

1-27-21

ORDINANCE NO. 31756

An ordinance amending Article 145, "PD 145," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code; amending the regulations of Article 145; deleting Exhibit 145A Sasaki Plan; relabeling the district map to be Exhibit 145A; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; and

WHEREAS, the city council finds that it is in the public interest to amend Article 145 as specified in this ordinance; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article 145, "PD 145," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

“ARTICLE 145.

PD 145.

**SEC. 51P-145.101. LEGISLATIVE HISTORY.**

PD 145 was established by Ordinance No. 17710, passed by the Dallas City Council on February 16, 1983. Ordinance No. 17710 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Subsequently, Ordinance No. 17710 was amended by Ordinance No. 20862, passed by the Dallas City Council on January 23, 1991.

**SEC. 51P-145.102. PROPERTY LOCATION AND SIZE.**

PD 145 is established on property generally located north of Ross Avenue [~~Flora Street~~], south of the Woodall Rodgers Freeway, east of St. Paul Street, and west of Routh Street [~~North Central Expressway~~]. The size of PD 145 is approximately 60.1279 acres.

**SEC. 51P-145.102.1. 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.

**SEC. 51P-145.103. DEFINITIONS AND INTERPRETATIONS.**

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

(1) In this district,

(A) LIVE UNIT means a dwelling unit accessory to any nonresidential use allowed in that district.

(B) 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.

(C[2]) [~~In Subarea 1,~~] PARKWAY means the portion of a street right-of-way between the projected street curb and the lot line in Subarea 1.

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(D) PEDESTRIAN PRIORITY STREETS mean Harwood Street, Routh Street, Leonard Street, Crockett Street between Flora Street and Ross Avenue, Olive Street, and St. Paul Street.

(E) 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 51.

(c) This district [~~Subarea 1~~] is considered to be a business zoning district. [~~Subarea 1 is that area shown on Exhibit 145C.~~]

### SEC. 51P-145.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 145A: district map.
- (2) Exhibit 145C: Subarea 1 development plan.

### SEC. 51P-145.104. DEVELOPMENT STANDARDS.

(a) [~~Sasaki Plan. The Dallas Arts District Design Plan prepared by Sasaki Associates, Inc. in August, 1982 ("Sasaki Plan") shall serve as a guideline for development in the Dallas Arts District. The Sasaki Plan (Exhibit 145A) has been approved by the property owners and the city plan commission and is attached to and made a part of Ordinance No. 17710 as Exhibit B.~~]

(~~b~~) Subarea 1 development plan. Development and use of the Property in Subarea 1 must comply with the Subarea 1 development plan (Exhibit 145C). If there is [~~In the event of~~] a conflict between the text of this article and the Subarea 1 development plan, the text of this article controls.

(~~b~~)(~~e~~) Uses permitted. Except as provided in this section, t[F]he following uses are the only uses permitted [~~in the Dallas Arts District~~]:

- (1) Residential uses.
  - Multiple-family.
  - Hotel and motel.
- (2) Transportation uses.
  - Passenger bus station and terminal.

- ~~Transit [Bus]~~ passenger shelter.
  - Heliport.
  - Helistop.
  - Railroad passenger station.
- (3) Community service uses.
- Post office.
  - ~~[- Community, welfare, or health center.]~~
  - Day care center.
- (4) Medical uses.
- Medical clinic. *[May only be located in a building with a minimum of one additional main use.]*
  - Optical shop. *[May only be located in a building with a minimum of one additional main use.]*
- (5) Religious uses.
- Church.
  - Rectory.
  - Convent or monastery. *[SUP]*
  - Establishment of a religious, charitable, or philanthropic nature. *[[By] SUP [only.]]*
- (6) Educational uses.
- Public or private school.
  - Business school. *[May only be located in a building with a minimum of one additional main use.]*
  - Technical school. *[May only be located in a building with a minimum of one additional main use.]*
  - College, university, or seminary.
  - Library, art gallery, or museum.
- (7) Recreation and entertainment uses.
- Public park or playground.
  - Private recreation club or area.
  - Inside commercial amusement.
  - Outside commercial amusement. *[SUP]*
  - Theater.
  - ~~[- Carnival or circus (temporary).~~
  - ~~- Wax museum.]~~

(8) Bar and restaurant uses.

- Bar, lounge, or tavern.
- Mobile food establishment.
- Restaurant without drive-in service.
- Restaurant with alcoholic beverages and/or entertainment.
- Private club.
- Catering service.

(9) Professional, personal service, and custom crafts uses.

- Office.
- Temporary construction or sales office.
- Bank or savings and loan office (without drive-in).
- Trade center.
- Barber and beauty shop.
- Health studio.
- Custom cleaning shop.
- ~~[- Self service laundry or dry cleaning.]~~
- Laundry or cleaning pickup and receiving station.
- Key shop. [May only be located in a building with a minimum of one additional main use.]
- Shoe repair. [May only be located in a building with a minimum of one additional main use.]
- Tailor, custom sewing, and millinery.
- Travel bureau.
- Broadcasting or recording studio.
- Instructional arts studio.
- Handcrafted art work studio.
- Handcraft bookbinding.
- Photography studio.
- Safe deposit boxes.
- Commercial wedding chapel.

(10) Retail uses.

- Antique shop.
- Retail food store.
- Bakery or confectionery shop.
- Book and stationary store.
- Camera shop.
- Cigar, tobacco, and candy store.
- Clothing store.
- Drug store. [May only be located in a building with a minimum of one additional main use.]

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- Liquor store.
  - Beverage store.
  - Florist store.
  - Pet shop.
  - Furniture store.
  - Second hand store.
  - Hardware or sporting goods store.
  - Hobby and art supplies store.
  - Paint and wallpaper store.
  - Retail stores other than listed, except that the following retail uses are not permitted: feed store; pawn shop; home improvement center; and swimming pool sales and supply.
- (11) Motor vehicle related uses.
- Commercial parking garage.
- (12) Commercial uses.
- Job printing, lithographer, printing, or blueprinting plant. *[May only be located in a building with a minimum of one additional main use.]*
  - Duplication shop. *[May only be located in a building with a minimum of one additional main use.]*
  - Custom print shop. *[May only be located in a building with a minimum of one additional main use.]*
  - Gummed label printing. *[May only be located in a building with a minimum of one additional main use.]*
  - Computer service center. *[May only be located in a building with a minimum of one additional main use.]*
  - Custom commercial engraving. *[May only be located in a building with a minimum of one additional main use.]*
  - Diamond and precious stone sales (wholesale only). *[May only be located in a building with a minimum of one additional main use.]*
  - Design or decorative center. *[May only be located in a building with a minimum of one additional main use.]*
- (13) Accessory uses.
- Game court (private).
  - Swimming pool (private).
  - Home occupation.
  - Community center (private).
  - Pedestrian skybridge. [SUP]
  - Live unit.

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(c) Live units.

- (1) No maximum floor area for a live unit.
- (2) More than one live unit is allowed per lot.
- (3) 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.

(d) Flora Street frontage area.(1) Definitions. In this article:

(A) FLORA STREET CENTERLINE means the centerline of the projected 100-foot-wide Flora Street right-of-way shown on the map (Exhibit 145A~~[B]~~) attached to and made a part of Ordinance No. 17710 as Exhibit C.

(B) FLORA STREET FRONTAGE AREA means the area of each building site within 50 feet of the projected 100-foot-wide Flora Street right-of-way shown on Exhibit 145A~~[B]~~.

(2) Flora Street frontage area uses. On each building site, the following uses are the only uses permitted at street level in the Flora Street frontage area:

(A) Residential uses.

- Multiple-family.
- Hotel and motel.

(B) Transportation uses.

- Transit ~~[Bus]~~ passenger shelter.
- Railroad passenger station.

(C) Community service uses.

- ~~[— Post office.]~~
- ~~— Community, welfare, or health center.]~~
- Day care center.

(D) Medical uses.

- Optical shop. [May only be located in a building with a minimum of one additional main use.]

(E) Religious uses.

- Church.
- Rectory.
- Convent or monastery. *[SUP]*
- Establishment of a religious, charitable, or philanthropic nature.

(F) Educational uses.

- Public, denominational, or private school.
- Institution for special education.
- Business school. *[May only be located in a building with a minimum of one additional main use.]*
- Technical school. *[May only be located in a building with a minimum of one additional main use.]*
- College, university, or seminary.
- Library, art gallery, or museum.

(G) Recreation and entertainment uses.

- Public park or playground.
- Private recreation club or area.
- Inside commercial amusement.
- Outside commercial amusement. *[SUP]*
- Theater.
- ~~[- Carnival or circus (temporary).]~~

(H) Bar and restaurant uses.

- Bar, lounge, or tavern.
- Mobile food establishment.
- Restaurant without drive-in service.
- Restaurant with alcoholic beverages and/or entertainment.
- Private club.
- Catering service.

(I) Professional, personal service, and custom crafts uses.

- Office uses, subject to the following restriction: On the ground floor of each building site, no more than 50 ~~[25]~~ percent of the linear frontage along Flora Street, nor more than 50 ~~[25]~~ percent of the ground floor area within the Flora Street frontage area may be occupied by office uses.
- Temporary construction or sales office.
- Trade center.



- Barber and beauty shop.
- Health studio.
- Custom cleaning shop.
- Laundry or cleaning pickup and receiving station.
- Key shop. [May only be located in a building with a minimum of one additional main use.]
- Shoe repair. [May only be located in a building with a minimum of one additional main use.]
- Tailor, custom sewing, and millinery.
- Travel bureau.
- Broadcasting or recording studio.
- Instructional arts studio.
- Handcrafted art work studio.
- Handcraft bookbinding.
- Photography studio.
- Safe deposit boxes. [May only be located in a building with a minimum of one additional main use.]
- ~~[- Wedding chapel.]~~

(J) Retail uses.

- ~~[- Antique shop.]~~
- Retail food store.
- Bakery or confectionery shop.
- Book and stationary store.
- Camera shop.
- Cigar, tobacco, and candy store.
- Clothing store.
- Drug store. [May only be located in a building with a minimum of one additional main use.]
- Liquor store.
- Beverage store.
- Florist store.
- Pet shop.
- Furniture store.
- ~~[- Second-hand store.]~~
- Hardware or sporting goods store.
- Hobby and art supplies store.
- ~~[- Paint and wallpaper store.]~~
- Retail stores other than listed, except that the following retail uses are not permitted: feed store; pawn shop; home improvement center; and swimming pool sales and supply.

(K) Commercial uses.

- Lithographer or printing shop. [May only be located in a building with a minimum of one additional main use.]
- Duplication shop. [May only be located in a building with a minimum of one additional main use.]
- Custom print shop. [May only be located in a building with a minimum of one additional main use.]
- Gummed label printing. [May only be located in a building with a minimum of one additional main use.]
- Computer service center. [May only be located in a building with a minimum of one additional main use.]
- Custom commercial engraving. [May only be located in a building with a minimum of one additional main use.]
- Diamond and precious stone sales (wholesale only). [May only be located in a building with a minimum of one additional main use.]
- Design or decorative [May only be located in a building with a minimum of one additional main use.]

(L) Accessory uses.

- Live unit.

(3) Height restrictions on Flora Street. Within the Flora Street frontage area, the height of any portion of a structure must be equal to or less than the shortest distance of that portion of the structure from the vertical plane extending through the Flora Street centerline.

(4) Construction in Flora Street frontage area. On each building site:

(A) at least 50 percent of the linear frontage along Flora Street and at least 50 percent of the Flora Street frontage area must be covered by a structure of at least two stories; and

(B) an average of at least 50 percent of the area of the street wall along Flora Street for the first two stories must consist of transparency ~~[be of transparent material]~~ and used for any combination of retail uses; bar and restaurant uses; professional, personal service, custom crafts uses; and educational uses ~~[display or merchandising]~~. At least 50 percent of the area of the street wall on the ground floor along Flora Street must consist of transparency ~~[be of transparent material]~~ and used for display or merchandising. This condition does not apply to a public school located in Subarea 1.

(e) ~~[Woodall Rodgers Freeway Service Road sidewalk requirements. All sidewalks fronting the Woodall Rodgers Freeway Service Road must have a minimum width of 10 feet.]~~

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~~(f)~~ Parking.

(1) In general. All permanent parking must be either underground or concealed within a building with a facade that is similar in appearance to the facades of non-parking buildings.

(2) Parking in Subarea 1.

(A) For a public school, off-street parking is not required to be underground or concealed.

(B) For a public school, a minimum of 98 parking spaces must be provided. Additional parking in the amount required by Section 51A-4.124 must be provided for a building constructed after February 22, 2006, or an addition to an existing building where the floor area exceeds 202,500 square feet.

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

~~(f)~~~~(g)~~ Loading. Off-street loading and maneuvering areas must be screened in accordance with Section 51-4.602(b). Vehicular ingress or egress to a loading facility is not permitted from Pearl Street, Ross Avenue, or Flora Street. Off-street loading is not permitted on Flora Street except that in Subarea 1 loading and unloading of school buses is permitted in a public right-of-way for a public school.

~~(g)~~~~(h)~~ Landscaping [in Subarea 1].

(1) In general. Except as provided in this subsection, landscaping must be provided as required in this subsection.

(A) Except as 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 blackline 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 that 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.

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:

|                     |                     |                       |                          |
|---------------------|---------------------|-----------------------|--------------------------|
| <u>Allee Elm</u>    | <u>Cedar Elm</u>    | <u>Burr Oak</u>       | <u>Mexican White Oak</u> |
| <u>American Elm</u> | <u>Lacebark Elm</u> | <u>Chinquapin Oak</u> | <u>Shumard Oak</u>       |
| <u>Bosque Elm</u>   | <u>Magnolia</u>     | <u>Live Oak</u>       |                          |

(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 the 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) Flora Street 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 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) Flora Street.

(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.

(4) Subarea 1. For a public school, a landscape plan must be approved by the city plan commission within 36 months after issuance of a certificate of occupancy. The landscape plan must comply with the spirit and intent of the landscape requirements of this article. Landscaping must be installed within six months of approval of a landscape plan.

~~[(2) For all other permitted uses, landscaping must be provided as required by this article.~~

~~(3) Plant materials must be maintained in a healthy, growing condition.]~~

~~(h)[(i)] Signs.~~ In Subarea 1, the existing monument sign as shown on Exhibit 145C is allowed by right for a public school.

~~[(j) Residential use requirements.~~ The yard, lot, and space regulations for residential uses in the Dallas Arts District are the same as for other permitted nonresidential uses in the district.]

~~(i)[(k)] Central Area-1 District standards.~~ Unless otherwise expressly provided in this article, all regulations in the Dallas Development Code applicable to the Central Area-1 District apply to all property within the district [~~Dallas Arts District~~].

(j)[(H)] 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.

(k) Transparency. Except in Subarea 1, a minimum of 50 percent transparency on the street level for the first 14 vertical feet is required along facades facing Pearl Street, Flora Street, Ross Avenue, and pedestrian priority streets.

(l) Setbacks.(1) Flora Street.

(A) Minimum front yard setback is 0 feet.

(B) Maximum front yard setback is 30 feet.

(C) A minimum of 50 percent of structure facade must be located between the minimum and maximum front yards.

(2) Ross Avenue. Minimum front yard setback is 10 feet.

(m) Sidewalks.

(1) Except as 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, Flora Street, 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.

(n) 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 in height.

(2) Light poles. Except as provided in this paragraph, street light poles must be white, silver, or gray. Along Flora Street, street light poles must be white.

(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.

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

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

(q) Reflectivity. The exterior visible reflectance of exterior building materials may not exceed 34 percent.

**SEC. 51P-145.105. DEVELOPMENT PLAN REVIEW FOR ALL DEVELOPMENT [WITHIN THE DALLAS ARTS DISTRICT], EXCEPT SUBAREA 1.**

(a) A person desiring to develop property in this district [~~the Dallas Arts District~~] shall consult with the director to discuss whether the project is consistent with the [~~Sasaki Plan and 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 Dallas Arts 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-145.104[~~(b) through (l)~~] of this article. The director shall conduct his review so that his 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-145.104[~~(b) through (l)~~] of this article, he 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-145.104[~~(b) through (l)~~] of this article, he shall direct the building official to deny the permit.

**SEC. 51P-145.106. BOARD OF ADJUSTMENT.**

(a) The board of adjustment may grant a special exception to the following requirements of this article if the special exception will not adversely affect neighboring properties [~~appropriate development of the Dallas Arts District~~]:



(1) The Flora Street frontage area use requirements contained in Section 51P-145.104(d)(2), except that the board may not allow a use not permitted in Section 51P-145.104(b[e]).

(2) The Flora Street height restrictions contained in Section 51P-145.104(d)(3), but only if the portion of the building exceeding the maximum height permitted in that section is occupied exclusively by multiple-family uses.

(b) The board of adjustment may not provide a compliance date for a nonconforming use in the district [~~Dallas Arts District~~] under Section 51-4.704(a)(1) unless there has been a change in ownership of the property since the effective date of Ordinance No. 17710.

**SEC. 51P-145.107. APPLICABILITY OF SECTION 51-4.702.**

The provisions of Section 51-4.702 do not apply to this district [~~the Dallas Arts District~~], except that the city plan commission may approve minor amendments to the development plan and landscape plan that comply with Section 51A-4.702.

**SEC. 51P-145.108. NONCONFORMING USES AND STRUCTURES  
[COMPLIANCE WITH CONDITIONS].**

(a) In general. Except as provided in this section, Section 51-4.704 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. \_\_\_\_\_, 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 51.4.704(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.

~~[The building official shall not issue a building permit or certificate of occupancy for a building in the Dallas Arts District until there has been full compliance with the requirements of Section 51P-145.104(b) through (l) of this article and with the construction codes and all other applicable ordinances of the city.]~~

**SEC. 51P-145.109.****PRIVATE LICENSE GRANTED IN SUBAREA 1.**

(a) The city council grants a revocable, non-exclusive license to the owners, or with the written consent of the owners, to the tenants ("property owner"), of all property in Subarea 1 for the exclusive purpose of authorizing the parkway landscaping and parkway sign permitted by this article. The property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for the issuance of a parkway landscape or parkway sign permit in accordance with the Dallas City Code. This private license has no termination date, however, the city council reserves and has the absolute right to terminate this license at will by resolution passed by the city council any time such termination becomes necessary. The determination of the city of the necessity for such termination is final and the city will become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public right-of-way in a manner satisfactory to the director of public works and transportation.

(b) A property owner is not required to comply with any landscaping and sign requirement if compliance is made impossible due to the director's revocation of a landscape or sign permit or the revocation of this license.

(c) Upon installation of landscaping, sign, and related amenities, such as irrigation systems, in the public right-of-way, the property owner shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, \$2,000,000 annual aggregate. Coverage under this insurance policy shall be on an occurrence basis, and the city must be named as an additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent it is covered by this liability insurance policy.

(d) Each property owner shall be responsible for maintaining the landscaping, sign, and related amenities in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the landscaping, sign, or related amenities. The

granting of a license for landscaping, sign, and related amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

**SEC. 51P-145.110. PARKWAY LANDSCAPE AND SIGN PERMIT IN SUBAREA 1.**

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

(b) Upon receipt of the application and any required fees, the director 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 director determines that the landscaping, sign, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, he shall issue a parkway landscape permit to the property owner; otherwise he shall deny the permit.

(c) A property owner is not required to comply with any parkway landscaping or parkway sign requirement of this article if compliance is made impossible due to the director's denial of a parkway landscape permit or parkway sign permit.

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

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

**SEC. 51P-145.111. 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.

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SEC. 51P-145.112.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 authorized work, or 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.”

SECTION 3. That the Sasaki Plan, Exhibit 145A of Article 145, “PD 145,” of Chapter 51P of the Dallas City Code is deleted.

SECTION 4. That the district map, Exhibit 145B of Article 145, “PD 145,” of Chapter 51P of the Dallas City Code is relabeled Exhibit 145A.

SECTION 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the nonconforming uses and structures section of Article 145 in Chapter 51P.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 7. That Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

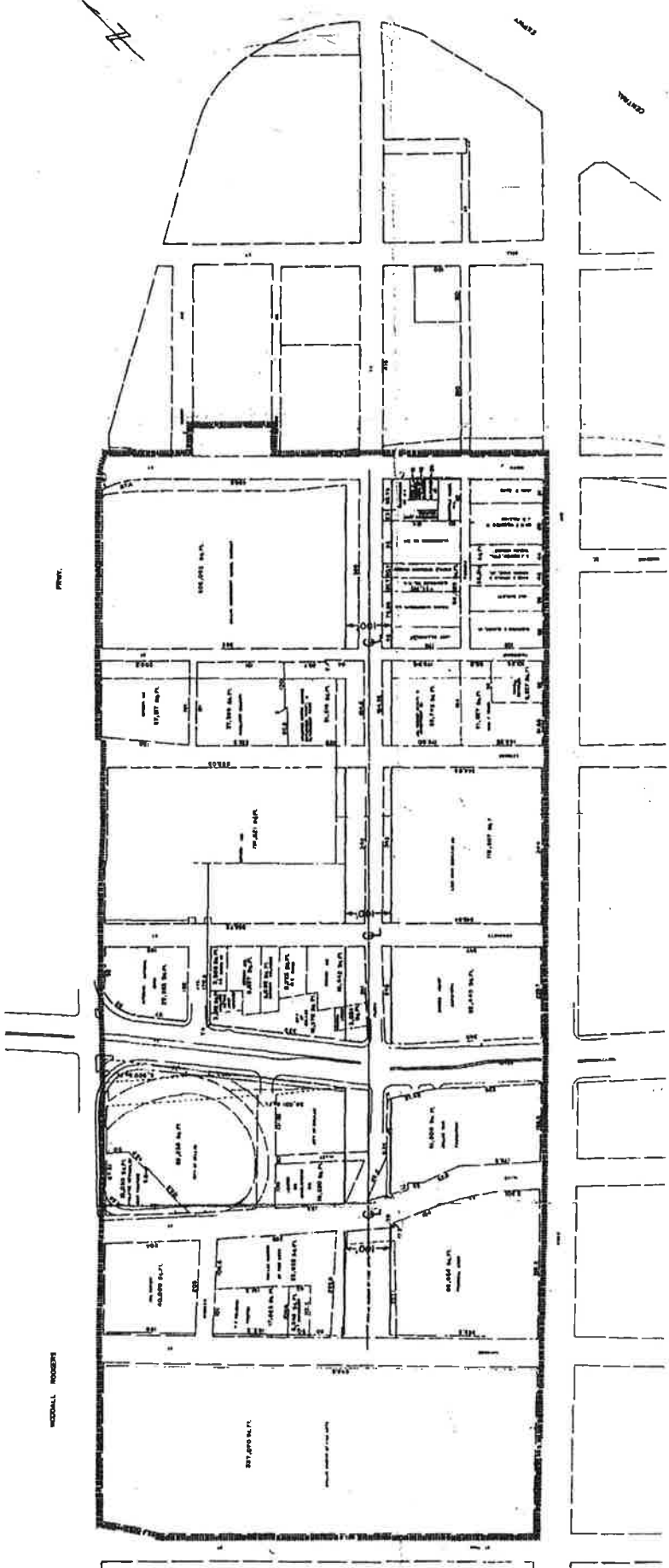
By   
Assistant City Attorney

Passed JAN 27 2021

# Exhibit 145A: district map

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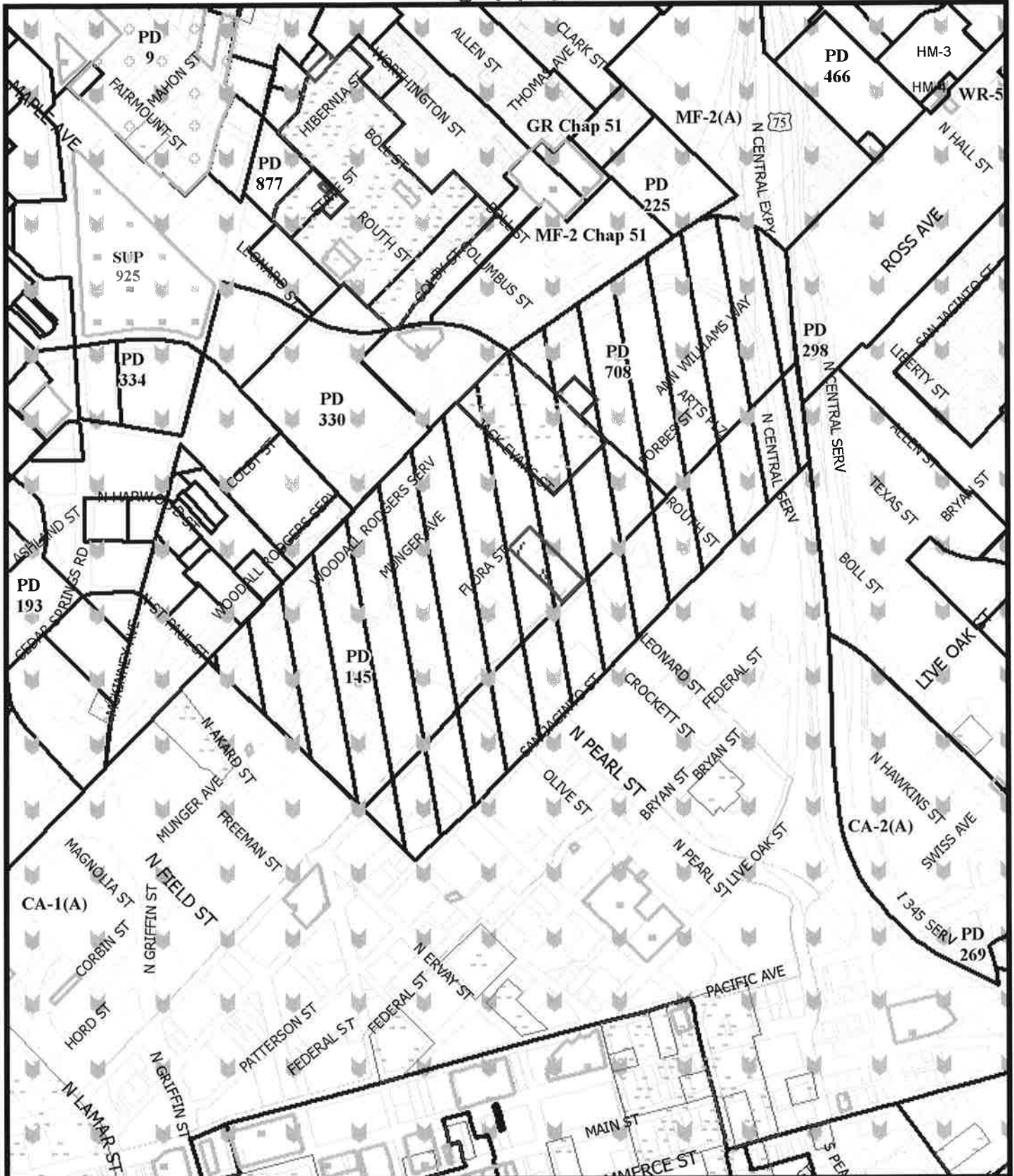


830596  
17710  
APPROVED BY  
CITY COUNCIL  
DATE: 10/15/08  
*[Signature]*

1"=100'

North Arrow

ADJACENT ROADS



1:8,400

# ZONING MAP

Case no: Z167-360

Date: 12/2/2020



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL JAN 27 2021

ORDINANCE NUMBER 31756

DATE PUBLISHED JAN 30 2021

ATTESTED BY: