

ARTICLE 842.

PD 842.

SEC. 51P-842.101. LEGISLATIVE HISTORY.

PD 842 was established by Ordinance No. 28109, passed by the Dallas City Council on January 26, 2011. (Ord. 28109)

SEC. 51P-842.102. PROPERTY LOCATION AND SIZE.

PD 842 is established on property located on both sides of Greenville Avenue between Belmont Avenue and Bryan Street. The size of PD 842 is approximately 50.598 acres. (Ord. Nos. 28109; 28825)

SEC. 51P-842.103. PURPOSE.

The purpose of this district is to ensure the compatibility of uses with adjacent residential neighborhoods and to reduce the incidence of crime by discouraging an over-proliferation of regional-serving, late-night venues. (Ord. 28109)

SEC. 51P-842.104. DEFINITIONS AND INTERPRETATIONS.

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

(1) **BAIL BOND OFFICE** means an office for the issuance, brokerage, or procurement of bail bonds.

(2) **LATE HOURS ESTABLISHMENT** means a retail and personal service use that, except in Subdistrict 2, operates between 12 a.m. (midnight) and 6 a.m., and in Subdistrict 2, operates between 9 p.m. and 6 a.m. See Section 51P-842.113.

(2.1) **LEGACY BUILDING** means a building in Subdistricts 2 or 3 constructed prior to 1926 that maintains the original front entrance and existing solid to void ratios.

(3) **MASSAGE ESTABLISHMENT** and **MASSAGE** mean a massage establishment or massage as defined by Texas Occupations Code Chapter 455, as amended.

(4) **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,

but does not include permanent makeup application or intradermal cosmetics as a component or service of a duly licensed beauty parlor or salon.

(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. 28109; 31027; 31300; 31612)

SEC. 51P-842.104.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 842A: subdistrict map.
- (2) Exhibit 842B: property descriptions. (Ord. Nos. 31027; 32049)

SEC. 51P-842.104.2. SUBDISTRICTS.

This district contains the following subdistricts: Subdistricts 1, 2, 3, and 4 as shown on the subdistrict map (Exhibit 842A) and property descriptions (Exhibit 842B). (Ord. Nos. 31027; 31300; 31612; 32049)

SEC. 51P-842.105. DEVELOPMENT PLAN.

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. 28109)

SEC. 51P-842.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. For example, a use permitted in the CR Community Retail District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the CR Community Retail District is subject to DIR in this district; etc.

(b) The following use is permitted only by SUP:

- Late-hours establishment. *[See Section 51P-842.113.]*

(c) Except as provided in this subsection, the following uses are prohibited in Subdistricts 1, 2, 3, and 4.

- Alcoholic beverage establishment.
- Alternative financial establishment.

- Auto service center.
 - Bail bond office.
 - Car wash.
 - Commercial amusement (inside).
 - Commercial amusement (outside).
 - Convenience store with drive-through.
 - Late-hours establishment.
 - Liquor store. *[Prohibited in Subdistrict 1 only.]*
 - Massage establishment.
 - Mini-warehouse.
 - Mortuary, funeral home, or commercial wedding chapel.
 - Motor vehicle fueling station.
 - Paraphernalia shop.
 - Restaurant without drive-in or drive-through service. *[Prohibited in Subdistricts 1, 3, and 4 only.]*
 - Restaurant with drive-in or drive-through service.
 - Swap or buy shop.
 - Tattoo studio.
- (Ord. Nos. 28109; 30127; 31300; 31612; 32049)

SEC. 51P-842.107. ACCESSORY USES.

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

(b) Except as provided in this subsection, the following accessory uses are not permitted:

- Restaurant without drive-in or drive-through service. *[Prohibited in Subdistricts 2, 3, and 4 only.]*
- Restaurant with drive-in or drive-through service. *[Prohibited in Subdistricts 2, 3, and 4 only.]* (Ord. Nos. 28109; 31300; 31612; 32049)

SEC. 51P-842.108. YARD, LOT, AND SPACE REGULATIONS.

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

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the CR Community Retail District apply.

(b) Floor area ratio.

(1) In Subdistrict 1, maximum total floor area for office and retail and personal service uses combined is 6,000 square feet.

(2) In Subdistrict 2, the maximum total floor area of all restaurant without drive-in or drive-through service uses is 3,000 square feet. Outdoor patio space is included in the 3,000 square foot limit.

(3) In Subdistrict 3, maximum total floor area for office and retail and personal service uses combined is 5,218 square feet.

(4) In Subdistrict 4, maximum total floor area for office and retail and personal service uses combined is 2,300 square feet.

(c) Stories. In Subdistricts 2 and 3, except for mezzanines within a legacy building, maximum number of stories is one. (Ord. Nos. 28109; 30127; 31300; 31612; 32049)

SEC. 51P-842.109. OFF-STREET PARKING AND LOADING.

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

(b) Subdistricts 1, 3, and 4. No off-street parking or loading is required for:

(1) an office use or a retail and personal service use that only operates between 6:00 a.m. and 7:00 p.m. and has a parking ratio of 1:200 or less; or

(2) in Subdistrict 3, a liquor store that only operates between 6:00 a.m. and 9:00 p.m.

(c) Subdistrict 2.

(1) Except for a restaurant without drive-in or drive-through service, no parking or loading is required for a retail and personal service use within a legacy building which limits its hours of operation to between 6:00 a.m. and 9:00 p.m. and has a parking ratio of one parking space to 200 square feet of floor area or less.

(2) No parking is required for office uses within a legacy building.

(3) A minimum of one space per 100 square feet of floor area is required for a restaurant without drive-in or drive-through service. Delta credits may not be used to meet this off-street parking requirement.

(4) For a hotel or motel use, the off-street parking requirement may be established in the ordinance granting a specific use permit.

(5) Except as provided in this subsection, remote parking must be in accordance with Section 51A-4.320. In lieu of filing a parking agreement in the deed records, an agreement authorizing a nonresidential use or a mixed use development to use special parking for nonresidential uses may be based on a lease of the special parking spaces only if the lease:

- (A) is in writing;
- (B) contains legal descriptions of the properties affected;
- (C) specifies the special parking being provided and the hours of operation of any use involved;
- (D) is governed by the laws of the state of Texas;
- (E) is signed by all owners of the properties affected;
- (F) signed by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;
- (G) is for a minimum term of three years; and
- (H) provides both the owner of the lot occupied by the nonresidential use or mixed use development use 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. (Ord. Nos. 28109; 31027; 31300; 31612; 32049)

SEC. 51P-842.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 28109)

SEC. 51P-842.111. LANDSCAPING.

- (a) Landscaping must be provided in accordance with Article X.
- (b) Plant materials must be maintained in a healthy, growing condition. (Ord. 28109)

SEC. 51P-842.112. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII. (Ord. 28109)

SEC. 51P-842.113. ADDITIONAL PROVISIONS.

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

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

(c) Late-hours operations.

(1) Except for late-hours establishments operating under a valid specific use permit, or a late-hours establishment in Subdistrict 2, all services for the public must be stopped and all customers must be removed from the establishment between 12 a.m. (midnight) and 6 a.m. Any retail and personal service use that offers services to the public or that has customers remaining in the establishment between 12 a.m. (midnight) and 6 a.m. is a late-hours establishment.

(2) In Subdistrict 2, except for late-hours establishments operating under a valid specific use permit, all services for the public must be stopped and all customers must be removed from the establishment between 9 p.m. and 6 a.m. Any retail and personal service use that offers services to the public or has customers remaining in the establishment between 9 p.m. and 6 a.m. is a late-hours establishment.

(3) No occupancy shall have nonconforming rights to operate between 12 a.m. (midnight) and 6 a.m. All occupants must come into compliance with this subsection by September 23, 2011.

(d) Traffic impact analysis waiver. A traffic impact analysis is not required in connection with an application for a specific use permit for a late-hours establishment.

(e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

(1) the number of citations issued by police to patrons of the establishment;

(2) the number of citations issued by police for noise ordinance violations by the establishment;

(3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;

(4) the number of Texas Alcoholic Beverage Code violations of the establishment; and

(5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

(f) Street improvements. If the city has not begun streetscape enhancements within this district by January 1, 2017, the director shall request that the city plan commission authorize a public hearing to determine proper zoning with consideration given to repeal of this district. For

purposes of this subsection, “streetscape enhancements” means improvements to the streetscape such as wider sidewalks, street landscaping, and pedestrian lighting.

(g) Subdistrict 2.

(1) Except for maintenance and mechanical equipment, use of rooftops is prohibited.

(2) Outdoor speakers and amplified music are prohibited.

(3) For retail and restaurant without drive-in or drive-through service uses:

(A) public entrances are prohibited facing Oram Street.

(B) floor area for a restaurant without drive-in or drive-through service use must be at least 15 feet from Oram Street.

(h) Subdistrict 3.

(1) Except for maintenance and mechanical equipment, use of rooftops is prohibited.

(2) Outdoor speakers and amplified music are prohibited.

(i) Subdistrict 4.

(1) Except for maintenance and mechanical equipment, use of rooftops is prohibited.

(2) Outdoor speakers and amplified music are prohibited. (Ord. Nos. 28109; 31300; 31612; 32049)

SEC. 51P-842.114. 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. 28109)