

## **ARTICLE 1002.**

### **PD 1002.**

#### **East Side Special Purpose District.**

##### **SEC. 51P-1002.101.**

##### **LEGISLATIVE HISTORY.**

PD 1002 was established by Ordinance No. 30948, passed by the Dallas City Council on August 8, 2018. (Ord. 30948)

##### **SEC. 51P-1002.102.**

##### **PROPERTY LOCATION AND SIZE.**

PD 1002 is established on property generally bounded by Main Street, Haskell Avenue, the Santa Fe Trail, and DART right-of-way. The size of PD 1002 is approximately 25.9173 acres. (Ord. 30948)

##### **SEC. 51P-1002.103.**

##### **PURPOSE.**

This district is designed to encourage walkable, mixed-use, sustainable, urban development; to reduce the need for parking; and to encourage the use of the Santa Fe Trail. (Ord. 30948)

##### **SEC. 51P-1002.104.**

##### **DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article:

(1) **ART OR CRAFT PRODUCTION FACILITY** means a facility for the production of handcrafted art or craft products through processes such as kiln firing, glass blowing, welding, or woodworking, and for the sale of the produced products to the general public.

(2) **BED AND BREAKFAST** means a lodging use that provides over-night accommodations; serves no meals other than breakfast; and is a member of, or certified by, a recognized bed and breakfast association such as the National Bed and Breakfast Association (NBBA) or Historic and Hospitality Accommodation of Texas.

(3) **MAJOR MODIFICATION** means reconstruction, alteration, or renovation of an original building that exceeds 50 percent of the value of the original building assessed by the Dallas Central Appraisal District or any increase in floor area of an original building by 50 percent or more.

(4) NEW CONSTRUCTION means construction of a main structure that did not exist as of August 8, 2018.

(5) ORIGINAL BUILDING means a building constructed on or before 1980, the floor area of which has not since that date been increased by more than:

(A) 150 percent if the increase is 5,000 square feet or less; or

(B) 100 percent if the increase is greater than 5,000 square feet.

(6) PASSENGER LOADING ZONE means a space that is reserved for the exclusive use of vehicles during the loading or unloading of passengers. A passenger loading zone is not a taxicab stand for purposes of Section 28-101, "Restricted Use of Bus Stops and Taxicab Stands."

(7) VISIBILITY TRIANGLE means:

(A) where a street designated on the city's thoroughfare plan intersects with another street, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;

(B) where two streets not designated on the city's thoroughfare plan intersect, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection; and

(C) where an alley or driveway intersects with a street, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district. (Ord. 30948)

## **SEC. 51P-1002.105.**

## **DEVELOPMENT PLAN.**

(a) For a general merchandise or food store greater than 3,500 square feet that exceeds 50,000 square feet in floor area, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. 30948)

**SEC. 51P-1002.106.**

**MAIN USES PERMITTED.**

The following uses are the only main uses permitted:

(1) Agricultural uses.

- Crop production. *[Limited to urban garden.]*
- Private stable. *[SUP]*

(2) Commercial and business service uses.

- Building repair and maintenance shop.
- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing.
- Medical or scientific laboratory.
- Technical school.
- Vehicle or engine repair or maintenance. *[Limited to a maximum 20,000 square feet of floor area.]*

(3) Industrial uses.

- Alcoholic beverage manufacturing. *[Limited to a maximum 35,000 square feet of floor area.]*
- Industrial (inside) not potentially incompatible.
- Industrial (inside) for light manufacturing.

(4) Institutional and community service uses.

- Adult day care facility.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing homes, hospice care, and related institutions.
- Convent or monastery.
- Foster home. *[SUP]*
- Library, art gallery, or museum.
- Open-enrollment charter school. *[SUP]*

- Private school. *[SUP]*
- Public school other than an open-enrollment charter school. *[SUP]*

(5) Lodging uses.

- Bed and breakfast. *[Limited to no more than five guest rooms and limited to providing accommodations for no more than five consecutive nights.]*
- Hotel or motel.

(6) Miscellaneous uses.

- Temporary construction or sales office.

(7) Office uses.

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

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

- Duplex.
- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*
- Multifamily.
- Retirement housing.
- Single family.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. *[SUP]*
- Animal shelter or clinic without outside runs.
- Art or craft production facility.
- Auto service center. *[SUP. Limited to a maximum 20,000 square feet of floor area.]*
- Business school.
- Commercial amusement (inside). *[SUP. Class E dance halls prohibited.]*
- 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.  
*[DIR]*
- Home improvement center, lumber, brick, or building materials sales yard. *[Limited to 20,000 square feet.]*
- Household equipment and appliance repair.
- Liquor store. *[Drive-in and drive-through service prohibited.]*
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station. *[Limited to electric vehicle charging station.]*
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. *[Limited to a maximum of 20,000 square feet of floor area.]*

(11) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. *[SUP]*

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Local utilities.
- Police or fire station.
- Post office.
- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1). This district is considered a multiple commercial district for this use.]*
- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

- Office showroom/warehouse.
- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
- Warehouse. (Ord. 30948)

**SEC. 51P-1002.107.**

**ACCESSORY USES.**

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

(b) The following accessory uses are not permitted:

- Amateur communication tower.
- Dance hall.
- General waste incinerator.
- Private stable.

(c) The following accessory uses are permitted by SUP only:

- Accessory helistop.
- Pedestrian skybridges.

(d) Accessory outside storage may occupy up to 10 percent of the lot containing the main use.

(e) When accessory to a home improvement center, lumber, brick, or building materials sales yard, accessory outside display of merchandise must be located within 10 feet of the main structure on the lot. (Ord. 30948)

## **SEC. 51P-1002.108.**

## **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 in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard.

(1) Main Street. No minimum front yard. Maximum front yard is 15 feet.

(2) All streets other than Main Street. Minimum front yard is five feet. Maximum front yard is 15 feet.

(3) Urban form setback. Along all streets, an additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(b) Side and rear yard. No minimum side or rear yard.

(c) Encroachments. The following are permitted to be located within the required front, side, and rear yards:

(1) Seat walls, steps, ramps, and safety railings, all not exceeding four feet in height and extending a maximum of five feet into the required minimum front yard.

(2) Handrails.

(3) Bicycle racks.

(4) Utility equipment.

(5) Landscape and tree planters.

(6) Sculptures.

(d) Density. No maximum dwelling unit density.

(e) Floor area ratio.

(1) In general. Maximum floor area ratio is 4.0.

(2) Bonus provisions. FAR on a building site may be increased from 4.0 to a maximum of 6.0 if a minimum of 10 percent of the total dwelling units are provided in accordance with Section 51P-1002.118 and reserved for:

(A) households earning 80 percent or less of the median family income for the Dallas area; or

(B) holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, with preference given to holders of housing vouchers.

(3) In no event may FAR exceed 6.0.

(4) Floor space within a refrigerated closed storage area in a building is excluded in the calculation of floor area ratio.

(f) Height. Maximum structure height is 160 feet.

(g) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(h) Lot size. No minimum lot size.

(i) Stories. No maximum number of stories. (Ord. 30948)

## **SEC. 51P-1002.109.**

## **OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Art or craft production facility. One space for each 1,000 square feet of floor area. No off-street loading required.

(c) Bed and breakfast. One space per guest room is required. No off-street loading required.

(d) General merchandise or food store 3,500 square feet or less. One space per 275 square feet of floor area is required.

(e) General merchandise or food store greater than 3,500 square feet.

(1) One space per 275 square feet of floor area is required.

(2) For a general merchandise or food store greater than 3,500 square feet that exceeds 50,000 square feet in floor area, no more than five percent of required parking may be provided as surface parking.

(f) Multifamily. One and one-quarter space per dwelling unit is required. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to resident use.

(g) Office uses. One space for each 385 square feet of floor area is required.

(h) Restaurant without drive-in or drive-through service. One space per 200 square feet of floor area is required.

(i) Single-family, handicapped group dwelling unit, and duplex. One space per dwelling unit is required.

(j) Outdoor seating areas for alcoholic beverage establishments, commercial amusement (inside), and restaurants without drive-in or drive-through service. An outdoor seating area covered by a non-permeable covering that is within 20 feet of, and has direct access to, a street, sidewalk, or publicly accessible open space is not included in the parking requirement calculations for up to 50 percent of the interior floor area of the use. An outdoor seating area that is either not covered or has a permeable covering is not included in required parking calculations for up to 100 percent of the interior floor area of the use.

(k) Parking reductions.



(1) Parking reductions for original buildings.

(A) Single family, duplex, and multifamily uses. For an original building used for or converted to a single family, duplex, or multifamily use, no off-street parking is required for the first five units. Thereafter, one off-street parking space must be provided for every two units.

(B) Alcoholic beverage establishments, commercial amusement (inside), and restaurants without drive-in or drive-through service. For an original building used for or converted to an alcoholic beverage establishment, commercial amusement (inside), or restaurant without drive-in or drive-through service, no parking is required for the first 2,500 square feet of floor area. Thereafter, parking must be provided as required in this article.

(C) For all other uses. For original buildings fronting Main Street or for buildings with City of Dallas historic designation, State of Texas historic designation, or listed on the National Register of Historic Places, no parking is required for uses less than 10,000 square feet of floor area. For all other original buildings, no parking is required for the first 5,000 square feet of floor area. Thereafter, parking must be provided as required in this article.

(2) Parking reduction for proximity to DART stations. The off-street parking requirement for uses located within one-fourth mile of a DART light-rail station may be reduced by up to 10 percent.

(3) Parking reduction for on-street parking. Except as provided in this paragraph, any on-street parking space may be counted as a reduction of the parking requirement of the use adjacent to the on-street parking space.

(A) An on-street parking space may not be used to reduce the required parking for more than one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(B) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ( $8/24 = \text{one-third}$ ). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(C) On-street parking, if used, must be configured as indented parking. Angled and 90-degree parking are prohibited.

(4) Parking reduction for on- or off-street passenger loading zones. For each passenger loading zone provided adjacent to a use, with a maximum of two, the required parking may be reduced by five spaces or five percent, whichever is less.

(5) Parking reduction for access to car-sharing program. The building official may approve a reduction in the number of required parking spaces for residential units in a residential project or mixed-use project with a residential component where a car-sharing program is available to residents. CAR-SHARING PROGRAM means a membership-based organization or business with a distributed fleet of car-sharing vehicles that charges a use-based fee related to a specific vehicle. Dedicated parking for the car-share program must be available on the site or within a 600-foot walking distance of the site seeking the car-sharing parking reduction. The building official may reduce parking requirements by up to five spaces for each dedicated car-share vehicle parking space provided. A car-share parking space may not be used to reduce the required parking for more than one use, except that a car-share parking space may be used to reduce the combined total parking requirement of a mixed-use project. If the car sharing service ends, the property owner or property management company shall notify the director with a report identifying the deficiency in parking spaces as a result of the program ending and the plans to bring the use into compliance with parking requirements.

(6) Underground office parking. When all or part of the parking for an office use is provided underground, the building official shall approve a parking reduction of 0.33 space for each space provided underground.

(7) Tree preservation.

(A) The building official may approve a reduction in the number of parking spaces required by one space for each protected tree, as defined in Article X, retained that would otherwise have to be removed to provide required parking.

(B) The preserved tree must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers and meet the planting area requirements of Article X for the preserved tree.

(C) The maximum reduction authorized by this paragraph is five percent or one space per building site, whichever is greater.

(l) Parking locations.

(1) In general. Except when configured as indented parking, no on-site surface parking for new construction is permitted between the street-facing facade and the street. For buildings with more than one street-facing facade, only two street-facing facades are subject to this requirement. No off-street surface parking for new construction is permitted between the trail-facing facade and the trail.

(2) Remote parking encouraged. Remote parking as specified in Division 51A-4.320 is only allowed if the remote parking spaces are located within the district or if the remote parking spaces are within the standards provided in Section 51A-4.324(d). Remote parking may not affect or cause the reduction of delta credits. An agreement authorizing remote parking for a use may be based on a lease of the remote parking spaces in lieu of a remote parking agreement only if the lease:

- (A) is in writing on a form obtained from the building official;
- (B) contains legal descriptions of the properties affected;
- (C) specifies the special parking being provided and the hours of operation of any use involved;
- (D) is governed by the laws of the State of Texas;
- (E) is signed by all owners of the properties affected;
- (F) signed by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;
- (G) is for a minimum term of three years; and
- (H) provides that both the owner of the lot occupied by the use benefitting from the parking and the owner of the remote parking lot shall notify the building official in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.

(3) Parking setback. Except for underground parking, valet parking pick-up and drop-off sites, passenger loading zones, and parking for single-family and duplex uses, off-street parking is prohibited within 20 feet of a pavement line of a street between grade and 12 feet above grade for new construction.

(m) Screening. Except as provided in this subsection, this district is considered an office district for the purposes of screening, and the provisions of Section 51A-4.301(f)(5), "Screening Provisions for Off-Street Parking," apply. Access openings for surface parking lot and commercial parking lot and garage uses may not exceed 30 feet in width for a two-way drive, 20 feet in width for a one-way drive, and 10 feet in width for pedestrian access openings. Pedestrian ingress and egress from off-street parking need not be screened.

(n) Uses may charge for required parking. Section 51A-4.301(a)(8), which requires that required off-street parking must be available as free parking or contract parking on other than an hourly or daily fee basis, does not apply in this district.

(o) On-street passenger loading zones. On-street passenger loading zones are allowed only along Main Street and Haskell Avenue, must be constructed in compliance with Architectural Barrier Act (ABA) accessibility standards, and must be approved by the director. (Ord. 30948)

## **SEC. 51P-1002.110.**

## **ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. 30948)

**SEC. 51P-1002.111.**

**LANDSCAPING.**

- (a) Landscaping must be provided in accordance with Article X.
- (b) Plant materials must be maintained in a healthy, growing condition. (Ord. 30948)

**SEC. 51P-1002.112.**

**SCREENING OF VEHICLE DISPLAY, SALES, AND SERVICE.**

The vehicle sales lots for vehicle display, sales, and service uses, excluding points of ingress and egress, must be screened from the street by using one or more of the three methods listed in Section 51A-4.301(f)(5) to separately or collectively attain a minimum height of three feet above the parking surface. (Ord. 30948)

**SEC. 51P-1002.113.**

**SIGNS.**

Signs must comply with the provisions for business zoning districts in Article VII. (Ord. 30948)

**SEC. 51P-1002.114.**

**DESIGN STANDARDS FOR LARGE RETAIL USES.**

Except as provided in this article, for general merchandise or food store greater than 3,500 square feet that exceeds 50,000 square feet in floor area, compliance with the design standards in Section 51A-4.605 is required. If there is a conflict between this article and Section 51A-4.605, this article controls. (Ord. 30948)

**SEC. 51P-1002.115.**

**DESIGN STANDARDS FOR STREET AND TRAIL FRONTAGES.**

(a) Storefront treatments. This subsection applies to all uses at ground level except churches and residential uses. All street-fronting, trail-fronting, and plaza-fronting portions of a newly constructed building must have windows and at least one architecturally prominent primary entrance facing the street, the trail, or a plaza. No more than 10 continuous linear feet of street-fronting, trail-fronting, or plaza-fronting facades may lack a transparent surface (e.g., a window or a transparent door or opening). Street-fronting, trail-fronting, and plaza-fronting windows must:

- (1) be clear, unpainted, or made of similarly treated glass allowing visibility within street-level uses;
- (2) cover 50 percent or more of the facade facing the street, trail, or plaza;

(3) not have a bottom edge higher than three feet above the base of the building;  
and

(4) extend upward to at least eight feet above the base of the building.

(b) Individual entries for dwelling units. For new construction of structures to house a residential use, a minimum of 60 percent of the street-level, street-facing dwelling units in each building site must have individual entries that access the street with an improved path connecting to the sidewalk. For all new construction adjacent to the Santa Fe Trail, a minimum of 60 percent of the trail-facing, trail-level dwelling units in each building must have individual entries that access the trail. Additionally, a minimum of 20 percent of the street-facing and trail-facing upper-story facade walls must be constructed of transparent materials.

(c) Active uses at street level. Along Main Street, Haskell Avenue, and the Santa Fe Trail, at least 80 percent of the street-facing, street-level and trail-facing, trail-level facades, excluding vehicular access, must have a use other than parking.

(d) Non-required fences. Unless a use specifically requires screening, all fences for uses along a street or trail must have a surface area that is a minimum of 50 percent open. (Ord. 30948)

#### **SEC. 51P-1002.116.                      SIDEWALKS, LIGHTING, AND DRIVEWAY STANDARDS.**

(a) Sidewalks. For a major modification, sidewalks are required in accordance with this section when an application is made for a building permit for new construction, and for construction work that results in any increase in ground level floor area. If proposed construction increases the ground level floor area of an original building, the sidewalk width requirement for the portion of the building site that provides street frontage for the existing building is the width available, up to the required amount, between the back of the street curb and the face of the existing main building. In no event should the sidewalk width provisions of this subsection be construed to require the relocation of the facade of an original building.

(1) Along all streets.

(A) Sidewalks must be located in an area parallel to and within two feet to 15 feet of the back of the projected street curb, with a minimum two-foot-wide landscape buffer between the sidewalk and the back of the street curb.

(B) Sidewalks must be clearly delineated across driveways; maintain the grade, slope, and material of the adjacent sidewalk on either side of the driveway; and ensure no more than a two percent cross slope.

(2) Along Main Street. A sidewalk with a minimum average width of 10 feet must be provided and must be clear and unobstructed for a minimum of six feet in width within the required area.

(3) Along streets other than Main Street. A sidewalk with a minimum average width of six feet must be provided and must be clear and unobstructed for a minimum of five feet in width within the required area. Tree grates do not count toward the minimum unobstructed sidewalk width.

(b) Lighting.

(1) Special lighting requirement. Exterior lighting sources, if used, must be oriented down and onto the property they light and generally away from adjacent residential properties.

(2) Pedestrian scale lighting. For a residential use or a mixed-use development greater than 20,000 square feet of floor area, pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 footcandles must be provided along public sidewalks and adjacent to public streets. In this subsection, PEDESTRIAN SCALE LIGHTING means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or an equivalent pedestrian light fixture approved by the director of transportation. The design and placement of both the standards and fixtures must be approved by the director of transportation. The property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(c) Driveways. Curb cuts for driveways must be between 12 feet and 24 feet wide, measured parallel to the frontage. (Ord. 30948)

**SEC. 51P-1002.117. VISIBILITY TRIANGLES.**

Visibility triangles in this district are measured according to the visibility triangle definition in Section 51P-1002.104 of this article. (Ord. 30948)

**SEC. 51P-1002.118. MIXED-INCOME HOUSING.**

(a) Applicability. This section only applies when an application is made for a certificate of occupancy for a multi-family use that includes the increased floor area ratio standards described in Section 51P-1002.108(e)(2).

(b) Definitions. In this section:

(1) **AFFIRMATIVE FAIR HOUSING MARKETING** means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color,

national origin, religion, sex, age, disability, or other protected class under Title VIII of the Civil Rights Act of 1964 and all related regulations, executive orders, and directives.

(2) AFFORDABLE UNITS means 10 percent of the rental units within a development that are available to be occupied by either (i) eligible households or (ii) voucher holders during the rental affordability period. Affordable units rented to eligible households are subject to the monthly maximum rents per unit type listed for families at 80 percent of adjusted median family income in the Intown Housing Program Income and Rent Limits for Affordable Housing Unit Tenants published annually by the City of Dallas.

(3) AREA MEDIAN INCOME means the median income for the Dallas Area Standard Metropolitan Statistical Area, adjusted for household size, as determined annually by the Department of Housing and Urban Development.

(4) DEVELOPER means the owner or operator of the Property during the rental affordability period.

(5) DIRECTOR means the director of the Office of Fair Housing or the director's representative.

(6) EFFICIENCY UNIT means a dwelling unit with no separate bedroom.

(7) ELIGIBLE HOUSEHOLDS means households earning up to 80 percent of area median income.

(8) RENTAL AFFORDABILITY PERIOD means the period of time that the affordable units are available to be leased to and occupied by eligible households or voucher holders.

(9) VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal government.

(c) Qualification requirements.

(1) Affordable units must be dispersed throughout the residential floor area of each building, but may not be fixed to specific dwelling units and must float within each dwelling unit type.

(2) Affordable units must be of identical finish-out and materials as the market rate dwelling units and must be made available to eligible households or voucher holders on identical lease terms, except rent amount, as are available to market rate dwelling unit tenants.

(3) Except as provided in Subsection (f), affordable units must be dispersed substantially pro-rata among the affordable unit types so that not all the affordable units are efficiency or one-bedroom units. For example, if 10 percent of the multiple-family dwelling units are affordable units, 10 percent of the efficiency units, 10 percent of the one-bedroom units, 10

percent of the two-bedroom units, 10 percent of the three-bedroom units (and so on, if applicable) must be affordable units. A maximum of three specialty units such as club suites and penthouse suites are not required to be part of the dispersal of affordable units by type; however, the overall 10 percent requirement is calculated based on the total number of all units.

(4) Affordable units must be marketed in accordance with an affirmative fair housing marketing plan provided by the developer in coordination with the Office of Fair Housing.

(5) A household's status as an eligible household must be established no more than 30 days before the household's execution of a lease for an affordable unit and each lease must not exceed one year. All eligible tenants must recertify their household income for each subsequent lease renewal.

(6) The rent charged for affordable units must include all expenses that are mandatory for all tenants, but may not include optional reserved parking expenses, or other optional expenses approved by the director.

(7) Eligible households or voucher holders occupying affordable units may not be restricted from common areas and amenities, unless the restrictions apply to all dwelling unit occupants.

(8) The rental affordability period is 15 years beginning on the date the first affordable unit is leased to an eligible household or voucher holder. The density bonus regulations survive expiration of the rental affordability period.

(9) The affordable units must not be segregated or concentrated in any one floor or area of any buildings, but must be dispersed throughout all residential buildings.

(10) Developer must execute deed restrictions, prior to approval of the certificate of occupancy, in a form acceptable to the city, in the city's sole discretion, and record the executed deed restrictions in the Deed Records of Dallas County, Texas to ensure that the Property will comply with all conditions.

(11) Developer shall not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government, in accordance with Section 20A-4.1 of the Dallas City Code.

(d) Request process.

(1) Building permit. An incentive zoning affordable housing plan must be submitted with an application for a building permit and must include:

(A) The date, names, addresses, and telephone numbers of the developer and the person preparing the incentive zoning affordable housing plan, if different;



(B) Lot and block descriptions, zoning classification, and census tracts of the lots for which the increased development rights are requested;

(C) The percentage of total dwelling units that will be affordable units and the actual number of dwelling units that will be affordable units; and

(D) The total number of one bedroom dwelling units, two-bedroom dwelling units, etc. being proposed.

(2) Affirmative fair housing marketing plan.

(A) The affirmative fair housing marketing plan must be in writing and must be submitted to, and receive written approval from, the director at least three months prior to the start of pre-leasing.

(B) The affirmative fair housing marketing plan must describe the advertising, outreach, community contacts, and other marketing activities that informs potential renters of the existence of the affordable units.

(C) The director must approve or deny the affirmative fair housing marketing plan within 60 days after a complete plan is submitted.

(i) Approval. The director shall approve the affirmative fair housing marketing plan if it complies with the requirements of this section and meets the purpose of the marketing requirements.

(ii) Denial. The director shall deny the affirmative fair housing marketing plan if it does not comply with the requirements of this section or does not meet the purpose of the marketing requirements. If the director denies the affirmative fair housing marketing plan, he or she shall state in writing the specific reasons for denial. If denied, a new affirmative fair housing marketing plan may be submitted.

(3) Certificate of occupancy. Before the issuance of a certificate of occupancy, the developer must submit to the building official an incentive zoning affordable housing plan that must include:

(A) The approved affirmative fair housing marketing plan.

(B) A statement that all signatories agree to defend, indemnify, and hold harmless the City of Dallas from and against all claims or liabilities arising out of or in connection with a multiple family structure that exceeds 36 feet in height.

(C) A statement and acknowledgement from the developer that the qualifications in Subsection (c) will be continuously met.

(D) The signature of the director verifying that the developer has informed the Office of Fair Housing that the developer intends to apply for a certificate of occupancy.

(e) Annual report.

(1) An annual report must be submitted to the director in writing and must include the following:

- (A) a rent roll;
- (B) a list of dwelling units deemed affordable units;
- (C) a list of the affordable units currently offered for lease;
- (D) the income and household size for each eligible household or voucher holder;
- (E) a signed statement by the developer acknowledging compliance with Subsection (c); and
- (F) any other reasonable and pertinent information the director deems necessary to demonstrate compliance with Subsection (c).

(2) The first annual report must be submitted to the director on the one year anniversary of the beginning of the affordability period. After the first annual report, the developer shall submit annual reports on subsequent anniversary dates.

(3) The final annual report must be signed by the director verifying that the rental affordability period has ended and must be filed with the building official.

(f) Consent to substitute.

(1) Notwithstanding the pro-rata distribution requirements in this section, if the developer cannot locate eligible households or voucher holders to lease two-bedroom or larger dwelling units, and if the director is satisfied that the developer has made best efforts to lease the two-bedroom or larger dwelling units, if applicable, including full compliance with the affirmative fair housing marketing plan, with written consent from the director, developer may from time to time substitute on a two-for-one basis additional one bedroom dwelling units or on a three-to-one basis additional efficiency units to meet the pro rata distribution requirements described in this subsection.

(2) Before granting written consent, the director shall review and approve an amended affirmative fair housing marketing plan detailing how the developer will target marketing to larger households who could qualify to lease the two-bedroom dwelling units (and larger

dwelling units, if applicable). The director's written consent shall include a time period during which the agreed-upon substitutions satisfy the pro rata distribution requirements.

(g) Audit and income verification.

(1) The annual report may be audited by the director to verify the information provided in the annual report.

(2) The director may also randomly, regularly, and periodically select a sample of tenants occupying affordable units for the purpose of income verification. Any information received pursuant to this subsection remains confidential and may only be used for the purpose of verifying income to determine eligibility for occupation of the affordable units. All prospective tenants of an affordable unit must agree to provide or to allow the director to obtain sufficient information to enable income verification as contemplated in this section as a condition to leasing the unit. (Ord. 30948)

**SEC. 51P-1002.119.**

**ADDITIONAL PROVISIONS.**

(a) Maintenance. The Property must be properly maintained in a state of good repair and neat appearance.

(b) Compliance. 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. (Ord. 30948)

**SEC. 51P-1002.120.**

**COMPLIANCE WITH CONDITIONS.**

(a) 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 city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 30948)