

7-13-20

ORDINANCE NO. 31606

An ordinance amending Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Section 51A-4.703; providing updated board of adjustment hearing procedures to comply with state law; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

WHEREAS, H.B. 2497 defines the parties who may file appeals to the board of adjustment and establishes a deadline for decisions of appeals heard by the board of adjustment; and

WHEREAS, H.B. 2497 was approved by both chambers of the Texas Legislature; an

WHEREAS, H.B. 2497 was signed by Governor Greg Abbott on June 10, 2019; and

WHEREAS, H.B. 2497 became law on September 1, 2019; and

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

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

SECTION 1. That Subsection (a), “Initiation,” of Section 51A-4.703, “Board of Adjustment Hearing Procedures,” of Division 51A-4.700, “Zoning Procedures,” 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) Initiation.

(1) Authorized public hearings. The board may authorize a public hearing on issues within the board’s jurisdiction. A board authorized public hearing must comply with the procedures in this section. If 10 or fewer property owners are involved, the director shall send written notice to the owners of real property within the subject area not less than 10 days before the meeting at which the board will consider authorization of a public hearing. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census. If more than 10 property owners are involved, the director shall give notice of the public hearing in the official newspaper of the city at least 10 days before the meeting at which the board will consider authorization of a public hearing.

(2) Appeals of decisions of administrative officials. Parties listed in Subparagraphs (A) and (B) [Any aggrieved person, or an officer, department, or board of the city] may appeal a decision of an administrative official to the board when that decision concerns issues within the jurisdiction of the board. For purposes of this section, “administrative official” means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.

(A) For a decision made by an administrative official that is not related to a specific application, address, or project, the following persons may appeal to the board:

- (i) a person aggrieved by the decision; or
- (ii) any officer, department, or board of the city affected by the decision.

(B) For a decision made by an administrative official that is related to a specific application, address, or project, the following persons may appeal to the board:

- (i) a person who:
 - (aa) filed the application that is the subject of the decision;
 - (bb) is the owner or representative of the owner of the property that is the subject of the decision; or
 - (cc) is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or
- (ii) any officer, department, or board of the city affected by the decision.

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(C) An appeal to the board must be made not later than the 20th day after the date [~~within 15 days after notice of~~] the decision is made by [~~of~~] the official.

(D[B]) The appellant shall file with the official a written notice of appeal on a form approved by the board.

(E[E]) The official shall forward the notice of appeal and the record upon which the appeal is based to the director.”

SECTION 2. That Paragraph (3) of Subsection (d), “Board Action,” of Section 51A-4.703, “Board of Adjustment Hearing Procedures,” of Division 51A-4.700, “Zoning Procedures,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(3) The board shall decide an appeal of a decision of administrative official at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the appeal date is filed. The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official.”

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

SECTION 5. 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 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By Casey Busby
Assistant City Attorney

Passed AUG 12 2020



PROOF OF PUBLICATION – LEGAL ADVERTISING

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

DATE ADOPTED BY CITY COUNCIL AUG 12 2020

ORDINANCE NUMBER 31606

DATE PUBLISHED AUG 15 2020

ATTESTED BY: