

8-12-20

ORDINANCE NO. 31607

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51-4.201, 51A-2.102, 51A-4.127, 51A-4.209, 51A-4.217, 51A-4.345, 51A-4.605, 51A-4.906, 51A-13.201, and 51A-13.304; deleting building materials requirements to comply with state law; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the 86th Texas Legislature met between January 8, 2019 and May 27, 2019; and

WHEREAS, H.B. 2439 prohibits a city from prohibiting or limiting, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; and

WHEREAS, H.B. 2439 was approved by both chambers of the Texas Legislature; and

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WHEREAS, H.B. 2439 was signed by Governor Greg Abbott on June 14, 2019; and

WHEREAS, H.B. 2439 became law on September 1, 2019; and

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Item (ff) of Romanette (viii) of Subparagraph (E) of Paragraph (1), “Single Family,” of Subsection (b), “Specific Residential Uses,” of Section 51-4.201, “Residential Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(ff) Accessory structures must have a a [exterior siding, roofing,] roof-pitch[,-foundation fascia,] and fenestration compatible with the main building. It is recommended that accessory structures have exterior siding, roofing, and foundation fascia compatible with the main building. “Compatible” as used in this provision means similar in application, color, [materials,] pattern, [quality,] shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply the proof of compatibility. Use of similar materials or materials of similar quality to the main building serves as additional evidence that the property owner’s burden of proof of compatibility has been met. This provision does not apply to accessory structures with a floor area of 200 square feet or less.”

SECTION 2. That Section 51A-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (140.1) to read as follows:

“(140.1) TRANSPARENCY means the total area of window opening, door opening, or other opening, expressed as a percentage of the total facade area by story.”

SECTION 3. That Romanette (i), “Building Facades,” of Subparagraph (F), “Building Envelope Design Requirements,” of Paragraph (8), “Site Design Requirements,” of Subsection (c), “UC Districts,” of Section 51A-4.127, “Urban Corridor Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(i) Building facades. Building facades must be as close as possible to the pedestrian zone. Columns of an arcade must be on the building line, and the internal facade of an arcade must be set back from the building line no more than 10 feet. Parking deck and garage facades visible at ground level from any street or alley must have the appearance of a multiple-story building ~~[, and be of similar material finish as the building on the site for which the parking is being provided]~~. It is recommended that parking deck and garage facades visible at ground level from any street or alley have the appearance of similar material finish as the building on the site for which the parking is being provided.”

SECTION 4. That Romanette (iii), “Storefront Treatments,” of Subparagraph (F), “Building Envelope Design Requirements,” of Paragraph (8), “Site Design Requirements,” of Subsection (c), “UC Districts,” of Section 51A-4.127, “Urban Corridor Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(iii) Storefront treatments. The following provisions apply to all uses at ground level except church use and residential uses.

(aa) All street-fronting street-level portions of a building must have windows and primary entrances facing the street or a plaza. No more than 10 continuous linear feet of street-fronting street-level facade may lack a transparent opening ~~[surface]~~ (e.g. a window or a transparent door).

(bb) Corner lot structures must have corner entrances in compliance with the visibility triangle standards set by the department of sustainable development and construction.

(cc) Street-fronting, street-level windows must:

~~[(aa) be clear, unpainted, or made of similarly treated glass allowing visibility within street-level uses;]~~

~~(I[bb]) cover 50 percent or more of street-level frontage;~~

~~(II[ee]) not have a bottom edge higher than three feet above the base of building; and~~

~~(III[dd]) be less than 10 feet high.~~

(dd) It is recommended that street-fronting, street-level windows be clear, unpainted, or made of similarly treated glass allowing visibility within street-level uses.

SECTION 5. That Item (ff) of Romanette (vii), “Accessory Structures,” of Subparagraph (E) of Paragraph (6), “Single Family,” of Subsection (b), “Specific Uses,” of Section 51A-4.209, “Residential Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(ff) Accessory structures must have a ~~[exterior siding, roofing,] roof-pitch[, foundation fascia,]~~ and fenestration compatible with the main building. It is recommended that accessory structures have exterior siding, roofing, and foundation fascia compatible with the main building. “Compatible” as used in this provision means similar in application, color, ~~[materials,]~~ pattern, ~~[quality,]~~ shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply the proof of compatibility. Use of similar materials or materials of similar quality to the main building serves as additional evidence that the property owner’s burden of proof of compatibility has been met. This provision does not apply to accessory structures with a floor area of 200 square feet or less.”

SECTION 6. That Romanette (xii) of Subparagraph (F), “Mandatory Pedestrian Skybridge Standards,” of Paragraph (12), “Pedestrian Skybridges,” of Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

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~~“(xii) Reserved. [At least 70 percent of the side walls must be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than six percent. “Light transmission” means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. “Luminous reflectance” means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.]”~~

SECTION 7. That Subparagraph (G), “Recommended Pedestrian Skybridge Standards,” of Paragraph (12), “Pedestrian Skybridges,” of Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Romanette (vii) to read as follows:

“(vii) At least 70 percent of the side walls should be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than six percent. “Light transmission” means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. “Luminous reflectance” means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.”

SECTION 8. That Subsection (k), “Facade,” of Section 51A-4.345, “General Standards,” of Division 51A-4.340, “Mechanized Parking,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(k) Facade.

(1) These facade requirements apply to any portion of a building containing mechanized parking except when accessory to a single family or duplex use. If there is a conflict between the regulations within a zoning district that require concealment of parking structure facades, this subsection controls.

(2) An aboveground mechanized parking facility must be concealed by a facade. ~~[that]~~ It is recommended that the facade be:

(A) compatible in appearance with the facade of the main building it serves, or

(B) compatible in appearance with other buildings within a one block radius.

(3) ~~[The burden is on the property owner or applicant to supply proof of compatibility.]~~

(4) Aperture area or articulation must be provided at a minimum of 20 percent and a maximum of 80 percent for any street facing facade.

(4[5]) Articulation must be provided at least every 30 feet, measured horizontally and vertically.

(5[6]) Except for pedestrian and vehicular entrances, the aperture area must be screened. It is recommended that the required screening be constructed with an opaque or translucent material that may be permeable or impermeable and that ~~[- Screening materials for]~~ the aperture area ~~[may]~~ have no more than 36 square inches of transparent material in any given square foot of surface and ~~[may]~~ have no more than 25 percent transparency.

(6[7]) The board of adjustment may grant a special exception to the standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property. The alternative facade must provide adequate screening of equipment and structures and mitigate noise.”

SECTION 9. That Paragraph (6), “Materials and Colors,” of Subsection (a), “Design Standards for Large Retail Uses,” of Section 51A-4.605, “Design Standards,” of Division 51A-4.600, “Regulations of Special Applicability,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(6) Materials and colors.

(A) No more than 75 percent of the area of a facade wall, exclusive of fenestration, may have a single material or color.

(B) It is recommended that t[F]he following materials are ~~[may]~~ only ~~[be]~~ used on rear facade walls:

(i) Smooth-faced concrete block that is non-tinted or non-burnished.

(ii) Tilt-up concrete panels that are unadorned or untextured.

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(iii) Prefabricated steel panels.”

SECTION 10. That Paragraph (3) of Subsection (b), “Standards,” of Section 51A-4.906, “Review by the Director,” of Division 51A-4.900, “Affordable Housing,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(3) The design [~~and materials~~] of SAH units must be equivalent to the design [~~and materials~~] of other units located on the same lot. It is recommended that the materials of SAH units be equivalent to the materials of other units located on the same lot. The size of bedrooms in SAH units must be consistent with the size of bedrooms in other units located on the same lot.”

SECTION 11. That Paragraph (34) of Section 51A-13.201, “Defined Terms,” of Division 51A-13.200, “Definitions,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(34) TRANSPARENCY means the total area of window opening [~~and~~] door opening, or other opening [~~filled with glass~~], expressed as a percentage of the total facade area by story.”

SECTION 12. That Paragraph (6), “Ground-Story Shopfront Windows,” of Subsection (b), “Mixed Use Shopfront,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(6) **Ground-Story Shopfront Windows.** A minimum of 60 percent of the street-fronting, street-level window openings [~~pane surface area~~] must allow views into the ground-story use for a depth of at least four feet. If glass is installed, it is recommended that it [~~Windows must~~] be clear or unpainted, or, if treated, [~~must~~] be translucent. [~~Spandrel glass or backpainted glass does not comply with this provision.~~]”

SECTION 13. That Paragraph (6), “Ground-Story Shopfront Windows,” of Subsection (c), “Single-Story Shopfront,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(6) **Ground-Story Shopfront Windows.** A minimum of 60 percent of the street-fronting, street-level window opening [~~pane surface area~~] must allow views into the ground-story use for a depth of at least four feet. If glass is installed, it is recommended that it [~~Windows must~~] be clear or unpainted, or, if treated, [~~must~~] be translucent. [~~Spandrel glass or backpainted glass does not comply with this provision.~~]”

SECTION 14. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 15. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 16. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 17. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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SECTION 18. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By Casey B. Myers
Assistant City Attorney

Passed AUG 12 2020



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL AUG 12 2020

ORDINANCE NUMBER 31607

DATE PUBLISHED AUG 15 2020

ATTESTED BY: