620. RETAINING WALLS.

All retaining walls located on private property along public rights-of-way or easements must be constructed of reinforced concrete or other materials determined to be sufficiently durable by the director. Retaining wall design must be approved by the director of public works to ensure site conditions are adequately addressed by the design. Engineer certification and building permits may be required by other applicable regulations. (Ord. Nos. 23384; 25047; 28073; 28424; 30239; 30654)
SEC. 51A-9.304. Standards for Street Names and Street Name Changes.

(a) In general.

(1) A proposed label in a street name may not duplicate any existing label.

(2) A proposed street name may not be similar to an existing street name so that it creates confusion or an obstacle to the provision of emergency services.

(3) If all of the standards in this section are met, a roadway that extends into the city of Dallas from a contiguous municipality must adopt the street name given the street by the contiguous municipality.

(4) A street name that uniquely identifies a particular tract, tenant, or product name is prohibited.

(5) A street name may not contain more than 14 characters providing, however, that the street-type designation may be abbreviated to comply with this requirement.

(6) Hyphenated and apostrophied street names are prohibited.

(b) Number of names for a roadway.

(1) Except as provided in Paragraph (2), a roadway must have only one name.

(2) Different names must be given to the same roadway under the following conditions:

(A) If a minor roadway deviates from its predominant course at a 90 degree angle for a distance of more than 300 feet, a different name must be used for the predominant course and for each portion of the roadway deviating from the predominant course.

(B) If two segments of a minor roadway are separated by an intervening land use that prohibits vehicular passage, and if future connections of the segments of roadway on each side of the intervening use are unlikely, the segments of roadway on each side of the intervening use must have different names.

(C) If a street is interrupted and offsets more than 150 feet at a cross street, different names must be given to the offset street segments.

(c) Historic street names.

(1) A historic street name may not be changed.

(2) A street name commemorating a person or a historic site or area is prohibited until at least two years after the death of the person to be honored or the occurrence of the event to be commemorated.

(d) Street type and label designation.

(1) A street name may not contain more than one street-type designation. For example, the street name “John Doe Place Road” is not permitted.

(2) The designation of the street type must be based upon the features of the roadway, such as the traffic volumes carried by the roadway, its physical design and construction characteristics, and its role in the surrounding street network.

(3) No street name may have more than two labels before the street-type designation.

(e) Directional prefix and suffix.

(1) A directional prefix is permitted only when the roadway intersects one of the official baselines used by the city.

(2) A directional suffix is permitted as an indicator for address location.
(f) **Guidelines.**

(1) A street name may be based upon physical, political, or historic features of the area.

(2) The name of a subdivision and names thematically related to the name of a subdivision may be given to a street within the subdivision.

(g) **Waiver.** The city council, by a three-fourths vote of its members, may waive any of the standards contained in this section when waiver would be in the public interest and would not impair the public health, safety, or welfare. (Ord. Nos. 19832; 23407)

SEC. 51A-9.305. REVIEW OF APPLICATION.

(a) Within 10 working days after receipt of a complete application for a street name change, the subdivision administrator shall request comment regarding the potential impacts of the name change on the operations of the following city departments and other affected entities:

(1) Department of transportation.

(2) Department of public works.

(3) Office of budget.

(4) Fire-rescue department.

(5) Department of sustainable development and construction.

(6) Police department.

(7) Water utilities department.

(8) Department of sanitation services.

(9) Department of code compliance.

(10) Contiguous municipalities if any property abutting the street is within the contiguous municipality.

(11) Dallas County Historical Commission.

(12) TXU Electric, or its successor.

(13) TXU Gas, or its successor.

(14) Southwestern Bell Telephone Company, or its successor.

(15) U.S. Postal Service.

(b) The subdivision administrator shall formulate a recommendation on the proposed street name change based upon his own review of the application, the standards in Section 51A-9.304, and the comments received from those listed in Subsection (a). The subdivision administrator shall set a date for review of the application before the subdivision review committee of the city plan commission.

(c) Notice of the public hearing before the subdivision review committee must be advertised in the official newspaper of the city no fewer than 15 days before the date of the hearing. The subdivision administrator must also send written notice of the public hearing to abutting property owners as ownership appears on the last approved ad valorem tax roll no fewer than 15 days before the date of the hearing. Notification signs must be posted along the street for no fewer than 15 days before the date of the hearing.

(d) The subdivision review committee shall formulate a recommendation based upon their review of the application, the standards contained in Section 51A-9.304, and the recommendation of the subdivision administrator. (Ord. Nos. 19832; 22026; 23694; 24410; 24843; 25047; 27204; 28073; 28424; 30239; 30654)
§ 51A-10.125  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-10.125

(3) Interior zone.

(A) Surface parking lots in industrial districts. The requirements in Section 51A-10.125 (b)(3)(B)(iv) for surface parking lots with 100 spaces or more, do not apply to industrial and warehouse uses in IM or IR districts that provide a minimum of one tree meeting theRequirements for trees in the street buffer zone for each 25 feet of frontage.

(B) Surface parking lots.

(i) Required large and medium trees.

(aa) Minimum caliper is three inches.

(bb) Planting must be within a landscape area.

(cc) The center of the trunk at grade must be planted a minimum of four feet from pavement.

(ii) Minimum landscape area. Individual landscape areas must be a minimum of 160 square feet, with a minimum width of eight feet.

(iii) Parking lots with 21 to 100 spaces. No parking space may be located more than 70 feet from the trunk of a large tree or medium tree.

(iv) Parking lots with 101 spaces or more. Except as provided in Paragraph (A):

(aa) No parking space may be located more than 70 feet from the trunk of a large or medium tree.

(bb) Except as provided in this item, a landscape area must be located at each end of a single row of parking spaces and contain a minimum of one large or medium tree.

(I) The building official may waive this requirement in order to preserve existing trees and natural features or due to unique natural site features.

(II) Parking island landscape areas are not required adjacent to handicapped parking spaces.

(cc) Except as provided in this romanette, maximum number of parking spaces allowed between parking island landscape areas is 12. The building official may waive this requirement in order to preserve existing trees and natural features or due to the presence of unique natural site features.

(dd) No maximum number of parking spaces when a parking row:

(I) abuts a median landscape area running the length of the parking row with a minimum of one tree per 40 linear feet;

(II) abuts a residential buffer zone landscape area; or

(III) abuts a street buffer zone landscape area.

(4) Additional provisions.

(A) Screening of off-street loading spaces.

(i) All off-street loading spaces on a lot with residential adjacency must be screened from that residential adjacency.

(ii) In all districts except CS and industrial districts, all off-street loading spaces on a lot must be screened from all public streets adjacent to that lot.
(iii) The screening required under Subparagraphs (A) and (B) must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods for providing screening described in Section 51A-4.602(b)(3).

(B) Site trees.

(i) One tree having a caliper of at least two inches must be provided for each 4,000 square feet of lot area, or fraction thereof, except for industrial and warehouse uses in IM and IR districts, where one tree having a caliper of at least two inches must be provided for each 6,000 square feet of lot area, or fraction thereof.

(ii) Existing protected tree species that are determined by the building official to be healthy may be used to satisfy the site tree requirement, in accordance with the tree credit chart below:

<table>
<thead>
<tr>
<th>CALIPER OF RETAINED TREE</th>
<th>NUMBER OF SITE TREES CREDIT GIVEN FOR RETAINED TREE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 2 inches</td>
<td>0</td>
</tr>
<tr>
<td>2 inches or more but less than 8 inches</td>
<td>1</td>
</tr>
<tr>
<td>8 inches or more but less than 14 inches</td>
<td>2</td>
</tr>
<tr>
<td>14 inches or more but less than 20 inches</td>
<td>4</td>
</tr>
<tr>
<td>20 inches or more but less than 26 inches</td>
<td>8</td>
</tr>
<tr>
<td>26 inches or more and less than 32 inches</td>
<td>10</td>
</tr>
<tr>
<td>32 inches or more but less than 38 inches</td>
<td>18</td>
</tr>
<tr>
<td>38 inches or more</td>
<td>20</td>
</tr>
</tbody>
</table>

(C) Minimum sizes. Except as provided in Subsection (b) of this section, plant materials used to satisfy the requirements of this division must comply with the following minimum size requirements at the time of installation:

(i) Large and medium trees must have a minimum caliper of two inches, or a minimum height of six feet, depending on the standard measuring technique for the species.

(ii) Small trees must have a minimum height of six feet.

(iii) Large evergreen shrubs must have a minimum height of two feet.

For purposes of this paragraph, "height" is measured from the top of the root ball or, if the plant is in a container, from the soil level in the container. (Ord. Nos. 19455; 19786; 20496; 22053; 24731; 25155; 26333; 28424; 28803; 30239; 30654; 30929)

SEC. 51A-10.126. LANDSCAPE DESIGN OPTIONS.

(a) Points required for a building site. The minimum number of landscape design option points required for a building site are:

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Points Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 999 sf</td>
<td>0</td>
</tr>
<tr>
<td>1,000 sf to 1,999 sf</td>
<td>1</td>
</tr>
<tr>
<td>2,000 sf to 9,999 sf</td>
<td>2-9</td>
</tr>
<tr>
<td>(One point for every 1000 sf)</td>
<td></td>
</tr>
<tr>
<td>10,000 sf to 19,999 sf</td>
<td>10</td>
</tr>
<tr>
<td>20,000 sf to 39,999 sf</td>
<td>15</td>
</tr>
<tr>
<td>40,000 sf to 2.99 acres</td>
<td>20</td>
</tr>
<tr>
<td>3 acres to 9.99 acres</td>
<td>30</td>
</tr>
<tr>
<td>10 acres to 19.99 acres</td>
<td>35</td>
</tr>
<tr>
<td>20 acres to 49.99 acres</td>
<td>40</td>
</tr>
<tr>
<td>50 acres and greater</td>
<td>50</td>
</tr>
</tbody>
</table>

(b) Design options. Points are obtained by meeting design option requirements in order to achieve the total number of points required for the property. Design options and possible points are listed in this subsection. Examples of the design options and their application are provided in the Landscape and Tree Manual.
§ 51A-10.140 Dallas Development Code: Ordinance No. 19455, as amended

(2) owns part or all of the land where the violation occurs.

(b) It is a defense to prosecution under this section that the act is included in one of the enumerated categories listed in this section. A tree removal application or tree replacement is not required if the tree:

(1) was dead and the death was not caused by an intentional or negligent act of the owner or an agent of the owner;

(2) had a disease or injury that threatened the life of the tree and was not caused by an intentional act of the owner or an agent of the owner;

(3) was in danger of falling or had partially fallen and the danger or the fall was not due to an intentional act of the owner or an agent of the owner;

(4) was in a visibility triangle (unless the owner was legally required to maintain the tree there) or obstructed a traffic sign;

(5) interfered with service provided by a public utility within a public right-of-way;

(6) threatened public health or safety, as determined by one of the following city officials:

(A) the chief of the police department;

(B) the chief of the fire-rescue department;

(C) the director of public works;

(D) the director of transportation;

(E) the director of sanitation services;

(F) the director of code compliance;

(G) the director of park and recreation;

(H) the director of sustainable development and construction; or

(I) the director of aviation.

(7) was designated for removal without replacement in a landscape plan approved by the city council, city plan commission, or board of adjustment;

(8) interfered with construction or maintenance of a public utility or public right-of-way; or

(9) was removed or seriously injured to allow construction, including the operation of construction equipment in a normal manner, in accordance with infrastructure engineering plans approved under Article V of Chapter 49 or street paving and grading in a public right-of-way, storm drainage easement, detention or retention pond designation, or bridge construction, for private development. (Ord. Nos. 22053; 23694; 25047; 25155; 28073; 28424; 30239; 30654; 30929)
(A) $2,000,000 per occurrence;

(B) $2,000,000,000 products/completed operations aggregate; and

(C) $2,000,000 general aggregate.

(5) Environmental impairment or pollution legal liability insurance covering handling, removal, seepage, storage, testing, transportation, and disposal of materials.

(A) Coverage must include loss of use of property; cleanup cost; and defense, including costs and expenses incurred in the investigation, defense, or settlement of claims in connection with any loss arising from the operation site.

(B) Coverage must apply to sudden and accidental pollution resulting from the escape or release of smoke; vapors; fumes; acids; alkalis; toxic chemicals; liquids or gases; waste material; or other irritants, contaminants, or pollutants.

(C) Coverage must include gradual pollution or pollution liability with time element pollution for a minimum combined bodily injury (including death) and property damage limit of $10,000,000 per occurrence.

(D) Coverage must be maintained with a minimum combined bodily injury (including death) and property damage limit of $10,000,000 per occurrence.

(6) Umbrella liability insurance following the form of the primary liability coverage described in Paragraphs (1) through (4) and providing coverage with minimum combined bodily injury (including death) and property damage limit of $25,000,000 per occurrence and $25,000,000 annual aggregate. Increased primary liability limits equivalent to the umbrella liability insurance limits specified will satisfy the umbrella liability insurance requirements.

(A) A copy of the declaration page of the policy must be attached to the certificate of insurance.

(7) Control-of-well insurance to provide coverage for the cost of regaining control of an out-of-control (wild) well including the cost of re-drilling and clean up of an incident with minimum limit of $10,000,000. Coverage must include seepage, pollution, stuck drill stem, evacuation expense of residents, loss of equipment, experts, and damage to property that the operator has in the operator’s care, custody, or control.

(8) If the insurance required in Section 51A-12.203(e)(4)-(6) is written on a claims-made form, coverage must be continuous (by renewal or extended reporting period) for at least 60 months after the gas inspector approves the abandonment and restoration of the operation site. Coverage, including renewals, must contain the same retroactive date as the original policy.

(f) Miscellaneous provisions.

(1) The city’s approval, disapproval, or failure to act regarding any insurance supplied by the operator or a subcontractor does not relieve the operator or subcontractor of full responsibility or liability for damages and accidents. Bankruptcy, insolvency, or the insurance company’s denial of liability does not exonerate the operator or the subcontractor from liability.

(2) If an insurance policy is cancelled or non-renewed, the gas inspector shall suspend the gas well permit on the date of cancellation or non-renewal and the operator shall immediately cease operations until the operator provides the gas inspector proof of replacement insurance coverage.

(g) Performance bond or irrevocable letter of credit. Before issuance of a gas well permit, the operator shall give the gas inspector a performance
bond or an irrevocable letter of credit approved as to form by the city attorney.

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for at least six months after the gas inspector approves the abandonment of the well.

(4) Except as otherwise provided, the amount of the performance bond or irrevocable letter of credit must be at least $50,000 per well.

(A) After a well is completed, the operator may request that the gas inspector reduce the existing performance bond or irrevocable letter of credit to $10,000 per well for the remainder of the time the well produces without reworking. The gas inspector shall reduce the existing performance bond or irrevocable letter of credit if the operator has fully complied with the provisions of this article and the conditions of the SUP, and the gas inspector determines that a $10,000 performance bond or irrevocable letter of credit is sufficient.

(B) If the gas inspector determines the operator’s performance bond or irrevocable letter of credit is insufficient, the gas inspector may require the operator to increase the amount of the performance bond or irrevocable letter of credit to a maximum of $250,000 per well.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article, the gas well permit, and the SUP. If the performance bond or irrevocable letter of credit is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article, the SUP, or the gas well permit. The performance bond or irrevocable letter of credit may also be used to mitigate public losses (i.e. damage to infrastructure, loss of sales tax, etc.) related to the loss of control of a well.

(h) Road repair security instrument. Before issuance of a gas well permit, the operator shall give the gas inspector a road repair performance bond or an irrevocable letter of credit approved as to form by the city attorney. The road repair security instrument is in addition to the performance bond or irrevocable letter of credit required by Section 51A-12.203(g).

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for at least six months after the department of public works completes the final inspection of the right-of-way.

(4) The department of public works shall determine the amount of the performance bond or irrevocable letter of credit based upon, among other factors, the estimated cost to the city of restoring the right-of-way.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the
operator from the obligation to meet all requirements of this article, the gas well permit, and the SUP. If the performance bond or irrevocable letter of credit is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties related to the damage of the right-of-way covered by Section 51A-12.204(p).

Well plugging bond. Before issuance of a gas well permit, the operator shall give the gas inspector a well plugging bond.

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the well plugging bond.

(2) The well plugging bond must list the operator as principal and be payable to the city.

(3) The well plugging bond must remain in effect for at least six months after the gas inspector approves the abandonment of the well.

(4) Except as otherwise provided in this subsection, the amount of the well plugging bond must be at least $50,000 per well.

(5) Cancellation of the well plugging bond does not release the operator from the obligation to meet all requirements of this article, the gas well permit, and the SUP. If the well plugging bond is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement well plugging bond that meets the requirements of this subsection.

(6) The city may draw against the well plugging bond or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article, the SUP, or the gas well permit. The well plugging bond may also be used to mitigate public losses (i.e. damage to infrastructure, loss of sales tax, etc.) related to the loss of control of a well. (Ord. Nos. 26920; 28424; 29228; 30239; 30654)

SEC. 51A-12.204. OPERATIONS.

(a) In general.

(1) Operations must be conducted in accordance with the practices of a reasonable and prudent gas drilling operation in the State of Texas.

(2) The layout of an operation site must comply with the site plan attached to the gas well permit and the SUP.

(3) No refining, except for gas dehydrating and physical phase separation, may occur on the operation site.

(4) Only freshwater-based mud systems are permitted.

(5) No person may add any type of metal additive into drilling fluids.

(6) Salt-water or produced-water disposal wells, also known as injection wells, are prohibited.

(7) Unless otherwise directed by the Texas Railroad Commission, the operator shall remove waste materials from the operation site and transport them to an off-site disposal or recycling facility at least once every 30 days.

(8) No air, gas, or pneumatic drilling is permitted.
§ 51A-12.204 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-12.204

(9) Salt water, produced water, or other wastewater collection or transportation pipelines must be approved by city council as part of a required SUP for a gas drilling and production use.

(10) Landfarming is prohibited.

(11) Lift and line compressors are permitted as part of the gas drilling and production use.

(12) The operation site must be kept clear of dilapidated structures, debris, pools of water or other liquids, contaminated soil, brush, high grass, weeds, and trash or other waste material.

(13) See Sections 51-4.213(19)(E) or 51A-4.203(b)(3.2)(E) for additional spacing, fencing, and slope requirements.

(b) Dust, vibrations, and odors.

(1) To prevent injury or nuisances to persons living and working in the area surrounding the operation site, the operator shall conduct all drilling and production in a manner that minimizes dust, vibrations, or odors, and in accordance with industry best practices for drilling and production of gas and other hydrocarbons.

(2) The operator shall adopt proven technological improvements in industry standards for drilling and production if capable of reducing dust, vibration, and odor.

(3) If the gas inspector determines that the dust, vibrations, or odors related to the gas drilling and production use present a risk of injury or have become a nuisance to persons living and working in the area, the gas inspector shall require the operator to adopt reasonable methods for reducing the dust, vibrations, and odors.

(4) Brine water, sulphur water, or water mixed any type of hydrocarbon may not be used for dust suppression.

(c) Electric lines. Electric lines to the operation site must be located in a manner compatible with those already installed in the surrounding area.

(d) Equipment, structures, and operations.

(1) In general.

(A) American Petroleum Institute. All equipment and permanent structures must conform to the standards of the American Petroleum Institute unless other specifications are approved by the fire marshal.

(B) Maintenance. All equipment and structures must be maintained in good repair and neat appearance.

(C) Painting. Unless a specific color is required by federal or state regulations, all equipment and structures must be painted with a neutral color approved by the gas inspector.

(D) Removal of rig and equipment. The drilling rig and associated drilling equipment must be removed from the operation site within 30 days after completion of each well unless other wells on the operation site are in the drilling phase.

(2) Drip pans and other containment devices. Drip pans or other containment devices must be placed underneath all tanks, containers, pumps, lubricating oil systems, engines, fuel and chemical storage tanks, system valves, and connections, and any other area or structures that could potentially leak, discharge, or spill hazardous liquids, semi-liquids, or solid waste materials.

(3) Engines.

(A) Electric motors must be used during drilling unless the operator submits a report to the gas inspector and the gas inspector determines that electric motors cannot be used.
(H) All chemicals and hazardous materials must be stored in accordance with the hazardous materials management plan and in such a manner as to prevent release, contain, and facilitate rapid remediation and cleanup of any accidental spill, leak, or discharge of a hazardous material.

(I) Containers must be properly labeled in accordance with federal, state, and local regulations.

(J) The operator shall take all appropriate pollution prevention actions, including raising chemicals and other materials above grade (for example, placing chemicals and other materials on wood pallets); installing and maintaining secondary containment systems; and providing adequate protection from storm water and other weather events.

(5) Cleanup after spills, leaks, and malfunctions.

(A) After any spill, leak, or malfunction, the operator shall remove, to the satisfaction of the fire marshal, the gas inspector, and the office of environmental quality all waste materials from any public or private property affected by the spill, leak, or malfunction. Cleanup operations must begin immediately.

(B) If the operator fails to begin cleanup operations immediately, the city may:

(i) contact the Texas Railroad Commission to facilitate the removal of all waste materials from the property affected by the spill, leak, or malfunction; or

(ii) employ any cleanup experts, other contractors, suppliers of special services, or may incur any other expenses for labor and material that the gas inspector deems necessary to clean up the spill, leak, or malfunction.

(C) The operator shall reimburse the city for any expenses incurred in cleanup operations.

(6) Depositing materials. The operator shall not deposit any substance (oil, naphtha, petroleum, asphalt, brine, refuse, wastewater, etc.) into or upon a right-of-way, storm drain, ditch, sewer, sanitary drain, body of water, or public or private property.

(7) Erosion control practices. Berms that are at least one-foot high and two-feet wide, or equivalent erosion devices, must be installed to prevent lot-to-lot drainage. Any damages to adjacent properties from sedimentation or erosion must be repaired immediately.

(8) Flood plain. All gas drilling and production operations must comply with the flood plain regulations in Article V.

(9) Water.

(A) The operator shall set surface casing in accordance with state and local rules and regulations to ensure groundwater protection.

(B) The operator shall:

(i) give the gas inspector 72-hour’s notice before setting the well casing;

(ii) allow access to the operation site during surface casing installation; and

(iii) allow access to all relevant reports associated with the setting of the surface casing.

(g) Fresh-water fracture ponds.

(1) In general.

(A) Fresh-water fracture ponds are permitted on an operation site.

(B) Except as otherwise provided in this subparagraph, additives, oil and gas waste by-products, and salt water are not permitted in a fresh-water fracture pond. Vector control additives are permitted in a fresh-water fracture pond.
(C) The fresh-water fracture pond must permanently hold sufficient water to prevent a nuisance or vector control problem.

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

(E) Artificial liners are not permitted.

(F) Fresh-water fracture ponds must be maintained in a manner using best management practices to ensure the integrity of the fresh-water fracture pond. For purposes of this subparagraph, “best management practices” means structural, nonstructural, and managerial techniques that are recognized to be the most effective and practical means to control water storage in open pits in an urban or suburban setting.

(2) Removal and restoration.

(A) Removal.

(i) The operator shall remove the fresh-water fracture pond from the operation site within five years after the date the first gas well permit is issued. The operator may apply for a one-time, two-year extension from the gas inspector.

(ii) The request for an extension must be made to the gas inspector in writing at least six months before the fifth year from the date the first gas well permit was issued.

(iii) The gas inspector must approve or deny the extension within 45 days after receiving the extension request.

(iv) As a condition of approval of the extension, the gas inspector may require additional measures, as necessary, to minimize the impact of continued use of the fresh-water fracture pond, associated with the drilling activities, upon neighboring properties.

(v) The gas inspector must approve the extension if the fresh-water fracture pond will not adversely impact the neighboring properties or if additional measures required eliminate the reasons for denial.

(vi) If the gas inspector denies the request for a one-time two-year extension, the gas inspector must provide the operator with a written explanation of the reasons for denial within 30 days.

(vii) The operator has the right to appeal to the permit and license appeal board in accordance with Article IX of Chapter 2 of the Dallas City Code.

(B) Restoration. The operator is responsible for:

(i) removing the fresh-water fracture pond;

(ii) grading, leveling, and restoring the area to the same surface condition, as nearly as practicable, that existed before the fresh-water fracture pond was constructed; and

(iii) restoring the vegetation in accordance with the landscape design provided in the fresh-water fracture pond design plan.

(h) Fracturing.

(1) Notice.

(A) The operator shall send written notice to the gas inspector of the operator’s intent to begin fracturing. The notice must identify the well and estimate the duration of fracturing. The written notice to the gas inspector must be provided at least 15 days before fracturing begins.

(B) If the operation site is located within 1,500 feet of a protected use, measured from the boundary of the operation site in a straight line without regard to intervening structures or objects to
§ 51A-12.204 Dallas Development Code: Ordinance No. 19455, as amended

(ii) Additional methods of noise mitigation must be approved by the gas inspector.

(iii) All soundproofing must comply with accepted industry standards and is subject to approval by the fire marshal.

(n) Periodic updates and reports.

(1) Required updates.

(A) Except as otherwise provided in this division, other city ordinances, or an SUP, the operator shall notify the gas inspector in writing of any changes to the following information within seven days after the changes are made:

(i) the name, address, or phone number of the operator; and

(ii) the name, address, or phone number of the person designated to receive notices from the city.

(B) Except as otherwise provided in this division, other city ordinances, or an SUP, the operator shall notify the gas inspector in writing within one business day of any changes to the name, address, or 24-hour phone number of the person with supervisory authority over the gas drilling or production operation site.

(C) Except as otherwise provided in this division, other city ordinances, or an SUP, if the conditions on the operator site or the operations of the gas drilling and product use change or any other updates or changes are made that are not reflected on a required plan, the operator shall provide an update to each affected plan to the gas inspector within 30 days of the change.

(D) The operator shall submit a yearly written report to the gas inspector identifying any other changes to the information provided in the gas well permit application not previously reported to the city.

(E) The operator shall notify the gas inspector in writing that a well has been completed within 72 hours after completion.

(2) Reports.

(A) The operator shall give the gas inspector a copy of any complaint submitted to the Texas Railroad Commission within 30 days after the operator receives notice of the complaint.

(B) On a monthly basis, the operator shall give the gas inspector a copy of any new or amended permits, disclosures, and reports required by the Texas Railroad Commission and Texas Commission on Environmental Quality.

(o) Reworking.

(1) At least 10 days before reworking begins, the operator shall send written notice to the gas inspector of the operator’s intent to rework a well. The notice must identify the well, describe the activities involved in the reworking, and estimate the duration of the activities.

(2) The operator shall pay the reworking fee before the operator begins reworking the well.

(3) If a well is already abandoned, a new gas well permit is required to rework.

(p) Rights-of-way. For purposes of this subsection, rights-of-way means those rights-of-way located along the truck routes shown on the operator’s approved transportation plan and incorporated by reference into the gas well permit.

(1) Periodic inspections. The operator shall periodically inspect the rights-of-way to determine if damage has occurred.

(2) City notifying operator. If the department of public works determines that the rights-of-way have been damaged, the gas inspector shall notify the operator in writing of the damage.

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(3) **Repairs.** The operator shall repair the damage to the rights-of-way within 10 days after discovering or receiving notice of the damage. Repairs must be made in accordance with the current standards of the department of public works. At least two days before making the repairs, the operator shall notify the department of public works of the operator's intent to begin repairs. The operator shall have all necessary permits before repairing the rights-of-way.

(4) **City making repairs and invoicing operator.**

(A) If the operator fails to make repairs within 10 days after discovering or receiving notice of the damage, the director of public works may make the necessary repairs and invoice the operator. The operator shall pay the amount due within 30 days after the invoice date.

(B) If the director of public works determines that the damages to the rights-of-way affect the immediate health and safety of the public, the director of public works may make the repairs without first requesting that the operator make the repairs. The director of public works shall invoice and the operator shall pay the amount due within 30 days after the invoice date.

(C) If required by state law, the director of public works shall employ a competitive bidding process before making the repairs to the rights-of-way.

(5) **Final inspection.** After the gas inspector approves the abandonment and restoration of the operation site, the operator shall notify the director of public works and request an inspection of the rights-of-way. After inspection, the director of public works shall notify the operator of any needed repairs. Repairs must be made in accordance with this article.

(q) **Security.**

(1) **Personnel.**

(A) During drilling, fracturing, or reworking of a well, at least one person designated by the operator must be on the operation site at all times to oversee the activities and monitor safety.

(B) An operator shall provide an off-duty certified peace officer to direct traffic at the entrance to the operation site when high truck traffic is accessing the site, including during the construction of the operation site and fresh-water fracture pond, drilling, fracturing, flowback, and any reworking activities that requires a rig. The off-duty certified peace officer must ensure that all traffic entering and exiting the operation site is using the approved transportation route. A written record must be maintained of any violators and must be available on-site for inspection by the gas inspector.

(2) **Security system.** Within 10 days of completion of the temporary perimeter fencing, the operator shall install a fully operational security system that complies with the Dallas Fire Code and meets the following requirements.

(A) **Remotely monitored control access system.** The operator shall install and maintain at all vehicular gates a permitted, remotely monitored control access system. The control access system must meet the following requirements:

(i) **Monitoring.** The control access system must be monitored by a facility capable of monitoring security-related alarm systems and meeting all required state and federal guidelines. The monitoring facility must be staffed and operational at all times.

(ii) **Access control.** Gate access must be secured by an access control system with an unlocking and re-locking mechanism that requires a card, numeric code, or other identification device for gate operation. The system must record the identity of the entering party and the date and time of such entry.
(D) The operator is responsible for the cost and fees associated with pre-drilling and post-drilling soil sampling collection and analysis.

(2) Baseline.

(A) The licensed third-party contractor retained by the city must collect and analyze a minimum of five soil samples at locations across the operation site with at least two samples at or adjacent to any proposed equipment to be used on the operation site and analyzed in accordance with this subsection.

(B) If permission to access private property and conduct the baseline study is granted, a minimum of five soil samples must be collected at locations across each property located within 2,000 feet of the boundary of the operation site and analyzed in accordance with this subsection. If permission to access private property and conduct the baseline study is not granted, a baseline study of soil conditions is not required for that property.

(C) The soil sample baseline study analyses must include:

(i) a description of the point samples and GPS coordinates of each location;

(ii) planned equipment above the sampled area, if applicable;

(iii) methodology of sample collection;

(iv) description of field condition;

(v) summary of laboratory data results compared to the minimum acceptable soil sampling criteria;

(vi) copies of all laboratory data sheets;

(vii) drawings of sample points; and

(viii) analysis of the following: TPH, VOCs, SVOCs, chloride, barium, chromium, and ethylene glycol.

(3) Post-drilling.

(A) After the drilling of each well, the licensed third-party contractor retained by the city must collect and analyze soil samples across the operation site and analyzed in accordance with this subsection.

(B) Additionally, the city, using its licensed third-party contractor, may conduct soil sampling during inspections to document soil quality at the operation site.

(4) Abandonment. When the operation site is abandoned in accordance with the Texas Railroad Commission requirements and Section 51A-12.205 and after the equipment for that well is removed from the operation site, the operator shall collect soil samples of the abandoned operation site to document that the final conditions are within regulatory requirements.

(5) Remediation. If prohibited amounts of a hazardous substance are found at the operation site, the operator shall remediate the location within 30 days. After the operator remediates the operation site, the city, using its licensed third-party contractor, must collect and analyze soil samples at locations on the operation site as are necessary to determine compliance.

(u) Storage and vehicle parking. The only items that may be stored and vehicles that may be parked on the operation site are those that are necessary to the everyday operation of the well and do not constitute a fire hazard. The fire department shall determine what constitutes a fire hazard.

(v) Vector control. The operator must comply with the vector control plan approved as part of the gas well permit and all city ordinances, rules, and regulations regarding mosquito larvae within a freshwater fracturing pond or elsewhere on the operation site. (Ord. Nos. 26920; 28424; 29228; 29557; 30239; 30654)
SEC. 51A-12.205. ABANDONMENT AND RESTORATION.

(a) Abandonment of a well. The operator shall abandon each well after production has ceased on that well. A well is considered abandoned if the Texas Railroad Commission approves the abandonment, and the operator provides the gas inspector with a copy of the Texas Railroad Commission’s approval.

(b) Abandonment and restoration of the operation site. The operator shall abandon and restore the operation site within 60 days after production has ceased on all wells located on the operation site. An operation site is not considered abandoned until the gas inspector conducts an inspection of the operation site and approves the abandonment and restoration. The gas inspector shall approve the abandonment and restoration of the operation site if:

1. The operation site is restored to its original condition, as nearly as practicable, in accordance with the surface reclamation plan;
2. All wells located on the operation site are plugged and all well casings are cut and removed to a depth of at least three feet below surface;
3. All equipment is removed from the operation site;
4. The operator provides the gas inspector with a copy of the Texas Railroad Commission’s approval of the abandonment for each well located on the operation site;
5. The abandonment complies with the Dallas Fire Code; and
6. Soil sampling has been conducted in accordance with this division and all required remediation is completed in accordance with state and federal regulations, this article, and all other city ordinances.

(c) Development after abandonment.

1. No building permit may be issued for any construction on or redevelopement of the operation site until the gas inspector approves the abandonment and restoration of the operation site.
2. No structure may be built over a vertical shaft of an abandoned well. (Ord. Nos. 26920; 29228)
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