

**ARTICLE 582.**  
**PD 582.**

**Victory Planned Development District**

**SEC. 51P-582.101. LEGISLATIVE HISTORY.**

PD 582 was established by Ordinance No. 24346, passed by the Dallas City Council on August 23, 2000. Ordinance No. 24346 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended.

**SEC. 51P-582.102. PROPERTY LOCATION AND SIZE.**

PD 582 is established on property generally located east of Stemmons Freeway and north of Woodall Rodgers Freeway. The size of PD 582 is approximately 86.95 acres.

**SEC. 51P-582.103. DEFINITIONS.**

(a) Unless the context clearly indicates otherwise, in this article:

(1) **AQUARIUM** means a facility where people gather to view aquatic life.

(2) **CITY** means the city of Dallas, Texas.

(3) **ENTERTAINMENT COMPLEX** means a public, multi-use sports, entertainment, and convention facility with a seating capacity of at least 15,000, where people view and participate in events and performances, including, but not limited to, theatrical, musical, and dramatic performances, professional or amateur sporting events, and meetings and assemblages.

(4) **ENTERTAINMENT COMPLEX PLAZA** means any outdoor area (whether publicly or privately owned) that is accessible to the public, and that is: (A) at least 10,000 square feet in size; (B) adjacent to an entertainment complex; or (C) within 300 feet of, and has direct pedestrian access to, an entertainment complex. Direct pedestrian access includes, but is not limited to, access across public or private streets.

(5) **LANDSCAPE AREA** means an area 100 percent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).

(6) **LEGAL HEIGHT** means the maximum building height allowed under the airport flight overlay district regulations or any other ordinance or regulation in effect (including any applicable state or federal regulation).

(7) **PEDESTRIAN OPEN SPACE** means a publicly accessible pedestrian area, facility, or feature that is located on a lot. Examples include a plaza, covered walkway, or fountain; a lake or pond; a seating area; an outdoor recreation facility; or an enhanced pavement area. Examples of areas that are not considered pedestrian open space are:

(A) parkways or unpaved areas included in street right-of-way;

- (B) sidewalks dedicated to the city either in fee simple or by easement;
- (C) any portion of a surface parking lot that is used for parking or vehicular circulation;
- (D) driveways or any other area of a lot intended primarily for vehicular use; and
- (E) any publicly accessible pedestrian area, facility, or feature that is less than 250 square feet in size.

(8) THIS DISTRICT means the entire planned development district created by Ordinance No. 24346.

(b) Unless otherwise stated, the definitions contained in Chapter 51A apply to this district.

#### **SEC. 51P-582.104. INTERPRETATIONS.**

(a) Unless otherwise stated, all references to code articles, divisions, or sections are to Chapter 51A, and all references to the “director” are to the director of development services.

(b) The interpretations in Chapter 51A, including Section 51A-2.101, “Interpretations,” apply to this article.

(c) For purposes of determining the applicability of regulations in this article and Chapter 51A triggered by adjacency or proximity to another zoning district, for purposes of interpreting the DIR and RAR requirements of Division 51A-4.800, and for purposes of interpreting the applicability of any other regulation of Chapter 51A involving the residential or nonresidential character of this district, this district is considered to be a nonresidential zoning district.

(d) This district is to be known as the Victory Planned Development District.

#### **SEC. 51P-582.10X.X EXHIBITS.**

The following exhibits are incorporated into this article:

- Exhibit 582A: Legal descriptions
- Exhibit 582B: Conceptual plan
- Exhibit 582C: Pedestrian/open space plan
- Exhibit 582D: Bridge improvements
- Exhibit 582E: Bridge improvements
- Exhibit 582F: Sidewalk width location map
- Exhibit 582G: Railtran station locations
- Exhibit 582H: Lyte Street tree planting zone
- Exhibit 582I: Access easement
- Exhibit 582J: Magnolia Hill landscaping plan
- Exhibit 582K: Master parking and floor area plan
- Exhibit 582K-1: Supplement form worksheet for master parking and floor area plan
- Exhibit 582L: I-35 frontage road at Continental
- Exhibit 582M: Alamo improvements

#### **SEC. 51P-582.105. CREATION OF SUBDISTRICTS.**

This district is divided into three subdistricts: the entertainment complex subdistrict, the north subdistrict, and the south subdistrict. The boundaries of all subdistricts are verbally described in Exhibit 582A and graphically shown on the conceptual plan (Exhibit 582B). In the event of a conflict, the verbal descriptions in Exhibit 582A control over the graphic descriptions shown on the conceptual plan.

#### **SEC. 51P-582.106. CONCEPTUAL AND DEVELOPMENT PLANS.**

(a) Conceptual plan. Use and development of the Property must comply with the conceptual plan. In the event of a conflict between the provisions of this article and the conceptual plan, the provisions of this article control.

(b) Development plan.

(1) Except as provided in this subsection, a development plan for each building site must be approved by the city plan commission before the issuance of any building permit to authorize work on that site. Development and use of each site must comply with the approved development plan for that site. Each development plan and any amendments must comply with the conceptual plan and this article. The portion of Section 51A-4.702(c) requiring submission of a development or site plan within six months of the city council's approval of the planned development district does not apply in this district. A development plan is not required for:

(A) utility work, including lighting and electrical service;

(B) site preparation and drainage work;

(C) landscaping or pedestrian amenities not required by this article, including plazas, courtyards, fountains, or similar architectural features;

(D) new surface parking areas that are shown on the master parking and floor area plan;

(E) temporary construction fencing;

(F) relocating required parking that does not reduce the number of required off-street parking spaces or exceed the walking distance requirements if the changes are shown on the master parking and floor area plan or its supplement; and

(G) relocating special parking that does not reduce the number of required off-street parking spaces if the changes are shown on the master parking and floor area plan or its supplement.

(2) Each development plan must comply with the requirements for a development plan listed in Section 51A-4.702 and include: (A) a tabulation box consisting of the proposed floor area and the existing floor area in all of the subdistricts on the Property; and (B) a tabulation box consisting of the proposed pedestrian open space and the existing pedestrian open space in all of the subdistricts on the Property. No sign is required to be shown on a development plan.

(3) A development plan approved by the city plan commission subject to conditions shall not be considered as finally approved. Until a revised development plan is finally approved by the commission, a development plan approved subject to conditions shall be deemed denied.

(4) Except as provided in this paragraph, an amendment to a development plan is a change in zoning district classification and must follow the same procedures set out in Section 51A-4.702.

(A) The city plan commission shall authorize minor amendments to the development plan that do not:

- (i) change the uses permitted in this article;
- (ii) increase the maximum floor area or height established in this article;
- (iii) decrease the amount of required off-street parking established in this article; or
- (iv) reduce the minimum yards required by this article at the boundary of the site.

(B) An amendment to an approved development plan is not required for:

- (i) changes to a structure shown on the development plan, except parking structures, that do not increase the floor area, number of dwelling units, lot coverage, or guest rooms, and does not reduce the minimum required setbacks;
- (ii) relocating or adding utilities, including lighting and electrical service;
- (iii) changes to site preparation and drainage work;
- (iv) changes to landscaping or pedestrian amenities not required by this article, including plazas, courtyards, fountains, and similar architectural features;
- (v) changes to temporary construction fencing;
- (vi) parking space reconfigurations that do not reduce the number of required off-street parking spaces;
- (vii) relocating required parking that does not reduce the number of required off-street parking spaces or exceed the walking distance requirements if the changes are shown on the master parking and floor area plan or its supplement; and
- (viii) adding or relocating special parking that does not reduce the number of required off-street parking spaces if the changes are shown on the master parking and floor area plan or its supplement.

(5) At the time a development plan for property in the South Subdistrict is submitted for approval with the city, a copy of the development plan must be sent to the West End Association. It shall be the responsibility of the property owner to deliver or mail the copy of the development plan to the association.

#### **SEC. 51P-582.107. PEDESTRIAN AND VEHICULAR LINKS.**

- (a) North-south link.

(1) One north-south vehicular and pedestrian link must be provided within that portion of the Property between North Houston Street and Victory Avenue and between Olive Street and Lamar Street. The link's general location is as shown on the conceptual plan as North-South Link.

(2) The north-south link must consist of two sidewalks and may have a vehicular pavement area in between the sidewalks. The sidewalks must be either: (1) 15-foot-wide with a minimum unobstructed pavement width of ten feet; or (2) 12-foot-wide with a minimum unobstructed pavement width of seven feet and a minimum five-foot-wide arcade abutting the sidewalk. If a 12-foot-wide sidewalk is provided, no outdoor dining or other non-pedestrian facility is permitted within the sidewalk area. For purposes of this paragraph, "arcade" means a covered passageway or avenue located on private property. Pedestrian access to the arcade from the required sidewalk may not be obstructed, and the portion of the arcade abutting the sidewalk may not be enclosed.

(3) If a vehicular pavement area is provided, the pavement area may not exceed 44 feet in width with a maximum of two 12-foot-wide travel lanes and two 10-foot-wide parking lanes. The vehicular area may be a public or private street or a private access easement.

(4) Prior to the approval by the city plan commission of a development plan for property in the area described in Paragraph (1), the exact location of the north-south link must be identified on a drawing that is submitted to the director. The link must be provided prior to the issuance of a certificate of occupancy for any use on a lot that abuts the link. If a minimum five-foot-wide arcade is required adjacent to one of the sidewalks, that portion of the arcade located on a lot abutting the sidewalk must be provided prior to the issuance of a certificate of occupancy for a use on that lot. A development plan for property located in this area must show the exact location of the north-south link on the building site. No amendment to the attached conceptual plan is required to identify the link.

(5) No elevated pedestrian walkway or skybridge may cross the north-south link.

(b) East-west links.

(1) Two east-west vehicular and pedestrian links must be provided within that portion of the Property between North Houston Street and Victory Avenue and between Olive Street and Lamar Street.

(2) The first link's general location is shown on the conceptual plan as Connection A. It must be: (1) generally parallel to Lamar Street, beginning at a point near the intersection of Laws Street and North Houston Street and ending at a point along Victory Avenue; and (2) consist of a minimum 20-foot-wide vehicular pavement area with a minimum 12-foot-wide pedestrian pavement area (seven feet to remain unobstructed) on each side. The pedestrian areas must be dedicated as public sidewalks. The vehicular area may be a public or private street or a private access easement.

(3) The second link's general location is shown on the conceptual plan as Connection B. It must be: (1) generally parallel to Lamar Street, beginning at a point near the intersection of Griffin Street and North Houston Street and ending at a point along Victory Avenue; and (2) consist of a minimum 20-foot-wide vehicular pavement area with a minimum five-foot-wide unobstructed pedestrian pavement area on each side. The pedestrian areas must be dedicated as public sidewalks. The vehicular area may be a public or private street or a private access easement. A Dallas Area Rapid Transit (DART) commuter rail line may be located within the vehicular pavement area.

(4) Prior to the approval by the city plan commission of a development plan for property in the area described in Paragraph (1), the exact location of the east-west links must be identified on a drawing that is submitted to the director. A development plan for property located in this area must show the exact location of the links on the building site. No amendment to the conceptual plan is required to identify the east-west links.

(5) No certificate of occupancy may be issued to authorize a use on a lot abutting the first east-west link until the link has been provided as shown on the drawing submitted to the director and in compliance with the requirements of this article. No certificate of occupancy may be issued to authorize a use on a lot abutting the second east-west link until the link has been provided as shown on the drawing submitted to the director and in compliance with the requirements of this article.

## **SEC. 51P-582.108. PEDESTRIAN OPEN SPACE.**

(a) Minimum amount of pedestrian open space. A minimum of 5.3 acres of publicly or privately owned pedestrian open space must be provided in this district. A minimum of 0.6 acres of this open space must be provided in each of the three subdistricts. A minimum of 0.33 acres of the required open space in the South Subdistrict must be located within the area labelled "Pedestrian Open Space" on the conceptual plan. Prior to the approval by the city plan commission of a development plan for property located between North Houston Street and Victory Avenue and between Olive Street and Lamar Street, a drawing showing the exact location of the 0.33 acres of pedestrian open space must be submitted to the director. No amendment to the conceptual plan is required to identify the exact location of the 0.33 acres of pedestrian open space. The location of the minimum 0.33 acres of required open space may be relocated within the South Subdistrict by using the director procedure for a minor amendment in Sec. 51A-4.700.

(b) Minimum amount of landscape area in district and subdistricts. A minimum of 3.3 acres of the pedestrian open space in this district and a minimum of 25 percent of the required pedestrian open space in each of the subdistricts must consist of a landscape area.

(c) Minimum amount of landscape area in each pedestrian open space.

(1) Except as provided in Paragraphs (2) and (3), a minimum of 25 percent of the area of each pedestrian open space must consist of landscape area.

(2) One hundred percent of the pedestrian open space located on the roof of a parking garage must consist of landscape area.

(3) The following pedestrian open space areas are not required to have landscape area: (A) areas less than 1,000 square feet in size; (B) areas located under elevated street or expressway right-of-ways; and (C) the areas so designated on Exhibit 582C.

(d) Parking structures. As much as fifty percent of the required landscape area in this district may be located on the roofs of parking garages that do not exceed a height of six feet above grade.

(e) Development plan requirements. The amount of pedestrian open space and landscape area on a building site must be indicated on the approved development plan for that site.

(f) Phasing of pedestrian open space and landscape area.

(1) No certificate of occupancy may be issued that would authorize a use on a lot abutting the pedestrian open space area shown on the conceptual plan until the minimum 0.33 acres of pedestrian

open space required in Subsection (a) and minimum 0.08 acres of landscape area required in Subsection (b) have been provided.

(2) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 1,750,000 square feet until a minimum of one acre of pedestrian open space and a minimum of 0.6 acres of landscape area have been provided in the district.

(3) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 4,000,000 square feet until a minimum of two acres of pedestrian open space and a minimum of 1.25 acres of landscape area have been provided in the district.

(4) No certificate of occupancy may be issued that would cause the total floor area within this district to exceed 6,000,000 square feet until a minimum of four acres of pedestrian open space and a minimum of 2.5 acres of landscape area have been provided in the district.

(5) No certificate of occupancy may be issued that would cause the total floor area within this district to exceed 8,000,000 square feet until a minimum of 5.3 acres of pedestrian open space and a minimum of 3.3 acres of landscape area have been provided.

## **SEC. 51P-582.109. USE REGULATIONS.**

(a) Main uses permitted. The following main uses are permitted in this district:

(1) Agricultural uses.

-- None permitted.

(2) Commercial and business service uses.

-- Catering service.

-- Custom business services.

-- Job or lithographic printing. *[In the entertainment complex and south subdistricts, this use may not exceed 5,000 square feet of floor area.]*

-- Medical or scientific laboratory.

-- Technical school. *[In the entertainment complex and south subdistricts, this use is only permitted on the first story when: (A) 50 percent of the floor area on that first story is comprised of retail and personal service uses; and (B) the use does not exceed 5,000 square feet of floor area on the first story.]*

(3) Industrial uses.

-- Industrial (inside) light manufacturing. *[By right in the north subdistrict; limited use in the south and entertainment complex subdistricts.]*

-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(4) Institutional and community service uses.

-- Adult day care facility.

-- Child-care facility. *[SUP]*

-- Church.

-- College, university, or seminary. *[In the entertainment complex and south subdistricts, this use is only permitted on the first story when: (A) 25 percent of the floor area on that first story is*

*comprised of retail and personal service uses; and (B) the use does not exceed 10,000 square feet of floor area on the first story.]*

-- Community service center.  
-- Convalescent and nursing homes, hospice care, and related institutions. *[North subdistrict only.]*

-- Hospital. *[North subdistrict only.]*

-- Library, art gallery, or museum.

~~Public or private school. *[In the entertainment complex and south subdistricts, this use is only permitted on the first story when: (A) 25 percent of the floor area on that first story is comprised of retail and personal service uses; and (B) the use does not exceed 10,000 square feet of floor area on the first story.]*~~

(5) Lodging uses.

-- Hotel and motel.

(6) Miscellaneous uses.

-- Carnival or circus (temporary).  
-- Temporary construction or sales office.  
-- Aquarium.

(7) Office uses.

-- Financial institution without drive-in window.  
-- Financial institution with drive-in window.  
-- Medical clinic or ambulatory surgical center.  
-- Office.

(8) Recreation uses.

-- Private recreation center, club, or area.  
-- Public park, playground, or golf course.  
-- Entertainment complex. *[Entertainment complex subdistrict only.]*

(9) Residential uses.

-- Duplex.  
-- Handicapped group dwelling unit.  
-- Multifamily.  
-- Residential hotel.  
-- Retirement housing.  
-- Single family.

(10) Retail and personal service uses.

-- Alcoholic beverage establishments.  
-- Ambulance service. *[North subdistrict only.]*  
-- Auto service center. *[North subdistrict only.]*  
-- Business school. *[In the entertainment complex and south subdistricts, this use is only permitted on the first story when: (A) 50 percent of the floor area on that first story is comprised of retail and personal service uses; and (B) the use does not exceed 5,000 square feet of floor area on the first story.]*

-- Car wash. *[North subdistrict only.]*  
-- Commercial amusement (inside).  
-- Commercial amusement (outside).  
-- Commercial parking lot or garage.



- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Liquor store.
- Motor vehicle fueling station. *[North subdistrict only.]*
- Nursery, garden shop, or plant sales.
- Outside sales. *[Limited to 20 percent of lot area.]*
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Surface parking.
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. *[Outside vehicle display and sales may not exceed*

*20 percent of lot area in the north subdistrict; outside vehicle display and sales and all vehicle service is prohibited in the entertainment complex and south subdistricts; and inside vehicle sales and display may not exceed 15,000 square feet of floor area in the entertainment complex and south subdistricts.]*

(11) Transportation uses.

- Heliport.
- Helistop.
- Private street or alley.
- Railroad passenger station.
- STOL (short takeoff or landing) port.
- Transit passenger shelter.
- Transit passenger station or transfer center.

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical generating plant.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower.
- Tower/antenna for cellular communication.
- Utility or government installation other than listed.

(13) Wholesale, distribution, and storage uses.

- Recycling drop-off container.

(b) Main uses prohibited. Any use not listed in Subsection (a) is prohibited as a main use in this district.

(c) Accessory uses permitted.

(1) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(2) The following accessory uses are not permitted in this district:

- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Amateur communication tower.
- Day home.
- General waste incinerator.
- Pedestrian skybridges.
- Private stable.

(3) A car wash is only permitted as an accessory use in the entertainment complex and south subdistricts if the washing of vehicles is conducted in an enclosed structure.

(4) A college dormitory, fraternity, or sorority house is permitted only as an accessory use to a college, university, or seminary.

(5) Except as otherwise provided, an accessory outside storage use is permitted only with visual screening. For an entertainment complex use in the entertainment complex subdistrict, accessory outside storage is permitted without visual screening. In the entertainment complex subdistrict, accessory outside storage may exceed five percent of the lot area.

(d) Use restricted tract. On that property identified as the “Use Restricted Tract” on the conceptual plan, the following additional use regulations apply:

(1) All uses fronting on North Houston Street and located on the first story must be retail uses. For purposes of this provision, a use fronts on North Houston Street if any portion of a wall that houses or directly encloses the use abuts North Houston Street.

(2) A minimum of 75 percent of the floor area of the first story must be occupied by retail uses.

(3) In this subsection, retail use means one of the following uses:

- Alcoholic beverage establishments.
- Commercial amusement (inside).
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Liquor store.
- Personal service use.
- Restaurant without drive-in or drive-through service.

## **SEC. 51P-582.110. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front, side, and rear yard.

(1) Except as provided in Paragraphs (2) and (3), no minimum front, side, or rear yard.

(2) In the area of the north subdistrict designated as “Restricted Area” on the conceptual plan, a side yard setback of one foot for each two feet in height above 60 feet is required for that portion of a structure over 60 feet in height, up to a maximum setback of 20 feet.

(3) On Tract 2 in the entertainment complex subdistrict, the following setbacks are required along Akard Street:

(A) For that portion of a structure over 90 feet in height, a 240-foot setback, measured from the centerline of the right-of-way, is required.

(B) For that portion of a structure over 255 feet in height, a 260-foot setback, measured from the centerline of the right-of-way, is required.

(C) For that portion of a structure over 340 feet in height, a 280-foot setback, measured from the centerline of the right-of-way, is required.

(b) Dwelling unit density. No maximum dwelling unit density.

(c) Floor area.

(1) Maximum floor area is as follows:

(A) In the north subdistrict, six million square feet.

(B) In the entertainment complex subdistrict, 2.8 million square feet.

(C) In the south subdistrict, seven million square feet, except that in Tract A as shown on the conceptual plan, 1.5 million square feet.

(2) Maximum cumulative floor area permitted in this district is 10.6 million square feet.

(d) Height.

(1) Except as provided in Paragraphs (2) and (3), maximum structure height is any legal height.

(2) In the entertainment complex subdistrict, maximum structure height on Tract 1 as shown on the conceptual plan is 90 feet. This regulation does not apply to light poles and other lighting fixtures.

(3) In that portion of the north subdistrict labelled “Restricted Area” on the conceptual plan, maximum structure height is 270 feet.

(e) Lot coverage. No maximum lot coverage.

(f) Lot size. No minimum lot size.

(g) Stories. No maximum number of stories.

(h) Building width.

(1) Except as provided in Paragraph (2), no maximum building width.

(2) On Tract 2 in the entertainment complex subdistrict, the maximum width of any portion of a building facade along Payne Street that is above 90 feet in height is 215 feet.

#### **SEC. 51P-582.111. TRANSPORTATION MANAGEMENT PLAN.**

(a) Transportation management plan (TMP) in general. No certificate of occupancy may be issued for an entertainment complex unless a TMP has been submitted to the director of public works and transportation. The TMP must be updated periodically for 10 years as follows: (1) the first update must be submitted to the director of public works and transportation no later than one year after the date that the certificate of occupancy is issued; and (2) updates must be submitted, at a minimum, once every year thereafter for nine years. The preparation and submission of the TMP and its updates are the responsibility of the property owner or the owner's assignee or representative. The TMP and its updates must be: (1) prepared by a registered professional engineer skilled in transportation engineering; and (2) approved by the director of public works and transportation.

(b) Contents of the TMP. The TMP and its updates must be in writing and report on the following:

(1) The planned and actual operation of the street system within and in the immediate vicinity of this district, describing special traffic controls, lane operation, signal timing patterns, and traffic control personnel.

(2) The planned and scheduled construction of the street system within and in the immediate vicinity of this district and its completion level.

(3) Development and occupancy levels within this district.

(4) The planned and actual maintenance and management of traffic within and in the immediate vicinity of this district during the construction of roadways and buildings.

(5) The planned and actual number of parking spaces in this district, their location, and how they are shared and operated, with special emphasis on the parking situation for events occurring at the entertainment complex during weekdays, weeknights, and weekends.

(6) Vehicular congestion and pedestrian safety concerns at locations both internal and external to this district, together with an analysis of and recommendations for appropriate mitigation measures.

(c) Effect of TMP. The TMP and its updates are for informational purposes only. Although the property owner is not required to implement any recommendations in the TMP or its updates, each applicant for development plan approval shall make reasonable efforts to address the transportation issues raised in the TMP or the most recent update.

#### **~~SEC. 51P-582.112. MAINTENANCE OF ESSENTIAL ROADWAY CAPACITY AND SAFETY.~~**

~~————(a) The following conditions apply to Olive Street:~~

~~————(1) Two access points are permitted on the north side of Olive Street between North Houston Street and Victory Avenue, and only one access point is permitted on the south side of Olive~~

~~Street between North Houston Street and Victory Avenue. The operation of these driveways must be restricted to right turn in and right turn out movements.~~

~~—————(2) No mid block traffic signals are permitted on Olive Street between North Houston Street and Victory Avenue.~~

~~—————(3) One mid block pedestrian crosswalk is permitted on Olive Street between North Houston Street and Victory Avenue. The location of the mid block pedestrian crosswalk must be approved by the director of public works and transportation.~~

~~—————(b) The director of public works and transportation may waive a condition in Subsection (a) if a transportation study prepared by a registered professional engineer skilled in transportation engineering shows that the waiver will not adversely affect efficient traffic flow or the safety of motorists and pedestrians.~~

### **SEC. 51P-582.113. OFF-STREET PARKING AND LOADING REGULATIONS.**

(a) Off-street parking and loading requirements generally. Except as otherwise provided in this section, consult the off-street parking and loading regulations (Division 51A-4.300, et seq.) for information regarding off-street parking and loading.

(b) Off-street parking ratios. Off-street parking must be provided at the following ratios:

(1) For ~~an alcoholic beverage establishment~~ a bar, lounge, or tavern, one space for each 100 square feet of floor area. ~~If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(2) For an entertainment complex, one space for each four seats with a minimum of 5,000 parking spaces required. ~~Handicapped parking must be provided pursuant to Section 51A-4.305.~~

(3) For a multifamily use, 1.25 spaces for each dwelling unit. ~~If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(4) For an office use, one space for each 500 square feet of floor area. ~~If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(5) For a restaurant without drive-in or drive-through service, one space for each 100 square feet of floor area. ~~If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(6) For all other retail and personal service uses, one space for each 500 square feet of floor area. ~~If more than ten off-street parking spaces are required for the use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(7) For a hotel or motel:

(A) 0.5 spaces for each hotel or motel room; and

(B) one space for each 200 square feet of ballroom and meeting room floor area. ~~If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(8) For a theater, one space for each five seats. ~~If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(9) For an aquarium, one space for each 500 square feet of floor area. ~~If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(10) For all other permitted uses, consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use.

(c) Off-street loading ratios. Off-street loading must be provided as follows:

(1) For an entertainment complex, four large loading bays must be provided.

(2) For an aquarium, off-street loading must be provided as follows:

<u>SQUARE FEET OF TOTAL FLOOR AREA IN STRUCTURE</u>	<u>REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(3) For all other permitted uses, consult the use regulations (Division 51A-4.200) for the specific off-street loading requirements for each use.

(d) Special parking regulations.

(1) The special parking provisions in Division 51A-4.320 do not apply to special parking shown on the master parking and floor area plan (Exhibit 582K) or its supplement.

(2) Special parking may not be used to satisfy the off-street parking requirements for residential uses.

(e) Master parking and floor area plan.

(1) Purpose. Because off-street parking requirements for uses in this district may be provided in remote locations, the master parking and floor area plan identifies the locations of all off-street parking, determines the amount of required off-street parking, identifies any available off-street parking, and ensures that each use within the district meets the off-street parking requirements.

(2) Master parking plan and floor area supplement.

(A) To maintain adequate required off-street parking for all uses within this district, a master parking and floor area plan supplement must be submitted to and approved by the building official (see Exhibit 582K-1) if:

commission;

- (i) a development plan or minor amendment is approved by city plan

- (ii) required off-street parking spaces are relocated; or

- (iii) special parking spaces are added or removed.

(B) A master parking and floor area plan supplement must include:

- (i) the number of existing required off-street parking spaces;

- (ii) the number of required off-street parking spaces added, deleted, or relocated;

- (iii) the location of required off-street parking spaces added, deleted, or relocated;

- (iv) the number and location of all special parking spaces;

- (v) a revised master parking and floor area plan (see Exhibit 582K) that shows:

- (aa) changes to a development plan or minor amendment; and

- (bb) other changes to the master parking and floor area plan since the last update, including changes to floor area and revisions to streets, alleys, or private drives.

(C) Master parking and floor area plan.

- (i) The building official shall maintain a copy of each approved master parking and floor area supplement.

- (ii) The Property owner must deliver a copy of each approved master parking and floor area supplement to the director of development services within five days of the building official's approval of each supplement.

(f) Fees for required off-street parking. A property owner may charge a fee on a daily, hourly, or other basis for the use of required off-street parking.

(g) Location of off-street parking.

(1) In general.

(A) Each application for a building permit or certificate of occupancy must include a tabulation box, which provides the following information:

- (i) The total floor area and total number of dwelling units, guest rooms, and seats for each use that is a part of the application.

(ii) The total floor area and total number of dwelling units, guest rooms, and seats for all uses in this district as of the date of the application, including the proposed uses that are a part of the application.

(iii) The off-street parking required for each use in this district, including the proposed uses that are a part of the application.

(iv) The location of the required off-street parking for all uses located in this district, including the proposed uses that are a part of the application.

(B) Unless otherwise expressly provided in the regulations governing individual subdistricts, as much as one hundred percent of the required off-street parking for a use may be provided off-site and not on the lot occupied by the main use. If the parking is not provided in this district, a parking agreement is required pursuant to Section 51A-4.328; no license, however, is required. If the parking is provided in this district, no parking agreement or license is required.

(C) An entertainment complex may only share required off-street parking with an office or medical or scientific laboratory use located in this district. Shared parking for office or medical or scientific laboratory uses must be shown on an approved development plan. If sharing of off-street parking for these uses is proposed, the hours of operation must be mutually exclusive or compatibly overlapping. As much as one hundred percent of the parking for an entertainment complex may be shared even if the parking is not located on the lot occupied by the entertainment complex.

(D) A restaurant without drive-in or drive-through service, alcoholic beverage establishments, or commercial amusement (outside or inside) use may only share required off-street parking with an office or medical or scientific laboratory use located in this district. The shared parking for the restaurant without drive-in or drive-through service, alcoholic beverage establishments, or commercial amusement (outside or inside) must be shown on an approved development plan. If sharing of off-street parking for these uses is proposed, the hours of operation must be mutually exclusive or compatibly overlapping. Up to 100 percent of the parking for a restaurant without drive-in or drive-through service, alcoholic beverage establishments, or commercial amusement (outside or inside) uses may be shared with office or medical or scientific laboratory uses even if the parking is not located on the lot occupied by the use.

(2) North subdistrict.

(A) Except as provided in this paragraph, required off-street parking for uses in the north subdistrict is restricted to that subdistrict and the entertainment complex subdistrict.

(B) Required off-street parking for a multifamily use in the north subdistrict is further restricted to the lot occupied by the main use. Exception: Required off-street parking spaces for a multifamily use may be located on one or more other lots if they are within a 300-foot walking distance and can be reached by the residents without crossing a thoroughfare.

(C) Except as provided in Subparagraph (B), required off-street parking for uses in the north subdistrict may also be provided in the south subdistrict if they are within 1,200 feet of the north subdistrict boundary.

(3) Entertainment complex subdistrict.



(A) Except as provided below, required off-street parking for uses in the entertainment complex subdistrict is restricted to this district.

(B) Required off-street parking for an entertainment complex in the entertainment complex subdistrict can be located in another zoning district if the nearest edge of the parking lot is within 600 feet of the eastern boundary of this district or the southern boundary of the entertainment complex subdistrict.

(C) Required off-street parking for a multifamily use in the entertainment complex subdistrict is restricted to the lot occupied by the main use. Exception: Required off-street parking spaces for a multifamily use may be located on one or more other lots if they are within a 300-foot walking distance and can be reached by the residents without crossing a thoroughfare.

(4) South subdistrict.

(A) Except as provided below, required off-street parking for uses in the south subdistrict is restricted to that subdistrict and the entertainment complex subdistrict.

(B) Required off-street parking for a multifamily use in the south subdistrict is restricted to the lot occupied by the main use. Exception: Required off-street parking spaces for a multifamily use may be located on one or more other lots if they are within a 300-foot walking distance and can be reached by the residents without crossing a thoroughfare.

(C) Required off-street parking for an office use in the south subdistrict may be provided in:

(i) the north subdistrict if the furthest off-street parking space is within 1,200 feet of the boundary of the south subdistrict; and

(ii) another zoning district if the parking lot is within 600 feet of the office use, measured from the nearest edge of the parking lot to the nearest edge of the lot occupied by the office use.

(D) Required off-street parking for all other uses in the south subdistrict may be provided in:

(i) the north subdistrict if the furthest off-street parking space is within 1,200 feet of the boundary of the south subdistrict; and

(ii) another zoning district if the nearest edge of the parking lot is within 600 feet of the eastern, southern, or northern boundary of the south subdistrict.

(h) Off-street parking reductions. The following off-street parking provisions may be used to reduce the required off-street parking requirement for a use. These are the only off-street parking reductions available to a use in this district.

(1) Transit reduction. The following parking reductions apply to uses within a 2,640-foot walking distance of a rail transit station:

(A) Entertainment complex. No transit reduction is available for an entertainment complex use.

(B) Office uses.

~~(i) The off-street parking requirement for an office use may be reduced by three percent if the office use is within a walking distance of 1,200 feet from a DART commuter rail station at which DART commuter rail service is available during the morning and evening peak periods (between 7:00 a.m. and 8:30 a.m. and between 4:30 p.m. and 6:00 p.m., Monday through Friday).~~

~~(ii) The off-street parking requirement for an office use may be reduced by ten percent if the for office uses is within a walking distance of 1,200 feet from a DART light rail station at which DART light rail service is available with train headways at least every 20 minutes during the morning and evening peak periods (between 7:00 a.m. and 8:30 a.m. and between 4:30 p.m. and 6:00 p.m., Monday through Friday).~~

~~\_\_\_\_\_ (iii) The total transit reduction for an office use may not exceed 10 percent.~~

~~(C) All other uses. The off-street parking requirement for all other uses may be reduced by ten percent if the use is within a walking distance of 1,200 feet from a DART light rail station at which DART light rail service is available with train headways at least every 20 minutes during the morning and evening peak periods (between 7:00 a.m. and 8:30 a.m. and between 4:30 p.m. and 6:00 p.m., Monday through Friday).~~

(2) Bicycle parking reduction. The off-street parking requirement for a use may be reduced by one percent by providing and maintaining bicycle parking in an amount equal to one percent of that off-street parking requirement. The type and location of the bicycle parking must be approved by the director of public works and transportation prior to the issuance of a certificate of occupancy for the use.

(3) On-street parking. A parking space located on a public street may be included in the calculation of parking requirements if it is adjacent to the building site where the use is located.

~~\_\_\_\_\_ (i) Each on-street parking space may only be counted for one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed use project.~~

~~\_\_\_\_\_ (ii) An on-street parking space that is not available to the public at all times of the day and night may not be included in the calculation of parking requirements.~~

(i) Design and operation of off-street loading facilities. Unless waived in writing by the director of public works and transportation, off-street loading facilities must be designed and operated so that no maneuvering of vehicles occurs on streets designated on the city's Thoroughfare Plan.

(j) Design of Tract 1 parking garage spaces. All parking spaces in any parking garage on Tract 1 of the entertainment complex subdistrict must have a minimum width of 8.5 feet. Ten percent of these parking spaces must have a minimum depth of 16 feet and 9 inches.

(k) Bicycle parking.

~~\_\_\_\_\_ (1) Except as provided, bicycle parking is required in accordance with Sec. 51A-4.330.~~

(2) Building sites that are developed prior to [DATE] are considered non-conforming as to bicycle parking. Non-conforming building sites must only provide the minimum number of guest bicycle parking spaces when the applicability standards of 51A-4.331 are met.

(3) A waiver may be granted in accordance with Sec. 51A-4.335 if the location of guest bicycle parking would impede pedestrian traffic between a special event or an entertainment complex and parking areas or the DART station.

(4) Required bicycle parking may be located within the right-of-way.

(5) Remote bicycle parking may be established using the master parking and floor area plan (Exhibit 582K) if approved with a development plan or minor amendment to the master parking and floor area plan. Simple written consent from both property owners is required to apply for remote bicycle parking.

#### **SEC. 51P-582.114. PHASING OF DEVELOPMENT.**

(a) The following thoroughfare and traffic improvements must be substantially complete prior to the issuance of a certificate of occupancy that would authorize the use of floor area that would cause the total floor area within this district to exceed 500,000 square feet:

(1) Houston Street between McKinney Avenue and Continental Avenue as a four-lane divided principal arterial.

(2) North Houston Street between Continental Avenue and Hi Line Drive as a four-lane northbound principal arterial couplet.

(3) Hi Line Drive from Victory Avenue to Interstate Highway 35E (IH-35E) as a four-lane divided principal arterial.

(4) Victory Avenue between Continental Avenue and Lamar Street as a two-lane southbound principal arterial couplet.

(5) Victory Avenue between Lamar Street and Hi Line Drive as a four-lane southbound principal arterial couplet.

(6) Continental Avenue between McKinney Avenue and North Houston Street as a three-lane eastbound principal arterial couplet.

(7) Continental Avenue between North Houston Street and the Dallas Area Rapid Transit right-of-way as a four-lane eastbound principal arterial couplet.

(8) Lamar Street between McKinney Avenue and Victory Avenue as a three-lane westbound principal arterial couplet.

(9) Lamar Street between Victory Avenue and 225 feet east of IH-35E as a three-lane westbound principal arterial couplet.

(10) Two of the four westbound lanes of Lamar Street, a principal arterial couplet, between 225 feet east of IH-35E and IH-35E.

(11) Olive Street between Field Street and North Houston Street as an eight-lane undivided collector, including auxiliary lanes.

(12) Olive Street between North Houston Street and Victory Avenue as a five-lane undivided collector with auxiliary lanes at intersection approaches.

(13) All Star Way between North Houston Street and Victory Avenue as a four-lane undivided collector.

(14) Variable lane assignments for northbound Field Street at Olive Street.

(15) Reserved.

(16) One of the following options:

(A) Option A. Substantial completion of the extension of the IH-35E southbound frontage road between Oak Lawn Avenue and Hi Line Drive.

(B) Option B. Commencement of construction of the extension of the IH-35E southbound frontage road between Oak Lawn Avenue and Hi Line Drive. For purposes of this option, “commencement of construction” means that construction of the extension has actually begun or that construction of the extension is on the Texas Department of Transportation’s “Schedule for Letting.”

(17) One of the following improvements:

(A) Option A.

(i) Extension of North Houston Street between Hi Line Drive and 1,400 feet north of Hi Line Drive as a four-lane undivided collector.

(ii) Extension of North Houston Street between 1,400 feet north of Hi Line Drive and Harry Hines Boulevard as a four-lane divided collector.

(B) Option B.

(i) Maintenance of the existing, two-lane road connection between Hi Line Drive and Oak Lawn Avenue to a satisfactory standard, as approved by the director of public works and transportation.

(ii) Southbound right-turn lane on Field Street at Woodall Rodgers Freeway.

(18) Traffic signals, traffic signal modifications, lane control signals, and pavement markings at the following intersections if those signals, modifications, and markings have been determined to be necessary in accordance with Section 51P-582.115:

(A) Continental Avenue at North Houston Street and Victory Avenue.

(B) Lamar Street at North Houston Street and Victory Avenue.

(C) Olive Street at Field Street, North Houston Street, and Victory Avenue.

(D) All Star Way at North Houston Street and Victory Avenue.

(E) Hi Line Drive at IH-35E frontage roads.

(F) North Houston Street at Harry Hines Boulevard.

(b) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 1,750,000 square feet until the following thoroughfare improvements are substantially complete:

(1) Extension of North Houston Street between Hi Line Drive and 1,400 feet north of Hi Line Drive as a four-lane undivided collector.

(2) Extension of North Houston Street between 1,400 feet north of Hi Line Drive and Harry Hines Boulevard as a four-lane divided collector.

(3) Extension of the IH-35E southbound frontage road between Oak Lawn Avenue and Hi Line Drive.

(c) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 4,000,000 square feet until the following thoroughfare and traffic improvements are substantially complete:

(1) Southbound right-turn lane on Field Street at Woodall Rodgers Freeway.

(2) Traffic signals, traffic signal modifications, lane control signals, and pavement markings at the following intersections if those signals, modifications, and markings have been determined to be necessary in accordance with Section 51P-582.115:

(A) Intersection of Continental Avenue and IH-35E.

(B) Intersection of Field Street and Woodall Rodgers Freeway.

(d) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 5,000,000 square feet until the following have occurred:

(1) Substantial completion of Continental Avenue between IH-35E and the Dallas Area Rapid Transit right-of-way as a four-lane eastbound principal couplet.

(2) Substantial completion of Lamar Street between Victory Avenue and IH-35E as a four-lane westbound principal couplet with bridge constructed as shown on Exhibit 582D, or, in the alternative, governmental approval of the construction of Lamar Street between Victory Avenue and IH-35E as a four-lane westbound principal couplet with bridge constructed as shown on Exhibit 582E. For purposes of this paragraph, "governmental approval of the construction" means that: (A) governmental approval of the bridge design for Lamar Street, as shown on Exhibit 582E, has been obtained; (B) funds equal to an amount required to complete construction of Lamar Street as a four-lane westbound principal couplet with bridge as shown on Exhibit 582E has been deposited into a separate and dedicated city

account; and (C) governmental approval of the construction schedule has been obtained requiring completion of Lamar Street within one year of the date of issuance of the certificate of occupancy.

(3) Installation of signals, modifications, and markings at the following intersections if those traffic signals, traffic signal modifications, lane control signals, and pavement markings have been determined to be necessary in accordance with Section 51P-582.115:

(A) Intersection of Continental Avenue and North Houston Street.

(B) Intersection of Lamar Street and IH-35E.

(e) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 5,250,000 square feet until the following thoroughfare and traffic improvements are substantially complete:

(1) A TXDOT approved additional right turn lane on the IH-35E northbound frontage road at Continental Avenue as shown on Exhibit 582L.

(2) An additional left-turn lane on northbound Field Street at Olive Street. If this improvement is not required by the director of public works and transportation, then this requirement is void.

(3) Traffic signals, traffic signal modifications, lane control signals, and pavement markings at the following intersections if those signals, modifications, and markings have been determined to be necessary in accordance with Section 51P-582.115:

(A) IH-35E northbound frontage road at Continental Avenue.

(B) Field Street at Olive Street.

(f) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 6,000,000 square feet until there is substantial completion of Lamar Street between Victory Avenue and IH-35E as a four-lane westbound principal couplet with bridge as shown on either Exhibit 582D or 582E.

(g) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 8,000,000 square feet until:

(1) the following thoroughfare and traffic improvements are substantially complete:

(A) traffic signal at the intersection of Harry Hines Boulevard and Payne Street;

(B) a TXDOT approved additional traffic lane on the westbound service road of Woodall Rodgers freeway approaching Field Street, as shown on Exhibit 582M;

(C) a pedestrian crossing traffic signal on Victory Avenue at the DART rail station; and

(D) traffic signals, traffic signal modifications, lane control signals, and pavement markings at the westbound service road of Woodall Rodgers Freeway approaching Field Street,

if those signals, modifications, and markings have been determined to be necessary in accordance with Section 51P-582.115; and

(2) a comprehensive updated valet parking operational plan submitted to the director of public works and transportation.

(h) For purposes of this section, a thoroughfare and traffic improvement is substantially complete when all lanes and pedestrian facilities are open to public vehicular and pedestrian traffic. Once the director of public works and transportation has determined that a thoroughfare is substantially complete, any future modifications to that thoroughfare by a governmental entity will not detrimentally affect a property owner's ability to obtain additional certificates of occupancy.

#### **SEC. 51P-582.115. TRAFFIC CONTROL INSTALLATION AND MODIFICATION.**

The signals and markings described in Section 51P-582.114 must be installed or modified if the director of public works and transportation determines that such installation or modification is necessary for safe circulation within this district or for safe ingress and egress to and from property in this district.

#### **SEC. 51P-582.116. TREE PRESERVATION.**

The tree preservation regulations in Article X apply to all property in this district.

#### **SEC. 51P-582.117. LANDSCAPING, SCREENING, AND SIDEWALK REGULATIONS.**

##### **(a) Application of section.**

(1) This section becomes applicable to all uses on an individual lot when work on the lot is performed that increases the existing building height, floor area, or nonpermeable coverage of the lot, unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or an accident of any kind.

(2) Once this section becomes applicable to a lot, its requirements are binding on all current and subsequent owners of the lot.

(3) Except as otherwise provided in this article, the landscaping regulations in Article X do not apply.

(4) Except as otherwise expressly modified in this article, the definitions in Article X do apply.

(5) The board of adjustment may grant a special exception to the landscaping requirements of this section if, in the opinion of the board, the special exception will not compromise the spirit and intent of this section. When feasible, the board shall require that the applicant submit and that the property comply with a landscape plan as a condition to the granting of this special exception.

(6) In this district, an artificial lot must wholly include any new building footprint. An artificial lot need not have public street frontage. No artificial lot may contain a land area that exceeds 50 percent of the total land area in this district.

##### **(b) Landscaping and screening requirements in general.**

(1) Irrigation and drainage systems. All landscaping and screening required under this subsection must be irrigated by an automatic irrigation system or an approved alternate irrigation system for green building or water-wise best practices. Trees must be irrigated by drip or bubble irrigation and, if necessary to maintain the trees, drained by permanent drainage systems. Both the automatic irrigation and permanent drainage systems must be installed to comply with industry standards.

(2) Soil requirements.

(A) For each large shrub or small tree installation, a minimum of 30 inches of soil depth and 25 square feet of surface area (total of 62.5 cubic feet) must be provided.

(B) For each large tree installation, a minimum of 40 inches of soil depth and 25 square feet of surface area (total of 83.25 cubic feet) must be provided.

(C) The building official may waive the minimum soil requirements if a landscape architect or arborist qualified by the International Society of Arboriculture certifies that the proposed alternative soil depths and dimensions are sufficient to support the healthy and vigorous growth of the plant materials affected.

(c) Sidewalk regulations.

(1) For the portion of North Houston Street labelled as Section 1 on Exhibit 582F, an average unobstructed sidewalk width of five feet is required on the east side of the street. No portion of that eastern sidewalk, however, may have an unobstructed sidewalk width of less than four feet. On the west side of the street, a minimum unobstructed sidewalk width of six and one-half feet is required.

(2) For the portion of North Houston Street labelled as Section 2 on Exhibit 582F, an average unobstructed sidewalk width of five feet is required on the east side of the street. No portion of that eastern sidewalk, however, may have an unobstructed sidewalk width of less than four feet. On the west side of the street, a minimum unobstructed sidewalk width of nine and one-half feet is required.

(3) For the portion of North Houston Street labelled as Section 3 on Exhibit 582F, a minimum unobstructed sidewalk width of 16.5 feet is required on the east side of the street. On the west side of the street, a minimum unobstructed sidewalk width of nine and one-half feet is required.

(4) A minimum unobstructed sidewalk width of five and one-half feet is required along the south side of Lyte Street labelled as Section 4 on Exhibit 582F.

(5) For the portion of North Akard Street labelled as Section 5 on Exhibit 582F, a minimum unobstructed sidewalk width of four and one-half feet is required on the east side of the street. On the west side of the street, an average unobstructed sidewalk width of six and one-half feet is required. No portion of that western sidewalk, however, may have an unobstructed sidewalk width of less than four and one-half feet.

(6) For the portion of North Akard Street labelled as Section 6 on Exhibit 582F, a minimum unobstructed sidewalk width of four and one-half feet is required on the east side of the street. On the west side of the street, a minimum unobstructed sidewalk width of six and one-half feet is required.

(7) For the portion of Payne Street labelled as Section 7 on Exhibit 582F, a minimum unobstructed sidewalk width of seven feet is required.



(8) For the portion of North Houston Street labelled as Section 8 on Exhibit 582F, a minimum unobstructed sidewalk width of 16.5 feet is required along the east side of the street. On the west side of the street, a minimum unobstructed sidewalk width of six and one-half feet is required if a pedestrian open space area with a minimum depth of 16 feet abuts and runs along the entire length of the sidewalk; otherwise, a minimum unobstructed sidewalk width of 22.5 feet is required.

(9) For the portion of North Houston Street labelled as Section 8A on Exhibit 582F, a minimum unobstructed sidewalk width of 12 feet is required along the east side of the street. On the west side of the street, a minimum unobstructed sidewalk width of six and one-half feet is required if a pedestrian open space area with a minimum depth of 16 feet abuts and runs along the entire length of the sidewalk; otherwise, a minimum unobstructed sidewalk width of 22.5 feet is required.

(10) For the portions of streets labelled as Section 9 on Exhibit 582F, a minimum unobstructed sidewalk width of nine and one-half feet is required.

(11) For the portion of Olive Street labelled as Section 10 on Exhibit 582F, a minimum unobstructed sidewalk width of nine and one-half feet is required on the north side of the street. On the south side of the street, a minimum unobstructed sidewalk width of six and one-half feet is required.

(12) For the portion of North Houston Street labelled as Section 11 on Exhibit 582F, a minimum unobstructed sidewalk width of four and one-half feet is required on the east side of the street. On the west side of the street, a minimum unobstructed sidewalk width of nine and one-half feet is required.

(13) For the portion of North Houston Street labelled as Section 12 on Exhibit 582F, a minimum unobstructed sidewalk width of six and one-half feet is required on the east side of the street. On the west side of the street, a minimum unobstructed sidewalk width of nine and one-half feet is required.

(14) For the portion of Continental Avenue labelled as Section 13 on Exhibit 582F, a minimum unobstructed sidewalk width of nine and one-half feet is required on the north side of the street. On the south side of the street, a minimum unobstructed sidewalk width of six feet is required.

(15) For the portion of Continental Avenue labelled as Section 14 on Exhibit 582F, no sidewalk is required on the north side of the street. On the south side of the street, a minimum unobstructed sidewalk width of five and one-half feet is required.

(16) For the portion of Victory Avenue labelled as Section 15 on Exhibit 582F, a minimum unobstructed sidewalk width of six and one-half feet is required.

(17) For the portion of Olive Street labelled as Section 16 on Exhibit 582F, the following minimum unobstructed sidewalk widths are required on the south side of the street:

(A) Seven and one-half feet for that portion of the sidewalk within 150 feet of the east line of Victory Avenue.

(B) Five feet for all other portions of the sidewalk.

(18) For the portion of Olive Street labelled as Section 16 on Exhibit 582F, a minimum unobstructed sidewalk width of nine and one-half feet is required on the north side of the street.

(19) For All Star Way labelled as Section 17 on Exhibit 582F, a minimum unobstructed sidewalk width of nine and one-half feet is required along the north side of the street. On the south side of the street, a minimum unobstructed sidewalk width of nine and one-half feet is required if a pedestrian open space area with a minimum depth of eight feet abuts and runs along the entire length of the sidewalk; otherwise, a minimum unobstructed sidewalk width of 17.5 feet is required.

(20) For the portion of Victory Avenue labelled as Section 18 on Exhibit 582F, a minimum unobstructed sidewalk width of six and one-half feet is required on the north side of the street. On the south side of the street, a minimum unobstructed sidewalk width of nine and one-half feet is required.

(21) For the portion of Victory Avenue labelled as Section 19 on Exhibit 582F, a minimum unobstructed sidewalk width of six and one-half feet is required on the north side of the street. On the south side of the street, an average unobstructed sidewalk width of six and one-half feet is required. No portion of that southern sidewalk, however, may have an unobstructed sidewalk width of less than four feet.

(22) For the temporary extension of Lamar Street labelled as Section 20 on Exhibit 582F, no sidewalks are required.

(23) For the portion of North Houston Street labelled as Section 21 on Exhibit 582F, a minimum unobstructed sidewalk width of nine and one-half feet is required on the east side of the street. On the west side of the street, an average unobstructed sidewalk width of five and one-half feet is required. No portion of that western sidewalk, however, may have an unobstructed sidewalk width of less than four feet.

(24) Two pedestrian ways, each a minimum of 15 feet wide, 10 feet of which must be unobstructed, are required in the area shown on Exhibit 582G.

(25) For all other public or private streets, a minimum sidewalk width of seven and one-half feet is required. Five of the required seven and one-half feet must be unobstructed.

(26) Buildings and other structures may extend over the sidewalk ~~(but not beyond the private property line)~~ if a minimum vertical clearance of 10 feet is maintained.

(27) Required sidewalks need not be adjacent to the curb.

(28) Required sidewalks may be located in dedicated sidewalk easements on private property.

(d) Required landscaping.

(1) Street trees.

(A) Tree planting zone.

(i) Except as provided in Subparagraphs (A)(ii), (A)(iii), (A)(iv), and (F), the “tree planting zone” is that area parallel to and between two and one-half and five feet from the back of the projected street curb, or if there is no street curb, from the street or easement line.

(ii) The tree planting zone for the south side of Lyte Street between North Houston Street and Akard Street is that area labelled “Tree Planting Zone” on Exhibit 582H. The minimum five and one-half foot unobstructed sidewalk requirement for Lyte Street contained in Subsection (c) above must still be maintained.

(iii) The tree planting zone for pedestrian open space and entertainment complex plaza areas abutting a public or private street or access easement is anywhere within those areas.

(iv) The tree planting zone on a lot containing an entertainment complex use is the sidewalk area. The minimum unobstructed sidewalk requirements contained in Subsection (c) above must still be maintained.

(B) Number, location, and type of trees required.

(i) Each lot must have one or more large canopy trees with trunks located wholly within the tree planting zone. It is a defense to prosecution for a violation of this provision that the tree was wholly within the tree planting zone at the time of planting.

(ii) Except as provided in Subparagraphs (B)(vi), (B)(vii), and (B)(viii), the number of required trees is calculated by dividing the number of feet of lot frontage along a public or private street, or along an access easement that runs through a lot and has a minimum pavement width of 26 feet, by 30. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number. Visibility triangles are not included in lot frontage calculations.

(iii) Except as otherwise provided on Exhibit 582H and this item, trees may not be spaced more than 75 feet apart. The building official may approve tree spacing between 75 and 100 feet apart as necessary for the health of a tree. Visibility triangles are not included in lot frontage calculations.

(iv) All required trees must be recommended for local area use by the city arborist.

(v) If the property owner is unable to obtain a landscape permit, or the private license granted under this article is revoked, the owner must locate the tree(s) on the lot as near as practicable to the front lot line.

(vi) A minimum of 20 trees must be provided along the south side of Lyte Street, between North Houston Street and Akard Street, as shown on Exhibit 582H.

(vii) The planting of trees along the east side of North Houston Street between Lyte Street and Payne Street is not required if the director of public works and transportation finds that the trees will impede pedestrian movement and cause a safety hazard.

(viii) No trees are required for the following areas:

(aa) Lot frontage along an access easement if an entertainment complex use is located on the lot.

(bb) Lot frontage along access easements shown on Exhibit 582I.

(cc) Lot frontage along an alley or along an access easement with less than 26 feet of pavement, measured from curb to curb or, if no curb exists, between the outer edges of the pavement.

(C) Minimum trunk caliper. Except as provided in Subparagraph (F), required trees must have a minimum trunk caliper of three inches measured at a point 12 inches above the root ball.

(D) Minimum clearance above pavement. The property owner shall maintain street trees five years of age or older in compliance with the following vertical height clearances over street and sidewalk pavements:

(i) Fourteen feet above street pavement.

(ii) Eight feet above a public sidewalk located on public or private property.

(E) Tree grates required near sidewalks. Tree grates must be provided for all trees with trunks located in a sidewalk or within 18 inches of a sidewalk. Suspended brick, pave stones, or similar materials may be used instead of a grate to protect tree roots and provide a pedestrian surface. These materials must conform to state standards and specifications adopted to eliminate, insofar as possible, architectural barriers encountered by aged, handicapped, or disabled persons. The grates or containment areas must be large enough to permit healthy tree growth.

(F) Alternate planting areas and tree requirements.

(i) In general. A certain percentage of required trees may be planted in a location other than the tree planting zone. The property owner may also, within specified limits, substitute two small trees for one required large tree.

(ii) Lots fronting on streets designated on the Thoroughfare Plan. This subparagraph applies to trees required along those portions of a lot abutting a street designated on the city's Thoroughfare Plan. Up to 20 percent of these trees may be located within 15 feet of the projected street curb. These trees must be provided on the lot. The property owner, as an alternative or in combination with the preceding regulation, may substitute two small trees for one large required tree. A maximum of 50 percent of the small trees may be planted in containers made out of ceramic, concrete, masonry, or other similar material. If trees are planted in a sidewalk, the minimum unobstructed sidewalk requirements in Subsection (c) must still be complied with. In no event may the property owner relocate or substitute more than 20 percent of the required large trees along a street frontage.

(iii) Lots fronting on all other streets or easements in the north and entertainment complex subdistricts. This subparagraph applies to trees required along those portions of a lot in the north and entertainment complex subdistricts that front on either a street not designated on the city's Thoroughfare Plan or an access easement with a pavement width greater than 26 feet. The pavement width is measured from curb to curb or, if no curb, from the outer edges of the pavement. Up to 20 percent of these trees may be located within 15 feet of the projected street curb. These trees must be provided on the lot. The property owner, as an alternative or in combination with the preceding regulation, may also substitute two small trees for one large required tree. A maximum of 50 percent of the small trees may be planted in containers made out of ceramic, concrete, masonry, or other similar material. If trees are planted in a sidewalk, the minimum unobstructed sidewalk requirements in

Subsection (c) must still be complied with. In no event may the property owner relocate or substitute more than 20 percent of the required large trees along a street or access easement frontage.

(iv) Lots fronting on all other streets or easements in the south subdistrict. This subparagraph applies to trees required along those portions of a lot in the south subdistrict that front on either a street not designated on the city's Thoroughfare Plan or an access easement with a pavement width greater than 26 feet. The pavement width is measured from curb to curb or, if no curb, from the outer edges of the pavement. Up to 50 percent of the required trees along lot frontage in these described areas may be located either: (aa) within 15 feet of the projected street curb, or (bb) in a pedestrian open space located within the south subdistrict if the property owner plants one large and one small tree for the one large tree being relocated. The property owner, as an alternative to, or in combination with, (aa) above, may substitute two small trees for one large required tree. A maximum of 50 percent of the small trees located in a sidewalk or within 15 feet of the projected street curb may be planted in containers made out of ceramic, concrete, masonry, or other similar material. If trees are planted in a sidewalk, the minimum unobstructed sidewalk requirements in Subsection (c) must still be complied with. In no event may the property owner relocate or substitute more than 50 percent of the required large trees along a street or access easement frontage.

(v) Small trees must have a minimum trunk caliper of two inches measured at a point 12 inches above the root ball.

(2) Surface parking lot trees. No required parking space on a surface parking lot may be located more than 120 feet from the trunk of a large canopy tree. Each tree must have a caliper of at least two inches and may not be planted closer than two and one-half feet to the paved portion of the parking lot. The planting area for parking lot trees must have a minimum of 36 square feet of surface area.

(3) Magnolia Hill landscape buffer. Landscaping on property located between North Houston Street and the Katy Trail must be provided as shown on Exhibit 582J. All large trees must have a minimum trunk caliper of three inches, and all small trees must have a minimum trunk caliper of two inches. All landscaping shown on Exhibit 582J must be provided within six months of the issuance of a certificate of occupancy for an entertainment complex use.

(4) Lyte Street parking garage landscaping. Prior to the issuance of a certificate of occupancy for a parking garage on Tract 1 of the entertainment complex subdistrict, vines, or other similar climbing plant must be provided along the entire length of the Lyte Street-facade of the parking garage.

(5) Measurement of trees. Trunk calipers shall be measured at the time of planting.

(e) Screening regulations.

(1) Off-street loading and garbage storage area screening.

(A) Off-street loading spaces and garbage storage areas must be screened from a public street or access easement that is adjacent to the lot.

(B) Screening required by this subsection must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space or garbage storage area.

(C) All off-street loading areas must be screened from a street or access easement by using one or more of the following methods to separately or collectively attain a minimum height of three feet as measured above:

(i) Earthen berm planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each three feet of width.

(ii) Solid wood or masonry fence or wall.

(iii) Hedge-like evergreen plant materials recommended for local area use by the city arborist. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 36 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(D) All garbage storage areas must be screened from a street or access easement by a solid wood or masonry fence or wall.

(E) Access through required screening may be provided only by a solid gate that equals the height of the screening. The gate must remain closed at all times except when in actual use.

(2) Roof-mounted equipment. Roof-mounted mechanical, electrical, and communications equipment must be screened by solid screening that is at least four feet in height.

(3) Surface parking screening. All surface parking must be screened from a street or access easement by using one or more of the following three methods to separately or collectively attain a minimum height of three feet above the parking surface:

(A) Earthen berm planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each three feet of width.

(B) Solid wood or masonry fence or wall.

(C) Hedge-like evergreen plant materials recommended for local area use by the city arborist. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 36 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(f) Landscape permit required.

(1) If this subsection applies to a lot pursuant to Subsection (a)(1) of this section, an application for a landscape permit must be submitted to the building official with the application for a building permit for work on the lot. To obtain a landscape permit, a landscape plan must be submitted. Landscape plans required under this section must contain the following information:

(A) The date, scale, north point, and the names and addresses of both the property owner and the person preparing the plan.

(B) The location of existing boundary lines and dimensions of the lot, and the zoning classification of the property.

(C) The approximate center line of existing water courses; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, and sidewalks in the parkway and on or adjacent to the lot.

(D) The location and size of landscape and planting areas required to be designated under this section, and the location, size, and species (common or botanical name) of proposed landscaping in these areas.

(E) An indication of how the property owner plans to protect existing trees, which are proposed to be retained, from damage during construction.

(F) The location of the required irrigation system.

(G) The location of all existing and proposed loading and garage storage areas.

(2) If the landscape plan shows trees, landscaping, or pavement (other than for the installation of sidewalks required by this article) in the parkway, the building official shall circulate the plan to all affected city departments and utilities for review and comment.

(3) If, after receiving comments from affected city departments and utilities, the building official determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, and the landscaping shown on the plan complies with the requirements of this ordinance, the building official shall issue a landscape permit to the property owner; otherwise, the building official shall deny the permit.

(4) If the building official disapproves the plan on the ground that installation of the landscaping within the parkway will be inconsistent with, or will unreasonably impair the public utility or communication company use of the street right-of-way, a new plan incorporating the parkway landscaping requirements on the lot as near as practicable to the front lot line must be submitted for approval.

(g) When landscaping, screening, and sidewalks must be completed.

(1) Except as provided in Paragraph (2), all landscaping, screening, and sidewalks must be completed in accordance with the approved landscape plan prior to the issuance of a certificate of occupancy for a permitted use on the lot or, if the lot is to be used for accessory off-street parking for a main use located on another lot, then all landscaping, screening, and sidewalks must be provided prior to the use of the lot for the accessory off-street parking.

(2) The following described sidewalks must be completed in accordance with the requirements of this article and the approved landscape plan prior to the issuance of a certificate of occupancy on the lot which authorizes the use of more than 200 square feet of floor area:

(A) Sidewalks on the west side of the portion of North Houston Street labelled as Section 2 on Exhibit 582F.

(B) Sidewalks on both sides of the portion of North Houston Street labelled as Section 3 on Exhibit 582F.

(C) Sidewalks on both sides of Victory Avenue between Victory Avenue and All Star Way labelled as Section 9 on Exhibit 582F.

(D) Sidewalks on the west side of Victory Avenue between All Star Way and Olive Street labelled as Section 9 on Exhibit 582F.

(E) Sidewalks on the north side of All Star Way labelled as Section 17 on Exhibit 582F.

(F) Sidewalks on the south side of Victory Avenue labelled as Section 18 on Exhibit 582F.

(h) Penalty for noncompliance with subsection.

(1) If landscaping, screening, or sidewalks are not constructed or installed in accordance with the approved landscape plan and these requirements, then the owner of the property is liable to the city for a civil penalty in the amount of \$400 per day for each calendar day thereafter until the landscaping, screening, or sidewalks have been properly installed. The building official shall give written notice to the property owner of the amount owed to the city in civil penalties, and shall notify the city attorney of any unpaid civil penalty. The city attorney shall collect unpaid civil penalties in a suit on the city's behalf.

(2) The civil penalty referred to in Paragraph (1) is in addition to any other enforcement remedies the city may have under city ordinances and state or federal law.

(i) General maintenance.

(1) All required landscaping and screening must be maintained in a healthy, growing condition at all times. The property owner is responsible for the regular weeding, mowing of grass, irrigating, fertilizing, pruning, or other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with the approved landscape plan within three months after notification by the city. A required tree that dies after its original planting must be replaced by another living tree having a minimum height of 12 feet and a minimum trunk-caliper of three inches measured at a point 12 inches above the root ball. The replacement tree must be planted within three months after notification by the city.

(2) Any damage to utility lines resulting from the negligence of the property owner, his agents, or employees in the installation and maintenance of required landscaping in the public right-of-way is the responsibility of the property owner. If a public utility disturbs a landscaped area in the public right-of-way, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If nonetheless some plant materials die, it is the obligation the property owner to replace the plant materials.

**SEC. 51P-582.118. VISIBILITY TRIANGLE REGULATIONS.**

The visual obstruction regulations in Section 51A-4.602 for a CA-2(A) Central Area District apply in this district.



**SEC. 51P-582.119. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P-582.120. PRIVATE LICENSE GRANTED.**

(a) The city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this district for the exclusive purpose of authorizing compliance with the landscaping requirements installation and maintenance of street and pedestrian lighting, public seating areas, landscaping, signs, kiosks, canopies, fountains, benches, drinking fountains, trash containers, bollards, bicycle racks, artwork, planting and street amenities, hardscape, softscape, incidental design elements, and incidental architectural features in this district. No owner or tenant is required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a landscape permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city of the necessity for the termination is final and binding, and the city is entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession thereof, when, in its judgment, the purpose or use of this license is inconsistent with the public use of the right-of-way or the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public right-of-way to the satisfaction of the director of public works and transportation.

(b) A property owner is not required to comply with any right-of-way landscaping requirement if compliance is made impossible due to the city council's revocation of a right-of-way landscape permit or the revocation of the private license granted under this section.

(c) Upon the installation of landscaping in the public rights-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this section, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, \$2,000,000 annual aggregate. Coverage under this liability policy must be on an "occurrence" basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1CN, Dallas, Texas, 75201, and the policy must provide for thirty days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent same are covered by this liability insurance policy.

(d) Each owner or tenant shall be responsible for maintaining the landscaping in a healthy, growing condition and to keep the premises safe and from deteriorating in value or condition at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the landscaping. The granting of a license for landscaping under this section does not release the owner or tenant from liability in the installation or maintenance of trees and landscaping in the public right-of-way.

**SEC. 51P-582.121. SIGN REGULATIONS.**

(a) The regulations of the Victory Special Provision Sign District contained in Division 51A-7.1700 apply to all signs within the boundaries of that district as described in Section 51A-7.1701.

(b) Signs outside the boundaries of the Victory Special Provision Sign District must comply with the provisions for business zoning districts in Article VII.

#### **SEC. 51P-582.122. ADDITIONAL PROVISIONS.**

(a) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will not be used to conduct a use not permitted in this district.

(b) Frontage on a street. A lot in this district is not required to front upon either a dedicated public street or a private street if adequate access is provided by an access easement. A lot is deemed to have adequate access if the access easement is a minimum of 15 feet wide for a one-way access easement, and a minimum of 24 feet wide for a two-way access easement. The design and construction of the access easement must be approved by the director of public works and transportation in accordance with standard city rules and specifications.

(c) General maintenance. The entire Property must be properly maintained in a state of good repair and neat appearance.

(d) Compliance with all other laws. Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

#### **SEC. 51P-582.123. REQUIREMENTS FOR PAVED AREAS.**

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

#### **SEC. 51P-582.124. CERTIFICATE OF OCCUPANCY CONDITIONED ON COMPLIANCE.**

The building official shall not issue a building permit or a certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the constructions codes, and all other ordinances, rules, and regulations of the city.

#### **~~SEC. 51P-582.125. ZONING DISTRICT MAP.~~**

~~PD 582 is located on Zoning Map No. J-7.~~