

**FILE NUMBER:** DCA190-003

**DATE INITIATED:** October 4, 2019

**TOPIC:** Parking Reduction for Multifamily Recycling Container

**CITY COUNCIL DISTRICTS:** All

**CENSUS TRACTS:** All

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**PROPOSAL:** Consideration of amending Sections 51-4.201, 51A-4.209, and 51A-13.403 of the Dallas City Code to allow a parking reduction to provide adequate area for the placement of recycling containers.

**SUMMARY:** The proposed amendments intend to bring Sections 51-4.201, 51A-4.209, and 51A-13.403 of the Dallas City Code into compliance with Chapter 18 of the Dallas City Code, Section 18-5.1(e) "Collection and Removal of Recyclable Materials from Multifamily Sites."

**ZOAC RECOMMENDATION:** Approval.

**STAFF RECOMMENDATION:** Approval.

**PRIOR CPC ACTION:** On November 7, 2019, the City Plan Commission held this item under advisement.

**BACKGROUND**

On June 13, 2018, the City Council passed Ordinance No. 30879, which established Section 18-5.1, “Collection and Removal of Recyclable Materials from Multifamily Sites,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code. This ordinance, also referred to as the Multifamily Recycling Ordinance, requires all multifamily properties with eight or more dwelling units to provide recycling services to their tenants and employees beginning on January 1, 2020.

**GENERAL INFO/STAFF ANALYSIS:**

The proposed amendments to the Dallas Development Code, Section 51-4.201(b)(3), Section 51A-4.209(b)(5), and Section 51A-13.403 intend to allow for compliance with Section 18-5.1(e) of the Multifamily Recycling Ordinance:

Section 18-5.1 Collection and Removal of Recyclable Materials from Multifamily Sites

(e) Parking reduction. Minimum parking required for a multifamily site may be reduced in order to provide adequate space for recycling containers.

The proposed amendment allows for a parking reduction of one required parking space in order to provide adequate area for the placement of recycling containers as specified in Section 18-5.1(d) of the Multifamily Recycling Ordinance (See Appendix).

The added provision (underlined below) to Section 51-4.201(b)(3), Section 51A-4.209(b)(5), and Section 51A-13.403 details how the provision in Section 18-5.1(e) can occur.

**PROPOSAL:**

**SEC. 51-4.201(b)(3) Multiple-family – Specific Residential Uses**

(C) Required off-street parking:

(i) One space for each bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

(ii) The number of off-street parking spaces required in this subparagraph may be reduced by one parking space in order to provide adequate area for the placement of recycling containers required by Section 18-5.1.

**SEC. 51A-4.209(b)(5) Multifamily Use**

(C) Off-street parking.

(i) Required off-street parking: One space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

(ii) The number of off-street parking spaces required in this subparagraph may be reduced by one parking space in order to provide adequate area for the placement of recycling containers required by Section 18-5.1.

**SEC. 51A-13.403 Parking Reductions**

(j) Multifamily Recycling Containers.

The number of off-street parking spaces required for multifamily uses may be reduced by one parking space in order to provide adequate area for the placement of recycling containers required by Section 18-5.1.

**Zoning Ordinance Advisory Committee (ZOAC) Meeting Minutes**

October 17, 2019

**Motion to approve and recommend the amendment to City Plan Commission.**

**Motion:** MacGregor  
**2<sup>nd</sup>:** Hall

**Result:** Passed: 8-0  
For: Murphy, MacGregor, Bagley, Johnson, Castella, Rieves, Hall, and Behring.  
Against: none  
Absent: none

Draft

10-28-19

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51-4.201, 51A-4.209, and 51A-13.403; providing a reduction of one required parking space for multiple-family and multifamily uses in order to provide adequate area for the placement of recycling containers required by Section 18-5.1; 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 Subparagraph (C) of Paragraph (3), “Multiple-Family,” of Subsection (b), “Specific Residential Uses,” of Section 51-4.201, “Residential Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking:

(i) One space for each bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided

for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

(ii) The number of off-street parking spaces required in this subparagraph may be reduced by one parking space in order to provide adequate area for the placement of recycling containers required by Section 18-5.1.”

SECTION 2. That Subparagraph (C), “Off-Street Parking,” of Paragraph (5), “Multifamily,” Subsection (b), “Specific Uses,” of Section 51A-4.209, “Residential Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Off-street parking.

(i) Required off-street parking: One space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

(ii) The number of off-street parking spaces required in this subparagraph may be reduced by one parking space in order to provide adequate area for the placement of recycling containers required by Section 18-5.1.”

SECTION 3. That Subparagraph (C), “Off-Street Parking,” of Paragraph (5), “Multifamily,” Subsection (b), “Specific Uses,” of Section 51A-13.403, “Parking Reductions,” of Division 51A-13.400, “Parking Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Subsection (j), “Multifamily Recycling Containers,” to read as follows:

“(j) **Multifamily Recycling Containers.**

The number of off-street parking spaces required for multifamily uses may be reduced by one parking space in order to provide adequate area for the placement of recycling containers required by Section 18-5.1.”

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. 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 6. 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 7. 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 8. 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, Interim City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

Appendix

**SEC. 18-5.1. COLLECTION AND REMOVAL OF RECYCLABLE MATERIALS FROM MULTIFAMILY SITES.**

(a) General regulations. The owner of a multifamily site shall:

(1) provide single stream, dual stream, or valet recycling through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(2) provide recycling container(s) through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(3) provide and place recycling containers in locations within visibility of waste containers. If valet trash service is provided, the recycling service should be of a similar nature. If trash chute rooms or trash rooms are utilized, then the recycling service should be of a similar nature or should be as convenient for the tenant, such as placing a recycling container adjacent to the trash chute, if there is adequate space.

(4) provide information (e.g. posters, signs) in suitable common areas, such as mail rooms and laundry facilities, that discusses how to recycle at the property, including information on the types of recyclable materials that are acceptable using photos or images, the chasing arrows recycling symbol, locations of recycling containers, and onsite contact information to report overflowing recycling containers and contamination. If the property utilizes valet recycling collection services, then only information regarding how to recycle and materials accepted is required.

(5) educate each tenant on recycling program implementation upon lease commencement and biannually thereafter of the following:

(A) the multifamily site provides access to recycling in accordance with [Chapter 18](#) of the Dallas City Code;

(B) location of recycling containers;

(C) types of recycling materials accepted;

(D) information related to proper recycling practices, including that cardboard boxes should be broken down before placed in recycling containers;

(E) onsite contact information to report overflowing recycling containers and contamination; and



(F) information on how to report waste or recycling problems to the City of Dallas, utilizing 3-1-1, the 311 app or submitting an online service request.

(6) inform each tenant within 30 days of any significant change in recycling services to the multifamily site.

(7) for multifamily sites offering back-of-house and valet recycling, provide biannual training (or within 30 days of new employee start date) to those collecting recyclable materials of the following:

(A) types of clean and empty materials accepted in recycling containers;

(B) instruction to break down cardboard boxes before depositing into recycling containers serviced by a permitted multifamily site recycling collection service business;

(C) for multifamily sites providing valet recycling, instruction to empty plastic bags before depositing contents into recycling containers serviced by permitted multifamily site recycling collection service businesses and instruction to place plastic bags into waste or garbage containers to be landfilled;

(D) location of recycling containers; and

(E) onsite contact information for reporting overflowing recycling containers and contamination.

(8) submit an annual recycling plan to the director of sanitation as set forth in Subsection (g) of this section, along with an affidavit of compliance as part of the owner's annual multi-tenant registration or on a form approved by the director of sanitation.

(b) Recyclable materials for collection. The owner of a multifamily site must provide collection for recyclable materials that are consistent with those materials accepted by the city's residential recycling program, unless otherwise exempted by the director of sanitation.

(c) Recycling collection and capacity. The owner of a multifamily site must provide recycling container collection capacity equal to or greater than 11 gallons per unit, per week.

(d) Recycling containers. A recycling container must:

(1) be a roll cart, bin, wheelie bin, dumpster, or compactor. Wheelie bins, dumpsters, and compactors larger than two yards may have restricted access to prevent gross contamination; and

(2) comply with screening and other applicable regulations in the Dallas Development Code, as amended.

(e) Parking reduction. Minimum parking required for a multifamily site may be reduced in order to provide adequate space for recycling containers.

(f) Implementation.

(1) An owner of a multifamily site shall implement a multifamily site recycling program by January 1, 2020.

(2) An owner of a multifamily site applying for a certificate of occupancy after January 1, 2020, shall immediately comply with this section upon issuance of the property's certificate of occupancy and submit a recycling plan with their initial multi-tenant registration application.

(g) Recycling plans.

(1) The owner of a multifamily site shall submit a recycling plan each year, as part of their annual multi-tenant registration application, to the city. Initial recycling plans must be submitted upon the first annual multi-tenant registration after January 1, 2020. Electronic or hard copy of the recycling plan information should be available for inspection on site after January 1, 2020. The recycling plan must include the following information:

(A) name of permitted multifamily site recycling collection service business utilized;

(B) types of materials recycled;

(C) type, size, location(s), and frequency of recycling container(s) collection;

(D) a site map of the property showing current garbage and recycling locations, unless valet recycling service is provided and no community recycling containers are available;

(E) notation of any changes to the multifamily site recycling program in the previous calendar year, including but not limited to changes of the following: multifamily site recycling collection service business utilized or method of collection, if applicable; and

(F) any other information that the director of sanitation deems necessary, and is reasonable, to verify compliance with this ordinance or to enhance program reporting capabilities and other information.

(2) The owner of a multifamily site shall maintain records and examples of materials relevant to meeting the requirements of Section [18-5.1\(a\)\(5\)](#) and make records available if requested by the city manager's designee, or that designee's authorized representative during an on-site inspection.

(3) The director of sanitation may reject a recycling plan if it does not contain the information specified in this section or meet the minimum requirements as defined in this section. The owner of a multifamily site shall submit a revised plan no later than 30 days from notification of the director of sanitation's determination to reject the plan.

(h) Inspection. For any multifamily site, the city manager's designee, or that designee's authorized representative, may conduct an inspection for compliance with this section and verify the site's provision of access to recycling services at any time or when an inspection under Section [27-42](#), of [Chapter 27](#) of the Dallas City Code, as amended, is conducted, even if the multifamily site is not a rental property, as defined in [Chapter 27](#) of the Dallas City Code, as amended.

(i) Exemptions and Implementation Extension.

(1) Section [18-5.1\(a\)\(8\)](#) does not apply to multifamily sites that have a current contract with the City of Dallas to receive recycling collection services from the city.

(2) The owner of a multifamily site may submit to the director of sanitation, within 90 days of required recycling program implementation, a written request for an implementation extension and/or exemption from all or specifics provisions of the regulations of this section because of the owner's inability to comply. The director of sanitation will conduct a thorough evaluation on whether the owner demonstrated an inability to comply with the ordinance. The owner will receive a determination by the director of sanitation in writing within 60 days. The director of sanitation's decision will be final. (Ord. [30879](#))