**ARTICLE 375.**

**PD 375.**

**SEC. 51P-375.101. LEGISLATIVE HISTORY.**

PD 375 was established by Ordinance No. 21480, passed by the Dallas City Council on November 11, 1992. Ordinance No. 21480 amended Chapters 51 and 51A of the Dallas City Code, as amended. Ordinance No. 21480 was amended by Ordinance No. 23906, passed by the Dallas City Council on June 9, 1999. (Ord. Nos. 10962; 19455; 21480; 23906; 24826; 27611)

**SEC. 51P-375.102. PROPERTY LOCATION AND SIZE.**

PD 375 is established on property generally located on the west side of North Central Expressway, north of Lemmon Avenue. The size of PD 375 is approximately 11.4114 acres. (Ord. Nos. 23906; 24826; 27611)

**SEC. 51P-375.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Definitions. In this article:

(1) FLOOR AREA means "floor area" as defined in the Dallas Development Code, as amended.

(2) HOSPITAL USE means an institution where sick or injured patients are given medical treatment.

(3) HOTEL USE means the hotel and motel use as defined in Chapter 51.

(4) INTERIM USE DEVELOPMENT means a development consisting of permitted uses, each of which does not exceed 20,000 square feet in floor area, a FAR of 0.6:1, and a structure height of 50 feet.

(5) MOBILE FOOD ESTABLISHMENT means a vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer. The term includes, but is not limited to, mobile food preparation vehicles and pushcarts.

(6) OFFICE-RELATED USES means the following uses as they are defined in Chapter 51:

(A) Radio, television, or microwave tower.

(B) Commercial radio or television transmitting station.

(C) Telephone exchange, switching, and transmitting equipment.

(D) Bus passenger shelter.

(E) Game court center.

(F) Office.

(G) Temporary construction or sales office.

(H) Bank or savings and loan office (with or without drive-in windows).

(I) Medical clinic.

(7) ON-SITE OPEN SPACE means the portion of a building site that is accessible to the general public. On-site open space is principally open to the sky but allows for architectural elements such as colonnades, pergolas, and gazebos. The on-site open space must be a contiguous open area of not less than 10 feet in width or length.

(8) PDD means PD 375.

(9) RETAIL-RELATED USES means any of the following uses as they are defined in Chapter 51:

(A) Any retail or bar and restaurant use.

(B) Barber and beauty shop.

(C) Health studio.

(D) Custom cleaning shop.

(E) Commercial cleaning shop.

(F) Commercial laundry or dry cleaning.

(G) Laundry or dry cleaning pickup and receiving station.

(H) Key shop.

(I) Shoe repair.

(J) Tailor, custom sewing, and millinery.

(K) Taxidermist.

(L) Travel bureau.

(M) Handcraft bookbinding.

(N) Photography studio.

(O) Handcrafted art work studio.

(P) Inside and outside commercial amusement.

(Q) Commercial parking lot or garage.

(R) Public or private school.

(S) Job printing, lithographer, printing, or blueprinting plant.

(T) Public park or playground.

(U) Public golf course.

(V) Carnival or circus (temporary). *[Limited to Tract I.]*

(W) Drive-in theatre. *[Limited to Tract I.]*

(X) Mobile food establishment. *[Limited to Tract I.]*

(Y) Private recreation club or area. *[Limited to Tract I.]*

(Z) Theatre. *[Limited to Tract I.]*

(10) STOOP means a small porch that may include stairs leading to the entrance of a residence.

(11) TRAFFIC IMPACT STUDY means the traffic impact study for the PDD kept on file in the office of the city's department of public works and transportation.

(12) TRANSPARENCY means the total area of window and door openings filled with glass, openings in the ground story of a parking garage, and louvered openings in the upper levels of a parking garage, expressed as a percentage of the total facade area by story. Transparency is measured from floor to floor of each story of a building.

(13) TRANSPORTATION SYSTEMS MANAGEMENT ACTION PROGRAM means the transportation system management action program kept on file in the office of the city's department of public works and transportation.

(b) Interpretations. Except as otherwise provided in this section, the definitions and interpretations in Chapter 51A apply to this article. Unless otherwise stated, all references to uses, articles, divisions, or sections in this article are to uses, articles, divisions, or sections in Chapter 51A.

(c) Conditions to development in the PDD. The following conditions apply to development in the PDD. (Ord. Nos. 23906; 24826; 27611; 28662; 31026)

**SEC. 51P-375.103.1. EXHIBITS.**

The following exhibits are incorporated into this article:

(1) Exhibit 375A: conceptual plan.

(2) Exhibit 375B: Tract I subdistrict property descriptions.

(3) Exhibit 375C: restrictive covenants. (Ord. Nos. 28662; 31026)

**SEC. 51P-375.104. CONCEPTUAL PLAN.**

Development of the PDD must comply with the conceptual plan (Exhibit 375A). In the event of a conflict between the provisions of this article and the conceptual plan, the provisions of this article control. (Ord. Nos. 23906; 24826; 27611)

**SEC. 51P-375.105. DEVELOPMENT PLAN.**

(a) Except as provided in this section, a development plan that complies with the conceptual plan and this article must be submitted for city plan commission approval for each building site prior to the issuance of a building permit on that site. 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, the development plan approved subject to conditions shall be deemed denied.

(b) For interim use developments, no development plan is required. The applicant must submit a site plan that complies with the development plan submittal requirements of Section 51A-4.702(e)(1) and (e)(2). The director may approve amendments to site plans for interim use developments following this same procedure. An applicant may appeal a decision of the director to the city plan commission. The site plan for an interim use development approved pursuant to this subsection shall not be considered a development plan and shall not preclude the submission of an original development plan for the property encompassed by the site plan. (Ord. Nos. 23906; 24826; 27611; 28662)

**SEC. 51P-375.106. LANDSCAPE REQUIREMENTS.**

(a) Generally. Except for interim use developments, a landscape plan for each building site must be submitted to and approved by the city plan commission. The landscape plan must be submitted to the commission with the development plan for that building site.

(b) Application of section.

(1) This section does not apply to single family and duplex uses in detached structures. This section shall become applicable to all other uses on an individual lot when work

on the lot is performed that increases the existing building height, floor area ratio, 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 accident of any kind.

(2) The board 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 granting a special exception under this section.

(c) Landscaping requirements in general.

(1) Designated landscape areas.

(A) In general. Each property owner is required to designate portions of the lot in the front, side, or rear yard for landscaping purposes. These designations must be shown on the landscape plan required by this section.

(B) Landscape site area. The first required designation is that of the "landscape site area." The landscape site area may consist of one large contiguous area or several smaller non-contiguous areas.

(C) General planting area. The second required designation is that of the "general planting area." The general planting area is a subarea of the landscape site area. Like the landscape site area, it may consist of one large contiguous area or several smaller non-contiguous areas.

(D) Special planting area. The third required designation is that of the "special planting area." The special planting area is a subarea of the general planting area. Again, the special planting area may consist of one contiguous area or several non-contiguous areas.

(E) Pavement restrictions. No pavement other than pavement for pedestrians and non-motorized vehicles is permitted in the designated landscape site area, except that permeable pavement for motor vehicles is allowed in multifamily subdistricts only. No pavement of any kind is allowed in the designated general planting area and special planting area.

(F) Soil depth requirements. There are no minimum soil depth requirements for portions of the landscape site area that are outside of the general planting area. The minimum soil depth requirements for portions of the general planting area that are outside of the special planting area is 18 inches. The minimum soil depth requirement for the special planting area is 24 inches.

(G) Minimum planting requirements. The minimum requirements for designated landscape areas are as follows:

(i) Landscape site area. There are no minimum planting requirements for portions of the landscape site area that are outside of the general planting area.

(ii) General planting area. The general planting area must contain living trees, shrubs, vines, flowers, or ground cover vegetation. All plants in this area must be recommended for local area use by the city arborist.

(iii) Special planting area. The special planting area must contain living trees, shrubs, or vines that are recommended for local area use by the director of park and recreation. Turf grass and ground cover are not counted toward meeting these minimum planting requirements. Initial plantings must be calculated to cover a minimum of 75 percent of this area at a minimum height of 24 inches within a three year period. There must be at least one plant for each four square feet of this area unless a landscape architect recommends an alternative planting density as part of a landscape plan that the building official determines is capable of satisfying the minimum coverage requirement for this area.

(2) Irrigation and drainage systems. All landscaping required under this section must be irrigated and drained by automatic irrigation and permanent drainage systems installed to comply with industry standards.

(3) Off-street parking and screening requirements.

(A) Surface parking screening in general. All surface parking (excluding on-street parking) must be screened from the street and residentially zoned property by using one or more of the following three methods to separately or collectively attain a minimum height of three-and-one-half feet above the parking surface:

(i) Earthen berm planted with turf grass or ground cover recommended for local area use by the director of park 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 director of park and recreation. 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 24 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. This subparagraph supplements any other applicable screening provisions for off-street parking.

(B) Surface parking screening with single family or duplex adjacency. The three methods of providing screening listed above in Subparagraph (A) of this paragraph may be used to provide screening to separate a surface parking area from an adjacent single family or duplex district, tract of this PDD, or subdistrict of PDD No. 305, if the screening barrier is at least six feet in height. This subparagraph supplements any other applicable screening provisions for off-street parking.

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

(i) All off-street loading spaces and garbage storage areas must be screened from:

(aa) a public street that is adjacent to the lot; and

(bb) property in a residential district that is adjacent to or directly across an alley from the lot.

(ii) Screening required by this subparagraph 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.

(iii) Required screening must be constructed of:

(aa) for off-street loading spaces, any of the materials described in Subparagraph (A) to separately or collectively attain the minimum height of six feet; and

(bb) for garbage storage areas, a solid wood or masonry fence or wall.

(iv) 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.

(4) Trees.

(A) Tree planting zones A and B. For purposes of this section, [the] "tree planting zone A" is that area parallel to and between two-and-one-half and five feet from the back of the projected street curb. "Tree planting zone B" is that area parallel to and within forty feet from the back of the projected street curb. [If the tree planting zone is in the parkway, the property owner must apply for a landscape permit before any required trees may be planted in the parkway. If a tree cannot be located in the tree planting zones due to a conflict with underground or aboveground utility lines, the tree must be located outside, but as near as practicable to, the designated tree planting zone.]

(B) Number, location, and type of trees required. Each lot must have one or more trees whose trunks are located wholly within [the] tree planting zones A or B. The number of required trees for tree planting zone A is determined by dividing the number of feet of lot frontage by 25. The number of required trees for tree planting zone B is determined by dividing the number of feet of lot frontage by 40. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number. All required trees must be recommended for local area use by the director of park and recreation. If a property owner cannot obtain a landscape permit to locate a required tree in the parkway, the owner shall locate the tree in the required front yard as near as practicable to the front lot line. If a lot has no front yard requirement and the property owner cannot obtain a landscape permit to locate a required tree in the parkway, the owner need not provide that required tree.

(C) Minimum tree height and trunk caliper. Required trees must have a minimum height of 14 feet, and a minimum trunk caliper of three-and-one-half inches measured at a point 12 inches above the root ball.

(D) Tree spacing requirements. Required trees must be spaced as uniformly as practicable. The trunk of a required tree must be within 60 feet of another required tree.

(E) Minimum clearance above pavement. The property owner shall maintain all trees to comply with the following minimum vertical height clearances over street and sidewalk pavements:

(i) Thirteen-and-one-half feet above street pavement.

(ii) Eight feet above a public sidewalk or the sidewalk required under Subsection (h) of this section.

(F) Tree grates required near sidewalks. Tree grates conforming to state standards and specifications adopted to eliminate, insofar as possible, architectural barriers encountered by aged, handicapped, or disabled persons, and of a size adequate to permit healthy tree growth must be provided for all trees whose trunks are within 18 inches of the sidewalk required under Subsection (h) of this section.

(5) Landscape permit required. Unless an exemption in Subsection (b) of this section applies, an application for a landscape permit must be submitted to and approved by the building official before performing any work that will increase the existing building height, floor area ratio, or nonpermeable coverage of the lot. To obtain a landscape permit, a landscape plan must be submitted. Landscape plans required under this paragraph 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) Information necessary for verifying whether the required minimum percentages of landscape and planting areas have been designated pursuant to this section.

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

(G) The location of the required irrigation system.

(H) The location of all existing and proposed loading and garbage storage areas.

(6) When landscaping must be completed. If a landscape plan is required under this section, all landscaping must be completed in accordance with the approved landscape plan before the final inspection of the last structure on the lot, or within six months of the approval of final inspection if the property owner provides the building official with documented assurance as defined in Article X.

(7) General maintenance.

(A) All required landscaping must be maintained in a healthy, growing condition. 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 six 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 14 feet and a minimum trunk caliper of four inches measured at a point 12 inches above the root ball.

(B) 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 and some plant materials die, it is the obligation of the property owner to replace the plant materials.

(d) Visual obstruction regulations. A property owner is not required to comply with the landscaping requirements of this section to the extent that they conflict with the visual obstruction regulations in Section 51A-4.602(d), as amended. In the event of a conflict between this section and the visual obstruction regulations, the visual obstruction regulations control.

(e) Area designation and privacy fencing requirements. The following specific requirements apply to all building sites in this district:

(1) Landscape site area designation. At least 10 percent of a lot, including at least 60 percent of the required front yard, must be designated by the property owner as landscape site area.

(2) General planting area designation. At least 12 percent of the required front yard must be designated by the property owner as general planting area.

(3) Special planting area designation. At least six percent of the required front yard must be designated by the property owner as special planting area.

(4) Front yard privacy fencing. A fence or wall with an average height of seven feet and a maximum height of nine feet above the top of the nearest street curb may be located in the required front yard if:

(A) the main building does not exceed 36 feet in height;

(B) there are no front street curb cuts, front yard driveways, or front entryways to garages or parking;

(C) a minimum setback of 12 feet is provided between the fence and the projected street curb; and

(D) all portions of the fence exceeding four feet in height are set back at least two feet from the lot line.

(5) Privacy fencing planting area designation. If a front yard privacy fence or wall is constructed or maintained in accordance with Paragraph (4) of this subsection, at least 80 percent of the required two-foot setback area from the lot line must be designated by the property owner as privacy fencing planting area. This area may consist of one contiguous area or several smaller noncontiguous areas. No pavement of any kind is allowed in this area. The minimum soil depth requirement for this area is 24 inches. This area must contain living evergreen shrubs or vines that are recommended for local area use by the director of park and recreation. Initial plantings must be calculated to cover a minimum of 30 percent of the total fence or wall area facing the street within a three-year period. Shrubs or vines must be planted 24 inches on center over the entire length of this area unless a landscape architect recommends an alternative planting density as part of a landscape plan that the building official determines is capable of satisfying the minimum coverage requirement for the fence or wall. (See Exhibit D-13 attached to PD 193.)

(f) Private license granted. The city council hereby grants a private license to the owners of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this section. A property owner is not 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 shall not terminate at the end of any specific time period, however, the city council retains the right to terminate this license whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or whenever the purpose or use of this license is likely to become a nuisance.

(g) Parkway landscaping permit.

(1) Upon receipt of an application to locate trees, landscaping, or pavement (other than for the sidewalk required under Subsection (h) of this section) in the parkway 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 and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, that official shall issue a landscape permit to the property owner; otherwise, that official shall deny the permit.

(2) A 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 denial of a landscape permit.

(3) A 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 landscape permit.

(4) The issuance of a landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of-way.

(h) Sidewalks required.

(1) Sidewalk construction is required along all public and private streets. All sidewalks must be designed and constructed to be barrier-free to the handicapped, and in accordance with the construction requirements contained in the Paving Design Manual and the Standard Construction Details of the City of Dallas.

(2) No certificate of occupancy may be issued for new construction until hard surface sidewalks are provided in accordance with the following specifications:

(A) Except as provided in Subparagraphs (B) and (C) below, a minimum unobstructed width of eight feet.

(B) Along Oak Grove Avenue, as shown on the conceptual plan, and all future streets to be located within the district, a minimum unobstructed width of seven feet.

(C) Along Lemmon Avenue East, a minimum unobstructed width of five feet.

(3) Sidewalks provided to comply with this subsection may be located in the public right-of-way. An existing sidewalk may not be used to comply with this subsection unless it meets the construction standards and minimum unobstructed widths specified above. New sidewalks provided to comply with this subsection must meet the unobstructed width standards specified above.

(4) Sidewalks in Tract II must be constructed with enhanced paving, which includes stained, sandblasted, colored concrete, pavers, or similar treatment per approval by the City of Dallas.

(i) Foundation plantings. In Tract II, a solid foundation hedge must be planted along at least fifty percent of the length of any facade of the main structure having street frontage.

(j) Streetscape. In Tract II benches, lighting not to exceed twelve feet in height, and trash receptacles must be provided along all street frontages. A minimum of two benches and one trash receptacle must be placed along each street frontage and must be available for public use. The maximum spacing between benches along each street frontage is 100 feet.

(k) Interim use developments. For an interim use development, the applicant must submit a landscape plan to the director for review for conformity with the landscape requirements of this Article. The director may waive the landscape requirements of Section 51P-375.106(c)(3)(A), (c)(3)(B), (c)(4)(F), (e)(1), (e)(2), and (e)(3) if it is determined that the landscape plan is consistent with the intent of this section. The applicant may appeal a decision of the director to the city plan commission. A landscape plan for an interim use development approved pursuant to this subsection shall not preclude the submission of a landscape plan to the city plan commission for other permitted uses. (Ord. Nos. 23906; 24826; 27611; 28662)

**SEC. 51P-375.107. USES.**

The following uses are the only main uses permitted:

(1) office-related uses;

(2) hotel uses;

(3) residential uses;

(4) retail-related uses *[The following retail-related uses are limited to Tract I only: carnival or circus (temporary), drive-in theatre, mobile food establishment, private recreation club or area, theatre]*;

(5) institution for special education;

(6) surface parking, limited to required off-street parking for Planned Development District No. 305 or a main use within Tract I;

(7) Hospital *[Limited to Tract II]*;

(8) Electric vehicle charging station *[Limited to Tract I]*; and

(9) Community garden *[Limited to Tract I]*. (Ord. Nos. 23906; 24826; 27611; 28662)

**SEC. 51P-375.107.1. INTERIM USE DEVELOPMENTS.**

Interim use developments are prohibited in Tract II, permitted in Subdistricts A and C in Tract I, and only permitted in Subdistrict B in Tract I when another use is not being operated in Subdistrict B in Tract I. (Ord. 31026)

**SEC. 51P-375.108. BUILDING SIZE.**

(a) Tract I.

(1) In general. Except as provided in this paragraph, buildings on Tract I may not exceed the following height, story, and floor area ratio limitations:

| Subdistrict | Height | Stories | Floor Area Ratio* |
|---|---|---|---|
| **A** | **270 ft.** | **20** | **5.00** |
| **B** | **546 ft.** | **43** | **2.00 for residential uses; 8.00 for all other uses** |
| **C** | **546 ft.** | **43** | **5.00** |

**[Note: Subdistricts A, B, and C of Tract I are shown on the conceptual plan.]**
*** Any area of Tract I dedicated for street right-of-way shall be included as lot area in order to calculate the maximum floor area ratio of Tract I.**

(2) Increased development standards in Subdistrict B. The floor area ratio for multifamily uses may be increased to a maximum of 4.00 when a multifamily use provides a minimum of 10 percent of the total dwelling units which exceeds an FAR of 2.00 in accordance with the provisions of Section 51P-375.118.1.

(b) Tract II.

(1) Except as provided in this paragraph, no structure may exceed 48 feet in height.

(A) An architectural feature as shown in Exhibit 375B may be located in the area shown on the conceptual plan and project up to 17 feet above the maximum structure height. Exhibit 375B is for illustration purposes.

(B) Vent stacks, exhaust fans, and boiler stacks may project up to four feet above the maximum structure height.

(C) Structures such as chimneys, clerestories, communication towers, cooling towers, and mechanical equipment are prohibited on the roof.

(2) Maximum number of stories is three.

(3) Maximum floor area is 63,000 square feet. (Ord. Nos. 23906; 24826; 27611; 28622; 31026)

**SEC. 51P-375.109. LOT COVERAGE.**

Maximum permitted lot coverage for lots in Tract I is 90 percent and for lots in Tract II is 65 percent. (Ord. Nos. 23906; 24826; 27611)

**SEC. 51P-375.110. PAVING.**

(a) In general. Paving of all streets, driveways, parking spaces, and maneuvering areas for parking must comply with the requirements of the Dallas Development Code, as amended, and all other applicable ordinances and laws.

(b) Subdistrict B in Tract I. Vehicular egress onto Lemmon Avenue is prohibited.

(c) Tract II. Prior to the issuance of a certificate of occupancy for a hospital, the proposed ingress-only drive approach off Lemmon Avenue West shown on the conceptual plan must meet the following minimum standards:

(1) The Intersection Sight Distance (ISD) for Howell Street, at its intersection on the south line of Lemmon Avenue West, must comply with the City of Dallas Paving Manual and compliance must be noted on the development plan.

(2) A flashing light must be attached to the top of the existing stop sign on the southeast corner of Howell Street and Lemmon Avenue West west of the entrance along Lemmon Avenue West must be provided.

(3) Two "No Exit" signs must be located on the Property at the ingress-only drive approach.

(4) Other necessary related improvements required by the City of Dallas must be provided. (Ord. Nos. 23906; 24826; 27611; 31026)

**SEC. 51P-375.111. PARKING.**

(a) Off-street parking requirements. Off-street parking must be provided as follows:

(1) For office-related uses, one off-street parking space must be provided for every 366 square feet of floor area.

(2) For retail-related uses, one off-street parking space must be provided for every 200 square feet of floor area.

(3) For multifamily uses, one off-street parking space must be provided for each dwelling unit.

(4) In Subdistrict B in Tract I, consult the off-street parking regulations in Section 51A-4.205(1) for the specific off-street parking requirements for hotel uses.

(5) For all other permitted uses, one off-street parking space must be provided for every 500 square feet of floor area.

(b) Off-street loading location and design standards. Each off-street loading space must be designed with a reasonable means of access to and from the street or alley in a manner that least interferes with traffic movement. Each off-street loading space must be independently accessible so that no loading space obstructs another loading space. No trash removal facility or other structure may obstruct a loading space. The design of the ingress and egress to the loading space, and the maneuvering area for the loading space must be approved by the director of public works and transportation in accordance with the provisions of this subsection.

(c) Interim use developments.

(1) Remote parking for interim use development.

(A) Remote parking is permitted for an interim use development if the remote parking is within a walking distance of 600 feet from the use served and the requirements of Division 51A-4.320, "Special Parking Regulations," are met.

(B) An agreement authorizing an interim use development to use remote parking may be based on a lease of the remote parking spaces only if the lease:

(i) is in writing;

(ii) contains legal descriptions of the properties affected;

(iii) specifies the remote parking being provided and the hours of operation of any use involved;

(iv) is governed by the laws of the State of Texas;

(v) is signed by all owners of the properties affected;

(vi) is for a minimum term of one year and renewable upon mutual consent; and

(vii) provides that both the owner of the lot occupied by the interim use development 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.

(C) A remote parking lot may be an interim use development.

(2) Additional parking provisions for interim use developments.

(A) Required parking may be satisfied by providing temporary parking and loading spaces that do not strictly comply with the construction and maintenance provisions for off-street parking and loading of Chapter 51A. The applicant has the burden of demonstrating to the director that temporary off-street parking or loading spaces are adequately designated to accommodate the parking and loading needs of the use and will not adversely affect surrounding uses.

(d) Tract I Special Exception. In Tract I, the board of adjustment may grant a special exception to reduce the number of off-street parking spaces required in accordance with Section 51A-4.311. (Ord. Nos. 23906; 24826; 27611; 28662; 31026)

**SEC. 51P-375.112. SETBACKS.**

(a) For Tract I:

(1) Except as provided in this subsection, minimum front, side, and rear yard setbacks are 10 feet. In Subdistrict B in Tract I, no side yard setback is required.

(2) For community gardens and interim use developments, no minimum setback is required.

(3) In addition, minimum structure setbacks from any portion of a corner clip are six feet. In no event may a structure be located in a visibility triangle. See Section 51A-4.602(d) of Chapter 51A.

(4) In Subdistrict B, stoops, steps, handrails, guardrails, planters, retaining walls up to a height of three feet, patios, shade structures, transformers and other utility equipment, benches and other pedestrian seating, pots, raised planters, sculptures, and other decorative landscape features may be located within the required setbacks with no projection limitation.

(b) For Tract II, except as provided in this subsection and shown on the conceptual plan, the minimum front, side, and rear yard setbacks are 10 feet. Beginning at a height 14 feet above grade, the minimum front yard along Lemmon Avenue East is eight feet for an architectural feature covering no more than 15 percent of the building facade along Lemmon Avenue East. (Ord. Nos. 23906; 24826; 27611; 28662; 31026)

**SEC. 51P-375.113. CORNER CLIP REQUIREMENTS.**

(a) Except as provided in this section, the provisions of Section 51A-8.602(d) of Chapter 51A apply.

(b) In Tract I, the maximum size for a corner clip is that of a triangle with the legs along the edges of the street rights-of-way equaling 10 feet. A smaller corner clip may be required where conditions exist that permit the city to provide an adequate turning radius, or to maintain public appurtenances, within that reduced area. (Ord. Nos. 23906; 24826; 27611)

**SEC. 51P-375.114. SIGNS.**

(a) Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII, “Sign Regulations,” of Chapter 51A.

(b) In Tract I, a maximum of three detached premise signs located on a fence are allowed. Maximum effective area for each sign is 300 square feet. (Ord. Nos. 23906; 24826; 27611; 28662)

**SEC. 51P-375.115. PHASING OF DEVELOPMENT FOR TRACT I.**

(a) Without waiving or releasing any requirement provided in Ordinance No. 18943, as amended by Ordinance No. 21107, or any covenants or agreements resulting therefrom, the Cityplace Tax Increment Financing ("TIF") Reinvestment Zone No. 2 (known as the "Cityplace TIF District"), approved by the Dallas City Council on November 11, 1992, will be the funding source for the infrastructure that is the subject of the phasing requirement in this section, to the extent provided in the reinvestment zone project plan and financing plan for the Cityplace TIF. Both plans, and the terms and conditions thereof, and any development agreement with the city related thereto, shall be subject to city council approval in accordance with state law. In the event the Cityplace TIF ceases to exist, or funds from the TIF are insufficient to pay for the total cost of the improvements provided in the TIF plans and subject to these phasing regulations, funding for the improvements may be provided from another source.

(b) No building permit for new construction may be issued to authorize work that would cause the total floor area in this district to exceed 40 percent of the maximum floor area permitted by this article until a Haskell Avenue/Blackburn Street bridge over Central Expressway is constructed or a minimum of 50 percent of the funding required for completion of the bridge is in place. The amount of the funding required for construction of the bridge shall be determined by the director of public works and transportation, based upon the estimated cost of constructing the bridge in accordance with the Texas Department of Transportation design criteria and specifications. The decision of the director of public works and transportation may be appealed to and will be heard by the city council. The final design of the bridge must comply with Texas Department of Transportation design criteria and specifications.

(c) No building permit for new construction may be issued to authorize work that would cause the total floor area in this district to exceed 40 percent of the maximum floor area permitted by this article until a Lemmon Avenue bridge over Central Expressway is completed or a minimum of 50 percent of the funding required for construction of the bridge is in place. The amount of funding required for completion of the bridge shall be determined by the director of public works and transportation, based upon the estimated cost of constructing the bridge in accordance with the Texas Department of Transportation design criteria and specifications. The decision of the director of public works and transportation may be appealed to and will be heard by the city council. The final design of the bridge must comply with Texas Department of Transportation design criteria and specifications.

(d) The portion of Blackburn Street shown on the conceptual plan must be designated as a community collector (four-lane) before the issuance of a certificate of occupancy for 50,000 square feet of floor area.

(e) No building permit for new construction may be issued to authorize work that would exceed 40 percent of the maximum floor area permitted by this article until the following are constructed or a minimum of 50 percent of the funding for construction of the improvements is in place. The amount of funding required for completion of the improvements shall be

determined by the director of public works and transportation. The decision of the director of public works and transportation may be appealed to and will be heard by the city council.

(1) One additional lane on the Central Expressway frontage road to serve as an acceleration/deceleration lane for the garage entrance shown on the conceptual plan.

(2) A minimum of nine feet of additional land width on the portion of the Central Expressway western frontage road abutting this district in order to accommodate bus operations, to the extent required by Texas Department of Transportation plans for widening Central Expressway. For purposes of this section, new floor area means floor area exceeding that in existence on the date of passage of Ordinance No. 21480. (Ord. Nos. 23906; 24826; 27611)

**SEC. 51P-375.116. TRANSIT STATION(S).**

Location(s) of sufficient area to incorporate Dallas Area Rapid Transit ("DART") station(s) within the PDD and within the right-of-way of Central Expressway shall be provided on the Property pursuant to a mutually acceptable cost sharing agreement between the DART Authority and the owner. (Ord. Nos. 23906; 24826; 27611)

**SEC. 51P-375.117. FACADE TREATMENT.**

No exterior facade of any building in the PDD may contain highly reflective glass. For purposes of this section, "highly reflective glass" means glass with exterior visible reflectance percentages in excess of 27 percent. Visible reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. (The higher the percentage, the more visible light reflected and the more mirror-like the surface will appear.) (Ord. Nos. 23906; 24826; 27611)

**SEC. 51P-375.117.1. URBAN DESIGN STANDARDS FOR SUBDISTRICT B IN TRACT I.**

(a) Blank wall. Maximum blank wall area for street-facing facades is 30 linear feet.

(b) Direct unit access. Ground story street-facing dwelling units must have access to the sidewalk through private stoops or on-site open space that is connected to the public sidewalk with an improved path. The improved path may be constructed out of impervious or pervious materials.

(c) Off-street loading facilities. Off-street loading facilities are prohibited between the street and the street-facing building facade.

(d) Off-street parking structures. All permanent parking structures must be either underground or concealed in a building with a facade that is similar in appearance to the facade of the main non-parking building for which the parking is accessory. At least 12 percent of the parking structure facade (including openings, if any) must be covered with the same material

used predominantly on the first 24 feet of height of the main non-parking building. Openings in the parking structure facade may not exceed 52 percent of the total facade area.

(e) On-site open space. A minimum of 10 percent of the site must be provided as on-site open space. The on-site open space must comply with one or more of the configurations in this subsection.

(1) Plaza or esplanade. A plaza is a formal open space defined by building frontages and abutting streets. An esplanade is a linear open area for pedestrian activity that abuts a street. An esplanade must have a minimum width of 40 feet. A plaza or esplanade must:

(A) be a minimum of 2,000 square feet;

(B) be furnished with paths, benches, and open shelters;

(C) contain landscaping and paved surfaces; and

(D) contain a minimum 30 percent turf, groundcover, or landscaped areas.

(2) Green. A green is an informal open space defined by abutting streets. A green must:

(A) be a minimum of 6,000 square feet in size;

(B) be bound by a street on a minimum of one side;

(C) be furnished with paths, benches, and open shelters;

(D) consist of lawn and informally arranged trees and shrubs; and

(E) must contain a minimum of 60 percent turf, groundcover, or landscaped areas.

(3) Neighborhood park. A neighborhood park is a natural landscape consisting of open and wooded areas and may also include tennis courts, racquet ball courts, basketball courts, volley ball courts, ball fields, playground equipment, dog parks, benches, restrooms, picnic units, shelters, and walking paths. A neighborhood park must:

(A) be a minimum of 10,000 square feet;

(B) be bound by a street on a minimum of one side; and

(C) have no more than 15 percent impervious surface.

(4) Tot lot. A tot lot provides play areas for children with an open shelter and benches. A tot lot must:

(A) be a minimum of 2,000 square feet.

(B) be freestanding or located within other open spaces.

(C) have no more than 15 percent impervious surface.

(f) Transparency.

(1) Minimum ground-story transparency for street-facing facades is 30 percent.

(2) Minimum upper-story transparency for street-facing facades is 20 percent. (Ord. 31026)

**SEC. 51P-375.118. ENVIRONMENTAL PERFORMANCE STANDARDS FOR TRACT II.**

(a) In general. Except as provided in this section, see Article VI, "Environmental Performance Standards."

(b) LEED certification.

(1) A United State Green Building Council's Leadership in Energy and Environmental Design (LEED) checklist, effective April 27, 2009, shall be submitted with an application for a building permit for development of the Property, indicating how development of the Property will comply with a certified designation (40 to 49 project points). The development plans submitted for a building permit must be certified by a LEED accredited professional. A building permit may not be issued unless the building official determines that the project is consistent with the standards and criteria for a LEED certified designation.

(2) If during development within the subdistrict, the developer is unable to achieve all of the green building rating system points identified on the checklist set forth in Paragraph (1), the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(3) All supporting documentation and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified credit amount set forth in Paragraph (1).

(4) LEED certification is only required for new structures within the subdistrict. If an existing building is being repaired, renovated, or expanded, LEED certification is not required. (Ord. 27611)

**SEC. 51P-375.118.1. MIXED-INCOME HOUSING FOR SUBDISTRICT B IN TRACT I.**

(a) Applicability. This section only applies to Subdistrict B in Tract I when an application is made for a certificate of occupancy for a multifamily use.

(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) AREA MEDIAN FAMILY INCOME (AMFI) means the median income for the Dallas, Texas HUD Metro Fair Market Rents Area, adjusted for household size, as determined annually by the Department of Housing and Urban Development.

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

(4) DIRECTOR means the director of the Department of Housing and Neighborhood Revitalization or the director's representative.

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

(6) ELIGIBLE HOUSEHOLDS means households earning an adjusted annual income within the income bands specified in Section 51P-375.118.1.

(7) MIXED-INCOME UNITS means 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.

(8) RENTAL AFFORDABILITY PERIOD means the period of time that the mixed-income 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) Mixed-income units. When a multifamily use is proposed it must provide mixed-income housing with a minimum of two percent of the total dwelling units. When the floor area ratio for multifamily uses exceeds 2.0, multifamily uses must provide mixed-income housing for a minimum of 10 percent of the total dwelling units which exceeds an FAR of 2.0. The units must be either:

(1) available to holders of housing vouchers, including vouchers directly or indirectly funded by the federal government; or

(2) available to households earning 80 percent or less of the area median family income (AMFI) for the Dallas, Texas HUD Metro Fair Market Rents Area and offered at affordable rents.

(d) Qualification requirements.

(1) Mixed-income units must be dispersed throughout the residential floor area of each building and may either be fixed to specific dwelling units or may float within each dwelling unit type.

(2) Mixed-income 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 (g), mixed-income units must be dispersed substantially pro-rata among the mixed-income unit types so that not all the mixed-income units are efficiency or one-bedroom units. For example, if 10 percent of the dwelling units are mixed-income 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 mixed-income units.

(4) Mixed-income units must be marketed in accordance with an affirmative fair housing marketing plan provided by the developer in coordination with the Department of Housing and Neighborhood Revitalization.

(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 a mixed-income unit and each lease must not exceed one year. All eligible tenants must recertify their household income for each subsequent lease renewal.

(6) For rental units, the rent charged for mixed-income 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 mixed-income units may not be restricted from common areas and amenities, unless the restrictions apply to all dwelling unit occupants.

(8) The affordability period is 15 years beginning on the date the first mixed-income unit is leased to and occupied by an eligible household or voucher holder.

(9) The mixed-income 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 restrictive covenants, prior to approval of the certificate of occupancy, in the form attached as Exhibit 375C, and record the executed restrictive covenants in the Deed Records of Dallas County, Texas to ensure that the Property will comply with all conditions of the district.

(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.

(e) 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 mixed-income units and the actual number of dwelling units that will be mixed-income 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 mixed-income 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 and acknowledgement from the developer that the qualifications in Subsection (c) will be continuously met until the expiration of the affordability period.

(C) 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.

(f) 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 mixed-income units;

(C) a list of the mixed-income units currently offered for lease;

(D) the adjusted annual 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 immediately following recording.

(g) 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, if any, 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 and/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 households who could qualify to lease any required 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.

(h) 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 mixed-income 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 mixed-income units. At the time the mixed-income units are leased, the developer shall obtain the tenants' consent 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. 31026)

**SEC. 51P-375.119. ADDITIONAL PROVISIONS.**

(a) Except as provided in this section, Section 51A-4.603 applies to use of a conveyance as a building.

(b) Use of a conveyance as a building is allowed in Tract I, subject to the following:

(1) Use of conveyance may be a main use and is not required to be associated with another use on the property.

(2) Electrical service is not limited to temporary pole service.

(3) Signs are limited to an aggregate of 120 square feet of effective area, per facade, per conveyance.

(c) Development of the Property must comply with all applicable federal and state laws and regulations and with all applicable ordinances, rules, and regulations of the City of Dallas. (Ord. Nos. 23906; 24826; 27611; 28662)

**SEC. 51P-375.120. COMPLIANCE WITH CONDITIONS.**

The building official shall not issue 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 construction codes, and all other applicable ordinances, rules, and regulations of the City of Dallas. (Ord. Nos. 21480; 24826; 27611)

**SEC. 51P-375.121. PRIOR OBLIGATIONS NOT CHANGED.**

Nothing in Ordinance No. 21480, as amended, modifies, alters, or diminishes the owner's obligations and responsibilities contained in Ordinance No. 18943, as amended by Ordinance No. 21107, or any covenants or agreements resulting therefrom. (Ord. Nos. 21480; 24826; 27611)