

Clean-up Amendments

City Plan Commission

April 5, 2018

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City of Dallas

Request – DCA 178-006

- Consideration of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to clarify language regarding handicapped parking regulations; handicapped ramps for dwellings; pedestrian skybridges; number of duplicate applications required for remote parking procedures and sign permits; instances where “director of parks and regulation” should be amended to “building official”; and light poles, handicap ramps, air conditioning units, and generators in required front, side, and rear yards as applicable, and clarification of associated noise regulation standards.

Background

- This proposal includes a variety of amendments for both Chapter 51 and Chapter 51A to provide additional consistency throughout the code and more closely align with department procedures.
- The list includes:
 - 1) Handicapped parking regulations to match state and federal law
 - 2) Board of adjustment same matter back to same panel rule
 - 3) Unnecessary duplicates of applications
 - 4) Amend director of parks and recreation to building official
 - 5) Various projections into front, side and rear yards
 - 6) Skybridge regulations

ZOAC Direction and Update

- Staff recommendation is to approve the requested changes.

1) Handicapped parking - current

- Over the years, specific regulations governing handicapped parking have been written into the use regulations in Section 51A-4.200, such as this from current code:

SEC. 51A-4.201. AGRICULTURAL USES.

Animal production. (C) Required off-street parking: Two spaces. No handicapped parking is required.

- However, one section in the current code clearly states the city's handicapped parking requirements.
- **Section 51A-4.305** states that “handicapped parking must be provided and maintained in compliance with all Federal and State laws and regulations.”

1) Handicapped parking - proposal

- Remove all individual references to handicapped parking in the use regulations of both Chapter 51 and Chapter 51A, allowing Section 51A-4.305 to regulate handicapped parking in accordance with federal and state law.
- Call-forward references to handicapped parking in Chapter 51.

2) Board of Adjustment rule

- Currently:
 - If the board of adjustment has multiple panels, only one panel can hear a case. This prevents applicants from shopping cases to multiple panels.
 - However, because there's no time limit on this rule, some applicants have to go before a specific panel because of a similar request years ago.
- Proposal:
 - Set a time limit on the rule and provide that after five years a case may be heard according to the normal rules of case assignment.

3) Duplicate applications

- Currently:
 - Currently, code requires duplicates of applications for multiple processes such as special parking approval.
 - Current practices and technology have made these duplicates unnecessary.
- Proposal:
 - Remove the requirement for duplicates of applications for special parking and for permits for signs in special provision sign districts
- This aligns code with current preferred practices and streamlines the application process.

4) Amend *director of parks... to building official*

- Currently:

- Code designates certain staff members to make recommendations or rulings.
- In several cases, the code calls out the director of Parks and Recreation as the arbiter of a process when it is the building official who reviews and permits the plans.

4) Amend *director of parks... to building official*

- Proposal

- Replace *director of parks and recreation* with *building official* in sections related to
 - screening provisions for off-street parking and fence regulations
 - vegetation regulations in soil erosion plans and vegetation plans.
- This amendment aligns code with current department duties

5a) Light poles

- Background/currently:
 - Pedestrian lighting encourages walkability by supporting pedestrian safety at night.
 - Dallas Development Code does not allow lighting to be placed in the required front or side yards, and the city requires a license for additional pedestrian lighting in the right of way.
 - This conflict becomes a disincentive to providing adequate lighting near sidewalks.
- Proposal
 - The proposed changes to Chapter 51 and 51A would allow additional lighting to be installed in the required front and side yards.

5b) Air conditioning units - background

- Side yard provisions allow air conditioning units in side yards while controlling location and noise levels. The section:
 - Refers to an outdated method to regulate noise levels, and modern units are quiet
 - Requires minimum separation of 10 feet between units
- Currently, noise regulations standards provide an exception for air conditioning units because their noise level is controlled in the side yard regulations.

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5b) Air conditioning units - proposal

- Remove the outdated noise level language in the side yard regulations.
- Remove the exception for air conditioning units in the noise regulations, ensuring that an exceptionally loud air conditioner will continue to be regulated by code.
- Remove unnecessary language requiring 10 feet of separation between units.

5c) Generators - background

- Electrical generator placement is not specifically addressed in the code.
- Building Inspection staff treat electrical generators as accessory structures in residential districts.
 - No current regulation regarding location
- Additional change
 - Paragraph stating that yard regulations in PDDs are controlled by the PDDs is redundant and is recommended to be removed.

5c) Generators - proposal

- Codify the practice of treating electrical generators as accessory structures
- Ensure that the generators, if installed, are placed to the rear of the lot.
- Remove redundant language stating that yard regulations in PDDs are controlled by the PDDs.

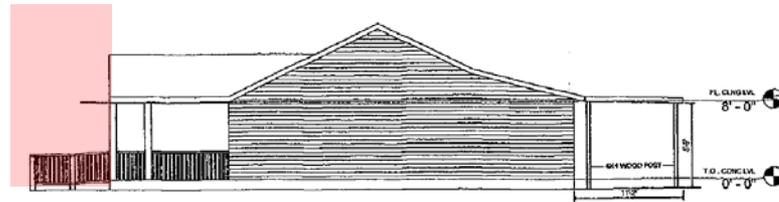
5d) Handicapped Ramps - Background

- People with mobility issues often need a ramp to provide access to their home.
 - Can be difficult to add a ramp that meets both accessibility standards and the front, side, or rear yard setback requirements of City Code.
 - Ramps are considered structures, and structures are not currently allowed in required yards.
- Code currently provides relief in a section of special exceptions for the handicapped:
 - “The board of adjustment shall grant a special exception to any regulation in this chapter if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term ‘handicapped person’ means a person with a ‘handicap,’ as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.”
- However, going to Board of Adjustment creates an extra step and delay when a ramp must be located within required setbacks.

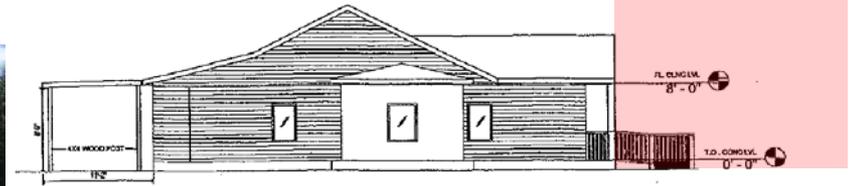
5d) Handicapped Ramps - Proposal

- Allow ramps to be placed in the required front, side, or rear setbacks of existing homes under the appropriate accessibility standard as determined by the building official.
 - Proposed language provides for “minimal encroachment.”
- Initial review complete within 10 days after submission of a complete application

Example – BDA Case



PROPOSED RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED LEFT ELEVATION
SCALE: 1/4" = 1'-0"

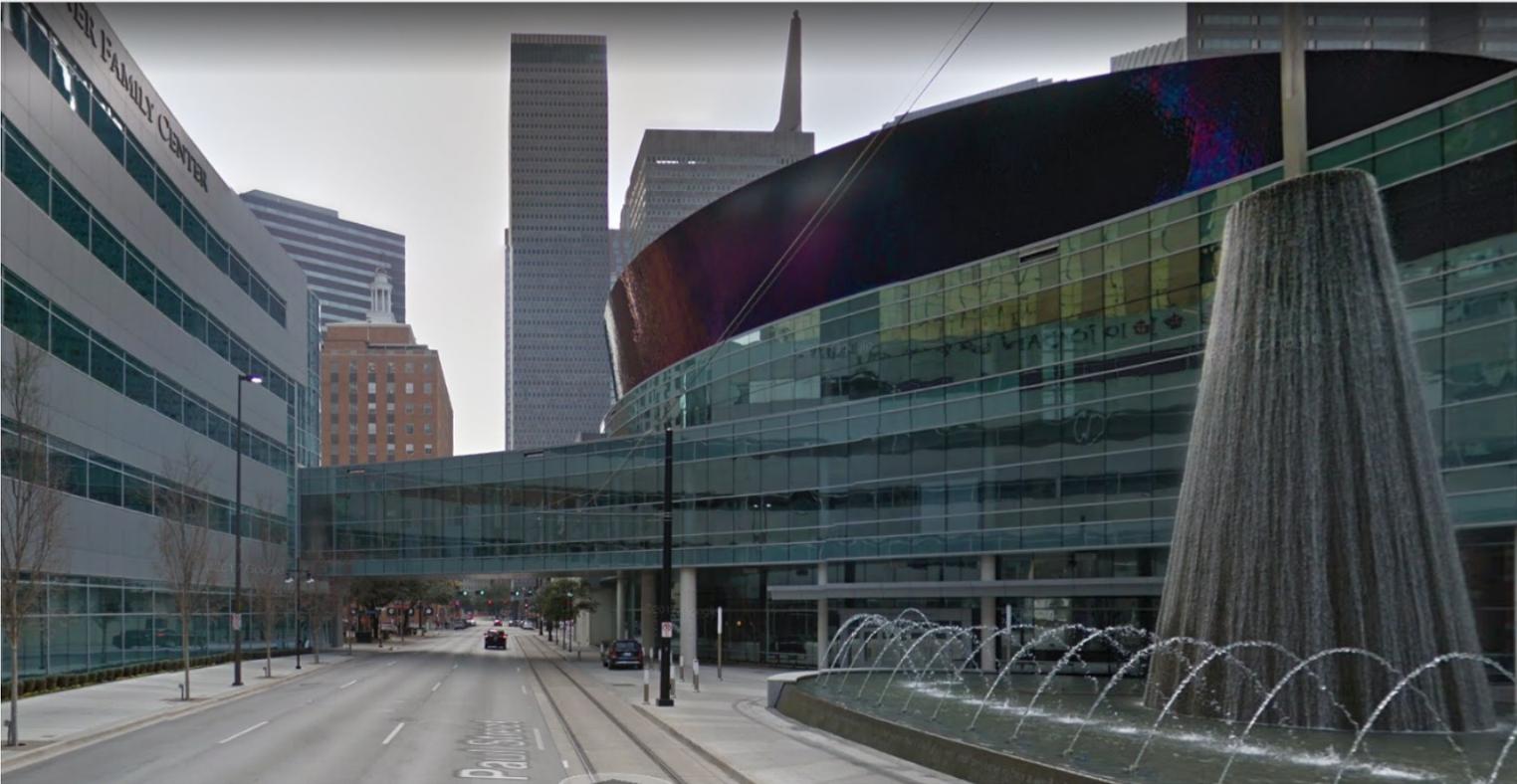


6) Pedestrian skybridges - background

- Allowed by SUP as an accessory use in most base zoning districts. Currently:
 - Not allowed in required yards.
 - No required yard = no problem
 - But - setbacks begin at ground level and go to an infinite height.
 - Supports are not allowed in the right of way.
 - Some skybridges need a support mid-way between buildings.
 - If skybridge needs relief from any of 19 mandatory design and construction provisions, applicant must seek a special exception from Board of Adjustment.

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Pedestrian Skybridges - example



<https://goo.gl/maps/ZmefJbktpdp> - North St Paul – First Baptist Church

Pedestrian Skybridges - example



<https://goo.gl/maps/NkFVzqkhg3K2> - Parkland Hospital over Harry Hines

Pedestrian Skybridges - proposal

- Allow skybridges to be placed in required yards
- Remove the prohibition of supports in the right of way
 - Would still require appropriate staff review and ROW license.
 - Ensure minimum clear widths are maintained on sidewalks near proposed skybridges
- Replace BDA special exception with request for waiver from the Council as part of the SUP process.
- Change *block* to *blockface*, thus clarifying that the number of skybridges should be limited along the frontage of a single side of a block, not within the area of a block nor the entire perimeter of a block.
- Clarify the spelling of *skybridge* to be consistent throughout the section.

ZOAC Direction and Update

- Staff recommends approval.

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