**Amending Conditions**

**ARTICLE 70.
PD. 70.**

**SEC. 51P-70.101. LEGISLATIVE HISTORY.**

PD 70 was established by Ordinance No. 14645, passed by the Dallas City Council on August 19, 1974. Ordinance No. 14645 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas. Ordinance No. 14645 was amended by Ordinance No. 18360, passed by the Dallas City Council on August 15, 1984, and Ordinance No. 21348, passed by the Dallas City Council on June 24, 1992. (Ord. Nos. 10962; 14645; 18360; 21348; 25423; 25884; 28905)

**SEC. 51P-70.102. PROPERTY LOCATION AND SIZE.**

PD 70 is established on property generally located at the northeast corner of Northwest Highway (Loop 12) and Midway Road. The size of PD 70 is approximately 7.9806 acres. (Ord. Nos. 14645; 25423; 25884; 28905)

**SEC. 51P-70.103. DEFINITIONS AND INTERPRETATIONS.**

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

1. MASSAGE ESTABLISHMENT and MASSAGE mean a massage establishment or massage as defined by Texas Occupation Code Chapter 455, as amended.
2. TATTOO OR BODY PIERCING STUDIO means a business in which tattooing or body piercing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. BODY PIERCING means the piercing of body parts, other than ears, for purposes of allowing the insertion of jewelry.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district. (Ord. Nos. 25423; 25884; 28905)

**SEC. 51P-70.104. CONCEPTUAL AND DEVELOPMENT PLANS.**

No conceptual plan or development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. Nos. 14645; 25423; 25884; 28905)

**SEC. 51P-70.105. MAIN USES PERMITTED.**

1. Except as provided in this section, the only main uses permitted are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Article 51A of the Dallas Development Code, as amended. For example, a use permitted in the CR Community Retail District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the CR Community Retail District is subject to DIR in this district; etc.
2. The following main use is permitted with additional restrictions:

-- Personal service uses. *[Massage establishments and tattoo or body piercing studios are prohibited.]*

1. The following uses are prohibited:

-- Commercial amusement (inside).

-- Hotel or motel.

-- Liquor store.

-- Pawn shop.

-- Restaurant with drive-in or drive-through service.
(Ord. Nos. 14645; 25423; 25884; 28905)

**SEC. 51P-70.106. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. (Ord. 28905)

**SEC. 51P-70.107. YARD, LOT, AND SPACE REGULATIONS.**

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

(b) Setbacks. Minimum setbacks are:

1. 100 feet along Northwest Highway; and
2. 72 feet along Midway Road and the north and east Property lines. **Mechanical equipment and accessibility ramps, handrails, and stairs are allowed in the setback from the north Property line.**

(c) Height.

(1) Except as provided in this subsection, maximum structure height is 36 feet.

1. Mechanical equipment, screening, cooling towers, tanks, skylights, and ornamental cupolas and domes may project an additional 12 feet above the maximum 36 foot structure height and may not exceed 33 1/3 percent of the roof area.
2. A portion of a building may be a maximum of 50 feet in height if the horizontal section of that portion of the building above 36 feet in height is 500 square feet or less. (Ord. Nos. 14645; 25423; 25884; 28905)

**SEC. 51P-70.108. 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. Mixed use development parking reduction.

(1) For purposes of this section, a mixed use development means retail, office, and bar and restaurant uses in combination on a single or adjacent building site.

(2) An adjusted standard off-street parking requirement for a mixed use development is calculated as follows:

1. The standard parking requirements for each use in the mixed use development must be ascertained.
2. The parking demand for each use is determined for each of the five times of day shown in the mixed use development parking chart by multiplying the standard off-street parking requirement for each use by the percentage in the chart assigned to the category of use. If a use in the development does not fall within one of the categories shown in the shared parking chart, the percentage assigned to that use is 100 percent for all five times of day.
3. The time of day columns are totaled to produce sums that represent the aggregate parking demand for the development at each time of day. The largest of these five sums is the adjusted standard off-street parking requirement for the development.

**Table 1: Mixed Use Development Parking Chart**

**For calculating the parking requirements for mixed use development parkin**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Use Category** | **Morning** | **Noon** | **Afternoon** | **Late****Afternoon** | **Evening** |
| Office related uses | 100% | 80% | 100% | 85% | 35% |
| Retail and personalservice related uses | 60% | 75% | 70% | 65% | 70% |
| Bar and restaurantuses | 20% | 100% | 30% | 30% | 100% |
| All other uses | 100% | 100% | 100% | 100% | 100% |

(3) A special exception to the number of required parking spaces may not be combined with

a mixed use development parking reduction. (Ord. Nos. 14645; 25423l 25884; 28905)

**SEC. 51P-70.109. ENVIRONMENTAL PERFORMANCE STANDARDS.** See Article VI. (Ord. 28905)

**SEC. 51P-70.110. STREET DEDICATIONS.**

At the time of platting, the property necessary to provide for 50 feet of right-of-way from the centerline of Midway Road must be dedicated to the city. (Ord. Nos. 14645; 25423; 25884; 28905)

**SEC. 51P-70.111. LIGHTING.**

Light poles or standards for parking areas must be covered to deflect light downward and not shine directly onto any adjacent residential properties. (Ord. Nos. 14645; 25423; 25884; 28905)

**SEC. 51P-70.112. LANDSCAPING.**

1. Except as provided in this section, landscaping must be provided in accordance with Article X.
2. A minimum 12-foot-wide landscaped area must be provided along the Northwest Highway frontage.
3. A minimum seven-foot-wide landscaped area must be provided along the Midway Road frontage.
4. A sprinkler system must be provided for the landscaped areas.
5. Plant materials must be maintained in a healthy, growing condition. (Ord. Nos. 14645; 25423; 25884; 28905)

**SEC. 51P-70.113. SIGNS.**

(a) Signs must comply with the provisions for **~~non-~~**business zoning districts in Article VII. (Ord. Nos. 14645; 25423; 25884; 28905**).**

**(b) General merchandise or food store greater than 40,000 square feet.**

 **(1) Interchangeable banners.**

 **(A) A maximum of three south-facing and two east-facing interchangeable banners are allowed.**

 **(B) Maximum effective area of an interchangeable banner is 64 square feet.**

 **(C) Interchangeable banners may not be illuminated.**

 **(D) Interchangeable banners are not subject to a word limit.**

 **(2) Multi-tenant monument signs.**

 **(1) Two multi-tenant monument signs are allowed.**

 **(2) Maximum height of a multi-tenant monument sign is 14 feet.**

 **(3) Maximum width of a multi-tenant monument sign is 13 feet.**

 **(4) A multi-tenant monument sign must be set back a minimum of three feet from the Property line.**

**SEC. 51P-70.114. SCREENING WALL.**

The nine-foot and six-foot solid masonry walls provided along the north and east sides of the Property must be properly maintained. (Ord. Nos. 14645; 25423; 25884; 28905)

**SEC. 51P-70.115. 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 law and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 14645; 25423; 25884; 28905)

**SEC. 51P- 70.116. COMPLIANCE WITH CONDITIONS.**

1. All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.
2. The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 14645; 25423; 25884; 28905)