

Proposed Amendments to Certificate of Occupancy Regulations

City Council Quality of Life Committee

January 22, 2007



Key Focus Areas Addressed

- Staff Accountability
- Economic Development
- Quality of Life



Source of Proposal

A Team Effort

- City Council
- State Representative Anchia and his staff
- Massage Parlor Task Force
- Dallas Community Prosecutors
- Dallas City Attorney's Office
- Zoning Ordinance Advisory Committee
- Department of Development Services



Purpose of Proposed Amendments to CO Regulations

- Consolidate the regulations into one Chapter
- Improve review process
 - Application requirement
 - Establish additional standards for denial
 - Ensure adequate establishment licensing
- Strengthen enforcement and revocation
 - Increased information shown on CO
 - Expand provisions on expiration of a CO
 - Expand provisions on revocation of a CO
- Clarify appeal process



Certificate of Occupancy Purpose

Ensure that:

- the structure is safe to occupy and meets all building and fire codes
- the use is compatible with the structure
- the use complies with the zoning district regulations (parking, SUP if required, etc)
- the use complies with all other licensing and permitting requirements



Purpose/Scope of Chapter 52, Administrative Procedures for the Construction Code

To provide minimum standards to safeguard life, health, property and the public welfare by regulating construction, materials, **USE**, occupancy, location, and maintenance with regard to structures. . .



Amendments to CO Regulations Consolidate CO Provisions

Consolidate the provisions for COs in Chapter 51A, the Development Code, to reference the CO regulations in Section 306 of Chapter 52, the Building Code.



Amendments to CO Regulations Improve Review Process

Establish Specific Application Requirements

- The name and address of the use.
- The name, address, and telephone number of the owner of the property.
- The name, address, and telephone number of the operator of the use.
- Description of the use that will be operated.
- Any other information, plans, or supporting documents deemed necessary, including an affidavit containing a detailed description of the use that will be operated, the goods or services offered or produced, the hours of operation, and whether a city, state, or federal license, permit, or registration is required to operate the use or occupancy.



Amendments to CO Regulations Improve Review Process

Establish standards for denial of a CO

- the certificate of occupancy requested does not comply with the codes or the *Dallas Development Code*;
- the plans, or other data submitted with the application clearly shows that the use or occupancy will be operated in violation of city rules or regulations or state or federal laws or regulations;
- the application contains false, incomplete, or incorrect information and the applicant has failed to correct the false, incomplete, or incorrect information within a reasonable time; or
- the applicant does not possess a required city, state, or federal license, permit or registration to operate the use or occupancy.



Amendments to CO Regulations Strengthen Enforcement

Current provisions on information shown on COs

- The address of the structure
- The name and address of owner or tenant
- The use and occupancy

Proposed additional provisions

- The certificate of occupancy number
- The zoning district in which the occupancy is located
- Identification of any required city, state, or federal license, permit, or registration to operate



Amendments to CO Regulations Strengthen Enforcement

Current provisions on expiration of a CO

- A certificate of occupancy shall expire if the use authorized is not commenced before the 120th day after the date of its issuance unless an extension is granted by the building official upon a finding that circumstances beyond the control of the holder of the CO have prevented the use from being commenced.

Proposed additional provisions

- A certificate of occupancy shall be void if:
 - A specific use permit required to operate the use authorized by the certificate of occupancy expires or terminates; or
 - A compliance date for the use authorized by the certificate of occupancy set by ordinance or the board of adjustment has passed.



Amendments to CO Regulations Strengthen Enforcement

Current provisions on revocation of a CO

- The building official shall revoke a CO if:
 - the certificate of occupancy is issued in error;
 - the certificate of occupancy is issued on the basis of incorrect information supplied;
 - the structure housing the use is in violation of city codes or any state or federal laws or regulations;



Amendments to CO Regulations Strengthen Enforcement

Proposed additional provisions for revocation

- a use is being operated in a manner that causes substantial danger of injury or an adverse health impact and is in violation of city rules or regulations or state or federal regulations;
- a required city, state, or federal license, permit, or registration to operate has not been issued, has been revoked, or has expired;
- the holder of the certificate of occupancy has refused to supply the building official with records needed to document the percentage of gross revenue on a quarterly basis derived from the sale of alcoholic beverages within the required time period; or
- the use authorized by the certificate of occupancy has been discontinued for six months or more.



Amendments to CO Regulations Appeal Process

Clarify Appeal Process

- When revocation is pursuant to the building code, appeals shall be to the Building Advisory and Appeals Board
- When revocation is pursuant to the Development Code, appeals shall be to the board of adjustment
- A certificate of occupancy that is void because a compliance date for the use set by the board of adjustment in accordance with the *Dallas Development Code* has passed may not be appealed.



Recommendations

- Building Inspection Advisory, Examining and Appeals Board – Approval
- Staff – Approval



Next Step

- Schedule for Council Consideration



Questions and Discussion

