

## ARTICLE 145.

### PD 145.

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

PD 145 was established by Ordinance No. 17710, passed by the Dallas City Council on February 16, 1983. Ordinance No. 17710 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Subsequently, Ordinance No. 17710 was amended by Ordinance No. 20862, passed by the Dallas City Council on January 23, 1991. (Ord. Nos. 10962; 17710; 20862; 25508; 26267)

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

PD 145 is established on property generally located north of Flora Street, south of the Woodall Rodgers Freeway, east of St. Paul Street, and west of North Central Expressway. The size of PD 145 is approximately 60.1279 acres. (Ord. Nos. 17710; 25508; 26267)

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

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

(1) In this district, **MOBILE FOOD ESTABLISHMENT** means a vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer. The term includes mobile food preparation vehicles and pushcarts.

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

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

(c) Subarea 1 is considered to be a business zoning district. Subarea 1 is that area shown on Exhibit 145C. (Ord. Nos. 25508; 26267; 28187)

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

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

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

(c) Uses permitted. The following uses are the only uses permitted in the Dallas Arts District:

(1) Residential uses.

- Multiple-family.
- Hotel and motel.

(2) Transportation uses.

- Passenger bus station and terminal.
- Bus passenger shelter.
- Heliport.
- Helistop.
- Railroad passenger station.

(3) Community service uses.

- Post office.
- Community, welfare, or health center.
- Day care center.

(4) Medical uses.

- Medical clinic.
- Optical shop.

(5) Religious uses.

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

(6) Educational uses.

- Public or private school.
- Business school.
- Technical school.
- College, university, or seminary.
- Library, art gallery, or museum.

(7) Recreation and entertainment uses.

- Public park or playground.
- Private recreation club or area.
- Inside commercial amusement.
- Theater.
- Carnival or circus (temporary).
- Wax museum.

(8) Bar and restaurant uses.

- Bar, lounge, or tavern.
- Mobile food establishment.

- Restaurant without drive-in service.
- Restaurant with alcoholic beverages and/or entertainment.
- Private club.
- Catering service.

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

- Office.
- Temporary construction or sales office.
- Bank or savings and loan office (without drive-in).
- Trade center.
- Barber and beauty shop.
- Health studio.
- Custom cleaning shop.
- Self service laundry or dry cleaning.
- Laundry or cleaning pickup and receiving station.
- Key shop.
- Shoe repair.
- Tailor, custom sewing, and millinery.
- Travel bureau.
- Broadcasting or recording studio.
- Instructional arts studio.
- Handcrafted art work studio.
- Handcraft bookbinding.
- Photography studio.
- Safe deposit boxes.
- Commercial wedding chapel.

(10) Retail uses.

- Antique shop.
- Retail food store.
- Bakery or confectionery shop.
- Book and stationary store.
- Camera shop.
- Cigar, tobacco, and candy store.
- Clothing store.
- Drug store.
- Beverage store.
- Florist store.
- Pet shop.
- Furniture store.
- Second hand store.
- Hardware or sporting goods store.
- Hobby and art supplies store.
- Paint and wallpaper store.
- Retail stores other than listed, except that the following retail uses are not permitted: feed store; pawn shop; home improvement center; and swimming pool sales and supply.

(11) Motor vehicle related uses.

- Commercial parking garage.

(12) Commercial uses.

- Job printing, lithographer, printing, or blueprinting plant.
- Duplication shop.
- Custom print shop.
- Gummed label printing.
- Computer service center.
- Custom commercial engraving.
- Diamond and precious stone sales (wholesale only).
- Design or decorative center.

(13) Accessory uses.

- Game court (private).
- Swimming pool (private).
- Home occupation.
- Community center (private).

(d) Flora Street frontage area.

(1) Definitions. In this article:

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

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

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

(A) Residential uses.

- Multiple-family.
- Hotel and motel.

(B) Transportation uses.

- Bus passenger shelter.
- Railroad passenger station.

(C) Community service uses.

- Post office.
- Community, welfare, or health center.
- Day care center.

(D) Medical uses.

- Optical shop.

(E) Religious uses.

- Church.
- Rectory.
- Convent or monastery.
- Establishment of a religious, charitable, or philanthropic nature.

(F) Educational uses.

- Public, denominational, or private school.
- Institution for special education.
- Business school.
- Technical school.
- College, university, or seminary.
- Library, art gallery, or museum.

(G) Recreation and entertainment uses.

- Public park or playground.
- Private recreation club or area.
- Inside commercial amusement.
- Theater.
- Carnival or circus (temporary).

(H) Bar and restaurant uses.

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

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

- Office uses, subject to the following restriction: On the ground floor of each building site, no more than 25 percent of the linear frontage along Flora Street, nor more than 25 percent of the ground floor area within the Flora Street frontage area may be occupied by office uses.
- Temporary construction or sales office.
- Trade center.
- Barber and beauty shop.
- Health studio.
- Custom cleaning shop.
- Laundry or cleaning pickup and receiving station.
- Key shop.
- Shoe repair.
- Tailor, custom sewing, and millinery.
- Travel bureau.
- Broadcasting or recording studio.
- Instructional arts studio.
- Handcrafted art work studio.

- Handcraft bookbinding.
- Photography studio.
- Safe deposit boxes.
- Wedding chapel.

(J) Retail uses.

- Antique shop.
- Retail food store.
- Bakery or confectionery shop.
- Book and stationary store.
- Camera shop.
- Cigar, tobacco, and candy store.
- Clothing store.
- Drug store.
- Beverage store.
- Florist store.
- Pet shop.
- Furniture store.
- Second hand store.
- Hardware or sporting goods store.
- Hobby and art supplies store.
- Paint and wallpaper store.
- Retail stores other than listed, except that the following retail uses are not permitted: feed store; pawn shop; home improvement center; and swimming pool sales and supply.

(K) Commercial uses.

- Lithographer or printing shop.
- Duplication shop.
- Custom print shop.
- Gummed label printing.
- Computer service center.
- Custom commercial engraving.
- Diamond and precious stone sales (wholesale only).
- Design or decorative center.

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

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

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

(B) an average of at least 50 percent of the area of the street wall along Flora Street for the first two stories must be of transparent material and used for display or merchandising. At least 50 percent of the area of the street wall on the ground floor along Flora Street must be of transparent material and used for display or merchandising. This condition does not apply to a public school located in Subarea 1.

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

(f) Parking.

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

(2) Parking in Subarea 1.

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

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

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

(h) Landscaping in Subarea 1.

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

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

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

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

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

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

(l) Mobile food establishments.

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

(2) A mobile food establishment must comply with all of the requirements of Chapter 17, "Food Establishments," of the Dallas City Code." (Ord. Nos. 17710; 20862; 25508; 26267; 28187)

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

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

(b) Upon receipt of an application for a building permit for the construction of, or modification to, any building or structure in the Dallas Arts District, the building official shall refer the permit application and plans to the director for review to determine whether the project complies with the requirements of Section 51P-145.104(b) through (l) of this article. The director shall conduct his review so that his decision on issuance of the permit can be made within 30 days from the date the completed application is submitted to the building official.

(c) If the director determines that the project complies with the requirements of Section 51P-145.104(b) through (l) of this article, he shall refer the permit application and plans back to the building official, who shall issue the permit if all requirements of the construction codes and all other applicable ordinances have been met.

(d) If the director determines that the project does not comply with the requirements of Section 51P-145.104(b) through (l) of this article, he shall direct the building official to deny the permit. (Ord. Nos. 17710; 25508; 26267; 28187)

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

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

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

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

(b) The board of adjustment may not provide a compliance date for a nonconforming use in the Dallas Arts District under Section 51-4.704(a)(1) unless there has been a change in ownership of the property since the effective date of Ordinance No. 17710. (Ord. Nos. 17710; 25508; 26267)

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

The provisions of Section 51-4.702 do not apply to the Dallas Arts District, except that the city plan commission may approve minor amendments to the development plan and landscape plan that comply with Section 51A-4.702. (Ord. Nos. 17710; 25508; 26267)



**SEC. 51P-145.108.****COMPLIANCE WITH CONDITIONS.**

The building official shall not issue a building permit or certificate of occupancy for a building in the Dallas Arts District until there has been full compliance with the requirements of Section 51P-145.104(b) through (l) of this article and with the construction codes and all other applicable ordinances of the city. (Ord. Nos. 17710; 25508; 26102; 26267; 28187)

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

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

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

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

(d) Each property owner shall be responsible for maintaining the landscaping, sign, and related amenities in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the landscaping, sign, or related amenities. The granting of a license for landscaping, sign, and related amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way. (Ord. 26267)

**SEC. 51P-145.110.**

**PARKWAY LANDSCAPE AND SIGN PERMIT IN SUBAREA 1.**

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

(b) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the landscaping, sign, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, he shall issue a parkway landscape permit to the property owner; otherwise he shall deny the permit.

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

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

(e) The issuance of a parkway landscape permit or parkway sign permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or other amenities in the public right-of-way. (Ord. 26267)