

Division 51-4.800.

Development Impact Review.

SEC. 51-4.801. PURPOSE.

The general objectives of this division are to promote and protect the health, safety, and general welfare of the public through the establishment of an administrative review procedure for certain proposed development considered likely to significantly impact surrounding land uses and infrastructure needs and demands. Development impact review should occur before the developer has completed a full set of working drawings for submission as part of an application for a building permit. As part of the review procedure, the developer may be required to submit a site plan indicating building siting and layout, buffering, landscaping, usable open space, access, lighting, loading, and other specific data. Site plan review is not intended to mandate aesthetics of design, nor is it intended to alter basic development standards such as floor area ratio, density requirements, height, setbacks, and coverage. (Ord. 18921)

SEC. 51-4.802. DEFINITIONS.

In this article:

(1) BUILDING ENVELOPE means the three dimensional form within which the horizontal and vertical elements of a building are contained.

(2) CALIPER means the diameter of the trunk measured six inches above ground level, up to and including four-inch-caliper size, and measured 12 inches above ground level if the measurement, taken at six inches above ground level, exceeds four inches. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all of its trunks.

(3) ESTIMATED TRIP GENERATION means the total number of vehicle trips generated by one or more uses on the lot derived from calculations based exclusively on trip generation assumptions contained in Table 1 in Section 51-4.803. (Ord. 18921)

SEC. 51-4.803. SITE PLAN REVIEW.

(a) When a site plan is required.

(1) Except as otherwise provided in Subsections (a)(3) and (a)(4), a site plan must be submitted in accordance with the requirements of this section before an application is made for a permit for work on an individual lot if:

(a)(2); and (A) the lot is in a district or subdistrict listed in Subsection

(B) the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per day per acre. (See Table 1 to calculate estimated trip generation.)

(2) The districts and subdistricts listed for purposes of Subsection (a)(1) are:

(A) all nonresidential zoning districts except central area districts; and

(B) SC, GR, LC, HC, O-2, and industrial subdistricts in the Oak Lawn Special Purpose District (Planned Development District No. 193).

TABLE 1
TRIP GENERATION ASSUMPTIONS

USE	TRIPS PER DAY
INDUSTRIAL USES	6.97 per 1,000 gsf
LODGING USES	10.50 per room
OFFICE USES	
Financial institution without drive-in	140.61 per 1,000 gsf
Financial institution with drive-in	265.21 per 1,000 gsf
Other by floor area:	
10,000 gsf or less	24.60 per 1,000 gsf
over 10,000 to 50,000 gsf	16.58 per 1,000 gsf
over 50,000 to 100,000 gsf	14.03 per 1,000 gsf
over 100,000 to 150,000 gsf	12.71 per 1,000 gsf
over 150,000 to 200,000 gsf	11.85 per 1,000 gsf
RESIDENTIAL USES	
Single Family	9.55
Other	6.59/dwelling unit
RETAIL AND PERSONAL SERVICE USES	
General merchandise over 3,500 sq.ft.	177.59 per 1,000 gsf
General merchandise under 3,500 sq. ft.	737.99 per 1,000 gsf
Restaurant without drive-in	205.36 per 1,000 gsf
Restaurant with drive-in	786.22 per 1,000 gsf
Other:	
10,000 gsf or less	167.59 per 1,000 gsf
over 10,000 to 50,000 gsf	91.65 per 1,000 gsf
over 50,000 to 100,000 gsf	70.67 per 1,000 gsf
over 100,000 to 150,000 gsf	62.59 per 1,000 gsf
over 150,000 to 200,000 gsf	54.50 per 1,000 gsf
WHOLESALE, DISTRIBUTION, AND STORAGE USES	
Mini-warehouse	2.61 per 1,000 gsf
Warehouse	4.88 per 1,000 gsf

"gsf" means gross square feet. These rates are based on the ITE Trip Generation Report, 5th edition, January, 1991. Rates for uses and floor areas not listed shall be based on the ITE Trip Generation Report. Rates for uses and floor areas not listed in the ITE Trip Generation Report shall be determined by the Director of Transportation based on a survey of similar existing uses.

(3) A site plan is not required under Subsection (a)(1) if the permit is only needed for:

(A) restoration of a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind. For purposes of this subsection, “restoration” means the act of putting back into a former or original state; or

(B) construction work that does not change the use or increase the existing building height, floor area ratio, or nonpermeable coverage of the lot.

(4) If a site plan is included as part of an ordinance establishing the zoning classification of a lot, or if a site plan is approved by official action of the board of adjustment as a condition to the granting of a variance or special exception on the lot, then no site plan is required to be submitted or approved under this section if the record also reflects that:

(A) traffic signals, turn lanes, additional lanes, or other public infrastructure improvements were, or are required to be, constructed or paid for by the owner in connection with the passage of the ordinance or the granting of the variance or special exception; and

(B) if the lot would otherwise be subject to the residential adjacency standards of this section, the approving body considered the impact of the development on surrounding land uses.

(5) The building official shall not issue a permit authorizing work for which a site plan is required under Subsection (a)(1) unless the site plan has been approved by:

(A) the director of planning and development; or

(B) the city plan commission as part of the appeal process.

(b) Application for review. An application for review of a site plan required under this section must be filed with the director on a form furnished by the city for that purpose. The application must contain the following:

(1) The name, address, telephone number, and signature of the applicant. If the applicant is not the owner of the lot, he must submit a letter from the owner authorizing him to act on the owner's behalf.

(2) The name, address, and telephone number of the owner of the lot. If there is more than one owner, the names, addresses, and telephone numbers of all owners must be provided.

- (3) The street address and complete legal description of the lot.
- (4) A brief description of all existing and proposed uses on the lot.
- (5) Any other reasonable and pertinent information that the director determines to be necessary for site plan review.

(c) Site plan submission. A site plan submission under this section must include one reproducible print (backline polyester film or equal) with five folded blueline or blackline copies, and one 8-1/2 inch by 11 inch clear film positive. The print and copies must have a scale of one inch equals 100 feet or larger (e.g. one inch equals 50 feet, one inch equals 40 feet, etc.) and be on a standard drawing sheet of a size not to exceed 36 inches by 48 inches.

(d) Site plan requisites.

(1) In general. A site plan submitted for review under this section must:

(A) include a location diagram showing the position of the lot in relation to surrounding streets in the city's major street network;

(B) contain title block and reference information pertaining to the lot and plan, including the name of the project, the names of the persons responsible for preparing the plan, the zoning classification of the lot, the scale of the plan (both numeric and graphic), and the date of submission, with provision for dating revisions;

(C) show the dimensions of the lot, and indicate lot area in both square feet and acres;

(D) show or describe the building envelope for each existing and proposed building on the lot;

(E) show the location of all existing streets, alleys, easements for street purposes, utility and other easements, floodway management areas, and the 100-year flood plain, if applicable;

(F) show all areas proposed for dedication or reservation;

(G) show zoning setback and building lines for each existing and proposed building on the lot;

(H) show all existing and proposed points of ingress and egress and estimated peak hour turning movements to and from existing and proposed public and private streets and alleys;

(I) show all existing and proposed median cuts and driveways located within 250 feet of the lot;

(J) show all existing and proposed off-street parking and loading areas, indicating the general dimensions of parking bays, aisles, and driveways, and the number of cars to be accommodated in each row of parking spaces;

(K) show all existing and proposed provisions for pedestrian circulation on the lot, including sidewalks, walkways, crosswalks, and pedestrian plazas;

(L) indicate average daily traffic counts on adjacent streets and illustrate estimated peak hour turning movements at intersections located within 250 feet of the lot;

(M) show the location and indicate the type of any special traffic regulation facilities proposed or required;

(N) show the existing and proposed topography of the lot using contours at intervals of two feet or less. Existing contours must be shown with dashed lines; proposed contours must be shown with solid lines;

(O) show the existing and proposed locations for municipal solid waste containers and receptacles;

(P) show surrounding properties and the approximate location of buildings within a distance of 250 feet of the lot, indicating their zoning district classification. Surrounding properties may be drawn at a smaller scale than that required under Subsection (c);

(Q) show locations, calipers, and names (both common and scientific) of all trees near proposed construction activity; and

(R) contain any other reasonable and pertinent information that the director determines to be necessary for site plan review.

(2) Residential adjacency items. If the lot has a residential adjacency as defined in Subsection (d)(3) and is not in the Oak Lawn Special Purpose District (Planned Development District No. 193), the site plan must:

(A) show the existing and proposed locations for all building entrances, exits, service areas, and windows;

(B) show the location and indicate the type, size, and height of perimeter fencing, screening, and buffering elements proposed or required;

(C) show all provisions to be made to direct and detain storm water and to mitigate erosion both during and following the completion of construction;

(D) show the location and indicate the type, orientation, size, and height of light standards which will illuminate any portion of a required yard;

(E) show the location of existing and proposed signs; and

(F) contain any other reasonable and pertinent information that the director determines to be necessary for site plan review.

(3) For purposes of this section, a lot has a residential adjacency when:

(A) the lot is adjacent to or directly across:

(i) a street 64 feet or less in width; or

(ii) an alley;

from an R, R(A), D, D(A), TH, TH(A), or CH district; or

(B) an existing or proposed building or structure on the lot is within 330 feet of a lot in an R, R(A), D, D(A), TH, TH(A), or CH zoning district.

(4) For purposes of this section, any identifiable portion of a planned development (PD) district governed by a distinct set of use regulations is treated as though it were a separate zoning district. If the PD district or a portion of the district is limited to those uses permitted in an expressly stated zoning district, the PD district or portion of the district is treated as if it were that expressly stated zoning district; otherwise it is treated as if it were:

(A) a duplex zoning district if it is restricted to single-family uses in detached structures and/or duplex uses;

(B) an MF-2 zoning district if it is restricted to residential uses and allows single-family uses in attached structures or multiple-family uses not exceeding 36 feet in height;

(C) an MF-3 zoning district if it is restricted to residential uses and allows single-family uses in attached structures or multiple-family uses exceeding 36 feet in height; or

(D) a nonresidential zoning district if it allows a nonresidential use.

(5) The following information, in addition to being shown graphically, must be separately tabulated in a conspicuous place on the plan for quick and easy reference:

- (A) Lot area in square feet and acres.
- (B) Total building floor area and floor area for each use on the lot in square feet.
- (C) Floor area ratio of the lot.
- (D) Square footage and percentages of building coverage and nonpermeable coverage of the lot.
- (E) Number of parking spaces required and number of parking spaces provided.
- (F) Zoning classification of the lot.

(e) Review by the director.

(1) Upon the filing of a complete application for review of a site plan and a complete site plan submission, the director of planning and development shall promptly forward one copy of each to the directors of transportation, public works, and health and human services for their review and comments. The directors of transportation, public works, and health and human services shall review the application and submission and return written recommendations to the director of planning and development within 15 calendar days of the filing date.

(2) The director of planning and development shall make a decision regarding the application and submission within 30 calendar days of the filing date. That decision must take one of three forms:

- (A) Approval, no conditions.
- (B) Approval, subject to conditions noted.
- (C) Denial.

(3) If the director fails to make a decision regarding the application and submission within 30 calendar days of the filing date, the application and submission are considered to be approved subject to compliance with all applicable city codes, ordinances, rules, and regulations.

(4) The time periods in Subsections (e)(1), (e)(2), and (e)(3) do not begin to run until the applicant provides all of the information required in Subsections

(b), (c), and (d). In cases where the director requests additional information within 10 calendar days of the filing date, the time periods in Subsections (e)(1), (e)(2), and (e)(3) do not begin to run until the applicant provides the additional information.

(5) If the director denies an application or submission, he shall state in writing the specific reasons for denial. If he approves an application or submission subject to conditions, he shall state in writing the specific requirements to be met before issuance of a permit to authorize work on the lot.

(f) Grounds for denial.

(1) In general. The director shall deny a site plan application or submission under this section if:

(A) it does not contain sufficient information to allow for site plan review; or

(B) the site plan does not comply with all applicable city codes, ordinances, rules, or regulations.

(2) Infrastructure standards.

(A) Except as otherwise provided in Subsection (g), the director shall deny a site plan under this section if:

(i) the provisions for vehicular loading and unloading or parking, or for vehicular or pedestrian circulation, will create hazards to safety or will impose a significant burden upon public facilities which can be avoided or substantially mitigated by reasonable modifications in the plan, or

(ii) the owner of the lot refuses to comply with one or more of the following development related infrastructure cost-sharing requirements:

(aa) The owner shall pay for a proportion of the cost of traffic signal upgrade for an intersection within a distance of 250 feet of the lot according to the following ratio:

$$\frac{A}{A + B}$$

Where A represents projected traffic using the intersection generated by the owner's development, and B represents current traffic counts at the intersection. Values for both A and B are determined by the director of transportation.

(bb) The owner shall pay for a proportion of the cost of constructing right and left turn lanes and bus turnouts that are in part necessitated by his development according to the following ratio:

$$\frac{C}{C + D}$$

Where C represents projected demand for the lanes and turnouts generated by the development, and D represents current demand for the lanes and turnouts. Values for both C and D are determined by the director of transportation.

(cc) The owner shall pay the entire construction cost of those stacking lanes which the director of transportation determines are necessitated by his development.

(dd) The owner shall grant to the city easements for those right and left turn lanes, stacking lanes, and bus turnouts which the director of transportation determines are necessitated by his development.

(B) In cases where the owner is responsible for the entire cost of an infrastructure improvement, the director may allow the owner to construct the improvement upon entering into a private development contract satisfactory to the city. The contract must contain terms and conditions stated on forms provided by the director and approved by the city attorney. The contract must include performance and payment bonds acceptable as to form by the city attorney, and be executed by the owner and at least one corporate surety authorized to do business in the state of Texas. In addition, the owner shall provide adequate financial assurance that funds will be available to construct the improvement, which may consist of a letter of credit or other instrument payable to the city of Dallas.

(C) In cases where the owner is responsible for a proportion of the cost of an infrastructure improvement, the owner shall submit payment in the form of cash or a letter of credit to the building official before issuance of a permit to authorize work on the lot. Cash payments must be credited to separate interest-bearing accounts and used only for financing construction of the specified improvements. If none of the funds collected are spent on the specified improvements within five years after the date of collection, the funds must be returned to the present owner of the lot together with interest accrued at the city's investment rate during the five-year period, less administrative costs.

(3) Residential adjacency standards. If the lot has a residential adjacency as defined in Subsection (d)(3) and is not in the Oak Lawn Special Purpose District (Planned Development District No. 193), the director shall also review the site plan for compliance with these neighborhood protection standards and, except as otherwise provided in Subsection (g), shall deny the site plan if:

(A) the location of existing or proposed buildings, structures, or equipment on the lot will be detrimental or injurious to each other or to surrounding development, or will impose an undue burden on public facilities, and the detrimental or injurious results or undue burden can be avoided or substantially mitigated by reasonable modifications in the plan;

(B) development of the lot will create a soil or drainage problem which can be avoided or substantially mitigated by reasonable modifications in the plan;

(C) the proposed on-site fencing, screening, or buffering elements do not provide adequate protection to adjacent property, and adequate protection can be provided by reasonable modifications in the plan; or

(D) the exterior lighting to be provided on the lot will create a hazard to motorists on an adjacent public or private street or alley, or will damage or diminish the value or usability of adjacent property.

(4) If the director denies a site plan under this section, he shall state in writing the specific reasons for denial.

(g) Approval subject to conditions noted. As an alternative to denial of a site plan under Subsection (f), the director may approve the site plan subject to conditions noted if compliance with all conditions will eliminate what would otherwise constitute grounds for denial. If the director approves the site plan subject to conditions noted, he shall state in writing the specific requirements to be met before issuance of a permit to authorize work on the lot.

(h) Approval, no conditions. If there are no grounds for denial of a site plan under Subsection (f), the director shall approve the site plan with no conditions.

(i) Appeals.

(1) The applicant may appeal the following decisions made by the director:

(A) Denial of an application or site plan submission.

(B) Approval of an application or site plan submission subject to conditions noted.

(2) An appeal must be made within 10 days after notice is given to the applicant of the director's decision.

(3) An appeal is made by filing a written request with the director for review by the city plan commission.

(4) Decisions of the commission are final as to available administrative remedies and are binding on all parties.

(5) If the commission fails to make a decision on the appeal within 30 calendar days of the date that the written request is filed with the director, the application and submission are considered to be approved subject to compliance with all other applicable city codes, ordinances, rules, and regulations.

(j) Validity of approved site plan. An approved site plan is valid for a period of two years. If a permit to authorize work on the lot has not been obtained upon expiration of the two-year period, a new site plan submission is required.

(k) Effect of approved site plan. The approval of a site plan by the director or commission does not result in the vesting of development rights, nor does it permit the violation of any city ordinance or state law, nor does it preclude the building official from refusing to issue a permit if he determines that plans and specifications do not comply with applicable laws and ordinances (including ordinance amendments made after site plan approval), or that the work described in the application for the permit does not conform to the requirements of the construction codes. (Ord. Nos. 18921; 19455; 19929; 20037; 21760; 22053)