

Dra - 1987 DRAINAGE - CITY OF DALLAS -



09/23/07

ORDINANCE NO. 19686

An ordinance amending Division 51-5.100 of CHAPTER 51, "PART I OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the provisions of the Charter of the City of Dallas, and the state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding this amendment to Article IV, "Zoning Regulations," of CHAPTER 51, "PART I OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended; Now, Therefore,

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

SECTION 1. That Division 51-5.100, "Flood Plain Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations," of CHAPTER 51, "PART I OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended to read as follows:

"DIVISION 51-5.100  
FLOOD PLAIN REGULATIONS

SEC. 51-5.101. DEFINITIONS APPLICABLE TO THE FLOOD PLAIN REGULATIONS.

The following definitions are applicable to the flood plain regulations in this article:

(1) AREA OF SPECIAL FLOOD HAZARD means the land in the flood plain within a community that is subject to a one percent or greater chance of flooding in any given year. After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map, Zone A usually is refined into Zones A, AE, AH, AO, AI-99, VO, VI-30, VE or V.

(2) DESIGN FLOOD means the maximum recorded flood discharge or the hundred year frequency flood discharge, whichever results in the highest flood elevations. For the Dallas Floodway Levee System, the design flood, as calculated for fully developed watershed conditions by the Corps of Engineers, is the standard project flood.

(3) DEVELOPMENT means any man-made change in improved and unimproved real estate, including but not limited to construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(4) ENVIRONMENTALLY SIGNIFICANT AREA means an area in the flood plain:

(A) with slopes greater than three to one;

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

(C) with hardwood trees at least six inches in caliper.

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

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

(7) FLOOD INSURANCE STUDY means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, and the Flood Boundary-Floodway Map.

(8) FLOOD PLAIN means any land area susceptible to inundation by the design flood.

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(9) FLOOD PLAIN OR FP ADMINISTRATOR means the person, appointed by the director of public works and registered with the Federal Emergency Management Agency, who is responsible for administering the federal flood insurance program.

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

(11) (100) HUNDRED YEAR FREQUENCY FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year. The hundred year frequency flood in Dallas is based upon the drainage area being fully developed to current zoning limitations.

(12) LEVEE means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from flooding.

(13) LEVEE SYSTEM means a flood protection system which consists of a levee or levees and associated structures such as closure and drainage devices which are constructed and operated in accordance with sound engineering practices.

(14) LOWEST FLOOR means the lowest floor of the lowest enclosed area of a building (including its basement). An unfinished or flood resistant enclosure with the lowest opening elevation a minimum of three feet above the design flood elevation that is useable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor.

(15) MANUFACTURED HOME means a structure transportable in one or more sections, which is built on a permanent chassis and which is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" includes park trailers, travel trailers, and similar vehicles placed on a site for more than 180 consecutive days.

(16) (100) POOL-RIFFLE SEQUENCES are the alternating deep and shallow flow conditions caused by a moving, non-uniform channel grade.

(17) PRE-EXISTING MOBILE HOME PARK, COURT, OR SUBDIVISION means a mobile home park, court, or subdivision which was an existing development before March 16, 1983, the effective date of the City of Dallas Flood Insurance Rate Map.

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(18) [13] SEEPS are locations where natural groundwater makes its way in a non-continuous flow to the surface creating a wet soil condition.

(19) SPECIAL EXCEPTION means a grant of relief to a person that permits reconstruction in a manner otherwise prohibited by this division. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

(20) SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed value, as determined by the last official City tax roll, of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure for the sole purpose of complying with federal, state, or local health, sanitary, or safety code specifications or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(21) [14] SWALES are low lying areas in the flood plain that convey flood waters when flow exceeds channel capacity.

(22) WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, of floods of various magnitudes and frequencies in the flood plain.

#### SEC. 51-5.102. DESIGNATION OR REMOVAL OF FP AREAS.

(a) Initiation. A flood plain designation is not a zoning classification, but refers to a specific area subject to flooding. When this designation is noted by an "FP" prefix on the official zoning district map, the area designated is referred to in this article as an FP area. FP areas include the areas that have been identified as areas of special flood hazards by the Federal Emergency Management Agency [1/1/77] [1/1/77] in the [1/1/77] March 16, 1983 Flood Insurance study, as revised, for Dallas, Texas, and that have been officially designated as FP areas by the city council. The addition to or removal from the official zoning district map of an FP prefix may be initiated in the following ways:

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(1) The director of public works may recommend to the city council that an FP prefix be added to or removed from the official zoning district map based on continuing hydraulic and hydrologic engineering studies.

(2) (A) (i) An owner of property located within an FP area may apply for a fill permit and removal of the FP prefix by following the procedure outlined in Section 51-5.105.

(3) (A) (ii) The director of public works may cause an FP prefix for an area to be removed from the official zoning district map without a public hearing and without the approval of the city council if he determines, based on engineering studies or a field survey, that the area is not subject to flooding.

(B) The director may require core borings as part of his investigations under this subsection.

(C) To accomplish a removal under this subsection, the director of public works must notify the director of [planning and development] in writing that the FP prefix is to be removed from the official zoning district map. The written notification must contain a description of the property affected and the reasons why the FP prefix should be removed. The director of public works shall keep a copy of the notification in a permanent file and send a copy of the notification to the city secretary, who shall keep the copy in a permanent file. Upon receiving the copy, the city secretary shall give notice of the removal of the FP prefix in the official newspaper of the city.

(D) Removal of the FP prefix shall become effective immediately upon publication of the notice in the official newspaper.

(b) Public notice. At least 15 days before any public hearing held by the city council on the addition to or removal from the official zoning district map of a designated FP area, the city secretary shall give notice of the hearing in the official newspaper of the city.

(c) Notice to adjacent municipalities. At least 15 days before any public hearing held by the city council or any final decision made by the director of public works to add or remove an FP designation involving the alteration of a natural watercourse from the official zoning district map, the FP administrator shall notify any municipalities with property adjacent to the watercourse and in the area of the proposed FP addition or removal.

(d) City council action. After a public hearing, the city council shall determine, based on engineering studies, whether the FP prefix should be added to or removed from the official zoning district map and shall by ordinance add or remove the FP designation, or shall deny the request.

(e) Letter of map revision. A letter of map revision must be obtained from the Federal Emergency Management Agency before an FP prefix may be removed from the official zoning district map.

SEC. 51-5.103. COMPLIANCE IN UNDESIGNATED FLOOD PLAIN AREAS.

(a) A person shall comply with the requirements of this article for FP areas before developing land within the design flood line of a creek or stream having a contributing drainage area of 130 acres or more, even though the land has not been formally designated as an FP area.

(b) Alterations of the natural flood plain in areas with less than 130 acres must be approved by the director of public works for compliance with the Dallas Development Code and city drainage standards.

SEC. 51-5.103.1. VEGETATION ALTERATION IN FLOOD PLAIN PROHIBITED.

(a) A person commits an offense if he removes or injures any vegetation within a flood plain.

(b) It is a defense to prosecution under Subsection (a) if the act is:

(1) authorized in advance in writing by the director of public works;

(2) in conformance with a landscape plan approved by the director of public works;

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(3) routine maintenance of vegetation such as trimming or cutting designed to maintain the healthy or attractive growth of the vegetation; or

(4) routine maintenance of the flood plain to maintain the floodwater conveyance capacity of the flood plain performed, required, or authorized by the city.

SEC. 51-5.104. USES AND STRUCTURES PERMITTED.

(a) Uses permitted. To allow for the appropriate development of land which is subject to flooding without unduly endangering life and property, the following uses are permitted in an FP area provided they are permitted in the underlying zoning district and comply with the requirements of Section 51-5.105(g) and all applicable elevation requirements of the Federal Emergency Management Agency:

(1) F[ ]arm or ranch.[ ]

(2) L[ ]ocal utilities, electrical substation, detention basin, water reservoir or pumping station, and water treatment plant.[ ]

(3) S[ ]anitary landfill and refuse transfer station.[ ]

(4) P[ ]ublic park or playground, private recreation club or area, private community center, and golf course.[ ]

(5) O[ ]utside commercial amusement approved by a specific use permit.[ ]

(6) H[ ]ellistop approved by a specific use permit.[ ]

(7) R[ ]adio, television, or microwave tower, and amateur communications tower.

(b) Development permitted.

(1) A structure customarily associated with a use listed in Subsection (a) may be constructed within an FP area only if the director of public works determines that the proposed structure meets the same engineering requirements applicable to filling in Section 51-5.105(g) and issues a fill permit.

(2) The owner of a[ ] structure in an FP area shall not make any improvements



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to the structure without first obtaining approval from the director of public works (for any proposed additional improvements of the structure) and a determination that the proposed improvements are in the public interest. The director of public works may approve a one-time improvement that does not exceed 50 percent of the assessed value of improvements on the property. No substantial improvements (of the structure) shall be permitted. Any improvement must comply with the requirements of Section 51-5.105(g).

(3) The board of adjustment may grant a special exception to allow the reconstruction of a structure in an FP area upon a showing of good and sufficient cause, a determination that failure to allow the reconstruction would result in exceptional hardship to the property owner, and a determination that the reconstruction will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other local laws. The board may not grant a special exception to authorize reconstruction within any designated floodway if any increase in flood levels during the base flood discharge would result. Any special exception granted must be the minimum necessary, considering the flood hazard, to afford relief. The reconstruction of a structure in an FP area may not increase the lot coverage of the structure.

(A) The director of public works shall notify in writing the owner of a structure in an FP area that:

(i) the granting of a special exception to reconstruct the structure below the base flood level will result in increased premium rates for flood insurance that will be commensurate with the increased risk; and

(ii) the construction below the base flood level increases risks to life and property. The notification letter must be maintained with the record of the board's action.

(B) The FP Administrator shall maintain a record of all actions involving applications for special exceptions and shall report special exceptions to the Federal Emergency Management Agency upon request.

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(4) All parking spaces must be a minimum of two feet above the design flood elevation.

(5) Manufactured homes may not be placed in mobile home parks, courts, or subdivisions within flood plain areas unless all of the following requirements are met:

(A) The mobile home park, court, or subdivision where the manufactured home is to be placed must have been an existing development prior to March 16, 1983, the effective date of the City of Dallas Flood Insurance Rate Map.

(B) All manufactured homes to be placed within a flood plain area must be installed using methods and practices that minimize flood damage.

(C) The lowest floor of a manufactured home must be elevated one foot above the design flood elevation, and the home must be anchored to resist flotation, collapse, or lateral movement. An acceptable method of anchoring includes but is not limited to the use of over-the-top frame ties to ground anchors. Applicable state anchoring requirements for resisting wind forces must be met. A registered land surveyor shall submit a certification to the Director of Public Works that elevation requirements are satisfied.

(D) Enclosure of areas below the lowest floor of a manufactured home placed within an FP area must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect and must satisfy the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.

(ii) The bottom of all openings must be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) No manufactured home may be placed within a floodway.

(c) Construction standards. All improvements and construction permitted in an FP area must comply with the following requirements:

(1) Structures must be:

(A) designed and securely anchored to the foundation to prevent flotation and collapse during inundation; and

(B) designed to prevent damage to nonstructural elements during inundation.

(2) Thermal insulation used below the first floor level must be of a type that does not absorb water.

(3) Adhesives must have a bonding strength that is unaffected by inundation.

(4) Doors and all wood trim must be sealed with a water-proof paint or similar product.

(5) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities must be designed and located to prevent water from entering or accumulating in the components during conditions of flooding.

(6) Basements are permitted only if they are designed to preclude inundation by the 100-year flood level, either by:

(A) the elimination of exterior openings below the 100-year flood level; or

(B) the use of water-tight closures, such as bulkheads and flood shields. However, no basements are permitted in soils whose permeability meets or exceeds the minimum local standards of permeability established for the installation of individual sewage disposal systems.

(7) Plywood used at or below the first floor level must be of an "exterior" or "marine" grade and of a water-resistant or waterproof variety.

(8) Wood flooring used at or below the first floor level must be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

(9) Basement ceilings must be of sufficient wet strength and be so installed as to survive inundation.

(10) Paints or other finishes used at or below the first floor level must be capable of surviving inundation.

(11) All air ducts, large pipes and storage tanks located at or below the first floor level must be firmly anchored to prevent flotation.

(12) Tanks must be vented at a location above the 100-year flood level.

SEC. 51-5.105. FILLING IN THE FLOOD PLAIN.

(a) Permit required.

(1) A person shall not deposit or store fill, place a structure or excavate in an FP area until he has obtained from the director of public works a fill permit allowing the property to be developed at a specified elevation in compliance with this section, and he obtains all required state and federal permits.

(2) The director of public works shall maintain a record of all fill permits.

(b) Initiation. An applicant for a fill permit shall submit an application to the director of public works. The application must be on a form approved by the director, and must be signed by the owner of the property to be filled.

(c) Preapplication conference.

(1) An applicant for a fill permit shall request a preapplication conference with representatives from the department of public works.

(2) At the preapplication conference the director of public works shall determine what information is necessary for a complete evaluation of the proposed fill project, and may require the applicant to submit the necessary information, including, but not limited to the following:

(A) A ~~(A)~~ vicinity map [/]

(B) T ~~(B)~~ he acreage figures for the entire tract, the area located in the flood plain, and the area proposed to be filled [/]

(C) A ~~(C)~~ description of hydrologic and hydraulic analyses conducted [/]

plan\_[] (D) A[] landscape and erosion control

(E) A[] table of values for analysis of the [V][V][V][V] [V][V][V][V] engineering criteria listed in Subparagraphs (g)(2)(A), (D), and (D)[V][V][V][V][V][V][V][V] (V) []

(F) A[] water surface profile\_[]

(G) A[] plan view\_[]

(H) P[]lotted cross-sections\_[]

(I) A[]n overall map of the project area.

(d) Filling that does not remove an FP designation. The director of public works may issue a fill permit without city council action if he determines that:

- (1) the filling does not remove an FP designation; and
- (2) the filling complies with the engineering requirements for filling in Subsection (g).

(e) Filling to remove an FP designation.

(1) If the application is to remove an FP designation, the director of public works shall forward copies of the application to the director of planning and development and director of parks and recreation.

(2) If the director of public works determines that the application complies with all of the requirements of Subsection (g)[V][V], he shall recommend approval of the application; otherwise he shall recommend denial.

(3) The director of planning and development and the director of parks and recreation shall review the application and advise the director of public works of the environmental impacts of the project and determine whether the applicant's property is appropriate to be considered for public acquisition, based on ecological, scenic, and recreational value of the property.

(4) After notice and hearing in compliance with Section 51-5.102, the city council shall approve or deny the application for a fill permit. If the permit is approved, the city council shall by ordinance authorize the removal of the FP designation for the filled area upon compliance by the applicant with the specifications for filling.

(5) Upon compliance by the applicant, the director of public works shall inform the director of planning and development, and the director of planning and development shall remove the FP designation for the filled area from the official zoning district map.

(f) Filling operations. If the city council authorizes issuance of a fill permit by the director of public works and removal of the FP prefix from the official zoning district map, the filling operations must comply with the following standards.

(1) If the FP area is governed by a city council adopted management plan, filling operations and subsequent development must meet the standards outlined in that management plan.

(2) If the FP area is not governed by a city council adopted management plan, filling operations and subsequent development must meet the following standards:

(A) Any excavation required by the specifications of the approved application must be conducted before or at the same time as placing fill.

(B) Fill must be placed to at least two feet above the design flood line.

(C) The lowest floor of any structure must be constructed at least three feet above the design flood line.

(3) After filling operations have been completed, the applicant shall submit a certification to the director of public works that [§ 16-117] proper fill elevations and [§ 16-117] the specifications of the approved application have been followed. Upon compliance by the applicant, the director of public works shall inform the director of [§ 16-117] planning and development, and the director of [§ 16-117] planning and development shall remove the FP designation for the filled area from the official zoning district map.

(g) Engineering requirements for filling.

(1) If the FP area is governed by a city council adopted management plan, the director of public works shall determine whether the proposed fill project meets the engineering requirements outlined in that management plan.

(2) If the FP area is not governed by a city council adopted management plan, the director of public works shall determine whether the proposed fill project meets the following engineering requirements:

(A) Except for detention basins, alterations of the FP area may not increase the water surface elevation of the design flood of the creek upstream, downstream, or through the project area. Detention basins may increase the water surface elevation of the design flood provided the increase is within the detention basin's boundaries as approved by the director of public works.

(B) Alterations of the FP area may not create or increase an erosive water velocity on or off-site. The mean velocity of stream flow at the downstream end of the site after fill may not exceed the mean velocity of the stream flow under existing conditions.

(C) The effects of the existing or proposed public and private improvements will be used in determining water surface elevations and velocities.

(D) The FP area may be altered only to the extent permitted by equal conveyance reduction on both sides of the natural channel.

(E) An environmental impact study and a complete stream rehabilitation program must be approved prior to any relocation or alteration of the natural channel or alteration of an environmentally significant area. The net environmental impacts of the proposal may not be negative. The environmental impact study must contain the following items:

(i) A description of the existing conditions of the existing site, adjacent properties, upstream and downstream creek sections for approximately 1,000 feet (unless conditions require additional information in the opinion of the director of public works), and creek and overbank areas. The description of these conditions must include:

(aa) the characterization of creek features such as bed quality and material, pool-riffle sequences, natural ground water, springs, seeps, magnitude and continuity of flow, water quality (including biological oxygen demand, dissolved oxygen, and nutrient loadings), bank quality and material, vegetative cover and patterns, bank erosion, topographic relief, disturbances to the natural character of the creek, animal and aquatic life, and the extent and character of wetland areas; and

(bb) soil types and land uses of the site and surrounding area.

(ii) A description of the proposed project. This description must include:

(aa) the intended ultimate use of the site, or if that is not known, a description of the interim site plan, including construction access, etc;

(bb) reasons why the creek or flood plain alteration is necessary; and

(cc) a site plan including the flood plain and all construction access necessary to perform the work.

(iii) A description of at least three possible ways of handling the creek and flood plain, including:

(aa) an alternative that assumes the creek and flood plain are left as is;

(bb) the applicant's desired course of action; and

(cc) an alternative considered but not chosen by the applicant, and any additional alternatives required by the director of public works.

(iv) An identification of the impacts created by each alternative, describing in detail all of the positive and negative impacts upon the existing conditions described in Subparagraph (i), that would be created by each alternative.

(v) A recommended course of action based on the alternatives.

(vi) Proposed strategies to mitigate adverse impacts. Example strategies include tree wells, temporary construction and permanent erosion and sedimentation controls, vegetative buffers, replacement planting, etc.

(F) The toe of any fill slope must parallel the natural channel to prevent an unbalanced stream flow in the altered FP area.

(G) To insure maximum accessibility to the FP area for maintenance and other purposes and to lessen the probability of slope erosion during periods of high water, maximum slopes of the filled area shall not exceed three to one for 50 percent of the length of the fill and six to one for the remaining length of the fill. The slope of any excavated area not in rock may not exceed four to one. Vertical walls, terracing, and other slope treatments may be considered



provided no unbalancing of stream flow results and only as a part of a landscaping plan submission.

(II) The elevation of excavated areas in the FP area may not be lower than one-third of the depth of the natural channel, as measured from the adjacent bank, except for excavation of lakes. No excavation may be closer than 50 feet to the bank of the natural channel except as necessary to drain. The excavated area may not exceed 25 percent of the total area of the tract's unfilled flood plain.

(I) A landscape and erosion control plan must be submitted and approved. Landscaping must incorporate natural materials (earth, stone, wood) on cut and filled slopes wherever possible. The definitions of Section 51-10.101 of this chapter apply to this subsection. Each landscape and erosion control plan must comply with the following criteria:

(i) The size, type, and location of all trees within the existing flood plain that are six-inch caliper and larger must be shown. The plans must indicate which of the trees are to be preserved and which will be lost due to development activities in the flood plain.

(ii) All trees greater than six-inch caliper in sloped areas of flood plain fill of four feet or less must be protected. If trees are protected by tree wells, the well must be at or beyond the dripline of the tree and must provide positive drainage. A well may not exceed four feet in depth unless designed and certified by a registered landscape architect. Tree wells are required if either of the following conditions occur at the base of a tree to be protected:

(aa) a fill of greater than six inches; or

(bb) a cut greater than six inches.

(iii) The size, type, and location of all proposed replacement trees to mitigate the loss of existing trees must be shown. The tree types must be approved by the department of park and recreation as suitable for use under local climate and soil conditions.

(iv) Where a swale is proposed, of the existing trees with a six-inch caliper or greater located within the proposed swale, the applicant must indicate replacement of either 35 percent, or the minimum number necessary to provide a spacing equivalent to 50 feet on center, whichever is less. At least 50 percent of the replacement

trees must have a caliper no smaller than six inches. The remainder of the trees must have a caliper no smaller than three inches.

(v) The specific plant materials proposed to protect fill and excavated slopes must be indicated. Plant materials must be suitable for use under local climate and soil conditions. In general, hydroseeding or sodding bermuda grass is acceptable during the summer months (May 1 to August 30). Winter rye or fescue grass may be planted during times other than the summer months as a temporary measure until such time as the permanent planting can be made.

(vi) The proposed methods of erosion and sedimentation control such as hay bales, sedimentation basins, etc., to be used during construction must be shown in detail.

(vii) The fill case applicant, the current owners, and subsequent owners are responsible for maintaining and assuring survival of all planted material until the property is developed and a permanent maintenance plan of record is established. This responsibility must be reflected in the submitted plans or supporting documents.

(J) Any alteration of the FP area necessary to obtain removal of an FP prefix may not cause any additional expense in any current or projected public improvements.

(3) IF the FP area is in the flood plain of the Trinity River, Elm Fork of Trinity River, West Fork of Trinity River, Five Mile Creek - Confluence to Bonnie View Road, or White Rock Creek - Confluence to Scyene Road, the regulatory floodways established by the Federal Emergency Management Agency, the following requirements must be met:

(A) Encroachment into the floodway is prohibited unless:

(i) a professional registered engineer certifies that encroachment will not result in any increase in the design flood elevation; and

(ii) the Federal Emergency Management Agency issues a conditional letter of Map Revision.

(B) Compliance with the engineering requirements for filling contained in this section is required.

(C) Encroachment must not result in any increase in the elevation of the design flood within the Dallas Floodway Levee System.

SEC. 51-5.106. SETBACK FROM NATURAL CHANNEL REQUIRED.

(a) For purposes of this section:

(1) NATURAL CHANNEL SETBACK LINE means that setback line described below located farther beyond the crest:

(A) That line formed by the intersection of the surface of the land and the vertical plane located a horizontal distance of 20 feet beyond the crest.

(B) That line formed by the intersection of the surface of the land beyond the crest and a plane passing through the toe and extending upward and outward from the channel at the designated slope. For purposes of this paragraph, the designated slope is:

(i) four to one if the channel contains clay or shale soil; and

(ii) three to one in all other cases.

(2) CREST means that line at the top of the bank where the slope becomes less than four to one.

(3) TOE means that line at the bottom of the bank where the slope becomes less than four to one.

(b) Except as otherwise provided in Subsection (c), all structures must be located behind the natural channel setback line.

(c) A structurally engineered retention system approved by the director of public works may be substituted for the setback required in Subsection (b)."

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

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

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

SECTION 5. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

ANALESLIE MUNCY, City Attorney

By

*Synthia Hilde Steiner*  
Assistant City Attorney

Passed and correctly enrolled

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(A) That line formed by the intersection of the surface of the land and the vertical plane located a horizontal distance of 20 feet beyond the crest.

(B) That line formed by the intersection of the surface of the land beyond the crest and a plane passing through the toe and extending upward and outward from the channel at the designated slope. For purposes of this paragraph, the designated slope is:

(i) four to one if the channel contains clay or shale soil; and

(ii) three to one in all other cases.

(2) CREST means that line at the top of the bank where the slope becomes less than four to one.

(3) TOE means that line at the bottom of the bank where the slope becomes less than four to one.

(b) Except as otherwise provided in Subsection (c), all structures must be located behind the natural channel setback line.

(c) A structurally engineered retention system approved by the director of public works may be substituted for the setback required in Subsection (b). (Ord. 19786)

#### Division 51A-5.200.

#### Escarpment Regulations

#### SEC. 51A-5.201. DEFINITIONS.

In this division, unless the context clearly indicates otherwise:

(1) CHALK ZONE means the lower chalk member of the Austin chalk formation overlying the Eagle Ford shale formation. The chalk zone consists primarily of a chalk limestone with minor seams of shale and bentonite clays.

(2) CREST means that line above the escarpment line where the slope becomes less than 4:1.

(3) DIRECTOR means the director of public works or his designated representative.

(4) ESCARPMENT AREA REVIEW COMMITTEE means the committee described in Section 51A-5.209 of this chapter.

(5) ESCARPMENT FACE means that portion of the escarpment zone between the crest and the toe.

(6) ESCARPMENT LINE means that line formed by the intersection of the plane of the stratigraphic contact between the Austin chalk and the Eagle Ford shale formations and the surface of the land.

(7) ESCARPMENT ZONE means that corridor of real property south of Interstate Highway 30 between the following described vertical planes:

(A) On the crest side of the escarpment line and measuring horizontally from that line, the vertical plane that is 125 feet from that line, or 35 feet beyond the crest, whichever is farther from that line.

(B) On the toe side of the escarpment line and measuring horizontally from that line, the vertical plane that is 85 feet from that line, or 10 feet beyond the toe, whichever is farther from that line.

(8) FACTOR OF SAFETY means a combination of factors which, when considered together, indicates whether the slope is stable at a slip surface location. The factor of safety (Fs) is determined using the equation:

$$Fs = \frac{C_r L + N \tan \phi}{T}$$

when  $C_r$  is the residual cohesive strength,  $L$  is the length of the slip surface,  $N$  is the total normal force acting perpendicularly to the slip surface,  $\tan \phi$  is tangent, or is the residual angle of the internal friction, and  $T$  is the total driving force tending to cause the slope failure.

(9) GEOLOGICALLY SIMILAR AREAS means:

(A) areas adjacent to and similar to the escarpment zone by virtue of their slopes, soils, and geology; and

(B) the drainage basins containing the escarpment zone, excluding those portions of the basins which are:

(i) downstream from the areas described in Subparagraph (A) above; or

(ii) north of Interstate Highway 30.

(10) GRADING means excavation or filling or any combination thereof.

(11) REGISTERED PROFESSIONAL ENGINEER means a person who is duly licensed and registered to engage in the practice of engineering in the State of Texas in accordance with state law.

(12) SHALE ZONE means the Arcadia Park/Kamp Ranch members of the Eagle Ford shale formation which lie below the Austin chalk formation. The shale zone consists primarily of clays and shale with minor layers of limestone or sand.

(13) SLOPE, 4:1 means a slope with an angle described by four feet horizontal to one foot vertical.

(14) TOE means that line below the escarpment line where the slope becomes less than 4:1. (Ord. 19455)

SEC. 51A-5.202. DEVELOPMENT IN ESCARPMENT ZONE PROHIBITED.

(a) A person commits an offense if, within the escarpment zone, he:

(1) removes or injures any tree or vegetation; or

(2) alters the physical condition of the land in any way. Examples of alterations to the physical condition of the land include, but are not limited to dumping, excavation, storage, and filling.

(b) It is a defense to prosecution under Subsection (a) that the act was:

(1) the construction of a public improvement authorized by the city and performed in accordance with the requirements of this division; or

(2) the modification of a single family or duplex structure existing on the date of passage of this ordinance, and the modification did not:

(A) change the use of the structure;

(B) cause the size of the structure to exceed by 50 percent or more the size of the structure as it existed on the date of passage of this ordinance; or

(C) cause the market value of the structure to exceed by 50 percent or more the market value of the structure as it existed on the date of passage of this ordinance.

(c) The construction of public improvements in the escarpment zone requires an escarpment permit. The performance standards for development in a geologically similar area apply to the construction of public improvements in the escarpment zone. (Ord. 19455)

SEC. 51A-5.203. PERMIT REQUIRED FOR DEVELOPMENT IN GEOLOGICALLY SIMILAR AREAS.

(a) A person commits an offense if, in a geologically similar area and without first obtaining an escarpment permit from the city expressly authorizing the act, he:

(1) removes or injures any trees or vegetation; or

(2) alters the physical condition of the land in any way. Examples of alterations to the physical condition of the land include, but are not limited to dumping, excavation, storage, and filling.

(b) It is a defense to prosecution under Subsection (a) that the act was the modification of a single family or duplex structure existing on the date of passage of this ordinance, and the modification did not:

(1) change the use of the structure;

(2) cause the size of the structure to exceed by 50 percent or more the size of the structure as it existed on the date of passage of this ordinance; or

(3) cause the market value of the structure to exceed by 50 percent or more the market value of the structure as it existed on the date of passage of this ordinance. (Ord. 19455)



SEC. 51A-5.204. ESCARPMENT PERMIT APPLICATION AND REVIEW.

(a) An applicant for an escarpment permit shall request a preapplication conference with the escarpment area review committee. The purpose of the conference is to determine what information must be submitted with the permit application to allow a complete evaluation of the proposed project. After the conference, the committee shall advise the director of its findings and recommendations.

(b) After the preapplication conference, the applicant shall submit an application for an escarpment permit to the director. The application must be on a form approved by the director and be signed by the owner of the property. Except as otherwise provided in this division, the following items must be provided as part of the application:

- (1) The name and address of:
  - (A) the owner(s) of the property; and
  - (B) the person(s) who prepared the plans and drawings submitted.
- (2) A general vicinity map of the proposed development site.
- (3) A one inch = 100 feet scale site plan showing details of the terrain and area drainage. This site plan must be a contour map with two-foot contour intervals.
- (4) A one inch = 50 feet scale cross section and plan view of any proposed structures.
- (5) Results of the slope stability analysis required under Section 51A-5.205.
- (6) The soil erosion control plan required under Section 51A-5.206.
- (7) The grading plan required under Section 51A-5.207.
- (8) The vegetation plan required under Section 51A-5.208.

(9) Financial assurance in the form of a letter of credit, a performance bond, or other instrument payable to the city of Dallas for all improvements related to the required soil erosion control, grading, and vegetation plans to insure that funds are available to the city to implement those plans if the developer fails to implement them.

(10) A performance and maintenance bond for each three-way contract for the construction of public infrastructure improvements.

(11) One inch = 100 feet scale transparent overlay drawings of the required soil erosion control, grading, and vegetation plans such that a composite map can be created by combining the overlay drawings and the site plan required under Subsection (b)(3).

(12) Cost estimates and timetables for implementation and completion of work specified in the required soil erosion control, grading, and vegetation plans.

(13) Any other information that the director determines to be necessary to allow for a complete evaluation of the proposed project.

(c) If the director determines that one or more of the items listed in Subsection (b) is not necessary to allow for a complete review of the proposed project, he shall waive the requirement that the item or items be provided.

(d) All plans, drawings, and specifications submitted as part of an application for an escarpment permit must comply with the requirements of this chapter and all applicable ordinances, rules, and regulations of the city of Dallas.

(e) Upon submission by the applicant of a complete application for an escarpment permit, the director shall forward copies of all materials submitted to the escarpment area review committee for consideration. Upon review of all materials submitted, the committee shall furnish the director a written report containing its recommendations and comments concerning the proposed project. The director shall consider the committee's report before making a decision to grant or deny the escarpment permit.

(f) If the application and other materials submitted show that the proposed project complies with the requirements of this chapter and all applicable ordinances, rules, and regulations of the city of Dallas, the director shall issue an escarpment permit and forward the application to the building official for further action. Otherwise, the director shall deny the escarpment permit.

(g) The building official shall not issue a building permit for any project for which an escarpment permit is required unless the director has first issued an escarpment permit authorizing the work.

(h) The director may not authorize any disturbance of the land for development purposes until both the required soil erosion control and grading plans have been submitted and approved. After the approval of both of these plans, the director may issue a limited permit to authorize clearing and grubbing.

(i) A decision made by the director to grant or deny an escarpment permit may be appealed to the board of adjustment in the same manner that appeals are made from decisions of the building official.

(j) An inspector from the department of public works shall monitor all development for which an escarpment permit is required to insure compliance with the approved plans, the requirements of this chapter, and all applicable ordinances, rules, and regulations of the city of Dallas. (Ord. 19455)

#### SEC. 51A-5.205. SLOPE STABILITY ANALYSIS.

(a) For all proposed development within a geologically similar area, field and laboratory tests must be performed on samples taken from representative locations within the development site to ascertain the existing geotechnical conditions.

(b) A slope stability analysis must be performed for each new structure to be erected within a geologically similar area. No structure may be erected where the slope stability factor of safety is less than 1.5.

(c) Except for items that are expressly waived by the director, the slope stability analysis data submitted must include the following:

- (1) A description of the boring location(s).
- (2) Drillers logs of borings delineating the stratigraphy of the soil and bedrock.
- (3) The locations and methods used to determine groundwater conditions and elevations.
- (4) A table of field and laboratory engineering tests including, but not limited to shear strength tests, atterberg limits, and shrink/swell tests.
- (5) Calculations for the slope stability analysis, including the criteria and parameters used, indicating the slope and location of slip surfaces and corresponding factors of safety.

(d) All analyses, designs, tests, and calculations for new development within a geologically similar area must be certified by a registered professional engineer. A registered professional engineer must also certify that structural foundations for all new development are designed to meet the requirements of the building code and all other applicable codes. (Ord. 19455)

#### SEC. 51A-5.206. SOIL EROSION CONTROL PLAN.

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

- (1) show the type of soil cover as mapped by the Soil Conservation Service and confirmed by representative field tests and samples;
- (2) indicate the susceptibility to erosion of the mapped soils as confirmed by representative field tests and samples;
- (3) show the location of existing and proposed development;

(4) include a timing schedule indicating starting and completion dates of the development activities sequence and the time of exposure of each area prior to completion of control measures;

(5) contain a complete description of all measures to be taken to prevent or control erosion and sedimentation of soils during and after construction;

(6) comply with local soil conservation standards and specifications; and

(7) be certified by a registered professional engineer.

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

(1) Development must be fitted to the topography and soils to minimize cut and fill sections.

(2) Grading is not permitted within the 100 year flood plain boundaries of watercourses unless it is:

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

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

(3) Indigenous vegetation must be retained and protected except in immediate areas of 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 director of parks and recreation approves an alternative variety as being less susceptible to disease or better suited for urban development.

(4) Development must be accomplished in a manner which assures that as small an area as possible is exposed to erosion at any one time. When land is exposed during development, the exposure must be kept to the shortest practical period of time not to exceed six months. In extraordinary cases, an extension of the six month time period may be granted in writing by the director. In such cases the director shall seek and consider the recommendation of the escarpment area review committee before making his decision.

(5) Sediment basins or other installations approved by the director must be installed and maintained to remove sediment from runoff waters accumulating on land undergoing development. These installations should be returned to natural conditions upon the substantial completion of improvements or when the director determines that the installations are no longer needed. In any event, the owner shall cause these installations to be returned to natural conditions within 90 days after written notice to do so is given by the director.

(6) Runoff caused by changed soil and surface conditions during and after development, both above and below the escarpment zone, must be controlled on each development site within approved drainage facilities so that the runoff leaving the site is maintained at or below predevelopment rates. Site-specific erosion control is required below the escarpment zone where the erosion control plan shows detrimental erosion caused by runoff velocities.

(7) Stormwater drainage may not be discharged over the escarpment face at eroding velocities as those velocities are defined in the soil evaluation reports. In no event may the discharge exceed a velocity greater than three feet per second. Stormwater drainage discharge must comply with Section 51A-5.207 of this division.

(8) Temporary vegetation and mulching must be used to protect areas exposed during development. Permanent vegetation must be established on disturbed areas following development in accordance with the vegetation plan required under Section 51A-5.208 of this division.

(9) Channel velocities may not exceed five feet per second, except that velocities higher than five feet per second may be maintained at up to predevelopment rates in the escarpment and chalk zones if the developer establishes to the satisfaction of 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. 19455)

## 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 the 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. 19455)

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 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 director of parks and recreation 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. 19455)



## 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 departmental 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 city departments of public works, planning and development, parks and recreation, and water utilities. Members of the committee shall be appointed by the directors of the departments they represent. At least one representative from each listed city department 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. 19455)

## ARTICLE VI

### ENVIRONMENTAL PERFORMANCE STANDARDS

#### SEC. 51A-6.101. DEFINITIONS APPLICABLE TO THE ENVIRONMENTAL PERFORMANCE STANDARDS.

The following definitions are applicable to the environmental performance standards in this article:

(1) A-WEIGHTED SOUND LEVEL means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

(2) BACKGROUND NOISE means noise from all sources other than that under specific consideration including traffic operating on public thoroughfares.

CITY OF DALLAS  
STANDARDS  
FOR  
DETENTION BASIN DESIGN  
FEBRUARY, 1987

DEFINITION:

A basin designed to temporarily detain stormwater runoff and control stormwater runoff rates.

PURPOSE:

Maintain existing or allow for a permitted peak stormwater runoff rate.

CONDITIONS WHERE PRACTICE APPLIES:

These basins can be used to provide detention required (1) by City ordinance (e.g. Escarpment Regulations), (2) due to inadequate downstream storm drainage facilities, (3) due to increased zoning resulting in a significant increase in runoff, or (4) by downstream Cities with detention requirements.

DESIGN CRITERIA:

Design Frequency - The 100-year frequency event is to be used in determining required detention volume. In addition to this the outflow structure will be designed to provide detention for more frequent events to ensure that peak rates are not increased for these more frequent events increasing erosion and flooding problems. The outflow structure will be designed to provide detention for a 5-year frequency event in addition to the 100-year to accomplish this requirement.

Outflow Velocity - The outflow structure will discharge flows at a non erosive rate. This rate is specified as 3 fps for areas above the Escarpment Zone and 5 fps for Geologically Similar Areas below the Escarpment Zone. In areas not regulated by the Escarpment Regulations the allowed velocity is specified in the "Design Manual for Storm Drainage Facilities",

Detention Storage - Basins with drainage areas greater than 130 acres are to be designed using the Unit Hydrograph Method to determine the critical duration. This is the duration for the design frequency requiring the greatest detention storage volume. The design hydrograph routings through the detention basin are to be done using the Modified Puls Method.

Basins with drainage areas of 130 acres or less can be designed using the Modified Rational Method (Example in Appendix) This method estimates peak rates using the Rational Equation and storage requirements using inflow minus outflow hydrograph volume at the time of peak outflow.

Freeboard and Emergency Spillway - Where earth embankments are used to temporarily impound the required detention, the top of the embankment will be a minimum of 2.0 feet above the maximum 100-year pool level. In addition an emergency spillway or overflow area will be provided at the maximum 100-year pool level to ensure that the 500-year frequency event does not overtop the embankment.

For detention basins with drainage areas of 130 acres or less, Figure 1 can be used to estimate the required capacity for the emergency spillway. If the emergency spillway capacity is to be provided over the embankment it will have to be structurally designed to prevent erosion and consequent loss of structural integrity. If the capacity is to be provided in a vegetated earth spillway separate from the embankment, the required width for a trapezoidal spillway with a control section can be estimated by the equation:

$$*Bw = \frac{0.36Q}{D^{3/2}} - 0.7ZD$$

where

- Bw = bottom width
- Q = emergency spillway capacity (c.f.s.)
- D = design depth above spillway crest (ft.)
- Z = side slope i.e. horizontal distance to 1 foot vertical

The minimum width for this type of spillway is 4.0 feet.

Earth Embankment Design - The steepest side slope permitted for a vegetated earth embankment is 4:1 and 2:1 for a rock dam. The minimum crown width is as follows:

<u>Total Height of Embankment (feet)</u>	<u>Minimum Crown Width (feet)</u>
14 or less	8
15 - 19	10
20 - 24	12
25 - 34	14

Outflow Structure - Where the outflow structure conveys flow through the embankment in a conduit; the conduit will be reinforced concrete designed to support the external loads with an adequate factor of safety. It is to withstand the internal hydraulic pressures without leakage under full external load or settlement. It must convey water at the design velocity without damage to the interior surface of the conduit.

Basin Grading - Detention basins to be excavated must provide positive drainage with a minimum grade of 0.3%. The steepest side slope permitted for an excavated slope not in rock is 4:1.

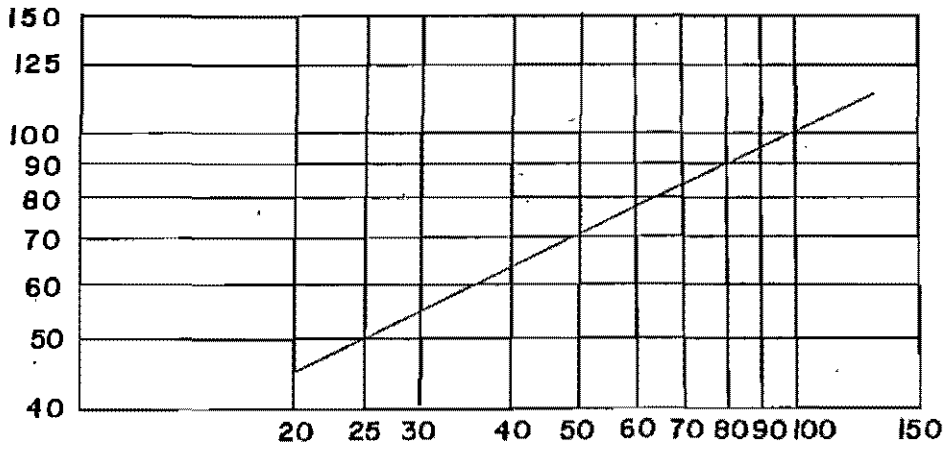
\*USDA, SCS, Dimensions For Farm Pond Sillways Where No Exit Channel is Required

Earth Embankment Specifications - Earth embankments used to temporarily impound required detention volume must be constructed according to specifications for fill. These specifications at a minimum should be adequate for levee embankments and based on COG "Standard Specifications for Public Works Construction" for embankment, topsoil, sodding, and seeding. Where permanent impoundment is to be provided, more stringent specifications are required based on a geotechnical investigation for the site.

Maintenance Provisions - Access must be provided for in detention basin design for periodic desilting and debris removal. Basins with permanent storage must include dewatering facilities to provide for maintenance. Detention basins with a drainage area of 320 acres or more must include a desilting basin in the upstream pool area,

Fencing - Security fencing with a minimum height of 4 feet shall encompass the basin area when required due to potential safety hazards created by prolonged storage of floodwaters. Design shall be such as not to restrict the inflow or outfall of the basin. Adequate access for maintenance equipment shall be provided. In basins to be used for recreation areas during dry periods, pedestrian access may be provided with approval by Public Works.

SPILLWAY CAPACITY ( cfs )



DRAINAGE AREA (ACRES)

MINIMUM EMERGENCY SPILLWAY CAPACITY-cfs

FIGURE 1

**APPENDIX A  
MODIFIED RATIONAL METHOD  
DETENTION BASIN DESIGN  
EXAMPLE**

**GIVEN:** A 10 acre site currently agricultural use is to be developed for townhouses. The entire area is the drainage area of the proposed detention basin.

**DETERMINE:** Maximum release rate and required detention storage.

**SOLUTION:**

1. Determine 100-year peak runoff rate prior to site development. This is the maximum release rate from site after development.

NOTE: Where a basin is being designed to provide detention for both its drainage area and a by-pass area; the maximum release rate is equal to the peak runoff rate prior to site development for the total of the areas minus the peak runoff rate after development for the by-pass area. This rate for the by-pass area will vary with the duration being considered.

2. Determine inflow Hydrograph for Storms of various durations in order to determine maximum volume required with release rate determined in step 1.

NOTE: Incrementally increase durations by 10 minutes to determine maximum required volume. The duration with a peak inflow less than maximum release rate or where required storage is less than storage for the prior duration is the last increment.

**Step 1.**

Present Conditions

$$Q=CiA$$

$$C = .30$$

$$T_c = 20 \text{ min.}$$

$$i_{100} = 7.0 \text{ in./hr.}$$

$$Q_{100} = .30 (7.0) 10 = 21.0 \text{ cfs (Maximum release rate)}$$

**Step 2.**

Future Conditions (Townhouses)

$$C = .80$$

$$T_c = 15 \text{ min.}$$

$$i_{100} = 7.7 \text{ in./hr.}$$

$$Q_{100} = .80 (7.7) 10 = 61.6 \text{ cfs}$$

Check various duration storms

20 min.	$i = 7.0$	$Q = .80 (7.0) 10 = 56.0 \text{ cfs}$
30 min.	$i = 5.8$	$Q = .80 (5.8) 10 = 46.4 \text{ cfs}$
40 min.	$i = 5.0$	$Q = .80 (5.0) 10 = 40.0 \text{ cfs}$
50 min.	$i = 4.4$	$Q = .80 (4.4) 10 = 35.2 \text{ cfs}$
60 min.	$i = 4.0$	$Q = .80 (4.0) 10 = 32.0 \text{ cfs}$
70 min.	$i = 3.7$	$Q = .80 (3.7) 10 = 29.6 \text{ cfs}$
80 min.	$i = 3.4$	$Q = .80 (3.4) 10 = 27.2 \text{ cfs}$
90 min.	$i = 3.1$	$Q = .80 (3.1) 10 = 24.8 \text{ cfs}$

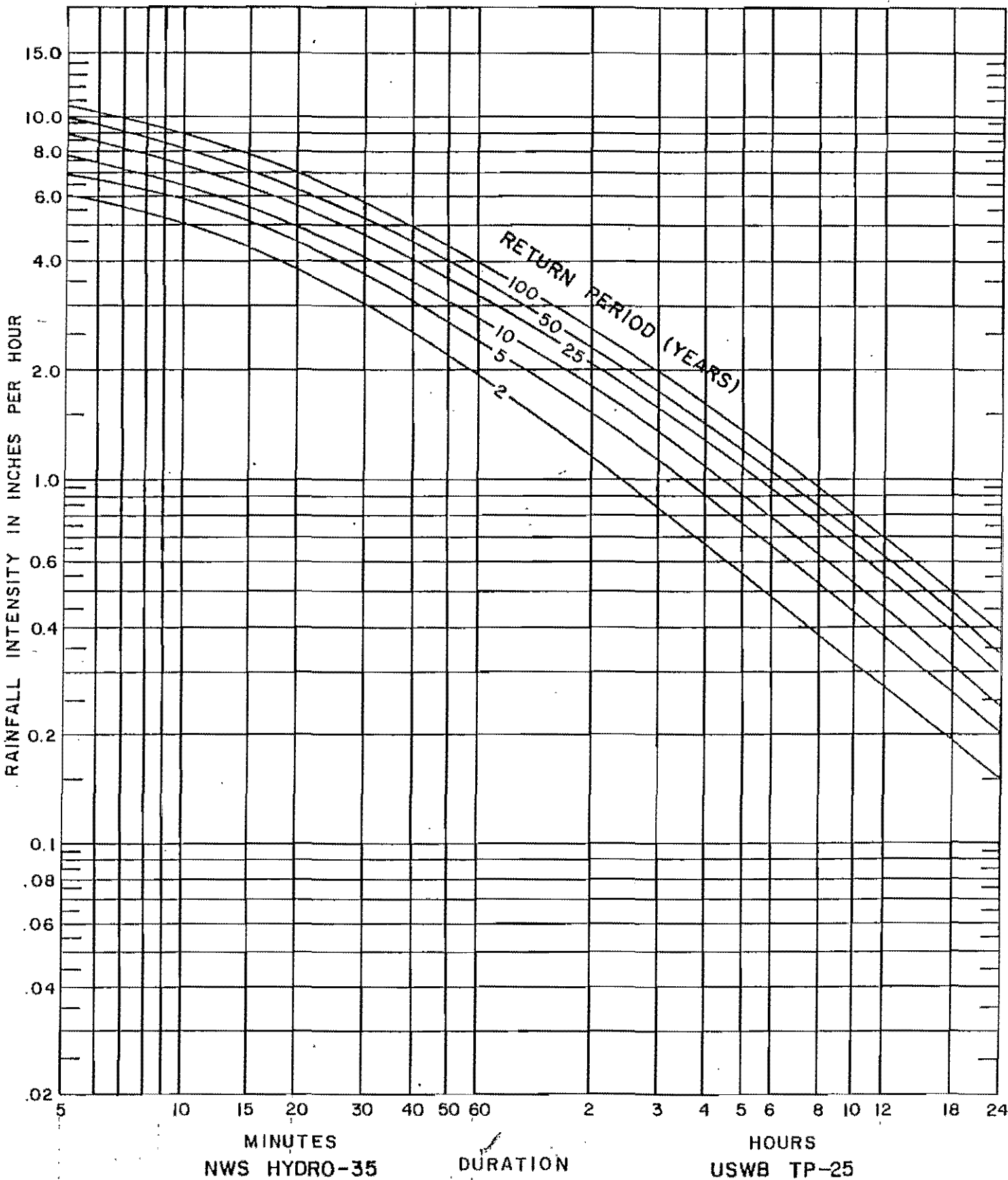
Maximum Storage Volume is determined by deducting the volume of runoff released during the time of inflow from the total inflow for each storm duration.

15 min. Storm	Inflow 15 (61.6) 60 sec/min	= 55,440 cf
	Outflow (0.5) 30 (21.0) 60 sec/min	= 18,900 cf
	Storage	<u>36,540 cf</u>
20 min. Storm	Inflow 20 (56.0) 60 sec/min	= 67,200 cf
	Outflow (0.5) 35 (21.0) 60 sec/min	= 22,050 cf
	Storage	<u>45,150 cf</u>
30 min. Storm	Inflow 30 (46.4) 60 sec/min	= 83,520 cf
	Outflow (0.5) 45 (21.0) 60 sec/min	= 28,350 cf
	Storage	<u>55,170 cf</u>
40 min. Storm	Inflow 40 (40.0) 60 sec/min	= 96,000 cf
	Outflow (0.5) 55 (21.0) 60 sec/min	= 34,650 cf
	Storage	<u>61,350 cf</u>
50 min. Storm	Inflow 50 (35.2) 60 sec/min	= 105,600 cf
	Outflow (0.5) 65 (21.0) 60 sec/min	= 40,950 cf
	Storage	<u>64,650 cf</u>
60 min. Storm	Inflow 60 (32.0) 60 sec/min	= 115,200 cf
	Outflow (0.5) 75 (21.0) 60 sec/min	= 47,250 cf
	Storage	<u>67,950 cf</u>
70 min. Storm	Inflow 70 (29.6) 60 sec/min	= 124,320 cf
	Outflow (0.5) 85 (21.0) 60 sec/min	= 53,550 cf
	Storage	<u>70,770 cf</u>
80 min. Storm	Inflow 80 (27.2) 60 sec/min	= 130,560 cf
	Outflow (0.5) 95 (21.0) 60 sec/min	= 59,850 cf
	Storage	<u>70,710 cf</u>
90 min. Storm	Inflow 90 (24.8) 60 sec/min	= 133,920 cf
	Outflow (0.5) 105 (21.0) 60 sec/min	= 66,150 cf
	Storage	<u>67,770 cf</u>

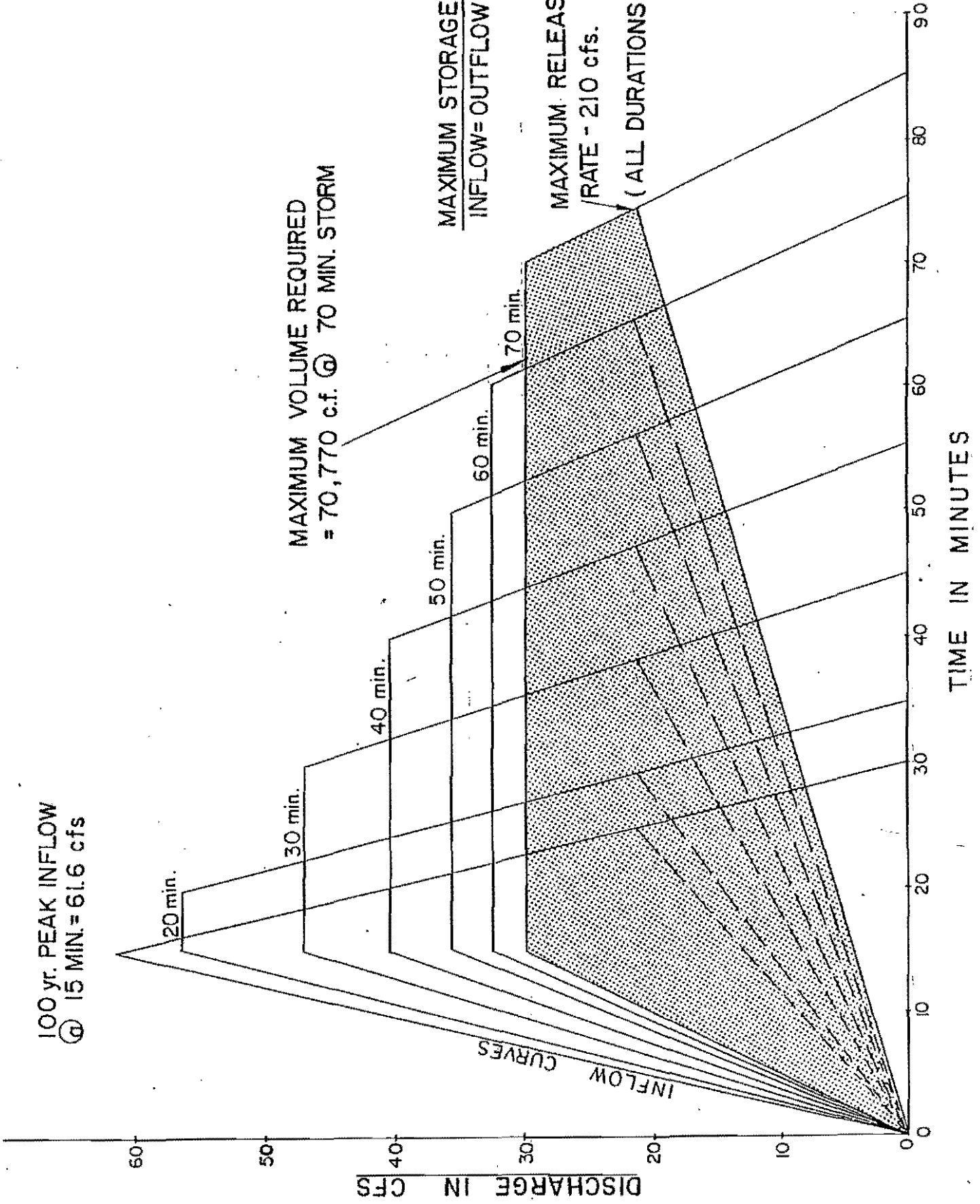
Maximum volume required is 70,770 cfs at the 70 min. Storm duration.



# RAINFALL INTENSITY — DURATION — FREQUENCY CURVES



100 yr. PEAK INFLOW  
@ 15 MIN. = 61.6 cfs



DETENTION AREA EASEMENT

THIS PLAT IS APPROVED BY THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF DALLAS AND ACCEPTED BY THE OWNER, SUBJECT TO THE FOLLOWING CONDITIONS WHICH SHALL BE BINDING UPON THE OWNER, HIS HEIRS, GRANTEEES, SUCCESSORS, AND ASSIGNS:

THE PROPOSED DETENTION AREA(S) ALONG BLOCK \_\_\_\_\_ WITHIN THE LIMITS OF THIS ADDITION, WILL REMAIN AS DETENTION AREAS TO THE LINE AND GRADE SHOWN ON THE PLANS AT ALL TIMES AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO THE DETENTION AREAS IN BLOCK \_\_\_\_\_. THE CITY OF DALLAS WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF SAID DETENTION AREAS OR FOR ANY DAMAGE OR INJURY TO PRIVATE PROPERTY OR PERSON THAT RESULTS FROM THE FLOW OF WATER ALONG, INTO OR OUT OF SAID DETENTION AREAS, OR FOR THE CONTROL OF EROSION.

NO OBSTRUCTION TO THE NATURAL FLOW OF STORM WATER RUN-OFF SHALL BE PERMITTED BY FILLING OR BY CONSTRUCTION OF ANY TYPE OF DAM, BUILDING, BRIDGE, FENCE, WALKWAY OR ANY OTHER STRUCTURE WITHIN THE DESIGNATED DETENTION AREAS, AS HEREINAFTER DEFINED IN BLOCK \_\_\_\_\_, UNLESS APPROVED BY THE DIRECTOR OF PUBLIC WORKS. PROVIDED, HOWEVER, IT IS UNDERSTOOD THAT IN THE EVENT IT BECOMES NECESSARY FOR THE CITY OF DALLAS TO ERECT ANY TYPE OF DRAINAGE STRUCTURE IN ORDER TO IMPROVE THE STORM DRAINAGE THAT MAY BE OCCASIONED BY THE STREETS AND ALLEYS IN OR ADJACENT TO THE SUBDIVISION, THEN IN SUCH EVENT, THE CITY OF DALLAS SHALL HAVE THE RIGHT TO ENTER UPON THE DETENTION AREAS AT ANY POINT, OR POINTS TO ERECT, CONSTRUCT AND MAINTAIN ANY DRAINAGE FACILITY DEEMED NECESSARY FOR DRAINAGE PURPOSES. EACH PROPERTY OWNER SHALL KEEP THE DETENTION AREAS TRAVERSED OR ADJACENT TO HIS PROPERTY CLEAN AND FREE OF DEBRIS, SILT, AND ANY SUBSTANCE WHICH WOULD RESULT IN UNSANITARY CONDITIONS OR BLOCKAGE OF THE DRAINAGE. THE CITY OF DALLAS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF INSPECTION AND SUPERVISION OF MAINTENANCE WORK BY THE PROPERTY OWNER, OR TO ALLEVIATE ANY UNDESIRABLE CONDITIONS WHICH MAY OCCUR.

THE DETENTION AREAS IN BLOCK \_\_\_\_\_, AS IN THE CASE OF ALL DETENTION AREAS ARE SUBJECT TO STORM WATER OVERFLOW TO AN EXTENT WHICH CANNOT BE CLEARLY DEFINED. THE CITY OF DALLAS SHALL NOT BE HELD LIABLE FOR ANY DAMAGES OF ANY NATURE RESULTING FROM THE OCCURRENCE OF THESE NATURAL PHENOMENA, NOR RESULTING FROM THE FAILURE OF ANY STRUCTURE OR STRUCTURES, WITHIN THE DETENTION AREAS OR THE SUBDIVISION STORM DRAINAGE SYSTEM.

THE DETENTION AREAS SERVING THE PLAT ARE SHOWN BY THE DETENTION AREA EASEMENT LINE AS SHOWN ON THE PLAT.

Ramon F. Miguez, Director of Public Works

# PLAT REGULATIONS

ARTICLE VIII  
OF CHAPTER 51 AND 51A, DALLAS DEVELOPMENT CODE

**ORDINANCE NUMBER: 20092**

Adopted by  
CITY PLAN COMMISSION  
September 22, 1988

Adopted by  
CITY COUNCIL  
October 12, 1988

## FOREWORD

The City of Dallas is committed to the development of its communities and assisting property owners through the development process, more specifically the platting process.

It is the intention of the City of Dallas to provide rules and regulations which will govern platting and the subdivision of land within Dallas' jurisdiction, and to promote the health, safety, morals, and to general welfare of the City and safe, orderly, and healthful development of the City.

This document brings together all existing relevant requirements (rules, regulations, departmental policies and practices, and City Council policies) which have been developed based upon the needs of the City and the development community, for the preparation and processing of a plat in the City of Dallas.

With the assistance of the development industry, Save Open Space, Citizens for Responsible Growth, and the Oak Cliff Chamber of Commerce, the Plat Regulations represents a truly combined effort to produce a document to inform and guide the development community through the platting process. Because of the commitment of these groups, a clearer understanding of the intent and purpose of the document and its many technical requirements was achieved.

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Jim Biggerstaff, Water Utilities  
John Brunk, Transportation  
Don Richardson, Public Works  
David Ryburn, Planning & Development  
Cynthia H. Steiner, Assistant City Attorney

Tom Keen, Former Assistant City Attorney

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10/10/88

ORDINANCE NO. 20092

An ordinance amending Article VIII of CHAPTERS 51 and 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended; amending the regulations governing plat applications and their review by city departments and the city plan commission; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Article VIII, "Plat Regulations," of CHAPTERS 51 and 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended to read as follows:

"ARTICLE VIII  
PLAT REGULATIONS

Division 51-8.100

Title and Purpose

SEC. 51-8.101. TITLE.

This article is known as the plat regulations of the city of Dallas.

SEC. 51-8.102. POLICY.

(a) It is the policy of the city of Dallas to subject the subdivision, platting, and replatting of land to the control of

the city pursuant to the city charter, state law, and all other rules, regulations, and policies the city may adopt.

(b) To be platted, land must be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

(c) Land must not be platted until proper provision has been made for paving, drainage, water, wastewater, public utilities, capital improvements, parks, recreation facilities, and rights-of-way for streets, transportation facilities, and improvements.

(d) These regulations supplement and are intended to facilitate the enforcement of the provisions and standards of this code, state law, and all other rules, regulations, and policies which the city may adopt.

SEC. 51-8.103. PURPOSE.

The regulations of this article are established in accordance with the city charter and state law for the purposes stated in Section 51-1.102 of this chapter and in order to:

(a) protect and provide for the public health, safety, and general welfare of the city;

(b) guide the future growth and development of the city;

(c) guide public policy and action in order to provide adequate and efficient transportation, streets, thoroughfares, storm drainage, water, wastewater, parks, and open space facilities;

(d) provide for the proper location and width of streets and building lines;

(e) establish reasonable standards of design and procedures for platting in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of platted land;

(f) insure that public infrastructure facilities as required by city ordinance are available with sufficient capacity to serve the proposed plat prior to the issuance of any certificate of occupancy or release of utility connections or final inspection within the boundaries of the plat;

(g) provide that the cost of public infrastructure improvements which primarily benefit the tract of land being platted be borne by the owners of the tract to the extent required by city ordinance; and

(h) prevent the pollution of air, streams, and ponds by assuring the adequacy of drainage facilities and by safeguarding the escarpment, flood plains, and the water table.

SEC. 51-8.104.           FUNCTION OF COMMISSION.

(a) In accordance with the authority granted by applicable statutes, ordinances, and regulations, the commission shall approve or disapprove plats, subdivisions, and replats of land within the corporate limits and extraterritorial jurisdiction of the city. If a plat conforms to this article, the state law, and all other rules and regulations pertaining to the platting of land, the commission shall endorse its approval upon the plat.

(b) The rules and regulations of the commission must establish the subdivision review committee for the purpose of reviewing appeals of recommended conditions as established by the city staff.

SEC. 51-8.105.           JURISDICTION.

This article applies to all plats, as defined in Division 51-8.200, located within the corporate limits or the extraterritorial jurisdiction of the city.

Division 51-8.200

Definitions and Creation of a Building Site

SEC. 51-8.201.           DEFINITIONS.

The following definitions apply to this article:

(1) ABANDONMENT means the legal process by which land dedicated to public use may revert to private use.

(2) ACCELERATION/DECELERATION LANE means a lane added to the side of a street to facilitate ingress and egress from

adjacent property and to help maintain traffic flow in the travel lanes of the street.

(3) ACCESS WAY means an area on private property used by vehicular traffic for access to and from streets.

(4) ACCESS WIDTH means the minimum lot frontage necessary to accommodate a driveway and its return.

(5) ACRE includes fraction of an acre.

(6) ALL WEATHER ACCESS means an access way paved with a paving material which is cohesive and holds its form when subjected to vehicular traffic and the normal variation of weather conditions experienced in the city of Dallas.

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

(8) COMMISSION means the City Plan Commission of the city of Dallas.

(9) CONDITIONS OF APPROVAL mean conditions precedent which must be satisfied before final approval will be rendered.

(10) CORNER CLIP means a triangular extension of street right-of-way at intersections of streets, used for curb returns, utilities, barrier-free ramps, and other public facilities.

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

(12) DEAD-END STREET means a street having right-of-way or pavement which terminates abruptly at one end without intersection with another street.

(13) DETENTION AREA means an area which temporarily stores storm water runoff and discharges that runoff at a reduced rate.

(14) DEVELOPER means the owner of the property being platted or the person designated by the owner as being responsible for the development of the property.

(15) DIVIDED THOROUGHFARE means a street on the thoroughfare plan in which the travel lanes are divided by a median.

(16) DRIVEWAY means a private travelway used for vehicular access to and from individual lots and a street.

(17) DRIVEWAY APPROACH means a paved connection from a street to a driveway or access way on fronting or neighboring property.

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

(19) ENGINEERING PLANS mean a group of drawings and specifications, including paving, water, wastewater, or other required plans, submitted to the department of public works or water utilities for review in conjunction with a major subdivision.

(20) 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.

(21) FLOODWAY means a drainage area designated on a plat to accommodate the design flood for existing creeks and open drainage ways.

(22) FLOODWAY EASEMENT means a drainage area dedicated to the city for control and maintenance of a flood plain.

(23) FLOODWAY MANAGEMENT AREA means a drainage area dedicated in fee simple to the city for control and maintenance of a flood plain.

(24) HOMEOWNERS AGREEMENT means a document establishing an organization to maintain or improve a given tract of real property and improvements on that property.

(25) INFRASTRUCTURE means all streets, alleys, sidewalks, storm drainage facilities, water and wastewater facilities, utilities, lighting, transportation, and such other facilities as required by current city ordinance.

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

(27) MINOR STREET means a street not listed on the Thoroughfare Plan of the city of Dallas and not meeting the minimum requirements for a thoroughfare.

(28) MONUMENT means a permanent structure set on a line to define the location of property lines, important horizontal

of the plans, n.  
have been paid.

subdivision control points, and other important features on a plat.

(29) NONSTANDARD MATERIALS mean any material 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.

(30) OPEN SPACE, IMPROVED means open space containing structures or improvements. (Hike and bike trails constitute improvements.)

(31) OPEN SPACE, UNIMPROVED means open space containing no buildings, fences, or other structures above or below grade. (Weed or brush control may be required for public safety.)

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

(33) PARKWAY means the area between the outside edge of street pavement and street right-of-way lines.

(34) PERMANENT DEAD-END STREET means a street planned as a dead-end street or a street which cannot or will not be extended to another street in the foreseeable future.

(35) PLAT means the graphic presentation of a subdivision, resubdivision, combination of lots or tracts, or recombination of lots or tracts.

(36) PLAT, CORRECTION means a plat making minor corrections to a previously approved plat in accordance with state law provisions applicable to amending plats.

(37) PLAT, FINAL means a plat meeting the requirements of Sections 51-8.403(b)(10) and (11). This plat is filed with the county clerk after final approval by the commission.

(38) PLAT, FINAL PHASE means a plat submitted in final plat form that includes only a portion of the area included in a preliminary plat.

(39) PLAT, MAJOR means a plat other than a minor plat or a correction plat.

(40) PLAT, MINOR means a plat meeting the requirements of Section 51-8.403(c).

(41) PLAT, PREFINAL means a plat meeting the requirements of Section 51-8.403(b)(8) submitted to insure compliance with all conditions of approval on the preliminary plat and to facilitate action on the final plat.

(42) PLAT, PRELIMINARY means a plat meeting the requirements of Section 51-8.403(b)(1) submitted for preliminary approval.

(43) PLAT RELEASE means approval by a department required for a plat to continue through the commission approval process.

(44) PRIVATE DEVELOPMENT CONTRACT means a contract on a standard city form between a developer and a contractor for the construction of facilities which are to be dedicated to the public. The city approves these contracts as to form, but the city incurs no liability because of the approval.

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

(46) SCREENING WALL means a structure that provides a solid visual barrier that is no less than six feet in height. The solid barrier must not have more than ten square inches of open area for each square foot of surface area. A screening wall must not be constructed in the public right-of-way and must be maintained, in compliance with these standards, by the owner of the adjacent property.

(47) SIDEWALK means a paved travelway intended 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 difference in location of the theoretical centerline of one street and the theoretical centerline of another street on the opposite side of a more or less perpendicular 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:

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

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

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

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

(52) THOROUGHFARE means a street that is designated in the Thoroughfare Plan of the city of Dallas.

(53) TOWNHOUSE LOT means a lot in a townhouse 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 the traffic from an alley into a thoroughfare. The traffic barrier must not be less than 24 inches in height, and must be structurally capable of preventing penetration by traffic. Examples of barriers include a series of posts connected by a cable or chain, a deep beam highway guard rail, a New Jersey barrier-type wall on an engineered foundation, a screening wall, or other barrier approved by the director of public works.

(55) VACATION means the legal process by which platted land may be unplatted.

(56) WATER FACILITIES mean the infrastructure required to deliver potable water to a lot or subdivision.

(57) WASTEWATER FACILITIES mean the infrastructure required to convey wastewater from a lot or subdivision.

#### SEC. 51-8.202. CREATION OF A BUILDING SITE.

(a) The building official shall not issue a certificate of occupancy or a building permit until a building site is established in one of the following ways:

(1) A lot is part of a plat that is approved by the commission and filed in the plat records of the appropriate county. All platted lots must have frontage, through fee simple ownership, on a dedicated street or a private street.

(2) A lot was separately owned prior to September 11, 1929 or prior to annexation or consolidation and the lot has frontage, through fee simple ownership, with a dedicated



street. Under this subsection, the building official may issue a building permit for only one main building on each lot.

(3) 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.

(4) Any area in a CA-1 district that is bound on all sides by public streets or alleys constitutes a legal building site.

(b) Land used in meeting the requirements of this article with respect to a particular use or building must not be used to meet the requirements for any other use or building.

(c) Except as provided in the regulations for the single family and duplex uses, more than one main building may be erected on a building site when there is compliance with all applicable regulations in this chapter.

(d) A lot with less lot area, lot width, or lot depth than required in this chapter that was lawfully established under the regulations in force at the time of the creation of the building site may be used for a single family use.

Division 51-8.300

RESERVED

Division 51-8.400  
Procedure

SEC. 51-8.401. WHEN PLATTING IS REQUIRED.

Platting is required in the following instances:

(a) Creation of a building site. Platting is required to create a building site pursuant to Section 51-8.202 of this chapter.

(b) Subdivision. Platting is required to divide a lot or tract into two or more parcels for purposes of transfer of ownership or development of the parcels. Although a conveyance of property may be accomplished through a metes and bounds description without the necessity of platting, the conveyance will not be recognized as a building site, nor will the lines of ownership be recognized for the purpose of determining development rights on the parcel so conveyed.

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

(d) Inappropriate design. Platting is required if property is to be developed in a manner inconsistent with the existing plat of the property.

(e) Redesign. Platting is required to alter any layout design element shown on an existing plat.

(f) Vacated and abandoned property. Platting is required to incorporate into a legal building site any property which has been vacated or abandoned.

(g) Corrections. Platting is required to correct any error reflected on an approved final plat which has been filed of record. Correction plats may be submitted only if the type of correction is one permitted by state law.

(h) Residential subdivision sign. Platting is required to erect a sign that identifies a residential neighborhood subdivision. Section 51-7.402 of this chapter shall apply.

(i) Development plan for a planned development district. A preliminary plat shall be submitted with the development plan for a planned development district. The commission shall process the preliminary plat with the development plan. Section 51-4.702 of this chapter shall apply. If the property, covered by the development plan is currently platted, this requirement shall not apply.

SEC. 51-8.402. PLATTING OF STREET RIGHT-OF-WAY PROHIBITED.

Platting of street right-of-way without the platting of adjacent property to be served by the street is prohibited, unless the directors of public works, planning and development, and transportation all recommend the platting of the street right-of-way.

SEC. 51-8.403. PLATTING PROCESS.

(a) In general. The manner in which a plat is processed depends on whether the plat is a major, minor, or correction plat. All plats not meeting the minor plat requirements of Subsection (c) or the correction plat requirements of Subsection (d) are major plats. Major and minor plats may be subject to the rules governing residential replats set forth in Subsection (f). The process for each type is set forth in this section.

(b) Major plat approval process.

(1) Preliminary plat submission. A person seeking approval of a major plat shall submit a preliminary plat application to the director of planning and development. The director shall screen the application for completeness. If the application is complete, it shall be accepted and routed to all affected departments. If an application is incomplete, it shall be returned to the applicant with a description of its deficiencies. The preliminary plat application must be submitted with the form approved by the director of planning and development, and must include the following:

(A) All required fees.

(B) The proposed layout of the plat legibly drawn:

(i) on a sheet of paper which measures 24 inches by 30 or 36 inches; and

(ii) to a scale of one inch equals forty feet or the largest practical scale to be approved by the director of planning and development.

(C) An arrow indicating true north.

(D) A vicinity map showing all thoroughfares and existing streets within the two nearest intersecting major thoroughfares of the boundary of the plat.

(E) The proposed name of the subdivision.

(F) The names and addresses of the surveyor performing or preparing the metes and bounds description of the property, all owners of the property, and the developer of the property (if any).

(G) The proposed boundaries of the property to be platted indicated with a bold line, and other boundaries indicated with thinner lines.

(H) The proposed lot numbers.

(I) The location, purpose, and grantee of existing easements, and the citation of the volume and page of the county records where the recorded instrument may be found.

(J) The location and purpose of all proposed easements and common areas.

(K) The general layout and dimensions of proposed storm drainage areas and other areas offered for dedication to the public use. If the combined on-site and off-site drainage area is less than one acre, this requirement can be waived by the director of public works.

(L) The layout of platted lots and unplatted tracts, streets, storm drainage facilities, water and wastewater facilities, public rights-of-way, and other pertinent features existing within a distance of 150 feet from the proposed boundary of the property to be platted.

(M) The location and identification of any structure or object within the boundaries of the property to be platted, and any significant topographic features located on the property or within 150 feet of the boundaries of the property. Any of these items which are to be removed or altered must be identified on the plat.

(N) The general layout and dimensions of proposed streets and alleys, and proposed street names.

(O) Contour lines with intervals of up to five feet or less indicating terrain and drainage pattern of the area. Contour intervals less than five feet may be required by the director of public works where the slope of the land is less than 1 to 100. (vertical to horizontal). If the property being platted is fully developed, contour lines may be omitted with the approval of the director of public works.

(P) A copy of any specific use permit or planned development district ordinance regulating the property.

(Q) A copy of any deed restrictions regulating the property in which the city of Dallas is an enforcing party.

(R) If the plat is a residential replat in accordance with Subsection (f), a certified copy of the original subdivision of the area filed with the county clerk.

(S) A metes and bounds description of the property included in the plat, as well as all appropriate language of dedication and acknowledgment. Signatures are not required.

(T) If the property is located in the escarpment area or a geologically similar area, an escarpment permit is required.

(2) Review of preliminary plat. The director of planning and development shall submit the preliminary plat to the commission within 30 days of its formal application. Formal application is defined as when all items required by Section 51-8.403(b)(1), have been received by the city. All affected departments shall review the preliminary plat application and forward their comments, in writing, to the director of planning and development within 21 days of the formal acceptance date. (Holiday scheduling may require adjustments to the review period.) A staff recommendation shall be formulated from the comments received in the review process. If the staff recommendation is for denial of the preliminary plat application, the reasons for denial must be included. When appropriate, an applicant may appeal staff recommendations to the subdivision review committee of the commission.

(3) Commission action on a preliminary plat. The commission must also consider a preliminary plat application within 30 days of its formal application. The commission shall approve the application if it finds that it is consistent with the policies and purposes of this article. If the commission denies a preliminary plat application, the reasons for denial must be stated in the motion denying the application.

(4) Action letter. Within seven days of the commission action, a letter outlining the action must be sent to the applicant. If the commission has denied the application, the letter must contain the reasons for denial. If the commission approved the application, the letter must contain all conditions of approval, a list of all releases required prior to the submission of the final plat, and a statement as to whether a prefinal plat is required.

(5) Effect of approval. Approval of a preliminary plat is not final approval of the plat, but is an expression of general approval of the layout shown. The preliminary plat

serves as a guide in preparation of a final plat and engineering and infrastructure plans to serve the plat. Should the perimeter boundary, any layout design element, or any feature substantially change in the opinion of the director of planning and development, the plat must be considered again as a preliminary plat by the commission. In the case of a residential replat, new notices must be issued and a new public hearing must be held.

(6) Effective period. Approval of a preliminary plat is effective for one year from the date of commission action. The commission may extend the effective period of a preliminary plat for one year if application is made for the extension prior to 30 days before the expiration of the effective period. No more than two one-year extensions may be granted. If a final plat is not submitted on all or a portion of the area included in the preliminary plat during the effective period, the preliminary plat is void. The approval of any portion of a preliminary plat as a final plat extends the validity of the preliminary plat approval for a period of one year from the date of approval of the latest phase. A preliminary plat approved by the commission prior to the effective date of these regulations is eligible for two one-year extensions provided that application is made within one year from the approval date of the plat or within six months from the effective date of these regulations.

(7) Prefinal plat. Based upon the review of a preliminary plat, a reviewing department may request a prefinal plat. The purpose of the prefinal plat is to ensure compliance with all conditions of approval on the preliminary plat prior to the consideration of a final plat by the commission. A prefinal plat is required if:

(A) engineering plans are required by the department of public works or the water utilities department; or

(B) the preliminary plat reflects legal or technical deficiencies, errors, or omissions in the information required by this article.

(8) Prefinal plat submission. A prefinal plat may be submitted only after the commission action letter has been received by the applicant. If engineering plans are required as a condition of approval of a preliminary plat, the prefinal plat cannot be submitted until all engineering plans have been approved in accordance with Section 51-8.404, to avoid the necessity of multiple prefinal submissions. All prefinal plat applications must include the following:

(A) All required fees. The fee for the final plat will be collected at the prefinal plat submission, if required.

(B) All changes or modifications required by the commission in its approval of the preliminary plat.

(C) A metes and bounds description of the property, easements, and dedications, included in the plat, as well as all appropriate language of dedication and acknowledgment. Signatures are not required.

(D) Final dimensions and bearings of all boundaries and lot lines.

(E) Square footage of all lots and common areas. This information may be submitted on a separate sheet of paper and must be indicated lot by lot.

(F) The name of the subdivision and the file number assigned to the case by the city.

(G) The names and addresses of the surveyor who prepared the plat, and the owners of the property.

(H) The date the plat was prepared.

(I) The boundary of the property to be platted indicated with a bold line, and other boundaries indicated with thinner lines.

(J) The lot and block numbers assigned by the division of revenue and taxation of the department of finance.

(K) Approved street names.

(L) The location, designation, and rights-of-way lines of all existing and new streets, and any other public rights-of-way. All proposed dedications must be clearly referenced and dimensioned to show size, location, and purpose of dedication.

(M) Draft copies of all required covenants, homeowner's association documents, and maintenance agreements.

(N) No topographic lines or indications of buildings or other objects. Although these items are required as part of a preliminary plat application, they must be removed prior to the submission of a prefinal plat.

(9) Prefinal plat review period. All staff comments shall be forwarded to the director of planning and development within 21 days of the routing date of the prefinal plat. The director shall notify the applicant of the results of the review. If further modifications are required, the director may require additional prefinal plat submissions. Approval of a prefinal plat is effective only as long as the preliminary plat is effective.

(10) Final plat. The final plat, which is the final phase of the major plat process, must be approved by the commission before the plat can be legally recorded with the county clerk. A final plat will not be accepted by the city for submission until:

(A) a preliminary plat has been approved by the commission;

(B) a prefinal plat, if required in the commission action letter, has been approved;

(C) all required fees have been paid;

(D) all taxes as required by the department of finance have been paid for the property proposed to be included in the final plat;

(E) releases have been secured by the applicant from the departments of public works, water utilities, finance, and the city attorney;

(F) all conditions of the preliminary plat approval have been satisfied by the applicant; and

(G) all required covenants, homeowner's agreements, and maintenance agreements have been approved by the city attorney, with original signatures and appropriate acknowledgments.

(11) Contents of final plat. The final plat application must include the following:

(A) All items required in the prefinal plat as modified by the requirements of the affected city departments during the release process.

(B) Original signatures and seals of all owners of the property, and the surveyor(s), with appropriate acknowledgements.



(12) Final review period and commission action. The director of planning and development shall submit the final plat to the commission within 30 days of acceptance of the final plat submission, unless the applicant withdraws the submission, provided all plat releases are on file, all documents are submitted, and all fees have been paid. Within the same 30 day period the commission, if granting approval, shall issue a certificate of approval to the person applying for a plat, or replat, indicating it has been reviewed and approved by the commission.

(13) Effective period of final plat. A final plat that is not filed in the office of the county clerk within 30 days of the approval of the commission is void. An approved final plat not filed within 30 days of its approval may be resubmitted to the commission as a final plat if the preliminary plat upon which it is based is still effective. A minor plat not filed within 30 days of its approval may be resubmitted as a final plat if it is resubmitted within 60 days of its original approval. If the plat must be approved by more than one city, an additional 30 days will be granted. A final plat approved by the commission prior to the effective date of these regulations is void unless filed in the office of the county clerk within six months from the effective date of these regulations.

(14) Phasing of final plats. After a preliminary plat has been approved, a prefinal or final plat may be submitted which includes less than all of the area shown in a preliminary plat if:

(A) the proposed phase conforms to the approved preliminary plat;

(B) the proposed phase meets all conditions of approval of the preliminary plat;

(C) the proposed phase provides a logical progression of development;

(D) the proposed section could function as an independent development if no other phases are submitted or approved;

(E) enough area remains outside the phase, but within the boundaries of the preliminary plat, to independently satisfy the minimum zoning requirements of the property; and

(F) the area outside the phase has at least the minimum frontage required by this ordinance.

(c) Minor plat approval process. A plat meeting the requirements of this subsection may be submitted and considered as a final plat without the necessity of the prior approval or filing of a preliminary or prefinal plat. If, after review by the city staff or the commission, it is determined that the proposed minor plat does not comply with this section, the document shall be considered as a preliminary major plat. The difference in the current fee for a preliminary major plat and the fee already paid by the applicant is required before the application will be processed. The requirements of the minor plat are as follows:

(1) 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.

(2) The proposed plat must not contain any new streets or alleys.

(3) The proposed lot must abut an approved public or private street of adequate width as specified in Section 51-8.604(c) or the Thoroughfare Plan for the city of Dallas.

(4) Adequate water, wastewater, paving, and drainage improvements must exist to serve the proposed plat.

(5) The proposed plat must be consistent with applicable zoning of the property.

(6) Any portions of previously platted lots not included in the proposed plat must be of a sufficient area to comply with the minimum zoning requirements and labeled as the remainder of a previous lot.

(7) The applicant must demonstrate, on a scale drawing with appropriate survey reference points, the location of all existing improvements, and that any existing improvements which are to remain meet all setback requirements and are not divided by a proposed lot line or setback line.

(8) The plat submitted must satisfy all of the requisites of a final plat.

(d) Correction plats and certificates of correction. Corrections to plats filed of record in the county clerk's office must be submitted to the commission for approval. The applicant shall submit the number of copies of the correction plat requested by the director of planning and development

along with the required fee. Correction plats are filed in the county clerk's office in the same manner as original plats. Correction plats are only appropriate in those instances authorized by state law. A certificate of correction may be used to make a correction, unless the director of planning and development determines that a sketch is needed for clarity, in which case a correction plat must be submitted.

(e) Vacation of plats.

(1) Any plat may be vacated upon application of the proprietors of the land in accordance with state law.

(2) A vacation plat must be approved by the commission. The commission may reject any vacation instrument which abridges or destroys any public rights in improvements, easements, streets, alleys, or similar public areas which are deemed necessary to serve the surrounding area.

(3) An approved vacation plat must be recorded with the vacated plat and operates to destroy the effect of the recording of the vacated plat and to divest all public rights to the streets, alleys, and other public areas laid out or described in the plat.

(f) Residential replat. This subsection applies in addition to the other requirements of this article in the event the immediate preceding plat is not being vacated and the property proposed for replatting was within the immediate preceding five years limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot, or if any lot in the immediate preceding plat was limited by deed restriction to residential use for not more than two residential units per lot, or if otherwise required by state law.

(1) Hearing. A public hearing of a residential replat is required before the commission at which parties in interest and citizens have an opportunity to be heard.

(2) Notice. Notice of the commission hearing on the preliminary plat or minor plat must be:

(A) published before the 15th day before the date of the hearing in a paper of general circulation in the county in which the property is located; and

(B) forwarded before the 15th day before the date of the hearing with a copy of the required provisions of

state law and an official city ballot to the owners as the ownership appears on the last approved ad valorem tax roll of:

(i) all lots in the immediate preceding plat if the immediate preceding plat contains 100 or fewer lots; or

(ii) all lots within 500 feet of the lot or lots sought to be replatted if the immediate preceding plat contains more than 100 lots.

(3) Owner approval.

(A) If at least 20 percent of the lot owners to whom individual notice is required to be given protest the proposed plat in accordance with Subsection (f)(4), the commission may approve a final of the proposed plat only upon the receipt of written approval of 66 and two-thirds percent of those owners to whom individual notice is required to be given.

(B) An owner's written approval may be indicated by the return of the official city ballot or by petition. The petition must contain a general statement that those signing the petition are all of the owners of the property indicated and approve of the replatting. The petition must also contain the owner's signature, printed name, and the official lot and block number of their property.

(C) The circulator of the petition must include an affidavit indicating that the signatures contained in the petition are those of the people who presented themselves as the owner or owners of the property and were qualified to vote.

(D) Owners who do not sign the petition or use the official city ballot to vote, but who desire to indicate their approval of the replatting may register their approval by submitting a signed affidavit that contains the information required by Subsection (f)(3)(B) of this section.

(4) Balloting.

(A) Only one vote may be cast per lot, regardless of lot size.

(B) If a lot is divided by ownership, the owners of all separately owned parts of the lot must vote unanimously. If votes on one lot are not unanimous, the vote is not counted.

(C) If a lot is owned jointly, all owners must vote unanimously. If votes on one lot are not unanimous, the vote is not counted.

(D) If a lot is owned by a corporation, partnership, trust, cooperative, association, or other entity, the person having authority to convey a fee simple estate in the lot may vote for the entity, upon sufficient proof that he or she actually has such authority.

(E) The person listed on the last approved ad valorem tax roll is presumed to be the current owner of the property, and an official city ballot cast in the name appearing on the tax roll shall be accepted without question. If the ownership shown on the tax roll is incorrect, a vote cast on an official city ballot shall be accepted if it contains a statement that those signing are all of the owners of the property.

(F) Owners who do not use the official city ballot to indicate their vote may register their vote by submitting a signed affidavit that contains the information required by Subsection (f)(3)(B) of this section.

(G) A current owner who is not reflected on the tax rolls and does not receive an official ballot may cast a vote in one of the following ways:

(i) The owner may include a copy of his deed with his vote.

(ii) The owner may appear in person at the hearing and register his written protest.

(iii) The owner may include an affidavit of ownership with his vote.

(H) All votes must be submitted prior to or at the public hearing at which the plat is considered.

(5) Extension of 30 day period. If action on a residential replat application must be deferred because sufficient written protest has been submitted, the 30 day period in which action must be taken by the commission is extended by the period of time necessary to verify the written protest.

#### SEC. 51-8.404. ENGINEERING PLAN APPROVAL PROCEDURE.

(a) Generally. A person seeking approval of engineering plans for infrastructure must not submit those plans until a preliminary plat has been approved for the property which the

infrastructure is to serve. After approval of the preliminary plat, plans for the infrastructure must be submitted to the appropriate city departments. Plans for water and wastewater infrastructure must be submitted to the director of water utilities in accordance with Chapter 49 of the Dallas City Code, as amended. Plans for all other infrastructure must be submitted to the director of public works in accordance with this section. The director of public works shall review the plans submitted under this section for completeness.

(b) Contents of engineering plans. Plans submitted must include the following:

(1) All required fees.

(2) A completed private development checklist on a form provided by the department of public works. The form must be signed by the professional engineer responsible for the plans.

(3) A completed fee receipt on a form approved by the director of public works.

(4) Two blueline prints of the approved preliminary plat.

(5) Two sets of infrastructure plans.

(6) A copy of any specific use permit or planned development district ordinance regulating the property.

(7) A copy of any deed restrictions regulating the property in which the city of Dallas is an enforcing party.

(c) Staff review of engineering plans. All affected divisions of the department of public works shall review the engineering plans against the established criteria and forward their comments to the director of public works. Changes or corrections in the design or right-of-way requirements must be itemized and forwarded, in writing, to the responsible engineer and owner as those persons are reflected on the private development checklist.

(d) Required off-site easements. If off-site easements or rights-of-way are required to accomplish the construction shown in the engineering plans, field notes describing the easements or rights-of-way, sketches showing the required easements or rights-of-way, copies of recorded deeds for all affected property, and agreements from the owners of the off-site property must be submitted prior to approval of the plans. The agreements are acceptable only if they are from the current

owners and are less than one year old at the time they are submitted.

(e) Infrastructure plans approval. Upon approval of the infrastructure engineering plans, the applicant shall be notified by the director of public works and advised of any instruments which are necessary to secure a final release from the department of public works.

(f) Extension of infrastructure plan approval. An extension of the approval of the street paving, storm drainage, bridge, and culvert plans will be considered upon a formal request by the owner to the director of public works. Six-month extensions may be granted as long as, and only if, the conditions surrounding the plat, as well as the standards, criteria, and requirements listed in Section 51-8.601 do not require a redesign of the infrastructure improvements.

#### Division 51-8.500

#### Subdivision Layout and Design

#### SEC. 51-8.501. COMPLIANCE WITH ZONING.

All plats must be drawn to conform to the zoning regulations currently applicable to the property. If a zoning change is contemplated for the property, the zoning change must be completed prior to the approval of any prefinal or final plat of the property. A plat submission which reflects a condition not in strict accordance with the zoning requirements must not be approved by the commission until any available relief from the board of adjustment has been obtained.

#### SEC. 51-8.502. DESIGNATION OF ABANDONED, FRANCHISED, OR LICENSED PROPERTY.

(a) Indication of abandonment. Any abandoned public right-of-way which is to be incorporated into a platted lot must be indicated by a dashed line on the plat. The ordinance number for the ordinance abandoning the property must be reflected on the plat. Incorporation of property improperly abandoned is prohibited.

(b) Indication of franchise or license. Any franchise or license agreements affecting the property must be indicated on the plat.

(c) Estate in expectancy. Any property dedicated to the city as an estate in expectancy must be clearly indicated graphically, and labeled on the plat.

(d) Revocation of offer to dedicate through platting. Property previously offered for public dedication by the filing of a plat but not developed in any manner may be abandoned through the filing of a replat of the property or a vacation of the previous plat if:

(1) the dedicated property was never utilized for the public purpose indicated on the plat dedicating the property or for utility or communication facilities; and

(2) no formal acceptance of the dedication was made by the city council or any city department.

SEC. 51-8.503.        LOTS.

(a) Lot size. The depth, width, and area of each platted lot must comply with the minimum regulations for the zoning district in which the lot is located. Lots must conform in width, depth and area to the pattern already established in the adjacent areas, having due regard to the character of the area, its particular suitability for development, and taking into consideration the natural topography of the ground, drainage, sanitary sewerage facilities, and the proposed layout of streets.

(b) Frontage.

(1) All lots must front upon a dedicated public or private street. Platted lots may front upon a private street only if that street has been approved in accordance with the requirements of this chapter.

(2) For the purposes of this subsection, the frontage of a lot is the length of the lot's intersection with a street right-of-way line.

(3) The minimum frontage requirement for:

(A) single family, townhouse, and duplex residential lots is 10 feet; and

(B) multiple family lots or nonresidential lots is 10 feet.



(4) Single family, townhouse, and duplex lots having frontage of less than 40 feet must abut a private driveway easement having a minimum access width of 20 feet with a flare to 30 feet at its intersection with the curb line of a minor street, and a flare to 40 feet at its intersection with the curb line of a thoroughfare. The private driveway access easement need not be exclusive to a particular lot, but must be indicated on the plat, and must have direct access to a dedicated public street or a private street approved in accordance with this chapter. No more than four lots may share a private driveway access easement unless, upon recommendation from the directors of public works and planning and development, the commission finds that the extraordinary topography or shape of the property unduly limits the development potential of the property, and that the proposed development is consistent with the spirit and intent of this chapter.

(5) Single family, duplex, or townhouse lots having frontage on two opposite sides are prohibited unless the commission finds that this design is essential to provide proper orientation of residential lots to thoroughfares.

(c) Residential access to thoroughfares. Where single family, townhouse, or duplex lots abut a divided major thoroughfare, driveway access to the thoroughfare is prohibited unless, upon recommendation of the director of public works, the commission finds that the extraordinary topography or shape of the property unduly limits the development potential of the property, and the proposed development is consistent with the spirit and intentions of this chapter. If the commission permits access under this subsection, the traffic barrier otherwise required in Section 51-8.618 is waived.

(d) Municipal boundary lines. Plats divided by municipal boundary lines must be approved by the appropriate body of each affected municipality to be effective. Any building permit issued based on a plat divided by a municipal boundary line is void if the requisite approval has not been obtained.

(e) Lot lines and existing structures.

(1) No plat may be approved if an existing improvement on the property would encroach upon a proposed lot line or setback line, unless the existing improvement is to be removed or relocated.

(2) No plat may be approved if the location of a proposed lot line would create a nonconforming structure or a

structure not in strict compliance with the Dallas Building Code, as amended, unless the existing structure is to be removed, relocated, or altered to comply.

(3) Notwithstanding Paragraphs (1) and (2), dedications for public infrastructure may be accomplished even if a structure encroaches, provided appropriate language is executed to convey an estate in expectancy.

(4) Reservations made for future city acquisition are applied prospectively only, and do not require removal of existing buildings.

#### SEC. 51-8.504. BLOCKS.

(a) Block length. Block lengths in plats for single family lots should not exceed 1200 feet measured from block corner to block corner. The length may be extended if, upon recommendation from the directors of public works and planning and development, the commission finds that the extraordinary topography or shape of the property unduly limits the development potential of the property, and that the proposed development is consistent with the spirit and intent of this chapter.

(b) Other considerations. Block length and width must be designed to accommodate the type of use anticipated and must provide for safe and convenient access and circulation. Block design must take into account the limitations and opportunities of the topography.

#### SEC. 51-8.505. BUILDING LINES.

Building lines that are more restrictive than the current zoning setback requirements, building lines indicating that a front yard has been reduced in accordance with Section 51-4.401(a)(4), and building lines established by ordinance [Section 51-4.401(a)(3)] must be provided on the plat. The building line for lots that border a natural creek channel must provide the setback required by Section 51-5.106 of this chapter. No other building lines may be shown on the plat. If a zoning setback line is more restrictive than an existing platted building line, relief from the zoning setback line must be sought from the board of adjustment. If an existing building line is more restrictive than a zoning setback line, relief must be sought through a replat submitted to the commission. If relief is sought from both a zoning setback line and an existing platted building line, approval must be obtained from both the board of adjustment and the commission.

## SEC. 51-8.506. STREET LAYOUT.

(a) Generally. Streets must be designed in relation to the thoroughfare plan, existing and proposed streets, the terrain, streams, and other physical conditions. The arrangement of streets must provide for the continuation of streets and thoroughfares between adjacent properties when the continuation is necessary for the safe and efficient movement of traffic, or for utility efficiency. Minor streets should be oriented in a manner that discourages their use by through traffic, and to allow efficient drainage systems, utility systems, and general street improvements. All streets must be designed and constructed in accordance with this section and Section 51-8.604.

(b) Dead-end streets.

(1) Temporary dead-end streets. If adjacent property is undeveloped and a street must terminate temporarily, the right-of-way must extend to the boundary of the plat. When a temporary dead-end street is shown on a plat, a temporary circular or "T" shaped turnaround must be provided and shown as an easement on the subdivision plat, and must be indicated on the plat by dotted lines. No turnaround is required if the street is 150 feet or less in length measured from the intersection of the street right-of-way lines with the subdivision boundary to the streets intersection with a through street. All temporary turnarounds are subject to approval by the director of public works.

(2) Permanent dead-end streets. If a permanent dead-end street is indicated, a circular turnaround must be provided. The minimum radius for the circular turnaround is 50 feet for the right-of-way and 43.5 feet for the pavement measured to the back of the curb. The length of permanent dead-end streets must not exceed 600 feet, measured along the centerline from the block corner to the center of the cul-de-sac. The length of a permanent dead-end street may be extended upon recommendation of the director of public works if he finds that the extraordinary topography or shape of the property unduly limits the development potential of the property, and that the proposed development is consistent with the spirit and intent of this chapter.

(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

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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 which intersect divided thoroughfares must be spaced at least 360 feet apart, measured from centerline to centerline unless otherwise approved by the director of public works.

(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 51-8.604.

(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 51-9.300 of this chapter. All proposed street names must be acceptable to the fire department, the departments of public works and planning and development, the police department, and the post office.

SEC. 51-8.507. ALLEYS.

(a) When required. Alleys are required only in residential zoning districts, and then only when required under Section 51-8.604 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.

(2) Alley right-of-way must not exceed 20 feet in width unless a greater width has been approved by the director of public works.

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

(4) Permanent dead-end alleys are prohibited. Alleys must either intersect with a dedicated public or private undivided street or an existing alley, or an approved turnaround must be provided.

(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 51-8.618 of this article.

(7) Where an alley intersects a street, a 15 foot visibility triangle (alley sight easement) is required. Measurements are taken along the property line.

(c) Private alleys. If a private alley is indicated, it must be designed and constructed in accordance with this section and Section 51-8.605.

SEC. 51-8.508.        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 which are retained in private ownership but which are 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 prior to release of the final plat.

#### SEC. 51-8.509. 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 water utilities and the fire department prior to approval of the final plat.

#### SEC. 51-8.510. 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 the actual size of the lot.

(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 on a square foot for square foot basis by the establishment of permanent community open space to serve the property being platted.

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

(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 of planning and development. 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 51-5.100 of this chapter;

(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; and

(h) A maintenance plan for the open space area provided in a community unit development must be approved by the city council after recommendation by the commission.

## Division 51-8.600

## Infrastructure Design and Construction

## SEC. 51-8.601. GENERAL STANDARDS.

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

- (1) The Thoroughfare Plan for the city of Dallas.
- (2) The Central Business District Streets and Vehicular Circulation Plan.
- (3) The Water Master Plan.
- (4) The Sewer Master Plan.
- (5) The Long Range Physical Plan for Parks and Recreational Facilities.
- (6) The Paving Design Manual of the department of public works.
- (7) The storm drainage policy of the city of Dallas.



(8) The Design Manual for Storm Drainage Facilities of the department of public works.

(9) The Plan Development Checklist of the department of public works.

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

(11) The Texas Uniform Traffic Control Device Manual.

(12) The Drawings, Details and Standard Appurtenances for Water and Sanitary Sewer Construction Methods of Dallas Water Utilities.

(13) The Development Design Procedure and Policy Manual of Dallas Water Utilities.

(14) The North Central Texas Standard Specifications for Public Works Construction of the North Central Texas Council of Governments.

(15) The Dallas Water Utilities Addendum to the North Central Texas Standard Specifications for Public Works Construction.

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

(17) The Dallas Development Code.

(18) The Dallas City Code.

(19) The Dallas Fire Code.

(20) The Dallas Building Code.

(21) The 1985 Dallas Bike Plan.

(22) The City of Dallas Planning Policies.

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

(b) 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.

(c) Changes in the design criteria, specifications, or construction standards the failure of which to implement would result in jeopardizing the public's health, safety, or welfare, or which are mandated by court actions or superior statutes, shall become effective immediately upon direction by the director of public works. All other changes shall become effective 90 days after the date notice is placed in the official newspaper of the city indicating that the change has been made. Copies of published notices may be obtained in the office of the director of planning and development.

SEC. 51-8.602. DEDICATIONS REQUIRED.

(a) Generally. The owner of the property to be platted must dedicate all required property or provide appropriate easements for the construction of minor 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) Streets.

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

(A) When the full right-of-way width of a minor street or thoroughfare 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 of public works. If the property on the side of the thoroughfare opposite the property to be platted is railroad right-of-way or 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 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 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 in accordance with the chart in Section 51-8.604.

(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 or thoroughfare 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 as determined by the director of public works;

(D) the director of public works recommends the waiver; and

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

(c) Corner clips. Corner clips must be dedicated at the intersection of any street with a thoroughfare or at the intersection of two minor streets where substandard right-of-way exists. 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.

(d) Alley sight easements. Alley sight easements must be dedicated 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.

(e) Avigation easement and release. An avigation easement and release must be provided for the airspace over any property being platted or replatted and located within the 65 Ldn contour of Love Field Airport, Redbird Airport, Addison Municipal Airport, or Naval Air Station Dallas.

(f) Utilities and drainage easements. Easements necessary for poles, wires, conduits, wastewater, gas, water, telephone, electric power, storm drainage, and any other utilities which are necessary to serve the property being platted must be dedicated. All easements must be in accordance 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 in accordance with Section 51-8.611.

SEC. 51-8.603. 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 necessary to serve the subdivision in accordance with this article.

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

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

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

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

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

(h) Monumentation must be provided in accordance with Section 51-8.617 of this article.

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

(a) Generally. Streets and thoroughfares, 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 and thoroughfares 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 51-8.614.

(4) When the frontage of a proposed plat is less than 1000 feet on a perimeter thoroughfare, the owner's responsibility is limited to funding the construction in accordance with Section 51-8.614(e)(4).

(5) Notwithstanding any other provision of this subsection, construction of perimeter thoroughfares or funding required in Paragraph (4) may be waived by the commission if the director of public works certifies that:

(A) the improvements are not warranted by traffic or drainage needs projected for the next three years; and

(B) engineering is not scheduled to begin for the rest of the thoroughfare during the next three years.

(c) Minor street criteria. If additional right-of-way for a minor street has been waived by the commission in accordance with Section 51-8.602(b)(3), the amount of street construction required for the streets on which the requirements have been waived is determined by the director of public works. Additional street construction may be required, if necessary, based on the existing condition or width of the streets or thoroughfares, 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.

Standards for Minor Streets\*

Zoning	Street Classification	Pvmt. Width (In feet)	ROW Width (In feet)	Alley Req'd.	Min. Centerline Radius (In feet)***
R-1 thru R-7.5	A	26	50	YES**	150
	B	33	53	NO	200
	C	36	56	NO	230
R-5, MH, D, TH-1, TH-2,	B	33	53	YES**	200
	C	36	56	NO	230
TH-3, TH-4, Multiple-Family	C	36	56	NO	230
All Non-Residential Districts	C	36	56	NO	230
All Districts	D with 15 foot median	2-18.5	72	NO	590

\* 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.

\*\* Alleys may be waived by the commission if two additional off-street parking spaces per lot can be provided in excess of the minimum parking requirements of the Dallas Development Code. A note indicating the extra parking required per lot must be placed as a restriction on the plat, and a deed restriction must be submitted for each lot on the plat.

\*\*\* Unusual circumstances or special designs requiring variance from the standards in this column may be approved by the director of public works.

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NOTE: In the Chapter 51A version of this chart, change TH-4 to CH.

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(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 of public works. Sidewalks are required and must be constructed and maintained to the standards for sidewalks in the public right-of-way. Water and sanitary sewer 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.

(3) Private streets must contain private service easements including, but not limited to the following easements: utilities; firelane; 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 of public works.

(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.

(6) The fire protection standards in Article XIII of the Dallas Fire Code must be followed.

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

(11) A guard house may be constructed at any entrance to a private street. All guard houses must be at least 25 feet from a public right-of-way.

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

(13) 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.

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

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

(16) A court or plaza may be considered a private street for the purpose of creating a building site if a specific use permit for a private street or alley use is obtained.

(17) The city has no obligation to maintain a private street. If a private street is not maintained in compliance with the requirements of this chapter, the city, after a public hearing before the commission, shall have the right, but not the obligation, to take those actions necessary to put the private street in compliance. The legal entity responsible for maintaining the private street shall pay the city for the work performed within a period of 180 days from the presentation of the bill, or the private street will become a public street of the city.

SEC. 51-8.605. ALLEY DESIGN AND CONSTRUCTION.

All alleys, public as well as private, 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.

## SEC. 51-8.606. SIDEWALKS.

(a) Required. Sidewalk construction is required along all public and private streets unless waived by the city council after receiving a recommendation from the director of public works.

(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, in the central business district, the Dallas Central Business District Pedestrian Facilities 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. All sidewalks must be constructed of Portland cement concrete having a minimum compressive strength of 2000 pounds per square inch.

(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, prior to the acceptance of any improvements. Construction of sidewalks along minor streets must be completed prior to the time a certificate of occupancy is issued or prior to 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 of public works. The director shall examine the request, make a recommendation, and forward the request with his recommendation to the city council. The city council and the director of public works shall take into account any specific pedestrian traffic need such as a project recommended by the school children safety committee, transit stops, parks and playgrounds, and other people intensive areas when considering the request for sidewalk waivers. Should the city council waive the required sidewalks, the waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation. A waiver of the sidewalk requirement may be appropriate in the following instances:

(1) The potential pedestrian traffic in the area is so minimal that sidewalks are not warranted.

(2) In a single family or duplex zoning district, at least 50 percent of the lots located on the same side of the block as the proposed plat have been developed with completed, approved structures without sidewalks.

(3) A permanent line and grade cannot be set within the public street right-of-way.

(4) It is desirable to preserve natural topography or vegetation preexisting the proposed plat, and pedestrian traffic can be accommodated internally on the property.

SEC. 51-8.607.           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 and the department of transportation.

(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 by the director of transportation and approved by the director of public works.

(c) Spacing of openings. Median openings must not be placed closer than 400 feet to median openings serving major or secondary thoroughfare intersections with divided thoroughfares, measured between the noses of the median. Median openings serving minor streets and driveway approaches along a divided thoroughfare may occur no closer than every 300 feet measured between the noses of the median. The minimum median opening width is 60 feet. Wider openings may be required in order to facilitate truck turning movements. Existing median openings may be relocated in accordance with Subsection (d) of this section. Median openings and left-turn lanes must be designed and constructed with the subdivision infrastructure improvements on all divided thoroughfares along

the perimeter of the plat to serve the intersection of a public or private street or driveway approach with the divided thoroughfare if the access point generates a minimum of 250 vehicles in a 12-hour period as determined by the director of transportation.

(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 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 of public works.

(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 prior to the issuance of a certificate of occupancy, or final inspection of the buildings or improvements on the property.

SEC. 51-8.608. STREET APPURTENANCES.

(a) Generally. The cost and installation of the following items are the responsibility of the owner of the property and are required at the time the infrastructure 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 owner must fund all costs for engineering, material, installation, and activation of street lights as required by the approved street lighting plans. All plan approvals, construction scheduling, and reimbursements must be coordinated through the director of public works.

(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 owner must fund all cost for engineering, material, and construction of the upgrade to the existing signal.

(d) Traffic signs and street name blades. The owner shall supply, erect, and install all of the required traffic signs and street name blades as determined by the director of transportation. 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. The owner is responsible for supplying all necessary posts, hardware, and concrete to complete the sign assembly installation. A maintenance bond sufficient in amount to maintain all traffic signs and street name blades for one year must be posted by the owner.

(e) Pavement markings. The owner shall fund and install pavement markings 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 Uniform Traffic Control Device Manual, State Department of Highways and Public Transportation, and the Barricades Manual of the department of transportation. The owner is also responsible for the removal of all barricades, temporary signs, pavement transitions, and pavement markings. If the area warrants, a barricade or detour plan may be required. If the plan is required, it must be approved by the director of transportation.

SEC. 51-8.609. RAILROAD CROSSINGS.

(a) Generally. All engineering plans and construction of infrastructure in the railroad right-of-way must be approved by the department of public works, the department of water utilities, and the railroad.

(b) 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 of public works or the director of water utilities, as appropriate, for approval.

(2) Upon approval by the appropriate director, the agreement and all required funding must be submitted to the director of property management, 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 of public works 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.

SEC. 51-8.610. UTILITIES.

The owner shall provide all necessary utility facilities to serve the subdivision, including easements, material, 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 by the commission and recorded with the county.

SEC. 51-8.611. 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 storm water runoff drainage onto, through, and originating within the subdivision. No final plat release may be issued until proper provision has been made for drainage.

(2) Private drainage systems are those which serve one lot or tract, or any open system that serves more than one lot or tract for which a private entity has maintenance obligations. Private systems are owned and maintained by a private entity. Easements must be provided to allow access by the city to any open system in the event that private system failure or diminished function jeopardizes the public's health, safety or welfare. Private storm water drainage systems must be designed in general conformance with the design standards of the department of public works as set forth in the Design

Manual for Storm Drainage Facilities of the department of public works. It is not essential that private enclosed systems be constructed according to the Standard Construction Details, File 251D-1.

(3) Public drainage systems are those systems which serve more than one lot or tract, excluding open systems maintained by a private entity. The portion of a drainage system located downstream from a lot or tract boundary, and the portion of any drainage system within the lot or tract boundary which conveys storm drainage from outside the lot or tract boundary are public systems. Public storm water drainage systems must be designed and constructed in strict conformance with department of public works standards.

(4) The city owns and maintains public systems which have been constructed and accepted according to the provisions of Section 51-8.612.

(5) All storm drainage facilities must be designed and constructed to safely drain a 100-year storm as outlined in the Design Manual for Storm Drainage Facilities of the department of public works. Paved streets and alleys, ditches, and swales may be used for emergency overflow capacity in parallel with enclosed systems provided the requirements of the Design Manual for Storm Drainage Facilities of the department of public works are met.

(6) Storm water must be discharged in an acceptable form and at a controlled rate so as not to endanger human life or public or private property.

(7) The owner shall fund and construct all storm drainage outfalls necessary to safely and adequately drain the subdivision.

(8) The city may provide new public drainage outfalls and public drainage system upgrades to serve existing and future subdivisions through specific items in the capital improvement bond programs.

(b) Erosion and sedimentation control.

(1) The owner shall provide erosion control plans for review and subsequent approval by the department of public works for any development requiring grading or clearing where sediments can be carried to natural or manmade drainageways. Erosion and sedimentation control plans are required in the following instances:



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(A) When the property to be platted is located in the escarpment or in a geologically similar area (Division 51-5.200).

(B) Where ground cover is disturbed over an area larger than three acres.

(C) If required as a condition of approval of the preliminary plat.

(2) Erosion control plans must include the following:

(A) A timing schedule indicating the starting and completion dates of the development activities sequence and the time of exposure of each area. Written approval of the director of public works is necessary to authorize any time of exposure exceeding six months.

(B) A complete description of all control measures designed to control erosion and sedimentation of soils during and after construction. The owner is responsible for maintenance of erosion and sedimentation control measures during development and shall remove sediment from city right-of-way or storm drainage systems that occurs during the construction phase. Revegetation of the disturbed area is required as a part of the approved erosion control plan.

(c) Detention.

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

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

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

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

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

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

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

(2) Detention facilities must be designed and constructed in conformance with the published City of Dallas Standards for Detention Basin Design dated February, 1987, or any revisions thereof.

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

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

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

(6) If detention is provided due to inadequate outfall [Section 51-8.611(c)(1)], then upstream storm drainage systems must be designed for a 100-year storm, up to the outfall into the detention basin. Drainage systems constructed downstream must be designed for a 100-year storm of the drainage basin without taking into consideration the reduction in flow provided by the retention facility upstream, unless a lesser criteria is approved by the director of public works.

(7) Storm water runoff from any plat into a contiguous city may be required to comply with the criteria of the contiguous city as directed by the director of public works of the city of Dallas so long as there is a written agreement in effect at the time.

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

(9) When development of the property downstream results in the construction of facilities designed to accomodate the 100-year storm, and the detention facilities upstream are no longer necessary, the detention facilities may be abandoned and the land reclaimed for other purposes.

(d) Floodways.

(1) Generally. Floodways must be provided in accordance with the recommendation of the director of public works and requirements of the commission to accommodate the 100-year storm drainage flows or the flow of the flood of record, whichever is greater. All floodway dedications must be clearly identified on the plat and monumented on the ground. The standard statement of conditions must be included in any plat containing floodways. Regardless of whether floodways are designated as floodway management areas, flood easements, or as common areas or parks, the provisions of Division 51-5.100 of this chapter apply.

(2) Floodway management areas. Floodway management areas ("FMA's") are drainage areas dedicated in fee simple to the city. Upon acceptance of the dedication, the city maintains floodway management areas to prevent obstruction of floodway capacity. FMA's are required in single-family, duplex, and townhouse areas. Access may require a 15 foot easement and 10 feet of paving at a maximum of a 3 to 1 slope. No lot may extend into an FMA. The area for each FMA must be indicated on the plat in square feet or in acres.

(3) Floodway easements.

(A) Floodway easements are drainage areas dedicated to the city as easements. All floodways not dedicated as an FMA must be dedicated as a floodway easement. Lots zoned commercial, industrial, or high density residential may extend into floodway easements. Common areas in a CUD or other areas may be wholly or partly comprised of floodway easements.

(B) The owners of the common area containing a floodway easement are jointly and severally liable for maintenance, taxes, and all other standard property owner liabilities.

(C) The owner of any lot containing a floodway easement is liable for maintenance, taxes, and all other standard property owner liabilities.

(D) All floodway easements must be maintained by removing all structures, debris, and undergrowth that impede the free flow of water.

(E) Private lakes or ponds must be maintained in accordance with the requirements placed on the plat regarding debris removal, desilting, and vegetation control.

(F) Unless expressly approved by the director of public works in an instrument filed in the county deed records, no building, fence, tree, shrub, or any other improvement or growth may be placed in or across any floodway. The city maintains the right at all times to enter upon the floodway to inspect, maintain, or improve it. Access easements may be required for this purpose.

SEC. 51-8.612. PRIVATE DEVELOPMENT CONTRACTS.

(a) Generally. Once the infrastructure plans have been approved, but prior to the final release of a plat, construction contracts must be executed to build the proposed infrastructure facilities. Private development contracts for water and wastewater improvements must be in accord with Chapter 49 of the Dallas City Code. Private developments for other infrastructure improvements must be in accord with this section.

(b) Cost. The cost of infrastructure construction is the responsibility of the owner of the property to be platted except as provided in Section 51-8.614.

(c) Form. The private development contract must be on a form provided by the director of public works and approved by the city attorney.

(d) Bonds. The private development contract must include performance and payment bonds equivalent to those which 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 of public works in sufficient number to meet the current contract plan distribution requirements of the city.

(f) Construction inspection. Prior to the approval of a private development contract, the owner shall submit to the director of public works 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 of public works that he, or a qualified member of his 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. Prior to 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 of public works. Materials testing and certification must be in accordance 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 of public works.

(i) Order of construction.

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

(2) In order to obtain building permits for any 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 of public works.

(3) Private development contracts for paving must not be approved by the city until the related storm drainage construction is completed and generally 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 insure 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 of public works has a copy of the approved recorded plat;

(3) a letter of acceptance has been issued by the director of public works or the director of water utilities, whichever is appropriate; and

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

(1) 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 of public works is conclusive on the determination as to needed maintenance or defective materials or workmanship.

SEC. 51-8.613. 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 of public works, the owner shall execute the covenant on a form provided by the director. Executed covenants must be submitted to the division of property management 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 of public works 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.

## SEC. 51-8.614. CITY COST SHARING.

(a) Generally. All requests for cost sharing must be approved by the city council. City participation in infrastructure construction costs is generally limited to items the developer would not normally be required to install, or items that benefit a broad population segment. The cost of all infrastructure design and construction required as a condition of platting is the responsibility of the owner of the property to be platted unless specifically provided for in this section. All city participation in construction and costs is subject to the availability of capital bond funds for subdivision participation. City participation must not exceed 30 percent of the total private development contract price; this limitation may be waived if the director of public works chooses, in his sole discretion, to advertise the construction for competitive bids in accordance with state law. In some instances, items which meet all criteria for participation will receive no funding from the city because no funds are available. Failure of the city to participate in funding or construction in no way relieves the owner of the responsibility to fund and construct all improvements.

(b) Bridges and culverts.

(1) The city participates in the cost of the construction of bridges and culverts only if:

(A) the proposed structure is necessary to serve a public street;

(B) the proposed structure spans a stream draining off-site storm water; and

(C) the stream or water course drains an area equal to or larger than 130 acres.

(2) The owner of the property to be platted is responsible for funding and constructing the bridge or culvert. The city may participate in the cost of construction, subject to the limitations set forth in Subsection (a) of this section. Where the city competitively bids the construction, participation is limited to two-thirds of the cost of construction in cases where the city owns property on one or more sides of the bridge or culvert, and one-third of the cost of construction in all other cases. Failure of the city to participate does not relieve the owner of his responsibility.



(3) The cost of construction in which the city participates is either the low bid price or the actual construction cost based on the low bid price, whichever is lower. The city participates only in those items of bridge work within the street right-of-way and within the zone between the extremities of the approach slabs or street headers. Culvert participation is limited to culvert structure and wing walls within the street right-of-way.

(4) If the property to be platted is located in a single-family, duplex, or townhouse area, the city shall pay the additional cost of the crossing structure necessary to meet pavement width requirements for thoroughfares. This additional city participation is based on the construction cost of the portion of the crossing structure determined by the following formula:

$$\frac{W-37}{W} \times CC$$

where W is the width of six inch thick pavement measured in feet from back of curb to back of curb, and CC is construction cost as defined in Paragraph (3) of this subsection.

(5) If adequate right-of-way is not available, or if an adjacent property owner refuses to participate in construction of a bridge or culvert required for a thoroughfare, the owner of the property may elect to build a structure wide enough to carry no more than one-half the width requirement of the thoroughfare plan.

(6) City participation is accomplished through a city council authorized reimbursement to the developer. The city shall authorize reimbursement to the developer if:

(A) construction of the crossing structure (the bridge or culvert) has been completed and accepted by the director of public works;

(B) a street is completed from a public right-of-way to the crossing structure;

(C) an invoice is submitted by the owner with a cost breakdown of each work item relating to the crossing structure; and

(D) sufficient funds are available for reimbursement.

(c) Residential paving participation.

(1) In single-family, duplex, and townhouse areas, the city shall participate in the pavement cost, for the construction of that part of an internal thoroughfare in excess of 37 feet in width (measured from back of curb to back of curb) and 6 inches in thickness, as long as unencumbered funds are available for subdivision participation. The city's participation is limited to the cost of the reinforced Portland cement concrete pavement necessary to pave the participation section described in Paragraph (2) below. The owner bears all other costs of the thoroughfare improvement, including subgrade preparation.

(2) The city participation is through actual construction of a portion of the street in accordance with the following:

(A) The amount of city participation is determined by multiplying the cross sectional area of that portion of the thoroughfare in excess of 37 feet in width and six inches in thickness by the total length of the thoroughfare.

(B) The volume of pavement calculated in Subparagraph (A) is converted to an equivalent full width and depth pavement section in a specified section of the thoroughfare. This section of the thoroughfare is called the "participation section." The participation section is located at a convenient station of the thoroughfare which is mutually acceptable to the city and the owner.

(C) The participation section is advertised for competitive bids by the city and awarded in accordance with regular city bid procedures and the state law.

(D) Advertisement, award, construction, and acceptance of the participation project is in accordance with the standard specifications of public works construction and the bid documents.

(d) Pavement in public use areas.

(1) The city may fund the cost of the Portland cement concrete necessary to construct one-half the width requirements of streets or thoroughfares adjoining and parallel to public use areas such as a park, a floodplain management area, the escarpment zone and geologically similar areas, and any area dedicated to the city as open space.

(2) The city park and recreation board must recommend to the city council funding for streets adjoining the park and open space land.

(3) The department of public works must recommend to the city council funding for thoroughfare portions adjoining flood plain management areas.

(4) Funding is based on city priority schedules and availability of funds.

(5) Funding is provided through paving participation as set forth in Subsection (c).

(e) Perimeter street improvements.

(1) When a minor street is along the perimeter of the proposed plat, the city does not participate in funding or construction.

(2) When a thoroughfare is along the perimeter of the proposed plat, and the proposed plat is located in a single-family, duplex, or townhouse area, the city shall participate as provided in Subsection (c).

(3) When a thoroughfare is along the perimeter of the proposed plat and the proposed plat is located in a nonresidential zoning district, the city does not participate in funding or construction.

(4) When the frontage of a proposed plat is less than 1,000 feet on a perimeter thoroughfare, the owner shall, instead of construction, place in escrow with the city, an amount sufficient to fund the estimated cost of the property owner's portion of the required paving, sidewalk, and storm drainage improvements. If the city has not begun the engineering design for the improvements within three years from the date of escrow, the money must be refunded, with interest at the city's investment rate, within 30 days of demand and proof of payment.

(f) Storm drainage.

(1) The owner shall fund and construct all storm drainage facilities required as a condition of platting, including the cost to provide connection to the existing storm drainage outfall.

(2) The owner shall fund and construct upgrades to the storm drainage system required because of the increased

runoff from the property to be platted due to rezoning. As an alternative, the owner may provide on-site detention if the detention basin plans are approved by the director of public works.

SEC. 51-8.615. 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.

(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 prior to 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, a 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.

SEC. 51-8.616.           RELEASE OF FINAL PLAT.

Neither the director of public works nor the director of water utilities may release the final plat for approval by the commission unless the following conditions are met:

(1) On-site easements and rights-of-way must be properly described and noted on the proposed plat.

(2) Off-site easements and rights-of-way must be dedicated by the respective owners and filed of record with the county.

(3) Approved language of easement and dedication must be stated on the final plat, executed, and properly acknowledged.

(4) All required licenses and railroad agreements must have been executed by the owner, the railroad, utility company, and the city council.

(5) All required abandonments of public rights-of-way or easements must have been approved by the city council, and the abandonment ordinance numbers must be shown on the plat.

(6) All required infrastructure plans must have been approved.

(7) All required private development contracts must have been executed and approved.

(8) All required covenants must have been approved by the city and filed of record with the county.

(9) All monuments required in Section 51-8.617 must have been installed on the property.

SEC. 51-8.617. MONUMENTATION.

(a) Type of monument.

(1) Subdivisions must be monumented with monuments of durable material and of sufficient size set at sufficient depth to remain stable for a period of at least 25 years, if undisturbed.

(2) All monuments installed must contain a cap or disc imprinted with the subdivision name 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 director of public works.

(b) Placement of monument on boundary of minor subdivisions.

(1) Monuments must be installed on the boundary of minor subdivisions at all corners, angle points, and points of curvature and tangency.

(2) The size, shape, and substance of monuments found or installed must be shown on the plat and described in the metes and bounds description of the owner's certificate.

(c) Placement of monuments within boundary of major subdivisions. Monuments must be installed within the boundary of major subdivisions 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 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, or the escarpment zone.

(2) Monuments must be installed at all angle points and points of curvature or tangency.

(3) Floodway monuments must conform to the dimensions and specifications shown on the department of public works' drawing in File No. 424-109.

(e) Setting of monuments.

(1) Minor subdivisions must be monumented prior to the recording of the subdivision plat.

(2) Major subdivisions must be monumented prior to the department of public works issuing a letter of acceptance of infrastructure improvements.

(f) Surveyor's certificate. The final plat of the subdivision must contain a certificate that the land being subdivided was surveyed under the supervision of a registered public surveyor. The certificate must contain the surveyor's name and registration number and must be sworn to before a notary public.

#### SEC. 51-8.618. TRAFFIC BARRIERS.

(a) When required. For all property being platted with identifiable single-family, duplex, or townhouse components which front on both a major thoroughfare and a public or private street or alley, traffic barriers must be constructed which separate the property from the major thoroughfare. Traffic barriers are also required to separate alleys from major thoroughfares in accordance with Section 51-8.507.

(b) Easement. The owner must dedicate an exclusive barrier easement along the lots or alleys perimeter to the thoroughfare. Barrier easements must have a minimum width of three feet.

(c) Design. The design and construction of traffic barriers must be approved by the director of public works. 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. If a traffic barrier is to serve as a screening wall, it must also meet the minimum standards for screening walls in Section 51-8.619.

(d) Timing of construction. All traffic barriers required by this article must be constructed concurrently with the adjoining thoroughfare or, if the thoroughfare is already constructed or is not to be constructed with the subdivision infrastructure, prior to the issuance of a certificate of occupancy or utility hookup 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 51-8.612. The barrier must be constructed and the bond executed before the barrier work may be accepted by the city. Upon acceptance and expiration of the one-year maintenance bond, traffic barriers become the property of the city.

(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 public safety and welfare, unless some other entity of record has been established for that purpose.

#### SEC. 51-8.619. . SCREENING WALLS.

Screening walls which are part of a unified plan or scheme in a platted area must meet the standards of the department of public works. If the screening wall is to serve as a traffic barrier, it must also meet the standards of Section 51-8.618.

#### Division 51-8.700

#### Administration

#### SEC. 51-8.701. NOTHING DEEMED SUBMITTED UNTIL FEES PAID.

Whenever a requirement exists for the submission of plans,



and a fee exists for the processing of the plans, no submission is complete until all required fees have been paid.

SEC. 51-8.702. EARLY RELEASE OF BUILDING PERMIT.

(a) Generally. No building permit may be issued prior to the completion and filing for record of a final plat except in accordance with this section. The recipient of an early release permit bears the entire risk that any or all improvements may need to be modified or removed based on engineering plan review or final plat denial.

(b) Application. An application for an early release must be submitted to the office of development coordination. The office of development coordination shall review the application and determine whether an early release is appropriate. If the office of development coordination recommends the early release, the building official shall review the application to determine if a building permit may be issued. The application for early release must include:

- (1) the number of copies required for circulation and review;
- (2) a copy of the approved preliminary plat;
- (3) the file number assigned to the plat application by the city;
- (4) a copy of the action letter from the director of planning and development outlining the conditions of preliminary plat approval;
- (5) all requisites for building permit applications;  
and
- (6) a site plan showing the following:
  - (A) Boundary lines of the property.
  - (B) Existing streets.
  - (C) Pavement widths and surface compositions for existing and proposed driveways, sidewalks, and areas intended for vehicular travel.
  - (D) Improvements existing on the property, and all proposed improvements.

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

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

(2) the commission has approved a preliminary or final plat subject to conditions;

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

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

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

(6) adequate storm drainage outfall exists to safely discharge on-site drainage of a one hundred year flood;

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

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

(9) infrastructure plans for the proposed plat have been submitted to the departments of public works and water utilities and are in general conformance with city standards;

(10) if required by the directors of public works and water utilities, private development contracts and bonds have been submitted;

(11) the application complies with all applicable laws;

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

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

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

SEC. 51-8.703. CIRCUMVENTION OF REGULATIONS PROHIBITED.

(a) Recording of plat. No person may file or cause to be filed for record with the county clerk a proposed plat before the plat of the property has received final approval by the commission in accordance with this article.

(b) Building permit. No building permit may be issued for the construction of any building or structure located on a tract which was not created in accordance with this article, except that building permits may be issued for:

(1) remodeling or repair of existing structures on such a tract; and

(2) infrastructure construction.

(c) No public or private improvements. No construction of any public or private improvements may be commenced or continued except in conformity with this article.

(d) Certificates of occupancy. No certificate of occupancy may be issued and no final inspection for residential property may be made for property which was not developed in strict compliance with this article, or for property upon which all conditions of plat approval have not been met. The fact that a building permit was issued for the property does not excuse compliance with all regulations, and a certificate of occupancy may be denied if a building permit is issued in error.

SEC. 51-8.704. UTILITIES.

Utility hookups are not authorized until a final plat has been approved by the commission in accordance with this article and filed for record with the county clerk.

SEC. 51-8.705. TAXES.

No final plat may be approved by the commission until all taxes assessed by the city against the property have been paid.

SEC. 51-8.706. APPROVALS AND AGREEMENTS IN WRITING.

Whenever a requirement exists for approval by an official

body, a city official, or a city employee, or for an agreement, concurrence, or acknowledgement from an applicant, the approval, agreement, concurrence, or acknowledgement must be expressed in written form.

SEC. 51-8.707. PLATTING IN THE ESCARPMENT ZONE AND IN GEOLOGICALLY SIMILAR AREAS.

The commission shall refuse permission to plat property in the escarpment zone or in geologically similar areas, as defined in the escarpment regulations of this chapter, unless the director of public works has first issued an escarpment permit for the development proposed."

SECTION 2. That the city attorney is authorized to make necessary adjustments to all section numbers and references in this ordinance to allow its provisions to be properly incorporated into both Chapters 51 and 51A of the Dallas Development Code, as amended.

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That CHAPTERS 51 and 51A of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 6. 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.

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APPROVED AS TO FORM:

ANALESIE MUNCY, City Attorney

By Cynthia M. Stein

Passed and correctly enrolled OCT 12 1988

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