

ARTICLE 708.

PD 708.

SEC. 51P-708.101. LEGISLATIVE HISTORY.

PD 708, the Dallas Arts District Extension Area, was established by Ordinance No. 25916, passed by the Dallas City Council on March 9, 2005. (Ord. Nos. 25916; 31757)

SEC. 51P-708.102. PROPERTY LOCATION AND SIZE.

PD 708 is established on property generally bounded by Routh Street, Central Expressway, Ross Avenue, Woodall Rodgers Freeway, St. Paul Street, Central Expressway, and San Jacinto Street. The size of PD 708 is approximately 33.14 acres. (Ord. Nos. 25916; 31757)

SEC. 51P-708.102.1. VISION.

The Dallas Arts District Connect: Master Plan is intended to serve as a guide and should be consulted for goals, objectives, policy statements, and recommendations for development of this district. (Ord. 31757)

SEC. 51P-708.103. DEFINITIONS AND INTERPRETATIONS.

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

(1) ANN WILLIAMS WAY CENTERLINE means the centerline of the projected 50-foot-wide Ann Williams Way right-of-way shown on the map.

(2) ANN WILLIAMS WAY FRONTAGE AREA means the area of each building site within 25 feet of the projected 50-foot-wide Ann Williams Way right-of-way.

(3) 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 mobile food preparation vehicles and pushcarts.

(4) PEDESTRIAN PRIORITY STREETS means Harwood Street, Routh Street, Olive Street, Leonard Street, Arts Plaza, Ann Williams Way, Woodall Rodgers service road, and St. Paul Street.

(5) TRANSPARENCY means the total area of window opening, door opening, or other opening, expressed as a percentage of the total facade area by story.

(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. 25916; 25931; 28188; 31757)

SEC. 51P-708.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 708A: district map. (Ord. 31757)

SEC.51P-708.105. CREATION OF SUBDISTRICT 1.

(a) Subdistrict 1 is established on property located northwest of San Jacinto Street, southeast of Ross Avenue, and northeast of St. Paul Street.

(b) Except as provided in this section, the regulations applicable to the CA-1(A) Central Area District apply within Subdistrict 1.

(c) The following sections apply to Subdistrict 1: Section 51P-708.106(j), Section 51P-708.106(l) through (s), and Section 51P-708.110.

(d) The accessory use live unit in Section 51P-708.106(b)(4) is allowed in this subdistrict. (Ord. 31757)

SEC. 51P-708.106. DEVELOPMENT STANDARDS.

(a) Uses permitted in all parts of this district other than the Ann Williams Way frontage area and Subdistrict 1. The following uses are the only main uses permitted in all parts of this district other than in the Ann Williams Way frontage area and Subdistrict 1:

(1) Agricultural uses.

-- None permitted.

(2) Commercial and business services uses.

-- Catering service. *[May only be located in a building with a minimum of one additional main use.]*

-- Custom business services. *[May only be located in a building with a minimum of one additional main use.]*

-- Custom woodworking, furniture construction, or repair. *[May only be located in a building with a minimum of one additional main use.]*

-- Job or lithographic printing. *[May only be located in a building with a minimum of one additional main use.]*

- (3) Industrial uses.
 - None permitted.

- (4) Institutional and community service uses.
 - Child-care facility.
 - Church.
 - College, university, or seminary.
 - Convent or monastery. *[SUP]*
 - Library, art gallery, or museum.
 - Open-enrollment charter school. *[SUP]*
 - Private school. *[SUP]*
 - Public school other than an open-enrollment charter school.

- (5) Lodging uses.
 - 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.
 - Private recreation center, club, or area.
 - Public park, playground, or golf course.

- (9) Residential uses.
 - Multifamily.
 - Retirement housing.

- (10) Retail and personal service uses.
 - Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
 - Business school. *[May only be located in a building with a minimum of one additional main use.]*
 - Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
 - Commercial amusement (outside). *[SUP]*
 - Commercial parking lot or garage.

- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Liquor store.
- Mobile food establishment.
- Mortuary, funeral home, or commercial wedding chapel.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Temporary retail use.
- Theater.

(11) Transportation uses.

- Commercial bus station and terminal. *[DIR]*
- Heliport. *[SUP]*
- Helistop. *[SUP]*
- Railroad passenger station.
- Transit passenger shelter.

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Local utilities.
- Post office.

(13) Wholesale, distribution, and storage uses.

- Office showroom/warehouse.

(b) Accessory uses permitted in all parts of this district other than the Ann Williams Way frontage area and Subdistrict 1. 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.

(1) In this part of the district, an accessory helistop is permitted by SUP only.

(2) In this part of the district, an SUP may be required for an accessory medical/infectious waste incinerator. See Section 51A-4.217(b)(3.1).

(3) In this part of the district, a parking garage is considered to be accessory to a main use on the same lot if it is used primarily by owners and occupants and their invitees of the main use during business hours, even if it is used by patrons of other businesses that are not part of the main use on that lot after business hours for a fee.

(4) Live units are permitted as accessory uses and must comply with the following:

(A) No maximum floor area for a live unit.

(B) More than one live unit is allowed per lot.

(C) If more than three live units are located on one lot, the live units must comply with the registration and inspection of rental properties and condominiums program in Article VII of Chapter 27.

(c) Uses prohibited in all parts of this district other than the Ann Williams Way frontage area and Subdistrict 1. In this part of the district, the following uses are prohibited, even as accessory uses:

- Feed store, as defined in Chapter 51.
- Pawn shop.
- Home improvement center, lumber, brick or building materials sales center.
- Swimming pool sales and supply, as defined in Chapter 51.

(d) Uses permitted in the Ann Williams Way frontage area. The following uses are the only main uses permitted in the Ann Williams Way frontage area:

(1) Agricultural uses.

- None permitted.

(2) Commercial and business services uses.

- Catering service. *[May only be located in a building with a minimum of one additional main use.]*
- Custom business services. *[May only be located in a building with a minimum of one additional main use.]*
- Custom woodworking, furniture construction, or repair. *[May only be located in a building with a minimum of one additional main use.]*
- Job or lithographic printing. *[May only be located in a building with a minimum of one additional main use.]*

(3) Industrial uses.

- None permitted.

(4) Institutional and community service uses.

- Child-care facility.
- Church.
- College, university, or seminary.
- Convent or monastery. *[SUP]*
- Library, art gallery, or museum.
- Open-enrollment charter school. *[SUP]*

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

(5) Lodging uses.

- 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 *[Subject to the following restrictions: on the ground floor of each building site, no more than 50 percent of the linear frontage along Ann Williams Way, and no more than 50 percent of the ground floor area within the Ann Williams Way frontage area may be occupied by office uses.]*

(8) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

- Multifamily.
- Retirement housing.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Business school. *[May only be located in a building with a minimum of one additional main use.]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Liquor store.
- Mobile food establishment.
- Mortuary, funeral home, or commercial wedding chapel.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Temporary retail use.

-- Theater.

(11) Transportation uses.

- Railroad passenger station.
- Transit passenger shelter.

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Local utilities.

(13) Wholesale, distribution, and storage uses.

- Office showroom/warehouse.
- Trade center.

(e) Accessory uses permitted in the Ann Williams Way frontage area. 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.

(1) In this part of the district, an accessory helistop is permitted by SUP only.

(2) In this part of the district, an SUP may be required for an accessory medical/infectious waste incinerator. See Section 51A-4.217(b)(3.1).

(3) In this part of the district, a parking garage is considered to be accessory to a main use on the same lot if it is used primarily by owners and occupants and their invitees of the main use during business hours, even if it is used by patrons of other businesses that are not part of the main use on that lot after business hours for a fee.

(4) Live units are permitted as accessory uses and must comply with the following:

(A) No maximum floor area for a live unit.

(B) More than one live unit is allowed per lot.

(C) If more than three live units are located on one lot, the live units must comply with the registration and inspection of rental properties and condominiums program in Article VII of Chapter 27.

(f) Uses prohibited in the Ann Williams Way frontage area. In this part of the district, the following uses are prohibited, even as accessory uses:

- Feed store, as defined in Chapter 51.
- Pawn shop.

- Home improvement center, lumber, brick or building materials sales center.
- Swimming pool sales and supply, as defined in Chapter 51.

(g) Height restrictions in the Ann Williams Way frontage area. Within the Ann Williams Way frontage area, maximum structure height is 50 feet.

(h) Construction design in the Ann Williams Way frontage area. On each building site in the Ann Williams Way frontage area:

(1) at least 50 percent of the linear frontage along Ann Williams Way and at least 50 percent of the Ann Williams Way frontage area must be covered by a structure of at least 14 vertical feet; and

(2) at least 50 percent of the area of the first 14 vertical feet the street wall along Ann Williams Way and at least 50 percent of the area of the ground floor of the street wall along Ann Williams Way must consist of transparency and used for any combination of retail uses; bar and restaurant uses; professional, personal service, and custom crafts uses; and educational uses. For the first 14 vertical feet of the street wall along the portion of Ann Williams Way that is farther than 660 feet from a regulated highway, and therefore not subject to the Highway Beautification Act, the display may consist of artwork or district activity signs in addition to any other permitted display or merchandising.

(i) Parking.

(1) All permanent parking within the Ann Williams Way frontage area must be either underground or concealed within a building with a facade that is similar in appearance to the facades of non-parking buildings, except that at-grade (not underground or within a building) parking is permitted for up to a maximum of 10 percent of the total parking provided on a building site if allocated by lease or specific signage for retail and personal service uses, handicapped parking, or visitor parking. Surface parking in other locations must be located to the rear of the main structure and screened in accordance with Section 51A-4.602, except that up to a maximum of 10 percent of the total parking provided on a building site may be located in front of the main structure and unscreened if allocated by lease or specific signage for retail and personal service uses, handicapped parking, or visitor parking.

(2) Live unit. One parking space per live unit is required.

(j) Loading. Off-street loading and maneuvering areas must be screened in accordance with Section 51A-4.602(b). Vehicular ingress to or egress from a loading facility is not permitted from Pearl Street, Ross Avenue, or Ann Williams Way. Off-street loading is not permitted at ground level in any location that is adjacent to and visible from Ann Williams Way.

(k) Central Area-1 District standards. Unless otherwise provided in this article, all regulations applicable to the CA-1(A) Central Area District apply within this district.

(l) Mobile food establishments.

(1) A mobile food establishment is permitted only on private property or as part of a special event permit.

(2) A mobile food establishment must comply with all of the requirements of Chapter 17, "Food Establishments," of the Dallas City Code.

(m) Transparency. A minimum of 50 percent transparency on the ground floor for the first 14 vertical feet is required on Pearl Street, Ross Avenue, and pedestrian priority streets.

(n) Setbacks. Minimum front yard setback on Ross Avenue is 10 feet.

(o) Sidewalks.

(1) Except as otherwise provided in this subsection, sidewalks must have a minimum unobstructed width of six feet. Obstructions include metal tree grates and other tree guards.

(2) Sidewalks on Pearl Street, Ann Williams Way, Ross Avenue, and Woodall Rodgers Freeway service road must have a minimum unobstructed width of eight feet. Obstructions include metal tree grates and other tree guards.

(p) Landscaping.

(1) In general.

(A) Unless otherwise provided in this subsection, the definitions in Section 51A-10.101 apply.

(B) The board of adjustment may grant a special exception to the landscaping requirements of this subsection if, in the opinion of the board, the special exception will not compromise the vision of this section. When feasible, the board of adjustment 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 subsection.

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

(2) Landscape plan submission.

(A) A landscape plan must be submitted to the building official with the application for a building permit for work on the lot. For landscape plans that are not submitted electronically, a landscape plan submission must consist of two blue-line or black-line prints. The plan must have a scale of one inch equals 50 feet or larger (e.g. one inch equals 40 feet, one inch equals 30 feet, etc.) and be on a standard drawing sheet of a size not to exceed 36 inches by 48 inches. A plan which cannot be drawn in its entirety on a 36-inch by 48-inch sheet must be drawn with appropriate match lines on two or more sheets.

(B) A landscape plan must contain the following information:

(i) Names, addresses, and telephone numbers of each property owner and the person preparing the plan.

(ii) Date, scale, and north point.

(iii) Location of existing boundary lines and dimensions of the lot, the zoning classification of the lot, and the zoning classification of adjacent properties. A vicinity map must also be attached to or made a part of the plan.

(iv) Location of centerlines of overhead and underground utility lines within and adjacent to the building site, and the location of all utilities, utility easements, including the location of utility poles, generators, and equipment, and any items listed in Section 51A-10.104(h).

(v) Project name, street address, and lot and block description.

(vi) Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).

(vii) Locations and dimensions of required landscape areas.

(viii) Complete description of plant materials shown on the plan, including names (common and scientific name), locations, quantities, container or caliper sizes at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six inches in diameter must be specifically indicated to be counted as required landscape trees.

(ix) Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas and the number and location of required off-street parking and loading spaces.

(x) An indication of which protected trees will be removed during construction and how existing healthy trees proposed to be retained will be protected from damage during construction.

(xi) Size, height, location, and material of proposed seating, lighting, planters, sculptures, and water features.

(xii) A description of proposed watering methods or an irrigation plan.

(xiii) Locations of visibility triangles on the premises (if applicable).

(xiv) Existing and proposed locations of trees transplanted on site.

(3) Street trees.

(A) Species. Street trees must be any of the following species:

Allee Elm
American Elm
Bosque Elm

Cedar Elm
Lacebark Elm
Magnolia

Burr Oak
Chinquapin Oak
Live Oak

Mexican White Oak
Shumard Oak

(B) Caliper inches. Street trees must be a minimum of four caliper inches.

(C) Clearance. Street trees must provide a minimum vertical clearance of six feet above required sidewalk before branching at time of installation.

(D) Irrigation. Automatic irrigation is required.

(E) Number of rows.

(i) Pearl Street, Ross Avenue, and pedestrian priority streets must have a single row of street trees.

(ii) Ann Williams Way must have a double row of street trees.

(F) Spacing. Unless there is a conflict with utilities, street trees must be spaced as follows:

(i) Except as otherwise provided in this paragraph, street trees must be spaced a minimum of 25 feet and a maximum of 40 feet, on center, less points of access and visibility triangles, and must be two to four feet from the back of curb.

(ii) Ann Williams Way.

(aa) Street trees must be spaced a minimum of 25 feet and a maximum of 30 feet, on center.

(bb) The first row of trees must be two to four feet from the back of curb.

(cc) The second row of trees must be placed 12 feet or more from the building facade on center.

(G) Soil and planting area requirements. For each street tree installation, a minimum of 36 inches of soil depth and 25 square feet of open soil area and a combination of open soil area, covered soil area, and root paths for a minimum of 240 cubic feet of soil volume. Street trees planted in less than 480 cubic feet of soil volume do not count as replacement trees for purposes of Division 51A-10.1300.

(H) Waiver. The building official may waive the minimum requirements in this subsection if a landscape architect certifies that:

(i) the proposed alternative soil depths and dimensions are sufficient to support the healthy and vigorous growth of the plant materials affected;

(ii) the depth to impermeable subsurface prohibits minimum soil depth requirements;

(iii) the proposed structural soils or suspended paving system are sufficient to support the healthy and vigorous growth of the plant materials; or

(iv) the spacing requirements conflict with utilities.

(q) Lighting.

(1) Height.

(A) Pole-mounted pedestrian street light fixtures must be a minimum height of 12 feet and a maximum height of 15 feet.

(B) Vehicular light fixtures may not exceed 30 feet.

(2) Light poles. Street light poles must be white, silver, or gray.

(3) Pedestrian lighting. Pedestrian lighting, measured at the ground plane, must be a minimum of 0.25 footcandles and an average of 0.5 footcandles.

(4) Street lights. Street light fixtures must maintain a consistent color temperature of lighting between 2,500K and 4,500K along all streetscapes.

(r) Fencing. Chain-link, vinyl, and plastic fencing is prohibited.

(s) Ground and roof building systems. Mechanical equipment and utilities must not be visible from a public right-of-way.

(t) Reflectivity. The exterior visible reflectance of exterior building materials may not exceed 34 percent. (Ord. Nos. 25916; 28188; 31757)

SEC. 51P-708.107.

BUILDING PERMIT REVIEW.

(a) A person desiring to develop property in this district shall consult with the director to discuss whether the project is consistent with the requirements of this article. The consultation shall occur at the schematic plan stage.

(b) Upon receipt of an application for a building permit for the construction of, or modification to, any building or structure in this district, the building official shall refer the permit application and plans to the director for review to determine whether the project complies with the requirements of Section 51P-708.106 of this article. The director shall conduct this review so that the director's decision on issuance of the permit can be made within 30 days from the date the completed application is submitted to the building official.

(c) If the director determines that the project complies with the requirements of Section 51P-708.106 of this article, the director shall refer the permit application and plans back to the building official, who shall issue the permit if all requirements of the construction codes and all other applicable ordinances have been met.

(d) If the director determines that the project does not comply with the requirements of Section 51P-708.106 of this article, the director shall direct the building official to deny the permit. (Ord Nos. 25916; 28188; 31757)

SEC. 51P-708.108. BOARD OF ADJUSTMENT.

(a) The board of adjustment may grant a special exception to the following requirement of this article if the special exception will not adversely affect appropriate development of this district: the Ann Williams Way frontage area height restrictions in Section 51P-708.106(h), but only if the portion of the building exceeding the maximum height permitted in that section is occupied exclusively by multifamily uses.

(b) The board of adjustment may not provide a termination date for a nonconforming use in this district under Section 51A-4.704(a)(1) unless there has been a change in ownership of the property since March 9, 2005. (Ord. Nos. 25916; 31757)

SEC. 51P-708.109. APPLICABILITY OF SECTION 51A-4.702.

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. Nos. 25916; 31757)

SEC. 51P-708.110. NONCONFORMING USES AND STRUCTURES.

(a) In general. Except as otherwise provided in this section, Section 51A-4.704 relating to nonconforming uses and structures applies to all uses and structures in this district.

(b) Original nonconforming uses.

(1) Original nonconforming uses are defined as those uses made nonconforming by the passage of Ordinance No. 31757, passed by the Dallas City Council on January 27, 2021. Original nonconforming uses do not include uses made nonconforming by amendments to that ordinance.

(2) Section 51A-4.704(a)(1), which specifies the procedures for establishing compliance dates for nonconforming uses, does not apply to original nonconforming uses in this district. The board of adjustment shall not provide a compliance date for original nonconforming uses in this district.

(c) Rebuilding damaged or destroyed nonconforming structures.

(1) If a nonconforming structure is damaged or destroyed by less than 50 percent of its value, the structure may be rebuilt at the same location without the approval of the board of adjustment.

(2) If a nonconforming structure is damaged or destroyed by 50 percent or greater of its value, and the structure is rebuilt, it must be rebuilt in accordance with this article. (Ord. 31757)

SEC. 51P-708.111. ADDITIONAL PROVISIONS.

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

(b) 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. Nos. 25916; 31757)

SEC. 51P-708.112. 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 the requirements of this article, the Dallas Development Code, the construction codes and all other ordinances, rules, and regulations of the city. (Ord. Nos. 25916; 31757)