



Agenda Information Sheet

File #: 18-1380

Item #: 106.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: December 12, 2018
COUNCIL DISTRICT(S): All
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding consideration of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to create regulations for mixed income housing development bonuses and an ordinance granting the amendments
Recommendation of Staff: Approval of Economic Development and Housing Committee recommendations
Recommendation of CPC: Approval
DCA 156-008

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, DECEMBER 12, 2018

ACM: Majed Al-Ghafry

FILE NUMBER: DCA 156-008

DATE INITIATED: December 1, 2015

TOPIC: Mixed Income Housing Development Bonuses

CITY COUNCIL DISTRICTS: All

CENSUS TRACTS: All

PROPOSAL: Consideration of amending Chapter 51 and Chapter 51A of the Dallas Development Code to create regulations for mixed income housing development bonuses.

SUMMARY: The amendment proposes to encourage the development of mixed-income housing in Multifamily and Mixed Use Districts by offering development bonuses in return for providing a percentage of units to be reserved for families within certain income bands.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval of Economic Development and Housing Committee recommendations

BACKGROUND

- In June 2006, City Council adopted the *forwardDallas!* comprehensive plan calling for a better connection between jobs and housing; a range of housing options through zoning regulations; and mixed-use development, especially around transit stations.
- On October 7, 2015, City Council adopted the Neighborhood Plus Plan, which called for 1) raising the quality of rental property through better design standards; 2) expanding affordable housing options and encouraging the distribution of affordable housing throughout the city and region; and 3) developing, adopting and implementing an incentive zoning policy to increase development rights through zoning changes and to allow density bonuses in proportion to the number of affordable residential units provided.
- On August 1, 2016, Housing Committee requested staff to initiate the development of a mixed income housing development bonus proposal.
- Between October 2016 and March 2017, staff met with other City departments; housing advocacy groups including the Inclusive Communities Project, Habitat for Humanity, and Opportunity Dallas; and members of the development community, including The Real Estate Council (TREC), the Urban Land Institute (ULI), and individual developers.
- The Zoning Ordinance Advisory Committee (ZOAC) considered this amendment at six public meetings between June 22 and September 28, 2017.
- On January 17, 2018, the Department of Housing and Neighborhood Revitalization briefed City Council on the Market Value Analysis.
- On May 9, 2018, City Council approved the Comprehensive Housing Policy with broad goals to create and maintain housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty.
- On August 10, 2018, staff met with the Development Process Committee of the City's Housing Policy Task Force.
- After approval of the Comprehensive Housing Policy, Zoning Ordinance Advisory Committee (ZOAC) considered this amendment at 6 additional public meetings between June 7 and September 6, 2018, and on September 20, 2018 recommended the proposal move to City Plan Commission.
- On September 20, 2018, the City Plan Commission received an initial briefing on the proposal and on October 4, 2018 recommended approval of the amendment.
- On November 5, 2018, the Economic Development and Housing Committee voted to forward the proposal to Council with an amendment to set the rental affordability period at 20 years instead of the City Plan Commission proposed recommendation of 15 years.

The proposed amendment to Chapters 51 and 51A is one prong of a two-pronged approach. The second prong includes amendments to Chapter 20A, "Fair Housing" of the Dallas Development Code, creating regulations for the compliance and implementation portion, which will be managed by the Department of Housing and Neighborhood Revitalization and the Office of Equity and Human Rights.

GENERAL INFORMATION/STAFF ANALYSIS

Affirmatively Further Fair Housing

The city is charged with making meaningful progress toward three goals to affirmatively further fair housing:

- Address significant disparities in housing need and access to opportunity;
- Replace segregated living patterns with truly integrated and balanced living patterns;
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity.

The mixed income housing development bonus code amendment provides opportunities through zoning to increase the supply of mixed income housing throughout the city, with a focus on reducing discrimination based on source of income, providing additional housing opportunities in areas of strength within the city, and incentivizing market-rate housing in historically segregated and disinvested areas of the city.

Comprehensive Housing Policy

The Housing Policy directs the creation of a mixed income development bonus (formerly “voluntary inclusionary zoning”) code amendment to:

- Incentivize rental units using by-right development bonuses
- Create mixed-income housing in multi-family and mixed-use districts
- Be available throughout the city in multifamily and mixed-use zoning districts
- Include design principles to encourage walkability, reduce the need for parking, and require open space.

Summary of Issues: High rent, lack of supply, and rent burden

While the area median income has remained essentially flat for the past 10 years, average rents as reported by MPF Research in the Dallas area have risen from \$850 a month in 2012 to more than \$1,100 a month in 2017.

Additionally, despite the number of rental housing units currently under construction, occupancy for rental units has hovered around 95 percent (essentially full) since mid-2013, meaning that the city has a continuing housing shortage. Overall, the Housing Policy states that the city is short 20,000 housing units, including both owner-occupied and rental units.

These elements mean that as of the 2016 American Community Survey (ACS), 19,463 households in Dallas earned \$35,000 - \$75,000 and still paid more than 30 percent of their income in rent. Overall, nearly 130,000 households in the city are rent burdened.

Likewise, the 2016 ACS also reports that 49,055 households could afford higher-quality units if the supply existed. If these families move to higher-quality units, they make those newly vacated, less-expensive units available to others.

This proposal:

- Encourages higher-density new development, leading to increased supply, and
- Reserves some of those new units directly for households in certain income bands.

PROPOSAL:

Development bonuses under this proposal are voluntary. If a developer does not want to take advantage of the bonus, he or she can utilize the existing zoning without the bonus or apply for a zoning change.

This proposal has four key elements:

- 1) Provide greater access to affordable housing throughout the city by differentiating the provision of reserved units based on the property's MVA category.
- 2) Adjust by-right development regulations in multifamily and mixed-use zoning districts to allow for additional building envelope in return for a certain percentage of units to be reserved for households below particular income levels.
- 3) Include design standards to encourage walkability and community gathering space.
- 4) Require compliance with residential proximity slopes.

Income levels served vary by MVA category

Mixed income development bonuses would apply in MF-1(A), MF-2(A), and MF-3(A) Multifamily districts and MU-1, MU-2, and MU-3 Mixed Use districts. Together, these districts represent approximately 15,000 acres across the city.

The development bonus and number of reserved units would vary by the City's Market Value Analysis (MVA) category. Properties in A, B, and C categories would serve lower income levels than properties in G, H, and I categories, with the percent of reserved units depending on the amount of the bonus requested and the income ranges depending on the on MVA category.

- A, B, C:
 - 5% of units at 51%-60% Area Median Family Income (AMFI),
 - 5% of units at 51%-60% AMFI & 5% at 61-80% AMFI, or
 - 5% of units at 51%-60% AMFI & 5% at 61-80% AMFI & 5% at 81-100% AMFI
- D, E, F:
 - 5% of units at 61%-80% AMFI,
 - 10% of units at 61%-80% AMFI, or
 - 10% of units at 61%-80% AMFI & 5% at 81-100% AMFI
- G, H, I:
 - 5% of units at 81-100% AMFI

For example, a development on property in category A that wanted the maximum bonus would be required to reserve 15 percent of the total units, with 5 percent of units at 51 percent-60 percent AMFI, 5 percent at 61-80 percent AMFI, and 5 percent at 81-100 percent AMFI. Likewise, a property in category E that wanted the maximum bonus would reserve 15 percent of the total units, with 10 percent of units at 61 percent-80 percent AMFI and 5 percent at 81-100 percent AMFI. Properties in G, H, I categories are required to reserve 5 percent of the units at 81-100 percent AMFI if they take advantage of the bonus.

In all of the eligible districts, a higher development bonus requires more reserved units, and properties in stronger markets require lower income bands.

Bonuses vary by type of zoning district

In multifamily districts, the bonuses vary based on what change in regulation would be most likely to incentivize development.

- In MF-1(A) and MF-2(A) Multifamily districts, the percentage of reserved units required increases with height and lot coverage.
- In MF-3(A) Multifamily districts, the percentage of reserved units required increases with height, lot coverage, and density.

In mixed use districts, the bonuses vary based on what change in regulation would be most likely to incentivize development.

- In MU-1 and MU-2 Mixed Use districts, the percentage of reserved units increases with increases in density. Also, existing floor area ratios (FAR) would apply to non-residential use only.
- In MU-3 Mixed Use districts the percentage of reserved units increases with a small increase in FAR and a small increase in lot coverage.

In all districts:

- Building heights are subject to applicable residential proximity slopes.
- Setbacks are maintained.
- Parking is reduced to 1¼ space per unit (versus 1 space per bedroom in Chapter 51A) and at least 15 percent must be available for guest parking.
- Increased design standards as described below.
- Reserved unit set-aside ranges from 5 percent to 15 percent of units.

Additional regulation

After the recommendation from CPC, it was determined that a development could take advantage of the bonus to create mixed income housing and instead provide 100 percent of its units for households within a particular income band, potentially concentrating poverty.

After conferring with multiple departments, additional regulations are proposed:

- Set a maximum of 50 percent of units in each development that may be reserved for households at or below 80 percent of Area Median Family Income.
- Maximum percentage of reserved units could be waived for developments that are enrolled in a program administered by the Department of Housing and Neighborhood Revitalization and authorized by the City Council that furthers the public purposes of the City's housing policy and affirmatively furthers fair housing.

The Council's Economic Development and Housing Committee was briefed on this additional regulation.

Transit proximity

Developments with proximity to transit receive an additional parking reduction and additional lot coverage. The parking requirement for these developments is one parking space per unit versus one space per bedroom in Chapter 51A and 85 percent lot coverage versus 60 percent to 80 percent lot coverage in Chapter 51A.

Transit proximity defined as ½ mile radius from a transit station and includes trolley stops, train stations, transfer centers, transfer locations, and transit centers and any transit stop with a climate-controlled waiting area. Eligible transit service includes Dallas Area Rapid Transit, TRE, high speed rail, and trolley service.

Reserved units

To implement elements of fair housing requirements, reserved units must:

- Be provided on-site.
- Be dispersed throughout the residential floor area of each building.
- Be dispersed throughout all residential portions of the building site, may not be clustered in one building or a limited number of buildings and may float within each dwelling unit type.
- Be of comparable finish-out and materials as the market rate dwelling units and must be equally available to eligible households or voucher holders as other market rate dwelling unit tenants.
- With minor exceptions, be dispersed pro-rata among the unit types so that not all the affordable units are the same unit type.

Additionally, eligible households must be provided similar access to common areas and parking locations

Proposed development bonus details for each zoning district:

MF-1(A) and MF-2(A) Districts								
	Current	Category A, B, C			Category D, E, F			Cat. G, H, I
		5% at 51-60%	5% at 51-60% & 5% at 61-80%	5% at 51-60% & 5% at 61-80% & 5% at 81-100%	5% at 61-80%	10% at 61-80%	10% at 61-80% & 5% at 81-100%	5% at 80-100%
Setbacks	10-15'	no changes						
Density/acre	none	no change						
Floor area ratio	none	no change						
Height	36'	51'	66'	85'	51'	66'	85'	85'
Max stories	no max	no changes						
Lot coverage	60%	80%	80%	85%	80%	80%	85%	85%
Min lot area /unit	varies	remove requirements						
Res. Proximity Slope	required	no changes						
Parking	1 per bdrm.	1 1/4 space per unit. Of the required parking, at least 15 percent must be available for guest parking. No additional parking is required for accessory uses that are limited principally to residents.						
Transit Oriented Development		Max lot coverage of 85%. One parking space per unit. Of the required parking, at least 15 percent must be available for guest parking.						

MF-3(A) Districts								
	Current	Category A, B, C			Category D, E, F			Cat. G, H, I
		5% at 51-60%	5% at 51-60% & 5% at 61-80%	5% at 51-60% & 5% at 61-80% & 5% at 81-100%	5% at 61-80%	10% at 61-80%	10% at 61-80% & 5% at 81-100%	5% at 80-100%
Setbacks		10-20 setbacks, Urban form: 20', Tower spacing: 30'						
Density/acre	90	100	120	150	100	120	150	150
Floor area ratio	2.0	maintain requirements; apply to non-residential uses only						
Height	90'	90	105	120	90	105	120	120
Max stories	no max	no changes						
Lot coverage	60%	80%	80%	85%	80%	80%	85%	85%
Min lot area /unit	varies	remove requirements						
Res. Proximity Slope	required	no changes						
Parking	1 per bdrm.*	1 1/4 space per unit. Of the required parking, at least fifteen percent must be available for guest parking. No additional parking is required for accessory uses that are limited principally to residents.						
Transit Oriented Development		For MF-3, max lot coverage of 85%. One parking space per unit. Of the required parking, at least fifteen percent must be available for guest parking.						

MU-1 District								
	Current	Category A, B, C			Category D, E, F			Cat. G, H, I
		5% at 51%-60%	5% at 51-60% & 5% at 61-80%	5% at 51-60% & 5% at 61-80% & 5% at 81-100%	5% at 61-80%	10% at 61-80%	10% at 61-80% & 5% at 81-100%	5% at 80-100%
Setbacks	0-20'	no changes						
Density/acre	15-25	current + 65= 80 to 90	current + 80= 95 to 105	current + 105= 120 to 130	current + 65= 80 to 90	current + 80= 95 to 105	current + 105= 120 to 130	current + 105= 120 to 130
Floor area ratio	0.8-1.1	maintain requirements; apply to non-residential uses only						
Height	80-120	no change						
Max stories	7-9	no change						
Lot coverage	80%	no change						
Min lot area /unit	n/a	no change						
Res. Proximity Slope	required	no changes						
Parking	1 per bdrm.	1 1/4 space per unit. Of the required parking, at least 15 percent must be available for guest parking. No additional parking is required for accessory uses that are limited principally to residents.						
Transit Oriented Development		For MU-1, additional 15 units/acre on density and max lot coverage of 85%. One parking space per unit. Of the required parking, at least 15 percent must be available for guest parking.						

MU-2 District								
	Current	Category A, B, C			Category D, E, F			Cat. G, H, I
		5% at 51%-60%	5% at 51-60% & 5% at 61-80%	5% at 51-60% & 5% at 61-80% & 5% at 81-100%	5% at 61-80%	10% at 61-80%	10% at 61-80% & 5% at 81-100%	5% at 80-100%
Setbacks	0-20'	no changes						
Density/acre	50-100	current + 40 = 90-140	current + 60 = 110-160	current + 80 = 130-180	current + 35 = 85-135	current + 55 = 105-155	current + 75 = 125-175	current + 75 = 125-175
Floor area ratio	1.6-2.25	maintain requirements; apply to non-residential uses only						
Height	135-180	no change						
Max stories	10-14	no change						
Lot coverage	80%	no change						
Min lot area /unit	n/a	no change						
Res. Proximity Slope	required	no changes						
Parking	1 per bdrm.	1 1/4 space per unit. Of the required parking, at least 15 percent must be available for guest parking. No additional parking is required for accessory uses that are limited principally to residents.						
Transit Oriented Development		For MU-2, additional 15 units on density and max lot coverage of 85%. One parking space per unit. Of the required parking, at least 15 percent must be available for guest parking.						

MU-3 District								
	Current	Category A, B, C			Category D, E, F			Cat. G, H, I
		5% at 51-60%	5% at 51-60% & 5% at 61-80%	5% at 51-60% & 5% at 61-80% & 5% at 81-100%	5% at 61-80%	10% at 61-80%	10% at 61-80% & 5% at 81-100%	5% at 80-100%
Setbacks	0-20	no change						
Density/acre	none	No max unit density						
Floor area ratio	3.2-4.5	+0.5	+1	+1.5	+0.5	+1	+1.5	+1.5
Height	270	no change						
Max stories	20	no change						
Lot coverage	80%	80%	85%	85%	80%	85%	85%	85%
Min lot area /unit	none	no change						
Res. Proximity Slope	required	no changes						
Parking	1 per bdrm.*	Residential uses: 1 1/4 space per unit. Of the required parking, at least fifteen percent must be available for guest parking. No additional parking is required for accessory uses that are limited principally to residents. All other uses parked per code.						
Transit Oriented Development		For MU-3, additional 1 FAR and max lot coverage of 90%. One parking space per unit. Of the required parking, at least fifteen percent must be available for guest parking.						
Notes:		Additional FAR is added to the residential FAR only						

Design standards

Additional design standards can reduce auto dependency, reduce the need for parking, encourage alternative modes of transit, and improve transit accessibility, particularly for transit-dependent residents. Some design goals:

- Minimal surface parking, mostly in side/rear of lot
- Ground-floor entrances open directly to sidewalk or open space
- Wide sidewalks and pedestrian lighting
- Parking structures wrapped by other uses or similar in materials to main building
- Only short fences with pedestrian gates allowed between the front of the building and the street.

Developments seeking a bonus must provide a minimum of 10 percent of the property as open space. This open space is intended to provide active and passive recreation (such as playgrounds), to provide landscaping area, or to enable groundwater recharge, for example. Landscape areas that fulfill Article X may also fulfill these requirements if all conditions are met, and it may be provided at or below grade or aboveground. However, private balconies, sidewalks, parking spaces, parking lots, and drive aisles are not considered open space, and the open space is not intended to be used for parking or driving.

Specific requirements

- Additional provisions for yard, lot, and space regulations:
 - Encroachments allowed
 - Seat walls, retaining walls, stoops, porches, steps, unenclosed balconies, ramps, handrails, safety railings, and benches all not exceeding four feet in height and extending a maximum of five feet into the required front, side, and rear yards.
 - Landscape planters, sculptures, and awnings
 - Maximum four-foot-high fence or hand rail in the front yard.
 - Open space
 - At least ten percent of the building site must be must be reserved as open space for activity such as active or passive recreation, playground activity, groundwater recharge, or landscaping.
 - Open space may be at or below grade or aboveground, such as an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.
 - Open spaces shall be maintained at no public expense.
 - Landscape areas that fulfill Article X may also fulfill these requirements if all conditions are met
 - Private balconies, sidewalks, parking spaces, parking lots, and drive aisles and areas primarily intended for vehicular use are not considered open space
 - Height
 - Residential proximity slope remains applicable
 - Elements such as railings, parapet walls, and trellises may project through the slope less than 4 feet.

- Off-street parking and loading
 - Surface parking
 - Surface parking is prohibited between the street-facing façade and the property line. For buildings with more than one street frontage, only two street frontages are subject to this requirement.
 - For buildings fronting on a thoroughfare, surface parking is prohibited in the setback
 - A maximum of 15 percent of the total on-site parking may be provided as surface parking in a side yard.
 - Parking structures.
 - The ground-level, street-facing facades of all aboveground multi-story parking structures must have a use other than parking or have a facade that is similar in materials and appearance to the facade of the main structure the parking serves.
 - Assigned parking spaces allotted for reserved units must be dispersed and distributed amongst all other assigned parking for similar units.
 - Commercial Loading
 - Service entries, loading areas and loading docks should be screened and located away from the facade facing the front yard.
 - Passenger loading
 - Each building site must provide at least one off-street or on-street passenger loading space.
 - On-street passenger loading zones, if provided, must be constructed in compliance with Architectural Barrier Act accessibility standards and must be approved by the director.
- Urban design and structure facade standards
 - A minimum of 60 percent of the street-level dwelling units adjacent to a street in each building must have individual entries that access the street with an improved path connecting to the sidewalk. For at-grade open space, a minimum of 60 percent of the open-space fronting dwelling units in each building must have individual entries that access the open space.
 - Street-fronting and open-space fronting facades must have at least one window and at least one common primary entrance facing the street.
 - No more than 25 continuous linear feet of street-fronting façade may lack a transparent surface.
 - Individual entries may be gated, and private front yards may be separated from the public space with a maximum four-foot high fence.
 - Non-required fencing along a street or trail must be a minimum of 50 percent open and allow visibility between three and six feet above grade.
- Street and sidewalk standards
 - Sidewalks and buffers
 - A sidewalk with a minimum average width of six feet must be provided along all street frontages. All sidewalks must be clear and unobstructed for a minimum of five feet in width within the required area. If the building official determines that the location of a local utility or protected

tree, as defined in Article X, would prevent a five-foot minimum width, the sidewalk may be reduced to four feet in width in that location.

- Sidewalks must be located in an area parallel to and within two feet to 15 feet of the back of the projected street curb.
- Pedestrian lighting must be provided along the sidewalks to provide minimum required lighting measured in footcandles.
- Exterior lighting sources, if used, must be oriented down and onto the property they light and generally away from adjacent residential properties.

Implementation

Procedures

- Developer meets with the City's Department of Housing and Neighborhood Revitalization to request an MVA category verification letter and can also request information about compliance requirements for this program.
 - An MVA Verification Letter is a letter from the Department of Housing and Neighborhood Revitalization verifying which MVA category the parcel proposed for development is located in based on the council-approved MVA map. The MVA category determines the bonuses that the development may utilize in return for a specified number of reserved units. The MVA Verification Letter will be valid for the number of months specified in Chapter 20A.
- Developer begins the permit application process.
- The restrictive covenant process begins, including review by the Sustainable Development and Construction Department, the Department of Housing and Neighborhood Revitalization, and the City Attorney's Office.
- Prior to the issuance of a building permit, developer submits an official copy of the executed and filed restrictive covenant.
- Sustainable Development and Construction Department regularly sends to Housing and Neighborhood Revitalization Department a report of the building permits issued under the mixed income housing development bonus.
- Developer begins construction.
- Prior to beginning leasing, developer begins compliance process, including marketing the property according to fair housing rules, reserving units, etc.
- Developer completes construction and submits documentation for a final certificate of occupancy. City reviews for compliance with all aspects of the permit and, if complete, issues final CO.
- Developer (and all subsequent owners) submits compliance paperwork regularly during period of compliance. Requirements stay with the development, not the ownership.
- Ongoing compliance is monitored by the Housing and Neighborhood Revitalization Department and the Office of Equity and Human Rights.
- Developer (and all subsequent owners) may not discriminate on the basis of source of income.
 - This non-discrimination provision provides housing opportunities for households with rental assistance or vouchers, as applicable.

Program Operation

- Term of affordability will be 15 years (CPC recommendation) or 20 years (Economic Development and Housing Committee recommendation).
 - The CPC recommendation of 15 years was based on common maintenance and investment cycles for apartment systems such as HVAC systems and roofing. Staff supports the Committee’s recommendation of 20 years given that this time period provides a longer period of affordability without having a deleterious effect on re-investment in these proposed developments.
- Term of affordability, required number of affordable units, required income bands and other program requirements will be stated in a restrictive covenant that the owner must file in the real property records of the county in which the property is located.

Compliance and Operation of the Housing Program

Regulations regarding income bands, affordable rents, certification of families, leasing and lease termination procedures, and compliance and oversight will be placed in Dallas City Code Chapter 20A - Fair Housing.

CPC ACTION

October 4, 2018

Motion: It was moved to recommend **approval** of amending Chapters 51 and 51A of the Dallas Development Code to create regulations for mixed income housing development bonuses with the following change: For planned development district that are not currently subject to RPS this bonus would only be allowed, subject to RPS.

Maker: Shidid
Second: Murphy
Result: Carried: 13 to 0

For: 13 - West, Rieves, Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7

Speakers: For: Jennifer Rangel, 3301 Elm St., Dallas, TX, 75226
Against: None
Staff: Bert Vandenberg, Assistant City Attorney, City of

Dallas

ORDINANCE NO. _____

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Section ____; providing (description of amendment); 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; Now, Therefore,

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

SECTION 1. That Subsection (a), “General Provisions,” of Section 51-4.404, “Minimum Lot Area for Residential Use,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(a) General provisions.

(1) A person shall not reduce a lot below the minimum area requirements of this section, unless:

(A) the lot is replatted for a community unit development; or

(B) the city or other governmental agency reduces the lot size by widening an abutting street. In this situation the minimum lot area is computed on the basis of the original lot size before the street widening.

(2) The area requirements in a planned development district are controlled by the planned development district regulations.

(3) The minimum lot area for residential use does not apply for a development using a mixed income development bonus in Division 51-4.900.”

SECTION 2. That Subsection (c), “Schedule of Maximum Lot Coverage,” of Section 51-4.407, “Maximum Lot Coverage,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(c) Schedule of maximum lot coverage.

(1) Except as provided in this section, a person shall not erect, alter, or convert any structure or part of a structure to cover a greater percentage of a lot than is allowed in Section 51-4.410.

(2) The maximum lot coverage for MF-1, MF-2, and MF-3 Multiple-Family Districts may be altered by the use of a mixed income development bonus in Division 51-4.900 and the following:

(A) In an MF-1 Multiple-Family District, lot coverage may vary as allowed in Section 51A-4.116(a)(4)(I).

(B) In an MF-2 Multiple-Family District, lot coverage may vary as allowed in Section 51A-4.116(b)(4)(I).

(C) In an MF-3 Multiple-Family District, lot coverage may vary as allowed in Section 51A-4.116(c)(4)(I).”

SECTION 3. That Subsection (b), “Schedule of Maximum Building Heights,” of Section 51-4.408, “Maximum Building Height,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(b) Schedule of maximum building heights.

(1) Except as provided in this section, a person shall not erect, alter, or convert any structure or part of a structure to exceed the maximum height standards in Section 51-4.410.

(2) The maximum building height for MF-1 and MF-2 Multiple-Family Districts may be altered by the use of a mixed income development bonus in Division 51-4.900 and the following:

(A) In an MF-1 Multiple-Family District, maximum building height may vary as allowed in Section 51A-4.116(a)(4)(I).

(B) In an MF-2 Multiple-Family District, maximum building height may vary as allowed in Section 51A-4.116(b)(4)(I)."

SECTION 4. That Subsection (a), "General Provisions," of Section 51-4.409, "Maximum Floor Area Ratio," of Division 51-4.400, "Yard, Lot, and Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(a) General provisions.

(1) Reserved.

(2) A basement is not counted in the computation of floor area ratio.

(3) The maximum floor area ratio requirements in a planned development district are controlled by the planned development district regulations. The maximum floor area ratio in a matrix district is established by the city council at the time the district is created.

(4) Reserved.

(5) The maximum floor area ratio in the CA-1-CP and CA-1-SP districts may be increased to 24 to 1 by the use of the building setback bonus provisions in the front yard regulations.

(6) In an SC district, the maximum floor area ratio for office uses, as defined in Section 51-4.210(1), is .75 to 1, and the maximum floor area ratio for all uses combined is 1 to 1.

(7) In an I-2 district, a specific use permit is required to authorize a floor area ratio greater than 4:1.

(8) For a development in an MF-3 Multiple-Family District that is using a mixed income development bonus in Division 51-4.900, the maximum floor area ratio includes non-residential uses only."

SECTION 5. That Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding a new Division 51-4.900, “Mixed Income Housing,” to read as follows:

“Division 51-4.900.

Mixed Income Housing.

This section incorporates by reference the language of Division 51A-4.1100 of Chapter 51A of the Dallas Development Code, as amended.”

SECTION 6. That Paragraph (4), “Yard, Lot, and Space Regulations,” of Subsection (a), “MF-1(A) and MF-1(SAH) Districts,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended read as follows:

“(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

- (A) Front yard. Minimum front yard is 15 feet.
- (B) Side and rear yard.
 - (i) No minimum side and rear yard for single family structures.
 - (ii) Minimum side yard for duplex structures is five feet.
 - (iii) Minimum side yard for other permitted structures is 10 feet.
 - (iv) Minimum rear yard for duplex structures is 10 feet.
 - (v) Minimum rear yard for other permitted structures is 15 feet. A

minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.

(C) Dwelling unit density.

(i) MF-1(A) district. No maximum dwelling unit density.

(ii) MF-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)	
Percentage of SAH Units Provided	Dwelling Units Permitted
0%	15
5%	16
10%	17
15%	20
20%	30

(D) Floor area ratio. No maximum floor area ratio.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 60 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot area per dwelling unit is as follows:

TYPE OF STRUCTURE	MINIMUM LOT AREA PER DWELLING UNIT
Single family	3,000 sq. ft.
Duplex	3,000 sq. ft.
Multifamily:	
No separate bedroom	1,000 sq. ft.
One bedroom	1,400 sq. ft.
Two bedrooms	1,800 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	200 sq. ft.

(ii) Repealed by Ord. 20441.

(iii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed income housing. In an MF-1(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage bonuses.

	<u>Set aside minimums</u> <u>(% of total residential units</u> <u>reserved in each income band,</u> <u>adjusted annually)</u>	<u>Maximum</u> <u>Height</u>	<u>Maximum</u> <u>Lot coverage</u> <u>(residential)</u>
<u>MVA Categories A, B, C</u>	<u>5% at Income band 3;</u>	<u>51 ft.</u>	<u>80%</u>
	<u>5% at Income band 3; and</u> <u>5% at Income band 2</u>	<u>66 ft.</u>	<u>80%</u>
	<u>5% at Income band 3;</u> <u>5% at Income band 2; and</u> <u>5% at Income band 1</u>	<u>85 ft.</u>	<u>85%</u>
<u>MVA Categories D, E, F</u>	<u>5% at Income band 2; and</u>	<u>51 ft.</u>	<u>80%</u>
	<u>10% at Income band 2;</u>	<u>66 ft.</u>	<u>80%</u>
	<u>10% at Income band 2; and</u> <u>5% at Income band 1</u>	<u>85 ft.</u>	<u>85%</u>
<u>MVA Categories G, H, I</u>	<u>5% at Income band 1</u>	<u>85 ft.</u>	<u>85%</u>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

- (aa) railings;
- (bb) parapet walls;
- (cc) trellises; and
- (dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments.

(iv) Developments with transit proximity. For a development with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.”

SECTION 7. That Paragraph (4), “Yard, Lot, and Space Regulations,” of Subsection (b), “MF-2(A) and MF-2(SAH) Districts,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

- (A) Front yard. Minimum front yard is 15 feet.
- (B) Side and rear yard.
 - (i) No minimum side and rear yard for single family structures.
 - (ii) Minimum side yard for duplex structures is five feet.
 - (iii) Minimum side yard for other permitted structures is 10 feet.

(iv) Minimum rear yard for duplex structures is 10 feet.

(v) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.

(C) Dwelling unit density.

(i) MF-2(A) district. No maximum dwelling unit density.

(ii) MF-2(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)	
Percentage of SAH Units Provided	Dwelling Units Permitted
0%	20
5%	22
10%	24
15%	30
20%	40

(D) Floor area ratio. No maximum floor area ratio.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 60 percent for residential structures; and

(bb) 50 percent for nonresidential structures.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot area per dwelling unit is as follows:

TYPE OF STRUCTURE	MINIMUM LOT AREA PER DWELLING UNIT
Single family	1,000 sq. ft.
Duplex	3,000 sq. ft.
Multifamily:	
No separate bedroom	800 sq. ft.
One bedroom	1,000 sq. ft.
Two bedrooms	1,200 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	150 sq. ft.

(ii) Repealed by Ord. 20441.

(iii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed income housing. In an MF-2(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage bonuses.

	<u>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</u>	<u>Maximum Height</u>	<u>Maximum Lot coverage (residential)</u>
<u>MVA Categories A, B, C</u>	<u>5% at Income band 3</u>	<u>51 ft.</u>	<u>80%</u>
	<u>5% at Income band 3; and 5% at Income band 2</u>	<u>66 ft.</u>	<u>80%</u>
	<u>5% at Income band 3; 5% at Income band 2; and 5% at Income band 1</u>	<u>85 ft.</u>	<u>85%</u>
<u>MVA Categories D, E, F</u>	<u>5% at Income band 2; and</u>	<u>51 ft.</u>	<u>80%</u>
	<u>10% at Income band 2</u>	<u>66 ft.</u>	<u>80%</u>
	<u>10% at Income band 2; and 5% at Income band 1</u>	<u>85 ft.</u>	<u>85%</u>
<u>MVA Categories G, H, I</u>	<u>5% at Income band 1</u>	<u>85 ft.</u>	<u>85%</u>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

- (aa) railings;
- (bb) parapet walls;
- (cc) trellises; and
- (dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments,

(iv) Developments with transit proximity. For a development with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.”

SECTION 8. That Paragraph (4), “Yard, Lot, and Space Regulations,” of Subsection (c), “MF-3(A) Districts,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; and

(bb) 10 feet in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density. Maximum dwelling unit density is 90 dwelling units per net acre.

(D) Floor area ratio. Maximum floor area ratio is 2.0.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 90 feet.

(F) Lot coverage. Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot size for residential use is 6,000 square feet.

(ii) Minimum lot area per dwelling unit is as follows:

TYPE OF STRUCTURE	MINIMUM LOT AREA PER DWELLING UNIT
Multifamily:	
No separate bedroom	450 sq. ft.
One bedroom	500 sq. ft.
Two bedrooms	550 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	50 sq. ft.

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed income housing. In an MF-3(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage bonuses.

	<u>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</u>	<u>Maximum Unit Density per Acre</u>	<u>Maximum Height</u>	<u>Maximum Lot coverage (residential)</u>
<u>MVA Categories A, B, C</u>	<u>5% at Income band 3</u>	<u>100</u>	<u>90 ft.</u>	<u>80%</u>
	<u>5% at Income band 3 and 5% at Income band 2</u>	<u>120</u>	<u>105 ft.</u>	<u>80%</u>
	<u>5% at Income band 3 and 5% at Income band 2 and 5% at Income band 1</u>	<u>150</u>	<u>120 ft.</u>	<u>85%</u>
<u>MVA Categories D, E, F</u>	<u>5% at Income band 2</u>	<u>100</u>	<u>90 ft.</u>	<u>80%</u>
	<u>10% at Income band 2</u>	<u>120</u>	<u>105 ft.</u>	<u>80%</u>
	<u>10% at Income band 2 and 5% at Income band 1</u>	<u>150</u>	<u>120 ft.</u>	<u>85%</u>
<u>MVA Categories G, H, I</u>	<u>5% at Income band 1</u>	<u>150</u>	<u>120 ft.</u>	<u>85%</u>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments.

(iv) Floor area ratio. Maximum floor area ratio includes non-residential uses only.

(v) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.”

SECTION 9. That Paragraph (4), “Yard, Lot, and Space Regulations,” of Subsection (d), “MU-1 and MU-1(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-1 district. Maximum dwelling unit density varies depending on whether the development is a “mixed use project” as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)		
Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
15	20	25

(ii) MU-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and the development is a “mixed use project” as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)			
Percentage of SAH Units Provided	Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
0%	10	15	20
20%	15	20	25

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a “mixed use project” as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is “residential.” The third column (MUP=2/with Res) is the FAR for an MUP with a mix of “residential” plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is “residential.” The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of “residential” plus two or more other use categories.]

MAXIMUM FLOOR AREA RATIO					
Use Categories	Base (no MUP)	MUP=2 (no Res)	MUP=2 (with Res)	MUP=3 (no Res)	MUP=3 (with Res)
Lodging	0.8	0.85	0.9	0.85	0.95
Office	0.8	0.85	0.9	0.85	0.95
Residential	0.8	---	0.95	---	0.95
Retail and personal service	0.4	0.5	0.5	0.6	0.6
TOTAL DEVELOPMENT	0.8	0.9	1.0	1.0	1.1

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height varies depending on whether the development is a “mixed use project” as follows:

[Note: The first column is the base height, which applies when there is no MUP. The second column (MUP/No Retail) is the height for an MUP with a mix of two use categories when neither category is “retail and personal service.” The third column (MUP/with Retail) is the height for an MUP with a mix of “retail and personal service” plus one or more other use categories.]

MAXIMUM STRUCTURE HEIGHT (in feet)		
Base (No MUP)	MUP with Mix (No Retail)	MUP (with Retail)
80	90	120

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories.

(i) Maximum number of stories above grade is:

(aa) seven when the maximum structure height is 90 feet;

and

(bb) nine when the maximum structure height is 120 feet.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed income housing. In an MU-1 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum dwelling unit density bonuses.

	<u>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</u>	<u>Additional Maximum Unit Density: 51A- 4.125(d)(4)(C), plus:</u>
-		
<u>MVA Category A, B, C</u>	<u>5% at Income band 3</u>	<u>65 per acre</u>
	<u>5% at Income band 3; and 5% at Income band 2</u>	<u>80 per acre</u>
	<u>5% at Income band 3; 5% at Income band 2; and 5% at Income band 1</u>	<u>105 per acre</u>
<u>MVA Category D, E, F</u>	<u>5% at Income band 2</u>	<u>65 per acre</u>
	<u>10% at Income band 2;</u>	<u>80 per acre</u>
	<u>10% at Income band 2; and 5% at Income band 1</u>	<u>105 per acre</u>
<u>MVA Categories G, H, I</u>	<u>5% at Income band 1</u>	<u>105 per acre</u>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. In calculating the maximum floor area ratios in Subparagraph (D), residential uses are not included.

(iv) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, an additional bonus of 15 dwelling units is allowed and the maximum lot coverage is 85 percent.”

SECTION 10. That Paragraph (4), “Yard, Lot, and Space Regulations,” of Subsection (e), “MU-2 and MU-2(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply.

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-2 district. Maximum dwelling unit density varies depending on whether the development is a “mixed use project” as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)		
Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
50	75	100

(ii) MU-2(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and whether the development is a “mixed use project” as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)			
Percentage of SAH Units Provided	Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
0%	30	45	60
5%	33	50	65
10%	37	55	70
15%	42	60	75
20%	50	75	100

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a “mixed use project” as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is “residential.” The third column (MUP=2/with Res) is the FAR for an MUP with a mix of “residential” plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is “residential.” The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of “residential” plus two or more other use categories.]

MAXIMUM FLOOR AREA RATIO					
Use Categories	Base (no MUP)	MUP=2 (no Res)	MUP=2 (with Res)	MUP=3 (no Res)	MUP=3 (with Res)
Lodging	1.6	1.7	1.8	1.8	1.9
Office	1.6	1.7	1.8	1.8	1.9
Residential	1.6	--	1.8	--	1.9
Retail and personal service	0.6	0.7	0.7	0.8	0.8
TOTAL DEVELOPMENT	1.6	1.8	2.0	2.0	2.25

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height varies depending on whether the development is a “mixed use project” as follows:

[Note: The first column is the base height, which applies when there is no MUP. The second column (MUP/no Retail) is the height for an MUP with a mix of two use categories when neither category is [:] retail and personal service.” The third column (MUP/with Retail) is the height for an MUP with a mix of “retail and personal service” plus one or more other use categories.]

MAXIMUM STRUCTURE HEIGHT (in feet)		
Base (No MUP)	MUP (No Retail)	MUP with Retail
135	135	180

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories.

(i) Maximum number of stories above grade is:

(aa) 10 when the maximum structure height is 135 feet; and

(bb) 14 when the maximum structure height is 180 feet.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed income housing. In an MU-2 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum dwelling unit density bonuses.

	<u>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</u>	<u>Additional Maximum Unit Density: 51A- 4.125(e)(4)(C), plus:</u>
<u>MVA Categories A, B, C</u>	<u>5% at Income band 3</u>	<u>40 per acre</u>
	<u>5% at Income band 3; and 5% at Income band 2</u>	<u>60 per acre</u>
	<u>5% at Income band 3; 5% at Income band 2; and 5% at Income band 1</u>	<u>80 per acre</u>
<u>MVA Categories D, E, F</u>	<u>5% at Income band 2</u>	<u>35 per acre</u>
	<u>10% at Income band 2;</u>	<u>55 per acre</u>
	<u>10% at Income band 2; and 5% at Income band 1</u>	<u>75 per acre</u>
<u>MVA Categories G, H, I</u>	<u>5% at Income band 1</u>	<u>75 per acre</u>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. In calculating the maximum floor area ratios in Subparagraph (D), residential uses are not included.

(iv) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, an additional bonus of 15 dwelling units is allowed and the maximum lot coverage is 85 percent.”

SECTION 11. That Paragraph (4), “Yard, Lot, and Space Regulations,” of Subsection (f), “MU-3 and MU-3(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulation” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Subparagraph (I) to read as follows:

“(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-3 district. No maximum dwelling unit density.

(ii) MU-3(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and whether the development is a “mixed use project” as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)			
Percentage of SAH Units Provided	Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 Categories
0%	50	50	50
5%	53	55	55
10%	57	60	60
15%	62	65	65
20%	NO MAXIMUM		

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a “mixed use project” as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is “residential.” The third column (MUP=2/with Res) is the FAR for an MUP with a mix of “residential” plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is “residential.” The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of “residential” plus two or more other use categories.]

MAXIMUM FLOOR AREA RATIO					
<u>Use Categories</u>	<u>Base (no MUP)</u>	<u>MUP=2 (no Res)</u>	<u>MUP=2 (with Res)</u>	<u>MUP=3 (no Res)</u>	<u>MUP=3 (with Res)</u>
Lodging	3.2	3.4	3.6	3.6	3.8
Office	3.2	3.4	3.6	3.6	3.8
Residential	3.2	--	3.8	--	3.8
Retail and personal service	2.0	2.6	3.0	3.2	3.75
TOTAL DEVELOPMENT	3.2	3.6	4.0	4.0	4.5

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 270 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is 20. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed income housing. In an MU-3 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum development bonuses.

	<u>Set aside minimums</u> (% of total residential units reserved in each income band, adjusted annually)	<u>Floor Area Ratio: 51A-4.125(f)(4)(D), plus:</u>	<u>Maximum Lot coverage</u> (residential)
<u>MVA Categories A, B, C</u>	<u>5% at Income band 3;</u>	<u>0.5</u>	<u>80%</u>
	<u>5% at Income band 3; and</u> <u>5% at Income band 2</u>	<u>1.0</u>	<u>85%</u>
	<u>5% at Income band 3;</u> <u>5% at Income band 2; and</u> <u>5% at Income band 1</u>	<u>1.5</u>	<u>85%</u>
<u>MVA Categories D, E, F</u>	<u>5% at Income band 2;</u>	<u>0.5</u>	<u>80%</u>
	<u>10% at Income band 2</u>	<u>1.0</u>	<u>85%</u>
	<u>10% at Income band 2;</u> <u>and</u> <u>5% at Income band 1</u>	<u>1.5</u>	<u>85%</u>
<u>MVA Categories G, H, I</u>	<u>5% at Income band 1</u>	<u>1.5</u>	<u>85%</u>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

- (aa) railings;
- (bb) parapet walls;
- (cc) trellises; and
- (dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. The floor area ratio bonuses in this paragraph are limited to residential uses only.

(iv) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, the maximum floor area ratio is increased by 1.0 above the FAR allowed in this section (for example: if the allowed FAR for a mixed use project is 4.0 and a development bonus of 1.5 is utilized, this transit proximity bonus allows an FAR of 6.5) and the maximum lot coverage is 90 percent.”

SECTION 12. That Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Division 51A-4.1100, “Mixed Income Housing,” to read as follows:

“Division 51A-4.1100. Mixed Income Housing.

SEC. 51A-4.1101. PURPOSE.

This division is adopted to implement the provisions and goals of the comprehensive housing policy, affirmatively further fair housing, create and maintain available and affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty.

SEC. 51A-4.1102. APPLICABILITY.

- (a) In general. Development bonuses apply to qualifying developments located in:
 - (1) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts;
 - (2) MU-1, MU-2, and MU-3 Mixed Use Districts;

(3) MF-1(A), MF-2(A), MF-3(A) Multifamily Districts that have public deed restrictions only limiting allowed uses;

(4) MU-1, MU-2, and MU-3 Mixed Use Districts that have deed restrictions that only limit the allowed uses; and

(5) planned development districts that reference compliance with this division or planned development districts that default to MF-1(A), MF-2(A), MF-3(A), MU-1, MU-2, and MU-3 Districts as base zoning and only alter the allowed uses.

(b) Market value analysis. Specific development bonus applicability is further determined based on the location of the development in a specific market value analysis category.

(c) Residential uses. To be eligible for development bonuses under this division, developments must include multifamily or retirement housing uses.

SEC. 51A-4.1103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this division:

(1) AFFORDABLE RENTAL RATE means a tenant rent payment less an allowance for utilities that does not exceed 30 percent of the eligible household's adjusted income.

(2) 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.

(3) AREA MEDIAN FAMILY INCOME ("AMFI") means the median income for the Dallas Area Standard Metropolitan Statistical Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.

(4) ELIGIBLE HOUSEHOLDS means households with an adjusted income within the required income band, families with rental assistance, or voucher holders, regardless of adjusted income.

(5) INCOME means income as defined by 24 CFR §5.609.

(6) INCOME BAND means the range of household incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size (income bands descriptions are located in Chapter 20A).

(7) MARKET VALUE ANALYSIS ("MVA") means the official study that was commissioned by and prepared for the City of Dallas to assist residents and policy-makers in understanding the elements of their local residential real estate markets.

(8) MIXED INCOME RESTRICTIVE COVENANT means a covenant running with the land that meets the requirements of this division and Chapter 20A.

(9) OWNER means the entity or person using the development bonus as well as all other owners or operators of the development during the rental affordability period.

(10) PASSENGER LOADING ZONE means a space that is reserved for the exclusive use of vehicles during the loading or unloading of passengers. A passenger loading zone is not a taxicab stand for purposes of Section 28-101, "Restricted Use of Bus Stops and Taxicab Stands."

(11) PEDESTRIAN SCALE LIGHTING means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or an equivalent pedestrian light fixture approved by the director of transportation.

City Plan Commission recommended:

(12) RENTAL AFFORDABILITY PERIOD means the 15 year period that the reserved units may only be leased to and occupied by eligible households or voucher holders.

Economic Development and Housing Committee recommended:

(12) RENTAL AFFORDABILITY PERIOD means the 20 year period that the reserved units may only be leased to and occupied by eligible households or voucher holders.

(13) RESERVED DWELLING UNIT means the rental units within a development available to be occupied or currently occupied by eligible families or voucher holders and are leased at affordable rents set according to this division.

(14) STOOP means a small porch leading to the entrance of a residence.

(15) TRANSIT PROXIMITY means development within one-half mile of a transit station, including trolley stops, train stations, transfer centers, transfer locations, transit centers, and any transit stop with a climate-controlled waiting area. Transit agencies served include Dallas Area Rapid Transit, Trinity Railway Express, and trolley service.

(16) VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal government.

(b) Interpretations. For uses or terms found in Chapter 51 the regulations in Section 51A-4.702(a)(6)(C) apply in this division.

SEC. 51A-4.1104. DEVELOPMENT BONUS PERIOD.

(a) Any development bonus provided in this division is only applicable to structures built during the rental affordability period or according to the terms of the mixed income restrictive covenant.

(b) Structures built during the term of the mixed income restrictive covenant may retain their bonuses until they are destroyed by an intentional act of the owner.

(c) Structures built during the term of the mixed income restrictive covenant may retain their bonuses and be rebuilt if they are destroyed by other than an intentional act of the owner, or owner's agent, if the development continues to meet the requirements of this division.

SEC. 51A-4.1105. PROCEDURES TO OBTAIN A DEVELOPMENT BONUS.

(a) In general.

(1) The owner must comply with the requirements of Chapter 20A, as amended.

(2) Owners must obtain a certified verification of the building site's MVA category before applying for a permit for construction in accordance with this division.

(b) Market value analysis verification. A person seeking a development bonus shall obtain a market value analysis category verification from the director of housing and neighborhood revitalization.

(c) Building permit application. An application for a building permit using a development bonus must include the following:

(1) the date, names, addresses, and telephone numbers of the applicant and all property owners;

(2) the legal description, the current zoning classification, the market value analysis category, and the census tract of the building site for which the development bonus is requested;

(3) the total number of dwelling units proposed, the number of reserved dwelling units provided, and the number of reserved dwelling units required as a result of receiving the development bonus;

(4) the total number of one-bedroom dwelling units, two-bedroom dwelling units, etc. being proposed;

(5) a certified copy of the market value analysis verification from the Director of Housing and Neighborhood Revitalization; and

(6) any other reasonable and pertinent information that the building official determines to be necessary for review.

(d) Building permit issuance. Before the issuance of a building permit, the mixed income restrictive covenant must be recorded in the county in which the building site is located, and an official copy of the executed and recorded mixed income restrictive covenant must be submitted to the building official.

City Plan Commission recommendation:

- | |
|---|
| <p>(e) <u>Minimum units required.</u></p> <p>(1) A development using a development bonus in this division must provide a minimum of one reserved dwelling unit regardless of the percentage of total units required.</p> <p>(2) Fractions of a required unit will be rounded up to the next whole number.</p> |
|---|

Staff and Economic Development and Housing Committee recommendation:

- | |
|--|
| <p>(e) <u>Minimum and maximum units required.</u></p> <p>(1) A development using a development bonus in this division must provide a minimum of one reserved dwelling unit regardless of the percentage of total units required.</p> <p>(2) Fractions of a required unit will be rounded up to the next whole number.</p> <p>(3) A development using a development bonus in this division shall reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of Area Median Family Income. This maximum percentage of reserved units may be waived for developments that are enrolled in a program administered by the Department of Housing and Neighborhood Revitalization and authorized by the City Council that furthers the public purposes of the City's housing policy and affirmatively furthers fair housing.</p> |
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(f) Phasing.

- (1) To obtain a development bonus for a phased development, a project plan must be submitted to the building official with the initial building permit application.
- (2) For a phased development:
- (A) the first phase must independently qualify for the development bonus;
- and
- (B) each subsequent phase combined with all previous phases already completed or under construction must also qualify for the development bonus.
- (3) A project taking advantage of a development bonus may consist of two or more building sites if they are developed under a project plan. The project plan must be:
- (A) signed by all property owners; and
 - (B) approved by the building official.

(g) Certificate of occupancy. Before the issuance of a final certificate of occupancy for a multifamily or retirement housing use, the owner must submit to the building official any additional information needed to ensure compliance with the terms of the building permit and the mixed income restrictive covenant, including:

- (1) The approved affirmative fair housing marketing plan.

(2) A letter from the Director of Housing and Neighborhood Revitalization certifying that the development complies with the mixed income restrictive covenant.

SEC. 51A-4.1106. DEVELOPMENT REQUIREMENTS.

(a) Unless otherwise applicable, all reserved dwelling units must be provided on the same building site as the market rate units.

(b) Reserved dwelling units must be dispersed throughout the residential floor area of each building.

(c) Reserved dwelling units must not be segregated or concentrated in any one floor or area of any buildings but must be dispersed throughout all residential buildings.

(d) Reserved dwelling units may float within each dwelling unit type.

(e) Reserved dwelling units must be of comparable finish-out and materials as the market rate dwelling units and must be equally available to eligible families or voucher holders as other market rate dwelling unit tenants.

(f) Except as provided in Section 20A-27(g), reserved dwelling units must be dispersed substantially pro-rata among the total unit types so that not all the reserved dwelling units are efficiency or one-bedroom units. For example, if 10 percent of the total dwelling units are reserved 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 reserved units.

(1) A maximum 10 percent of the total units may be specialty units including club suites and penthouse suites and are not required to be part of the dispersal of reserved dwelling units by type; however, the overall 10 percent requirement is calculated based on the total number of all units.

(2) In determining the required number of reserved dwelling units, fractional units are counted to the nearest whole number, with one-half counted as an additional unit, but a minimum of one unit is required.

SEC. 51A-4.1107. DESIGN STANDARDS.

(a) In general.

(1) To obtain a development bonus under this division, a qualifying development must meet the requirements of this section, where applicable.

(2) Except as provided in this section, the board of adjustment may not grant a variance or special exception to the standards in this section.

(b) Yard, lot, and space standards.

(1) Encroachments. The following additional items are permitted to be located within the required front, side, and rear yards:

(A) Seat walls, retaining walls, stoops, porches, steps, unenclosed balconies, ramps, handrails, safety railings, and benches all not exceeding four feet in height and extending a maximum of five feet into the required minimum yards.

(B) Landscape planters.

(C) Sculptures.

(D) Awnings

(2) Front yard fences. A maximum four-foot-high fence is allowed in a front yard. A maximum four-foot-high handrail may be located on retaining walls in a front yard.

(3) Height. Maximum height is controlled by the development bonus provisions and must comply with residential proximity slope regulations if applicable.

(c) Off-street parking and loading.

(1) 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.

(2) Multifamily parking. Except as provided in this paragraph, one and one-quarter space per dwelling unit is required.

(A) At least 15 percent of the required parking must be available for guest parking.

(B) For developments with transit proximity, one space per dwelling unit is required. At least 15 percent of the required parking must be available for guest parking.

(3) Retirement housing.

(A) One space per dwelling unit is required.

(B) The density limits in Section 51A-4.209(b)(5.2)(E)(ii) do not apply.

(4) Parking locations.

(A) In general. Surface parking is prohibited between the street-facing facade and the property line. For buildings with more than one street frontage, only two street frontages are subject to this requirement.

(B) Thoroughfare frontage. For buildings fronting on a thoroughfare, surface parking is prohibited within the setback.

(C) Surface parking. A maximum of 15 percent of the total on-site parking may be provided as surface parking in a side yard.

(D) Parking structures. That portion of the ground-level floor facing the street of any multi-floor parking facility must have an active use other than parking, with a minimum depth of 25 feet, or must have an exterior facade that is similar in materials, architecture, and appearance to the facade of the main structure. Exterior parking structure facade openings must provide solid screening a minimum 42 inches from the floor level within the parking structure to screen vehicles and vehicle headlights.

(E) Assigned parking. For assigned parking spaces, those spaces allotted for reserved dwelling units must be dispersed and distributed amongst all other assigned parking for similar units.

(5) Passenger loading.

(A) Each building site must provide at least one off-street or on-street passenger loading space. The board of adjustment may grant a variance to this subparagraph.

(B) On-street passenger loading zones, if provided, must be constructed in compliance with Architectural Barrier Act accessibility standards and must be approved by the director and by the director of public works.

(6) Screening of off-street loading spaces and service areas. Screening must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods described in Section 51A-4.602(b)(3), except that screening around service areas for trash collection must be screened by a masonry wall with a solid gate.

(d) Street and open space frontages.

(1) Frontages. All street-fronting facades and open-space fronting facades must have at least one window and at least one common primary entrance facing the street or open space at street-level. A transparent surface is required for every 25 linear feet of continuous street-fronting and open-space-fronting facade.

(2) Individual entries. A minimum of 60 percent of the street-level dwelling units adjacent to a street in each building must have individual entries that access the street with an improved path connecting to the sidewalk. For at-grade open space, a minimum of 60 percent of the open-space fronting dwelling units in each building must have individual entries that access the open space.

(e) Sidewalk, lighting, and driveway standards.

(1) Sidewalks.

(A) A sidewalk with a minimum average width of six feet must be provided along all street frontages.

(i) Except as provided in this subsection, all sidewalks must be clear and unobstructed for a minimum of five feet in width.

(ii) Tree grates do not count toward the minimum unobstructed sidewalk width.

(iii) If the building official determines that the location of a local utility or protected tree, as defined in Article X, would prevent a five-foot minimum width, the sidewalk may be reduced to four feet in width in that location.

(B) Sidewalks must be located in an area parallel to and between two feet and 15 feet of the back of the projected street curb.

(2) Lighting.

(A) Special lighting requirement. Exterior lighting sources, if used, must be oriented down and onto the property they light and generally away from adjacent residential properties.

(B) Pedestrian scale lighting. For a development greater than 20,000 square feet of floor area, pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 foot candles must be provided along public sidewalks and adjacent to public streets. The design and placement of both the standards and fixtures must be approved by the director of transportation. Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(f) Open space requirements.

(1) At least 10 percent of the building site must be reserved as open space for activity such as active or passive recreation, playground activity, groundwater recharge, or landscaping.

(A) No structures except for architectural elements; playground equipment; structures that are not fully enclosed such as colonnades, pergolas, and gazebos; and ordinary projections of window sills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed.

(B) Open space may contain primarily grass, vegetation, or open water; be primarily used as a ground-water recharge area; or contain pedestrian amenities such as fountains, benches, paths, or shade structures.

(C) Open space may also be provided at or below grade or aboveground by an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.

(D) Private balconies, sidewalks, parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.

(E) Except for emergency vehicles, on-site open space cannot be parked or driven upon.

(F) Open spaces must be properly maintained in a state of good repair and neat appearance, and plant materials must be maintained in a healthy, growing condition.

(2) Landscape areas that fulfill the requirements of Article X may also fulfill these requirements if all conditions of this section and Article X are met.

(g) Non-required fences. Unless a use specifically requires screening, all fences for uses along a street or trail must have a surface area that is a minimum of 50 percent open, allowing visibility between three feet and six feet above grade. The exception for multifamily uses in Section 51A-4.602(a)(2) which provides that a fence exceeding four feet above grade may be erected in a front yard in multifamily districts is not applicable.

SEC. 51A-4.1108 BOARD OF ADJUSTMENT VARIANCES.

A development that is eligible to receive the bonuses in this division must either use the bonuses or go to the board of adjustment to seek a variance but may not do both for the same yard, lot, and space regulations.”

SECTION 13. That adjustments will be made to the section references in this ordinance for codification purposes only. A Dallas Development Code section reference containing the symbol “[A],” for example, “Section 51[A]-_____,” means that the letter “A” will appear in the Chapter 51A version only, and will not appear in the Chapter 51 version.

SECTION 14. That the director of sustainable development and construction shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code

SECTION 15. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 16. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 17. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 18. 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.

SECTION 19. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____