

10-8-24

ORDINANCE NO. 32907

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-2.102, 51-4.212, 51-4.217, 51A-2.102, 51A-4.202, 51A-4.210, and 51A-4.217; amending the definition sections; amending the automobile or motorcycle display, sales, and service (outside display) use regulations; amending the commercial parking lot or garage use regulations; amending machinery, heavy equipment, or truck and sale and services use regulations; amending the auto service center use regulations; amending the commercial motor vehicle parking use regulations; amending the liquefied natural gas fueling station use regulations; amending the truck stop use regulations; amending the vehicle display, sales, and service use regulations; amending the accessory use sections; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

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

SECTION 1. That Section 51-2.102, "Definitions," of Article II, "Interpretations and Definitions," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Paragraph (91.1) to read as follows:

"(91.1) OVERSIZED MOTOR VEHICLE means any motor vehicle:

(A) that is more than 22 feet from end to end, more than eight feet at its widest point, or more than nine feet from the ground to its highest point; or

(B) with two or more rear axles such as trucks, truck tractors, and similar vehicles; or

(C) designed to transport more than 15 passengers including the driver.”

SECTION 2. That Section 51-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding a new Paragraph (91.2) to read as follows:

“(91.2) OVERSIZED TRAILER means any trailer or semi-trailer that is more than 20 feet from end to end, more than eight feet at its widest point, or more than nine feet from the ground to its highest point, excluding boat and recreational vehicle trailers.”

SECTION 3. That Section 51-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding a new Paragraph (121.1) to read as follows:

“(121.1) TRAILER means a vehicle without motive power that is designed or used to carry property or passengers, and is drawn by, or partially rests on, a motor vehicle.”

SECTION 4. That Paragraph (2), “Automobile or Motorcycle Display, Sales, and Service (Outside Display),” of Section 51-4.212, “Motor Vehicle Related Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(2) Automobile or motorcycle display, sales, and service (outside display).

(A) Definition: A facility for the display, service, rental, or [and] retail sale of new or used automobiles, motorcycles, motor scooters, recreational vehicles, and trailers, excluding overside motor vehicles and oversize trailers. with outside display permitted.

(B) Districts permitted: LC, HC, central area, and industrial districts.

(C) Required off-street parking: One space for each 500 square feet of site area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 100,000	1
100,000 to 300,000	2
Each additional 200,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Outside display and open storage of new or used vehicles for sale are permitted under this use without visual screening.

(ii) New or used vehicles for sale may be displayed or stored in the required front yard under this use. [~~The weight of each vehicle displayed under this provision may not exceed 6,000 pounds.~~]

SECTION 5. That Romanette (i) of Subparagraph (E) of Paragraph (18), "Commercial Parking Lot or Garage," of Section 51-4.212, "Motor Vehicle Related Uses," of Division 51-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(i) The parking of oversized motor vehicles [~~that weigh more than 6,000 pounds or that have a manufacturer's rated seating capacity of more than 15 persons~~] is prohibited under this use [~~in all areas of the city except the central business district~~]."

SECTION 6. That Paragraph (9), "Open Storage," of Subsection (b), "Specific Accessory Uses," of Section 51-4.217, "Accessory Uses," of Division 51-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(9) Open storage.

(A) Definitions:

(i) ACCESSORY OPEN STORAGE means the outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed, or that is located on an unenclosed porch of a building.

(ii) **BOOK EXCHANGE STRUCTURE** means an enclosed structure that holds books or other literary materials to be shared or exchanged in a pedestrian accessible location constructed and maintained by the owner of the property.

(B) Districts permitted: This accessory use is permitted in any district if it satisfies the requirements of Subsection (a) of this section and if it is not prohibited by the additional provisions of the main use and this section. This accessory use is not permitted in the P district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Accessory outside storage is not permitted unless the item is ~~[A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not]:~~

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) ~~[For purposes of this subsection, an item located on a porch of a building is considered to be outside if the porch is not enclosed.]~~

(iii) ~~Except as otherwise provided in this subsection,]~~ Accessory open storage is not permitted in the area between any street and the main building and extending across the width of the lot or tract [primary yard] or on a front porch of a residential building unless it is: ~~[In this subsection, "primary yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.]~~

(iv) ~~It is a defense to prosecution under Subsection (E)(iii) that the item is:]~~

(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter and is not an oversized motor vehicle ~~[, except that this defense is not available if the vehicle is a truck tractor, truck, bus, or recreational vehicle and it has a rated capacity in excess of one and one half tons according to the manufacturer's classification, or if the vehicle is over 32 feet in length];~~

(bb) a boat, trailer that is not an oversized trailer, or recreational vehicle parked on a surface that meets the standards for parking surfaces contained in

the off-street parking regulations of this chapter, and the item cannot reasonably be placed in an outside area behind the street-facing building facade ~~[front yard]~~;

(cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed outside ~~[in the front yard or on the front porch]~~ for landscaping purposes;

(dd) lawn furniture or a book exchange structure made of a material that is resistant to damage or deterioration from exposure to the outside environment;

(ee) located on a front porch and not visible from the street; or

(ff) a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Section 681.006 of the Texas Transportation Code.

(iii~~v~~) A person shall not use more than five percent of the lot area of a premise for accessory open storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory open storage. Except as otherwise provided in this article, open storage is considered to be a separate main use if it occupies more than five percent of the lot.

(iv~~v~~) The board may grant a special exception to the additional provisions in Romanette (ii) ~~[of this subsection relating to accessory open storage in the primary yard or on a front porch of a residential building]~~ when, in the opinion of the board, the special exception will not adversely affect neighboring property.”

SECTION 7. That Section 51A-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (104.1) to read as follows:

“(104.1) **OVERSIZED MOTOR VEHICLE** means any motor vehicle:

(A) that is more than 22 feet from end to end, more than eight feet at its widest point, or more than nine feet from the ground to its highest point; or

(B) with two or more rear axles such as trucks, truck tractors, and similar vehicles; or

(C) designed to transport more than 15 passengers including the driver.”

SECTION 8. That Section 51A-2.102, "Definitions," of Article II, "Interpretations and Definitions," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (104.2) to read as follows:

"(104.2) OVERSIZED TRAILER means any trailer or semi-trailer that is more than 20 feet from end to end, more than eight feet at its widest point, or more than nine feet from the ground to its highest point, excluding boat and recreational vehicle trailers."

SECTION 9. That Section 51A-2.102, "Definitions," of Article II, "Interpretations and Definitions," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (139.2) to read as follows:

"(139.2) TRAILER means a vehicle without motive power that is designed or used to carry property or passengers, and is drawn by, or partially rests on, a motor vehicle."

SECTION 10. That Subparagraph (A) of Paragraph (10), "Machinery, Heavy Equipment, or Truck Sales and Service," of Section 51A-4.202, "Commercial and Business Service Uses," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(A) Definition: A facility for the display, sale, rental, or [and] service of machinery, heavy equipment, oversized motor vehicles, or oversized trailers [trucks]."

SECTION 11. That Paragraph (3), "Auto Service Center," of Subsection (b), "Specific Uses," of Section 51A-4.210, "Retail and Personal Service Uses," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(3) Auto service center.

(A) Definition: A facility for the servicing or minor [~~mechanical~~] repair, maintenance, alteration, upholstery, reupholstering, or inspection of motor vehicles. This use may include the retail sale of lubricating oils, tires, or parts for use in motor vehicles. This use does not include [~~as its primary function~~] the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components, nor auto body repair or painting.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. RAR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.

(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of four spaces is required. Parking spaces that are used to repair motor vehicles and located in a structure are not counted in determining the required parking.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 60,000	1
Each additional 60,000 or fraction thereof	1

(E) Additional provisions:

(i) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.

(ii) The servicing or repair of oversized motor vehicles [~~that weigh more than 6,000 pounds or that have a manufacturer's rated seating capacity of more than 15 persons~~] is not permitted under this use."

SECTION 12. That Subparagraph (A) of Paragraph (8.1), "Commercial Motor Vehicle Parking," of Subsection (b), "Specific Uses," of Section 51A-4.210, "Retail and Personal Service Uses," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(A) Definition: A facility for the temporary, daily, or overnight parking of oversized [~~commercial~~] motor vehicles primarily designed for the long-distance transportation of cargo [~~as defined in the use regulations for a truck stop, and/or motor vehicles with two or more rear axles such as trucks, truck tractors, and similar vehicles~~], for no charge or for a fee, regardless of whether that fee is charged independently of any other use on the lot, if the parking is not accessory to a main use on the lot."

SECTION 13. That Romanette (i) of Subparagraph (E) of Paragraph (9), “Commercial Parking Lot or Garage,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(i) The parking of oversized motor vehicles [~~that weigh more than 6,000 pounds or that have a manufacturer’s rated seating capacity of more than 15 persons~~] is prohibited under this use [~~in all areas of the city except the central business district~~].”

SECTION 14. That Subparagraph (A) of Paragraph (16.1), “Liquefied Natural Gas Fueling Station,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(A) Definition[s]: [~~In this paragraph:~~

(i) ~~COMMERCIAL MOTOR VEHICLE~~ means a motor vehicle that:

(aa) is designed or used for the transportation of cargo;

(bb) has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and

(cc) is not owned or operated by a governmental entity.

(ii) ~~LIQUEFIED NATURAL GAS FUELING STATION~~ means] A [a] facility for the retail sale of liquefied natural gas from pumps to oversized [commercial] motor vehicles.”

SECTION 15. That Subparagraph (A) of Paragraph (30.1), “Truck Stop,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(A) Definition[s]: [~~In these use regulations:~~

~~(i) COMMERCIAL MOTOR VEHICLE means a motor vehicle that:~~

~~(aa) is designed or used for the transportation of cargo;~~

~~(bb) has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and~~

~~(cc) is not owned or operated by a governmental entity.~~

~~(ii) TRUCK STOP means] Δ [a] facility for the retail sale of motor vehicle fuel dispensed from pumps or electric vehicle charging stations for oversized [to commercial motor] vehicles.”~~

SECTION 16. That Paragraph (31), “Vehicle Display, Sales, and Service,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(31) Vehicle display, sales, and service.

(A) Definition: A facility for the display, service, rental, or [and] retail sale of new or used automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers excluding oversized motor vehicles and oversized trailers.

(B) Districts permitted: By right in RR, CS, and industrial districts. By SUP only in central area districts. RAR required in RR, CS, and industrial districts.

(C) Required off-street parking: One space per 500 square feet of floor and site area exclusive of parking area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) ~~[The weight of each vehicle displayed or sold under this use may not exceed 6,000 pounds.~~

(ii) Outside display and storage of new or used vehicles for sale is permitted under this use without visual screening.

(iii) New or used vehicles for sale may be displayed or stored in the required front yard under this use.

(iv) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.”

SECTION 17. That Paragraph (6), “Accessory Outside Storage,” of Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory Uses,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(6) Accessory outside storage.

(A) Definitions:

(i) ACCESSORY OUTSIDE STORAGE means the outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed, or that is located on an unenclosed porch of a building.

(ii) BOOK EXCHANGE STRUCTURE means an enclosed structure that holds books or other literary materials to be shared or exchanged in a pedestrian accessible location constructed and maintained by the owner of the property.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off street parking: None.

(D) Required off street loading: None.

(E) Additional provisions:

(i) Accessory outside storage is not permitted unless the item is
~~[A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not]:~~

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) ~~[For purposes of this subsection, an item located on a porch of a building is considered to be outside if the porch is not enclosed.]~~

(iii) ~~Except as otherwise provided in this subsection,]~~
A[a]ccessory outside storage is not permitted in the area between any street and the main building and extending across the width of the lot or tract, [primary yard] or on a front porch of a residential building, unless it is: ~~[-In this subsection, "primary yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.]~~

(iv) ~~It is a defense to prosecution under Subsection (E)(iii) that the item is:~~

(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter and is not an oversized motor vehicle ~~[-except that this defense is not available if the vehicle is a truck tractor, truck, bus, or recreational vehicle and it has a rated capacity in excess of one and one-half tons according to the manufacturer's classification, or if the vehicle is over 32 feet in length;]~~

(bb) a boat, trailer that is not an oversized trailer, or recreational vehicle, that is parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, and the item cannot reasonably be placed in an outside area behind the street-facing building facade ~~[primary yard];~~

(cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed outside ~~[in the primary yard or on the front porch]~~ for landscaping purposes;

(dd) lawn furniture or a book exchange structure made of a material that is resistant to damage or deterioration from exposure to the outside environment;

(ee) located on a front porch and not visible from the street; or

(ff) a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Section 681.006 of the Texas Transportation Code.

(iii[~~v~~]) A person shall not use more than five percent of the lot area of a premise for accessory outside storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory outside storage. Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot.

(iv[~~vi~~]) The board may grant a special exception to the additional provisions in Romanette (ii) ~~[of this subsection relating to accessory outside storage in the primary yard or on a front porch of a residential building]~~ when, in the opinion of the board, the special exception will not adversely affect neighboring property.”

SECTION 18. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 19. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 20. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 21. 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 22. 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:

TAMMY L. PALOMINO, City Attorney

By  _____
Assistant City Attorney

Passed OCT 23 2024



PROOF OF PUBLICATION – LEGAL ADVERTISING

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

DATE ADOPTED BY CITY COUNCIL OCT 23 2024

ORDINANCE NUMBER 32907

DATE PUBLISHED OCT 26 2024

ATTESTED BY: