

ARTICLE 331.

PD 331.

SEC. 51P-331.101. LEGISLATIVE HISTORY.

PD 331 was established by Ordinance No. 20579, passed by the Dallas City Council on March 14, 1990. Ordinance No. 20579 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. (Ord. Nos. 19455; 20579; 25850; 28288)

SEC. 51P-331.102. PROPERTY LOCATION AND SIZE.

PD 331 is established on property generally located on the southwest side of Lamar Street, between Pine Street and Hatcher Street. The size of PD 331 is approximately 51.146 acres. (Ord. Nos. 20579; 25850; 28288)

SEC. 51P-331.103. DEFINITIONS AND INTERPRETATIONS.

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

(1) **BODY PIERCING STUDIO** means a facility in which body piercing is performed. **BODY PIERCING** means the creation of an opening in an individual's body, other than an individual's earlobe, to insert jewelry or another decoration.

(2) **MASSAGE PARLOR** means a **MASSAGE ESTABLISHMENT** and **MASSAGE** means a massage establishment or massage as defined by Texas Occupation Code Chapter 455, as amended.

(3) **METAL RECYCLING-RELATED USE** means any combination of one or more of the following uses actually operating on the Property on June 22, 2011: a metal salvage facility; outside salvage or reclamation; outside storage (with visual screening); recycle buy-back center for the collection of household metals, industrial metals, and recyclable materials; and commercial motor vehicle parking.

(4) **MIXED USE PROJECT** means a development that contains at least two uses from any use category except commercial motor vehicle parking, industrial uses, and wholesale distribution, and storage uses.

(5) **TATTOO STUDIO** means an establishment in which tattooing is performed. **TATTOOING** means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

(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. Nos. 20579; 25850; 28288)

SEC. 51P-331.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 331A: development plan.
- (2) Exhibit 331B: traffic management plan. (Ord. 28288)

SEC. 51P-331.104. DEVELOPMENT PLAN.

(a) Development and use of the Property must comply with the development plan (Exhibit 331A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) Before the issuance of a building permit for a change in use from a metal recycling-related use to another permitted use, the development plan must be amended and approved in accordance with Section 51A-4.702(h), “Amendments to the Development Plan.” (Ord. Nos. 20579; 25850; 28288)

SEC. 51P-331.105. MAIN USES PERMITTED.

(a) The following uses are the only main uses permitted:

- (1) Agricultural uses.

None.

- (2) Commercial and business service uses.

- Catering service.
- Custom business uses.

- (3) Industrial uses.

- Metal recycling-related use. *[See Subsection (c) for regulations regarding termination of metal recycling-related uses. Except as provided in this provision, must comply with the additional provisions for each component use, treated as if in an IM Industrial/Manufacturing District. The following additional provisions do not apply: Sections 51A-4.203(3)(E)(iv), 51A-4.203(5)(E)(iv), and 51A-4.213(11)(E)(vi).]*

- (4) Institutional and community service uses.

- Adult day care facility. *[L]*
- Child-care facility. *[L]*
- Church.
- College, university, or seminary.
- Community service center. *[SUP]*
- Convalescent and nursing homes, hospice care, and related institutions. *[SUP]*
- Convent or monastery.
- Hospital. *[RAR]*

- Library, art gallery, or museum.
- Open-enrollment charter school or private school. *[SUP]*
- Public school other than an open-enrollment charter school. *[SUP]*

(5) Lodging uses.

None.

(6) Miscellaneous uses.

- Temporary construction or sales office.

(7) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[SUP]*
- 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.

- Animal shelter or clinic without outside runs. *[RAR]*
- Auto service center.
- Business school.
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B). Treat as if in a CR Community Retail District.]*
- Commercial parking lot or garage. *[RAR]*
- 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.
- General merchandise or food store 100,000 square feet or more. *[SUP]*
- Home improvement center, lumber, brick, or building materials sales yard. *[SUP]*
- Mortuary, funeral home, or commercial wedding chapel. *[SUP]*
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.

- Personal service uses. *[Body piercing studio, massage parlor, and tattoo studio prohibited.]*
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Theater.

(11) Transportation uses.

- Transit passenger shelter.

(12) Utility and public service uses.

- Electrical substation.
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4). Treat as if in a RR Regional Retail District.]*
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[SUP]*
- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1). Treat as if in an MU Mixed Use District.]*
- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

None.

(b) Mixed use project. Except for metal recycling-related uses, all main uses must be part of a mixed use project.

(c) Termination of metal recycling-related use.

(1) A metal recycling-related use may expand onto an abutting building site or relocate to another building site within this district.

(2) A metal recycling-related use may not operate within this district if the use voluntarily ceases to operate for one year or the use is converted to another permitted use.

(3) For purposes of this provision, a metal recycling-related use is considered the same use even if it expands onto or relocates to another building site in this district.
(Ord. Nos. 20579; 25850; 28288)

SEC. 51P-331.106.

ACCESSORY USES

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. (Ord. Nos. 20579; 25850; 28288)

SEC. 51P-331.107.

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) Metal recycling-related use.

(1) Except as provided in this subsection, the yard, lot, and space regulations for the IM Industrial/Manufacturing District apply.

(2) For a recycling buy-back center, no maximum floor area.

(b) All other uses.

(1) Front yard. Minimum front yard is 15 feet.

(2) Side and rear yard.

(A) Except as provided in this paragraph, no minimum side or rear yard is required. If a side or rear yard setback is provided, it must be 10 feet.

(B) Minimum side and rear yard is 10 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district.

(c) Density. No maximum dwelling unit density.

(d) Floor area ratio. Maximum floor area ratio is:

(1) 1.5 for office uses;

(2) 0.85 for residential uses;

(3) 0.5 for retail and personal service uses; and

(4) 1.5 for all uses combined.

(e) Height.

(1) Residential proximity slope.

(A) Except as provided in this subsection, any portion of a structure that is over 26 feet in height may not be located above a residential proximity slope.

(B) Structures listed in Section 51A-4.408(a)(2) may project through the residential proximity slope to a height not to exceed the maximum structure height, or 12 feet above the residential proximity slope, whichever is less.

(C) Chimneys may project through the residential proximity slope to a height 12 feet above the residential proximity slope and 12 feet above the maximum structure height.

(2) Maximum height. Unless further restricted in Paragraph (e)(1), maximum structure height is 90 feet.

(f) 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.

(g) Lot size. No minimum lot size.

(h) Stories. Except as provided in this subsection, maximum number of stories above grade is seven. Aboveground parking structures are not included in story calculations, but must comply with the height regulations in Subsection (e). (Ord. Nos. 20579; 25850; 28288)

SEC. 51P-331.107.1. STACKING HEIGHT FOR OUTSIDE STORAGE.

For a metal recycling-related use, the following stacking height regulations apply:

(1) Within 50 feet of a right-of-way, excluding TXDOT rights-of-way, maximum stacking height is 12 feet or the height of the screening wall, whichever is less.

(2) In all other locations, maximum stacking height is 30 feet. (Ord. 28288)

SEC. 51P-331.108. 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) Parking setback. Except for a metal recycling-related use, required off-street parking is not permitted within 30 feet of the back of the curb.

(c) Parking screening. Except for metal recycling-related uses:

(1) Required off-street parking must be screened from the street in accordance with Section 51A-4.301(f)(5).

(2) Required off-street parking must be screened from adjacent residential uses in accordance with Section 51A-4.301(f)(3).

(3) A perimeter landscape buffer strip and plant materials must be provided in accordance with Sections 51A-10.125(b)(1), "Perimeter Landscape Buffer Strip," and 51A-10.125(b)(7), "Buffer Plant Materials." (Ord. Nos. 20579; 25850; 28288)

SEC. 51P-331.108.1. TRAFFIC MANAGEMENT PLAN.

(a) In general. The operation of a metal recycling-related use must comply with the traffic management plan (Exhibit 331B).

(b) Queuing. Queuing is only permitted inside the property where the use is located.

(c) Loading and unloading. Loading and unloading of commercial vehicles is prohibited within 59 feet of the Lamar Street right-of-way as shown on the development plan. For the purposes of this section, commercial vehicles do not include passenger trucks or vans.

(d) Traffic monitoring. A minimum of two employees must manage traffic circulation during the hours of operation.

(e) Implementation. The traffic management plan must be implemented by September 22, 2011.

(f) Traffic study.

(1) The property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the Director by September 22, 2012. After the initial traffic study, the property owner or operator shall submit updates of the traffic study to the Director by July 1st of each third year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different business days at different times over a two-week period, and must contain an analysis of the following:

- (A) ingress and egress points;
- (B) queue lengths;
- (C) number and location of personnel assisting with loading and unloading of material;
- (D) drop-off locations of materials; and
- (E) circulation.

(3) Within 30 days after submission of a traffic study, the Director shall determine if the current traffic management plan is sufficient.

(A) If the Director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the Director determines that the current traffic management plan results in traffic hazards or traffic congestion, the Director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the Director shall notify the city plan commission.

(g) Updates.

(1) Traffic study updates must have a survey of traffic operations and circulation that evaluates compliance with the traffic management plan or with any amendments to the development plan.

(2) The survey must identify any changes in operation or volume of traffic since the previous traffic study or update.

(3) The survey must provide a review of the following:

- (A) ingress and egress points;
- (B) queue lengths;

- (C) number and location of traffic monitors;
- (D) drop-off locations of materials; and
- (E) hours of operation for customers.

(h) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion. (Ord. 28288)

SEC. 51P-331.108.2. ENVIRONMENTAL PERFORMANCE STANDARDS.

(a) Except as provided in this section, see Article VI.

(b) Because the soil is contaminated, before the issuance of a permit that includes removal of any impervious surface, a report or statement by the Texas Commission on Environmental Quality, or an equivalent state environmental regulatory agency, approving the removal of the specific amount and location of the impervious surface must be provided to the building official.

(c) Use of the Property must comply with the municipal setting designation approved on February 23, 2011, as amended. (Ord. 28288)

SEC. 51P-331.109. LANDSCAPING.

(a) In general.

(1) Except as provided in this section, landscaping must be provided in accordance with Article X.

(2) Plant materials must be maintained in a healthy, growing condition.

(b) Metal recycling-related use.

(1) Parkway trees.

(A) Location. Parkway trees must be planted within the tree planting zone and must be planted on center not closer than 2.5 feet from any curb or paved surface. Large trees must be planted on center not closer than 10 feet from a building or wall and not closer than 20 feet from another large tree.

(B) Tree planting zone. The tree planting zone is that area parallel to and between two-and-one-half and 10 feet from the back of the street curb.

(C) Number. The property must have one or more trees whose trunks are located wholly within the tree planting zone. The number of parkway trees is determined by dividing the number of feet of lot frontage by 30, excluding visibility triangles. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number.

(D) Type. Parkway trees must be large trees from the replacement list in Article X and recommended for local area use by the building official.

(E) Size. Parkway trees must have a minimum height of 14 feet and a caliper of at least three-and-one-half inches measured at a point 12 inches above the root ball at the time of installation. Height is measured from the top of the root ball.

(F) Spacing. Parkway trees must be spaced as uniformly as practicable. The trunk of a required tree must be within 50 feet of the trunk of another required tree.

(2) Other plant material screening. Excluding driveways and visibility triangles, a minimum of 50 percent of the street frontage along Lamar Street between the sidewalk and screening fence must be a landscape area that has turf, ground cover, shrubs, trees, seasonal planting, or a combination of these plant materials.

(3) Landscape area protections. Required landscape areas must be protected from vehicular traffic using concrete curbs, wheel stops, or other permanent barriers.

(4) Mitigation. Replacement trees planted anywhere within this district may count toward tree mitigation. Replacement trees planted in a parkway may count toward tree mitigation only if planted at least 2.5 feet away from any utility easement.

(5) Completion of landscaping. Landscaping must be installed in accordance with this subsection by December 22, 2012. The Director may approve one extension of no more than five years if the landscaping is required in the same or adjacent location as an improvement that is identified on a capital improvement plan. The request for an extension must be in writing and must be received by the Director no later than November 22, 2012.

(6) Private license granted.

(A) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping and pedestrian amenities requirements of this article. "Parkway" means the portion of a street right-of-way between the street curb and the lot line. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(B) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this subsection.

(C) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant 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 subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$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, Dallas, Texas 75201, and the policy must provide for 30 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 that they are covered by this liability insurance policy.

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

(7) Parkway landscape permit.

(A) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or related amenities in the parkway. An application for a parkway landscape permit must be made to the building official. The application must be in writing on a form approved by the building official and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(B) Upon receipt of the application and any required fees, the building official shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the building official determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the building official shall issue a parkway landscape permit to the property owner; otherwise, the building official shall deny the permit.

(C) If compliance or partial compliance with the parkway landscaping requirement is made impossible due to the building official's denial of a parkway landscape permit, the director may approve an alternate landscaping that meets the intent of the parkway landscaping requirement, including but not limited to replacing a requirement for large trees with small trees where overhead utilities exist. If no alternative exists, the director may waive all or part the parkway landscaping requirement. If the director approves a time extension for compliance with parkway landscaping requirements in accordance with Paragraph 4, the director may not waive any part of the parkway landscaping requirement until the time extension has expired.

(D) A parkway landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the building official's revocation of a parkway landscape permit.

(E) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way. (Ord. Nos. 20579; 25850; 28288)

SEC. 51P-331.109.1. SIDEWALKS AND PEDESTRIAN AMENITIES.

(a) Sidewalks.

(1) Along the Lamar Street frontage, a minimum six-foot-wide sidewalk must be provided.

(2) Along the Pine Street frontage, no sidewalk is required.

(b) Pedestrian scale lighting.

(1) Pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 footcandles must be provided along sidewalks and adjacent to internal streets at one lighting fixture per 100 linear feet of frontage.

(2) Pedestrian scale lighting must emanate from a source that is no more than 14 feet above the grade of the sidewalk or be a pedestrian light fixture approved by the director of public works and transportation.

(3) The design and placement of both the standards and fixtures must be approved by the director of public works and transportation.

(4) Unless otherwise provided, each property owner is responsible for the cost of installation, operation, and maintenance of the pedestrian scale lighting on their property or in the rights-of-way adjacent to their property.

(c) Implementation. Sidewalks and pedestrian scale lighting must be installed in accordance with this section by December 22, 2012. The Director may approve one extension of no more than five years if the sidewalks and pedestrian scale lighting are required in the same or adjacent location as an improvement that is identified on a capital improvement plan. The request for an extension must be in writing and must be received by the Director no later than November 22, 2012. (Ord. 28288)

SEC. 51P-331.110. SIGNS.

All signs must comply with the provisions for business zoning districts in Article VII. (Ord. Nos. 20579; 25850; 28288)

SEC. 51P-331.111.

SCREENING AND FENCING.

(a) In general.

(1) Except as provided in this section, screening and fencing must comply with Section 51A-4.602.

(2) Barbed wire or concertina wire may not be visible from the Lamar Street right-of-way.

(b) Screening of a metal recycling-related use.

(1) Location. A solid screening wall must be located within 25 feet of Lamar Street and Pine Street. To prevent visual monotony, a screening wall must have one or more of the following every 60 linear feet:

(A) alternating materials or textures; or

(B) offsets of at least 18 inches.

(2) Materials. Screening walls must be masonry or concrete for the first six feet in height above grade and masonry, concrete, and metal for that portion of the screening wall over six feet in height above grade. Vehicular gates must be metal.

(3) Height. Minimum of eight feet in height.

(4) Implementation. Screening must be provided in accordance with this subsection by December 22, 2012. The Director may approve one extension of no more than five years if the screening is required in the same or adjacent location as an improvement that is identified on a capital improvement plan. The request for an extension must be in writing and must be received by the Director no later than November 22, 2012.

(c) Fences for metal recycling-related uses.

(1) Height.

(A) Except as provided in this subsection, maximum fence height is 15 feet.

(B) No maximum fence height is required where the Highway Beautification Act applies adjacent to TxDOT rights-of-way.

(2) Materials. Fencing must be painted or finished in a consistent manner.

(3) Implementation. Fencing must be provided in accordance with this subsection by December 22, 2012. The Director may approve one extension of no more than five years if the fencing is required in the same or adjacent location as an improvement that is identified on a capital improvement plan. The request for an extension must be in writing and must be received by the Director no later than November 22, 2012. (Ord. Nos. 20579; 25850; 28288)

SEC. 51P-331.112.**LOCATION OF BALER.**

For industrial uses and wholesale, distribution, and storage uses, the baler used to bale aluminum cans must be in a structure having at least three sides. (Ord. Nos. 20579; 25850; 28288)

SEC. 51P-331.113.**ADDITIONAL PROVISIONS.**

(a) In general.

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

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

(b) Development impact review. Except for a metal recycling-related use, a site plan must be submitted and approved in accordance with the development impact review requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generations.

(c) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) District may penetrate or be located above a residential proximity slope origination in that district. For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.
(Ord. Nos. 20579; 25850; 28288)

SEC. 51P-331.114.**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 director of public works and transportation.

(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. Nos. 20579; 25850; 28288)