

**ARTICLE 317.****PD 317.****Cedars Area Special Purpose District****SEC. 51P-317.101. LEGISLATIVE HISTORY.**

PD 317 was established by Ordinance No. 20395, passed by the Dallas City Council on July 26, 1989. Ordinance No. 20395 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 20395 was amended by Ordinance No. 20822, passed by the Dallas City Council on November 28, 1990; Ordinance No. 22003, passed by the Dallas City Council on March 23, 1994; Ordinance No. 23144, passed by the Dallas City Council on May 28, 1997; Ordinance No. 23379, passed by the Dallas City Council on December 10, 1997; Ordinance No. 23470, passed by the Dallas City Council on March 25, 1998; Ordinance No. 23921, passed by the Dallas City Council on June 23, 1999; Ordinance No. 24014, passed by the Dallas City Council on September 8, 1999; Ordinance No. 24017, passed by the Dallas City Council on September 8, 1999; Ordinance No. 24124, passed by the Dallas City Council on December 8, 1999; Ordinance No. 24430, passed by the Dallas City Council on October 25, 2000; and Ordinance No. 24503, passed by the Dallas City Council on January 24, 2001. (Ord. Nos. 10962; 19455; 20395; 20822; 22003; 23144; 23379; 23470; 23921; 24014; 24017; 24124; 24430; 24503; 24826)

**SEC. 51P-317.102. PROPERTY LOCATION AND SIZE.**

PD 317 is established on property generally bounded by Interstate Highway 30 on the north, Interstate Highway 45 on the east, the G.C. & S.F. Railroad right-of-way on the south, and the M.K. & T. Railroad right-of-way on the west. The size of PD 317 is approximately 580.328 acres. (Ord. Nos. 20395; 24826)

**SEC. 51P-317.103. DEFINITIONS AND INTERPRETATIONS.**

- (a) Unless the context clearly indicates otherwise, in this article:
- (1) AREA means one of the areas referred to in Section 51P-317.105 of this article.

**Staff Addition:**

(2) ACTIVE USES means any use other than parking.

(3) ACCESSORY DWELLING UNIT (ADU) means an accessory use, rentable additional dwelling unit, subordinate to the main unit, located on a building site with a single family use.

(4) BOUTIQUE HOTEL means a lodging facility with 30 or fewer guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days; provides food that is prepared on-site; and more than 50 percent of the guest rooms are internal-entry. Parking: 0.75 space is required for each unit. No required off street loading.

(5) BED AND BREAKFAST means a lodging use that provides over-night accommodations; serves no meals other than breakfast; and is a member of, or certified by, a recognized bed and breakfast association such as the National Bed and Breakfast Association (NBBA) or Historic and Hospitality Accommodation of Texas. Parking: 0.75 space is required for each unit. No required off street loading.

(6) CHANGEABLE MESSAGE means the portion of a sign composed of Light Emitting Diode (LED)/Liquid Crystal Display (LCD) elements, “Diamond Vision” technology, slide lettering, slated rotation surfaces, or other changeable message technology that displays different designs or messages.

(7) DIR means development impact review pursuant to Division 51A-4.800.

(8) ENHANCED PEDESTRIAN AMENITIES means improvements located in the enhanced pedestrian amenities area that are designed to encourage pedestrian traffic, and that meet all of the standards set forth in Section 51P-317.124.1(c).

(9) ENHANCED PEDESTRIAN AMENITIES AREA means an area used by pedestrians adjacent to a street, and that meets all of the standards set forth in Section 51P-317.124.1(c).

~~(10) LARGE TREE means a tree of a species which normally reaches a height of 30 feet or more upon maturity.~~

~~(11) LEGACY BUILDING means a building constructed on or before January 1, 1960.~~

**Staff Recommendation:**

(11) LEGACY BUILDING means  
(a) a building constructed before January 1, 1971, with all original street-facing facades remaining; Or  
(b) buildings located at :  
(1) 1311 S. Ervay Street  
(2) 1703 S Ervay Street and 1711 S Ervay Street  
(3 ) 1111 S. Lamar Street

**Staff Addition:**

(12) MAJOR MODIFICATION means reconstruction, alteration, or renovation of any building other than Legacy Building that exceeds 50 percent of the value of the original building assessed by the Dallas Central Appraisal District or any increase in floor area of an original building by 50 percent or more.

(13) NEW CONSTRUCTION means construction of a main structure that did not exist as of date January 1, 2020. With regard to streets and sidewalks, NEW CONSTRUCTION means construction of a street or sidewalk that did not exist as of January 1, 2020.

(14) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels, words, changeable messages, or characters.

(15) OWNER means the owner or owners, from time to time, of property in this district.

**Staff Addition:**

(16) PRIMARY STREET means the streets identified below are considered Primary Streets within the District.

(i) Akard Street  
(ii) Cesar Chavez Blvd  
(iii) Corinth Street  
(iv) Ervay Street  
(v) Harwood Street  
(vi) Good Latimer Blvd  
(vii) Lamar Street

(17) PARAGRAPH means the first division of a subsection. Paragraphs are designated by arabic numerals in parentheses, e.g. "(1)."

(18) PARKWAY means that portion of the street right-of-way located between the street curb and the front lot line.

(18) PROJECTED STREET CURB means the future location of the street curb consistent with the city's thoroughfare plan, as determined by the director of public works and transportation.

(19) RAR means residential adjacency review pursuant to Division 51A-4.800.

(20) RECYCLABLE MATERIALS means clothing, aluminum cans, steel cans, glass, paper, plastics, and household and industrial metals.

(21) RIDESHARE PARKING means a parking space dedicated for the short term pick up and drop off of patrons or employees of a main use.

(22) SECTION means a section of this article.

(23) SUBPARAGRAPH means the first division of a paragraph. Subparagraphs are designated by capital letters in parentheses, e.g. "(A)."

(24) SUBSECTION means the first division of a section. Subsections are designated by lower case letters in parentheses, e.g. "(a)."

(25) SUP means specific use permit.

(26) THIS DISTRICT means the entire planned development district created by Ordinance No. 20395, as amended.

(b) Unless otherwise stated, the definitions contained in Chapter 51A apply to this article. In the event of a conflict, this article controls.

(c) Unless otherwise stated, all references to code divisions or sections in this article refer to divisions or sections in Chapter 51A.

(d) The provisions of Section 51A-4.702, "Planned Development (PD) District Regulations," relating to site plans, conceptual plans, and development plans do not apply to this district.

(e) Section 51A-2.101, "Interpretations," applies to this article.

(f) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only.

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800.)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. (RAR means residential adjacency review. For more information regarding residential adjacency review generally, see Division 51A-4.800.)

(g) For purposes of determining the applicability of regulations in this article and in Chapter 51A triggered by adjacency or proximity to another zoning district, and for purposes of interpreting the DIR and RAR requirements of Division 51A-4.800:

(1) this district and each subdistrict within this district except Subdistrict 1 is considered to be a "nonresidential zoning district"; and

(2) Subdistrict 1 is considered to be a residential district. (Ord. Nos. 20395; 24826; 24872; 25160; 29197; 30058; 30951)

#### **SEC. 51P-317.104. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit 317A: property descriptions of the district and subdistricts.
- (2) Exhibit 317B: subdistrict map.
- (3) Exhibit 317C: site and landscape plan for the shelter property in Subdistrict 3.
- ~~(4) Exhibit 317D: land use and development standards chart.~~
- (5) Exhibit 317E: conceptual plan for Subdistrict 3B.
- (6) Exhibit 317F: development/landscape plan for Tract 1 in Subdistrict 3B.
- (7) Exhibit 317G: development plan for Tract 2 in Subdistrict 3B.
- (8) Exhibit 317H: typical street section for Subdistrict 3B. (Ord. Nos. 29197; 30276; 30295)

**SEC. 51P-317.105. ZONING CLASSIFICATION CHANGE AND DISTRICT IDENTIFICATION.**

Chapters 51 and 51A are amended by changing the zoning classification on the property described in Exhibit A of Ordinance No. 20395 to Planned Development District No. 317, to be known as the Cedars Area Special Purpose District. (Ord. Nos. 20395; 24826)

**SEC. 51P-317.105. CREATION OF SEPARATE SUBDISTRICTS.**

**Steering Committee Recommendation:**

This district is divided into 5 subdistricts: 1, 2, 3, 4, and 5.

**Staff Recommendation:**

This district is divided into 6 subdistricts: 1, 2, 3, 3b, 4, and 5.

**SEC. 51P-317.107. PRESERVATION INCENTIVES.**

(a) The provisions of Section 51A-4.501 relating to the transfer of development rights, the transfer process, and the historic landmark tax freeze apply to buildings in this district except as those provisions may be expressly modified in this article. (Note: The term “development rights” is defined in Section 51A-4.501.) If Section 51A-4.501 is amended in the future, such amendments shall apply in this district to the extent that they do not conflict with this article. In the event of a conflict, this article controls.

(b) Development rights in a building may be transferred if:

- (1) the building is a designated historic landmark in this district;
- (2) the building is a contributing structure listed in the National Register of Historic Places; and
- (3) the building has been restored within the past five years, and the total value of the building improvements exceeds 50 percent of the assessed value of the structure immediately prior to the restoration.

(c) Development rights may only be transferred to building sites in Subdistricts ~~2, 2A, 2B, 2C,~~ and 3 ~~and 3A.~~

(d) The ability to transfer development rights does not authorize a setback violation on the building site to which the rights are transferred. The maximum floor area ratio of a building site may be increased by no more than 20 percent through the transfer of development rights, and

the maximum structure height may not be increased. (Ord. Nos. 20395; 24826; 25160; 27402; 30058; 30951)

**SEC. 51P-317.108. ADDITIONAL PROVISIONS.**

The "additional provisions" in Division 51A-4.200 apply to all uses in this district.

(a) Commercial radio or television transmitting station use: A structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum must not be visible from the street. (Ord. Nos. 20395; 24826)

(b) Height Overlay (HO) generates from the boundary line of the Subdistrict 1 (Residential Subdistrict) and Subdistrict 5 (Old City Park). The maximum height in the HO is 120 feet. In the event of the changes in the subdistricts, the origin of the HO is from the boundary line of the residential subdistrict and the Old City Park.

**Staff Addition:**

(c) Screening from residential. Lots containing uses permitted with RAR must have solid screening on the sides of the property that have residential adjacency.

**SEC. 51P-317.109.**

**UTILITY OR GOVERNMENT SERVICE CENTER.**

(a) Definition. UTILITY OR GOVERNMENT SERVICE CENTER means a public or private facility for the storage of supplies, and the repair and maintenance of operational equipment.

(b) Required off-street parking. The off-street parking requirement for a utility or government service center is one space per 2,000 square feet of site area; a minimum of four spaces is required.

(c) Required off-street loading. The off-street loading requirement for a utility or government service center is as follows:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(d) Additional provisions. The following additional provisions apply to a utility or government service center:

(1) The outside storage portion of this use must be screened by a solid visual screen of at least nine feet in height.

(2) Outside storage may not be stacked higher than nine feet.

(3) Paragraphs (1) and (2) and the area restrictions in Section 51A-4.217 do not apply to the outside storage of vehicles. (Ord. Nos. 20395; 24826)



**SEC. 51P-317.110.**

**GROUP HOME OR SHELTER PERMITTED, SUBJECT TO RESTRICTIONS, IN SUBDISTRICT 3.**

(a) Subject to the restrictions in Subsection (c), a group home or shelter for indigent or abused persons is permitted on the property described in Subsection (b) ("the Shelter Property").

(b) The Shelter Property is described as follows, to wit:  
Being a tract of land located in Block 439, Official City Number, in the City of Dallas, Texas, being part of the John Neely Bryan Survey, Abstract 495, Dallas County, Texas, being the property conveyed to Pure Ice and Cold Storage Company by deeds recorded in Volume 65692, Page 264, Volume 65693, Page 16, and Volume 6577, Page 404 of the Deed Records of Dallas County, Texas, and being described more particularly as follows:

BEGINNING at the intersection of the southwest line of Griffin Street with the southeast line, as widened, of Cadiz Street, said beginning point being the east corner of the strip of land conveyed to the City of Dallas for widening Cadiz Street described in Volume 17, Page 311 of the Minutes of County Court No. 2 of Dallas County;

Thence S 43°18' E along the southwest line of Griffin Street, a distance of 391.29 feet to a point at the east corner of said tract described in Volume 65717, Page 404;

Thence S 44°55'40" W along the southeast line of said tract, a distance of 91.87 feet to a point for corner on the northeasterly line of the 50.0 foot wide Gulf, Colorado & Santa Fe Railroad Right-of-Way;

Thence N 56°27' W along said Railroad Right-of-Way line, a distance of 399.94 feet to a point for corner on the southeast line of Cadiz Street at the south corner of said City of Dallas tract;

Thence N 45°14' E along the southeast line of Cadiz Street, a distance of 182.87 feet to the PLACE OF BEGINNING; and containing 53,776 square feet of land.

(c) The following restrictions apply to the group home or shelter use authorized under Subsection (a):

(1) Development on the Shelter premises ~~Property~~ must comply with the site and landscape plan (Exhibit 317C).

(2) The maximum number of overnight guests permitted on the Shelter Property is 500. Single-bed sleeping quarters must have a minimum usable floor area of 125 square feet. Sleeping quarters containing two or more beds must have a minimum usable floor area that is equal to or greater than 60 square feet times the number of beds in the room. This paragraph does not apply during extreme weather conditions. For purposes of this paragraph, the term "bed" means a piece of furniture, mat, cushion, or other device on or in which a person may lie and sleep; and the term "extreme weather conditions" means any day during which at any time the wind chill factor is 32 degrees Fahrenheit or less.

(3) No less than seven professionally-trained security guards must be on duty to secure the building and ground at all times.

(4) Ingress and egress to and from the facility through its main entrance is prohibited between the hours of 10:00 p.m. and 5:30 a.m. each day, and at least one professionally-trained security guard must be stationed at any other entrance to the facility used for ingress or egress during this time period.

(5) Required off-street parking is one space per 3,000 square feet of residential area, plus one space per 500 square feet of office area. If more than 10 off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(6) Required off-street loading must be provided as follows:

<b><u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u></b>	<b><u>TOTAL REQUIRED SPACES OR BERTHS</u></b>
<b>0 to 50,000</b>	<b>NONE</b>
<b>50,000 to 150,000</b>	<b>1</b>
<b>Each additional 100,000 or fraction thereof</b>	<b>1 additional</b>

(7) Landscaping must be provided on the Shelter premises ~~Property~~ as shown on the site and landscape plan. ~~All landscaping must be installed within six months after the passage of Ordinance No. 20822.~~ All plant materials must be maintained in a healthy, growing condition at all times.

(8) Use of the Shelter premises ~~Property~~ must comply with all applicable federal and state laws and regulations, and with all applicable ordinances, rules, and regulations of the city. At least once every two years, the city staff shall:

(A) inspect the Shelter premises ~~Property~~ to confirm adherence to all applicable codes relating to operations; and

(B) ascertain general neighborhood conditions surrounding the Shelter premises ~~Property~~, including housing conditions and crime statistics for the area. (Ord. Nos. 20822; 24826; 25160; 26102; 27133; 27573)

**SEC. 51P-317.111.**

**SEAFOOD PROCESSING FACILITY.**

(a) Definition. SEAFOOD PROCESSING FACILITY means an industrial facility where the processing of edible fish, edible shellfish, and edible seafood related products, including but not limited to seafood salads and sauces, takes place wholly within an enclosed building. Notwithstanding anything contained herein to the contrary, the processing of beef, pork, and poultry is prohibited.

(b) Required off-street parking. The off-street parking requirement for a seafood processing facility is one space per 500 square feet of floor area. ~~If more than 10 off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(c) Required off-street loading. The off-street loading requirement for a seafood processing facility is as follows:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(Ord. Nos. 22003; 24826)

**SEC. 51P-317.112.**

**ART OR CRAFT PRODUCTION FACILITY.**

(a) Definition. ART OR CRAFT PRODUCTION FACILITY means a facility for the production of handcrafted art or craft products on a small scale, involving processes including, but not limited to, kiln-firing, glass-blowing, welding, or woodworking. In order to qualify as an art or craft production facility, a facility must meet all of the following requirements:

- ~~(1) It must have a floor area of 5,000 square feet or less.~~
- (2) It must limit the delivery and pick-up of materials to twice a week or less.
- ~~(3) It must not conduct business, including producing art or craft products, between 7:00 p.m. and 7:00 a.m.~~

(b) Required off-street parking. The off-street parking requirement for an art or craft production facility is one space per 1,000 square feet of floor area. ~~If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(c) Required off-street loading. The off-street loading requirement for an art or craft production facility is one space. (Ord. Nos. 24872; 26894; 27133)

**SEC. 51P-317.113.**

**COMMERCIAL ENGRAVING/ETCHING FACILITY.**

(a) Definition. COMMERCIAL ENGRAVING/ETCHING FACILITY means a facility for making engraved, etched, or silk-screened items or laminating paper, plastic, or metal.

(b) Required off-street parking. The off-street parking requirement for a commercial engraving/etching facility is one space per 1,000 square feet of floor area. ~~If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~

(c) Required off-street loading. The off-street loading requirement for a commercial engraving/etching facility is one space.

(d) Floor area. Maximum floor area for a commercial engraving/etching facility is 45,000 square feet. The building containing the commercial engraving/etching facility use must be wholly enclosed. (Ord. 27402)

**SEC. 51P-317.114.**

**RECYCLING CENTER.**

(a) Definition. RECYCLING CENTER means a facility wholly enclosed within a building used for the collection and temporary storage of recyclable materials.

(b) Receiving recyclable materials. The recycling center shall not purchase any recyclable materials from a person who does not deliver the recyclable materials to the recycling center in a motor vehicle or in a trailer attached to a motor vehicle.

(c) Required off-street parking. The minimum off-street parking requirement is one space per 1,000 square feet of floor area.

(d) Additional provisions:

(1) Mechanical processing of permitted recyclable materials is limited to crushing, bailing, and shredding.

(2) Materials stored at this use must be removed at least once a week or before reaching capacity. The facilities must be maintained in proper repair and the exterior must have a neat and clean appearance.

(3) The maximum floor area may be established in the ordinance granting the SUP.

(4) No more than one recycling use is permitted on a building site.

(5) This use must be located at least 1,000 feet from another recycling use. Measurements of distance under this paragraph are taken radially. "Radial" measurement means a measurement taken along the shortest distance between the nearest point of the building sites where recycling uses are located. This use is considered a recycling use for spacing requirements.

(6) The collection of hazardous waste, as defined in Section 51A-4.206(4)(A)(iii), is prohibited.

(7) An SUP for this use may not be granted for more than a two-year period.

(Ord. 29197)

**SEC. 51P-317.115. ACCESSORY DWELLING UNIT (ADU)**

(a) ACCESSORY DWELLING UNIT (ADU) means an accessory use, rentable additional dwelling unit, subordinate to the main unit, located on a building site with a single family use.

(1) An accessory dwelling unit may not be sold separately from the main building.

(2) Yard, lot, and space regulations.

(A) In general. Except as provided in this subsection, the yard, lot, and space regulations of the underlying zoning remain in effect.

(B) Side and rear yard.

(i) If the structure containing the accessory dwelling unit is less than 15 feet in height and is located in the rear 30 percent of the lot, minimum side yard is three feet.

(ii) If the structure containing the accessory dwelling unit is less than 15 feet in height, minimum rear yard is three feet.

(iii) Structures 15 feet or more in height containing accessory dwelling units must comply with the side and rear yard setbacks of the base zoning.

(C) Floor area.

(i) Detached accessory dwelling unit.

(aa) Minimum floor area is 200 square feet.

(bb) Maximum floor area is the greater of 700 square feet or 25 percent of the main structure.

(ii) Attached accessory dwelling unit. Maximum floor area is the greater of 700 square feet or 25 percent of the main use.

(D) Height.

(i) General. Except as provided in this subparagraph, the maximum height of the structure containing the accessory dwelling unit cannot exceed the height of the main dwelling unit.

(ii) Accessory dwelling units located above detached garages. For accessory dwelling units located over detached garages, maximum height is the maximum height allowed in that zoning overlay.

(E) Location.

(i) An accessory dwelling unit may not be located in front of a main structure.

(ii) The Board of Adjustment (BDA) may grant a special exception to authorize the placement of an accessory dwelling unit in front of a structure when, in the opinion of the board, the accessory dwelling unit:

(aa) will not adversely affect neighboring properties;

(bb) will not be contrary to the public interest; and

(cc) denial of the special exception will unduly burden the property.

(F) Off-street parking.

(i) Except as provided in this paragraph, a minimum of one space is required.

(ii) Off-street parking is not required for an accessory dwelling unit located within 1,200 feet of a DART bus or transit stop.

(G) Stories. Maximum number of stories for an accessory dwelling unit is one.

(H) Utility meters. A lot with an accessory dwelling unit may be supplied by not more than two electrical utility services, and metered by not more than two electrical meters.

(I) Single family rental program. The rental unit must be registered in the city single family rental program.

(J) If there is a conflict between this section and the single-family use regulations in Section 5 1A-4.209, this section controls.

**Steering Committee Recommendation:**

(K) Owner occupancy. owner occupancy is not requirement.

**Staff Recommendation:**

(K) Owner occupancy.

(i) The property owner must reside in the main structure or the accessory dwelling unit during the tenancy;

(ii) The owner may be absent for one year with director approval.

**Staff Addition:**

**SEC. 51P-317.116**

**VISIBILITY TRIANGLE**

Visibility Triangle means:

(a) A primary street intersects with another street or another primary street, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;

(b) rest of the streets within the District intersects, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection; and

(c) where an alley or driveway intersects with a street, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

SEC. 51P-317.117.

USE REGULATIONS AND DEVELOPMENT STANDARDS.

The following use regulations and development standards apply in the various subdistricts and are summarized in the chart attached as Exhibit 317D. In the event of a conflict, the text in this section controls over the graphic representations and text in Exhibit 317D.

(a) Subdistrict 1 (Moderate Density Residential).

(1) Purpose. To encourage the development of a stable mix of low and moderate density residential land uses alone or in combination with limited office and retail land uses in areas that are isolated from heavy traffic routes; to encourage development patterns that support alternative modes of transportation; and to encourage the preservation of structures with historic value.

(2) Main uses permitted.

(A) Agricultural uses.

Urban Garden.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Art or craft production facility.

-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

-- Child-care facility. *[SUP]*

-- Church.

-- College, university, or seminary. *[SUP]*

-- Community service center. *[SUP]*

-- Library, art gallery or museum

-- ~~Convalescent and nursing homes and related institutions.~~

*[SUP]*

-- ~~Convent or monastery.~~

(E) Lodging uses.

-- Boutique hotel

-- Bed and Breakfast



(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

- Office. *[L]*

(H) Recreation uses.

- Private recreation center, club, or area. *[SUP]*
- Public park, playground, or golf course.

(I) Residential uses.

- Duplex.
- Handicapped group dwelling.
- Multifamily.
- Single family.
- Retirement housing

(J) Retail and personal service uses.

- ~~Dry cleaning or laundry store. *[L]*~~
- ~~General merchandise or food store 3,500 square feet or less. *[L]*~~
- ~~Personal service uses. *[L]*~~
- ~~Bar, lounge, or tavern. *[SUP]*~~
- ~~Nursery, garden shop or plant sales. *[SUP]*~~

(K) Transportation uses.

- Transit passenger shelter.

(L) Utility and public service uses.

- Electrical substation. *[SUP]*
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station. *[SUP]*
- Post office. *[SUP]*
- Utility or government installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

-- Office showroom/warehouse [R]

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

(A) The following accessory uses are permitted in this subdistrict:

- Amateur communications tower. [SUP]
- Accessory Dwelling Unit
- Home Occupation
- Occasional sales (garage sales)
- Pedestrian skybridges. [SUP]
- Swimming pool (private)
- Live Unit

(4) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this paragraph 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 paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.

**Steering Committee Recommendation:**

No minimum front yard

**Staff Recommendation:**

- (A) Front yard.
- (i) Front yard facing the primary street must have a minimum setback of 0 feet and maximum setback of 10 feet;
  - (ii) For a Legacy Building, if a front yard is provided no maximum setback is required;
  - (iii) All other streets must have a minimum setback of 0 feet and maximum setback of 5 feet.

(B) Side and rear yard. No side and rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.

**Staff Addition:**

(B) Side and rear yard.  
(ii) For a Legacy Building, if a side yard and rear yard is provided no minimum setback is required;

(C) Dwelling unit density. Maximum dwelling unit density is 160 dwelling units per acre.

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

(E) Height. Maximum structure height is 90 feet.

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

(G) Lot size. No minimum lot size.

(H) Stories. No maximum number of stories.

(6) Environmental performance standards. See Article VI.

(7) Maximum nonpermeable coverage of a lot is 85 percent.

(b) Subdistrict 2, 2A, 2B, and 2C (Moderate Density Mixed Use Corridors).

(1) Purpose. To encourage the development of moderate-density office, lodging, retail, and residential uses in compatible combinations along the main street corridors that serve the Cedars Area Special Purpose District; to encourage development that supports increased pedestrian and bicycle use; and to encourage the preservation of structures with historic value.

(2) Main uses permitted.

(A) Agricultural uses.

Urban Garden.

(B) Commercial and business service uses.

- Building repair and maintenance shop. [RAR]
- Catering service. [RAR]
- Custom business services. [RAR]
- Commercial engraving/etching facility. [SUP.]
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. [RAR]
- Medical or scientific laboratory. [RAR]
- Technical school. [RAR]

[RAR]

(C) Industrial uses.

- Alcoholic beverage manufacturing. [SUP.]
- Art or craft production facility.
- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

- Child-care facility [SUP].
- Church.
- College, university, or seminary [SUP].
- Community service center [SUP].
- Convalescent and nursing homes and related institutions.
- Convent or monastery.
- ~~Foster home.~~
- ~~Institution for special education.~~
- Library, art gallery, or museum.
- Public or private school.

[SUP]

(E) Lodging uses.

- Boutique hotel
- Bed and Breakfast

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- Hotel or motel.
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[SUP]*
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

- Duplex.
- Handicapped group dwelling.
- Multifamily.
- Single family.
- Retirement housing

(J) Retail and personal service uses.

- Animal shelter or clinic without outside run. *[RAR]*
- ~~Auto service center. *[RAR]*~~
- Bar, lounge, or tavern. *[SUP]*
- Business school.
- Car wash. *[RAR SUP]*
- Commercial amusement (inside). *[SUP] may be required. See Section 51A 4.210(b)(7)(B). SUP in Subdistrict 2C when operated on a roof.]*
- Commercial parking lot or garage. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less. *[RAR]*

- General merchandise or food store greater than 3,500 square feet. *[RAR]*
- Household equipment and appliance repair.
- Liquor Store *[SUP]*
- Microbrewery, microdistillery, and winery. ~~*[Only in Subdistrict 2B by [SUP].]*~~
- Motor vehicle fueling station. *[RAR SUP]*
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through services. *[DIR]. SUP in Subdistrict 2C when operated on a roof.]*
- Restaurant without drive-in or drive-through service. ~~*[RAR. SUP in Subdistrict 2C when operated on a roof.]*~~
- Temporary retail use.
- Theater. *[RAR]*
- Surface parking *[RAR]*

(K) Transportation uses.

- Transit passenger shelter.

(L) Utility and public service uses.

- Commercial radio or TV transmitting station *[RAR]*
- Electrical substation. *[SUP]*
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station. *[RAR]*
- Post office. *[RAR]*
- Utility or government installation other than listed. *[SUP]*
- Utility or government service center. *[See Section 51P-317.108.]*

(M) Wholesale, distribution, and storage uses.

- Mini-warehouse. *[RAR]*
- Office showroom/warehouse. *[RAR]*
- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
- Warehouse. *[RAR]*

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

(A) The following accessory uses are permitted in this subdistrict:

- Accessory Dwelling Unit
- Accessory community center (private).
- Accessory electric vehicle charging station.
- Accessory game court (private).
- Accessory medical/infectious waste incinerator. [SUP].
- Accessory outside display of merchandise
- Accessory outside storage
- Accessory pathological waste incinerator [SUP]
- Amateur communication tower [SUP]
- Home occupation.
- Live unit
- Occasional sales (garage sales).
- Swimming pool (private).
- Pedestrian skybridges [SUP]

- (6) Environmental performance standards. See Article VI.

percent. (7) Nonpermeable coverage. Maximum nonpermeable coverage of a lot is 90

(c) Subdistrict 3 and 3B (Freeway-oriented High Density Mixed Use).

(1) Purpose. To encourage high-density office, lodging, retail, and residential uses along the Interstate Highway 30 frontage, and to encourage development that takes advantage of the regional freeway access and the excellent downtown views while preserving these views for other subdistricts in the Cedars Area Special Purpose District.

(2) Main uses permitted.

(A) Agricultural uses.

~~None permitted.~~

Urban Garden.

(B) Commercial and business service uses.

- ~~Building repair and maintenance shop.~~
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Medical or scientific laboratory.
- Technical school.
- Catering service. [R]
- Commercial engraving and etching facility [SUP]

(C) Industrial uses.

- Art or craft production facility.
- Seafood processing plant. *[See Section 51P-317.110.]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*
- Alcohol beverage manufacturing [SUP]
- Art or craft production facility. [See Section 51P-317.110.5.]

(D) Institutional and community service uses.

- Child-care facility. [SUP]
- Church.
- College, university, or seminary. *[SUP]*
- Community service center. *[SUP]*
- Convalescent and nursing homes and related institutions. *[SUP]*
- Convent or monastery. *[SUP]*
- ~~Foster home.~~



- Group home or shelter for indigent or abused persons. *[This use is only allowed as specifically provided in Section 51P-317.109 of this article.]*
- ~~Hospital.~~
- Library, art gallery, or museum.
- Public or private school.

(E) Lodging uses.

- Boutique hotel
- Bed and Breakfast

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- Hotel or motel.
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[SUP]*
- Medical clinic or ambulatory surgical center. *[SUP]*
- Office.

(H) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

- Duplex
- Handicapped group dwelling

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- Multifamily.
- Single family.

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- Retirement housing

(J) Retail and personal service uses.

- Animal shelter or clinic without outside run.
- Auto service center. *[SUP]*
- Bar, lounge, or tavern.
- Business school.

- Car wash.
- Commercial amusement (inside). [*SUP may be required. See Section 51A-4.210(b)(7)(B).*]
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Household equipment and appliance repair.
- Liquor store. [*SUP*]
- Microbrewery, microdistillery, and winery. [*SUP*]

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- ~~Mortuary, funeral home, or commercial wedding chapel.~~
- Motor vehicle fueling station. [*SUP*]
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through service. [*DIR*]
- Restaurant without drive-in or drive-through service.
- Surface Parking
- Temporary retail use.
- Theater.

(K) Transportation uses.

- Transit passenger shelter.
- Heliport
- Railroad passenger station
- Transit passenger shelter

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- Transit passenger station or transfer center [*SUP*]

(L) Utility and public service uses.

- Commercial radio or TV transmitting station.
- Electrical substation. [*SUP*]
- Local utilities. [*SUP or RAR may be required. See Section 51A-4.212(4).*]
- Police or fire station.
- Post office.
- Tower/antenna for cellular communication. [*SUP. See Section 51A-4.212(10.1).*]
- Utility or government installation other than listed. [*SUP. See Section 51P-317.108.*]

(M) Wholesale, distribution, and storage uses.

- ~~Mini-warehouse.~~
- Office showroom/warehouse.

- Recycling drop-off container. [See Section 51A-4.213(11.2).]
- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
- Warehouse

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

(A) The following accessory uses are permitted in this subdistrict:

- Accessory Dwelling Unit
- Accessory community center (private).
- Accessory electric vehicle charging station.
- Accessory game court (private).
- Accessory helistop. [SUP]
- Accessory medical/infectious waste incinerator [SUP].
- Accessory outside display of merchandise
- Accessory outside storage
- Accessory pathological waste incinerator [SUP]
- Amateur communication tower [SUP]
- Home occupation.
- Live unit
- Occasional sales (garage sales).
- Swimming pool (private).
- Pedestrian skybridges [SUP]

(4) Environmental performance standards. See Article VI.

(5) Nonpermeable coverage. Maximum nonpermeable coverage of a lot is 90 percent.

(6) Shared access development in Tract 1 of Subdistrict 3B.

(i) In Tract 1 of Subdistrict 3B, a shared access development is considered one lot for the purposes of determining lot coverage.

(ii) Shared access easement drives must be provided as shown on the conceptual plan for Subdistrict 3B (Exhibit 317E) and the development/landscape plan for Tract 1 in Subdistrict 3B (Exhibit 317F).

(iii) All street and drive pavement widths must be measured perpendicularly from the edge of the pavement to the opposite edge of the pavement.

(iv) Beaumont Street must have a minimum right-of-way width of 50 feet with a minimum pavement width of 33 feet. On Cockrell Avenue and McKee Street, minimum pavement width is 20 feet and minimum right-of-way width is 59 feet as shown on the typical street section for Subdistrict 3B (Exhibit 317H).

(v) Minimum visibility triangles are required at all driveways and intersections with public streets. At all driveways and intersections, visibility triangles must be 10 feet by 10 feet for interior intersections of shared access easement drives, 20 feet by 20 feet for shared access easement drives at street intersections; 30 feet by 30 feet at the intersection of Wall Street and Beaumont Street and at the intersection of Beaumont Street and Cockrell Avenue; and 45 feet by 45 feet at the intersection of Cockrell Avenue and McKee Street.

(vi) A minimum of six feet must be provided by plat between each group of single-family structures. No more than eight single-family structures are permitted per group.

(vi) Maximum number of dwelling units is 90.

(vii) Lots may have frontage on two opposite sides.

(viii) Mailboxes are allowed in common areas.

(ix) maximum lot coverage for Tract 1 of Subdistrict 3B is 85 percent.

(x) Yard, lot, space, height, parking:

(A) Front Yard: minimum front yard is five feet. Cantilevered roof eaves, steps, stoops, and balconies may project up to five feet into required front yards.

(B) Side and rear yard.

(i) Except as provided in this subparagraph, no side or rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.

(ii) For a shared access development in Subdistrict 3B, if a side or rear yard is provided, the 10 foot minimum setback is not required.

(C) Dwelling unit density. No maximum dwelling unit density.

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

(i) 4.5 for a structure with at least 50 percent of its total floor area devoted to residential uses and 50 percent or more of the ground floor area is restricted to retail and personal services uses; and

(ii) 4.0 for all other structures.

(E) Height. Maximum structure height is:

(i) 270 feet for a structure where at least 50 percent of its total floor area devoted to residential uses and 50 percent or more of the ground floor area is restricted to retail and personal services uses;

(ii) 55 feet for a residential development in Tract 1 of Subdistrict 3B; and

(iii) 90 feet for all other structures.

(F) Maximum lot coverage is 80 percent in all other cases.

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

(C) Lot size. No minimum lot size.

(D) Stories. No maximum number of stories.

(E) Parking. Except as provided in this subparagraph, two off-street parking spaces are required per dwelling unit.

(i) Guest parking. A 0.25 parking space is required per dwelling unit. These spaces may cross lot lines.

(ii) On-street parking. A minimum of 23 on-street parking spaces must be provided as shown on the development plan for Tract 1 of Subdistrict 3B.

(iii) Accessory uses. No parking is required for accessory uses, such as a sales office, accessory community center (private) or fitness center, provided the accessory use is principally for the residents.

(e) Subdistrict 4 (Warehouse/Residential Transition).

(1) Purpose. To accommodate warehouse and distribution, commercial and business service, retail, and multifamily residential uses; and to encourage transition to a loft-style mixed residential and commercial environment.

(2) Main uses permitted.

(A) Agricultural uses.

~~None permitted.~~

Urban Garden.

(B) Commercial and business service uses.

- Building repair and maintenance shop.
- Bus or rail transit vehicle maintenance or storage facility.
- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing.
- Machine or welding shop.
- Machinery, heavy equipment, or truck sales and services.
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.
- ~~Vehicle or engine repair or maintenance.~~
- Labor Hall

(C) Industrial uses.

- Alcohol beverage manufacturing [SUP]
- Art or craft production facility. *[See Section 51P-317.110.5.]*
- Industrial (inside) light manufacturing.
- ~~Industrial (outside) not potentially incompatible.~~
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

- ~~Cemetery or mausoleum. [SUP]~~
- Child-care facility. *[SUP]*
- Church.
- Library, art gallery or museum
- ~~Convent or monastery.~~
- ~~Hospital.~~
- Public or private school. *[SUP]*

(E) Lodging uses.

- Boutique hotel
- Bed and Breakfast

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- Hotel or motel.
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). [*By special authorization of the building official.*]
- Temporary construction or sales office.

(G) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. [~~DIR-SUP~~]
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

- Multifamily.
- Retirement housing

(J) Retail and personal service uses.

- ~~Ambulance service.~~
- Animal shelter or clinic without outside run.
- Auto service center.
- Bar, lounge, or tavern.
- Business school.
- Car wash. [~~SUP~~]
- Commercial amusement (inside). [~~SUP may be required. See Section 51A-4.210(b)(7)(B).~~]
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.

- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard.
- Household equipment and appliance repair.
- Liquor store. *[SUP]*
- Microbrewery, microdistillery, and winery. *[SUP]*
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station. *[SUP]*
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through service. *[DIR]*
- Restaurant without drive-in or drive-through service.
- Surface Parking
- Texidermist
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service.

(K) Transportation uses.

- ~~Commercial bus station and terminal.~~
- Heliport.
- Helistop. *[SUP]*
- Transit passenger shelter.

(L) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station.
- Post office.
- Radio, television, or microwave tower.
- Utility or government service center. *[See Section 51P-317.108.]*
- Utility or government installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

- ~~Auto auction.~~ *[SUP]*
- ~~Contractor's maintenance yard.~~
- Mini-warehouse.
- Petroleum product storage & wholesale *[SUP]*
- Office showroom/warehouse.
- Outside storage (with visual screening).
- Recycling center. *[SUP. Subdistrict 4A only.]*



- Recycling collection center.
- Trade Center
- Warehouse.

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

(A) The following accessory uses are permitted in this subdistrict:

- Accessory Dwelling Unit
- Accessory community center (private).
- Accessory electric vehicle charging station.
- Accessory game court (private).
- Accessory helistop. [SUP]
- Accessory medical/infectious waste incinerator [SUP].
- Accessory outside display of merchandise
- Accessory outside storage
- Accessory pathological waste incinerator [SUP]
- Amateur communication tower [SUP]
- Home occupation.
- Live unit
- Occasional sales (garage sales).
- Swimming pool (private).
- Pedestrian skybridges [SUP]

(4) Environmental performance standards. See Article VI.

(5) Nonpermeable coverage. Maximum nonpermeable coverage of a lot is 85 percent.

**Yard, lot, and space regulations for Subdistrict 2, Subdistrict 3 and Subdistrict 4.**

**Steering Committee Recommendation:**

(A) Front yard. There is no minimum front yard.

**Staff Recommendation:**

(A) Front yard.  
(i) Front yard facing the primary street must have a minimum setback of 0 feet and maximum setback of 10 feet;  
(ii) For a Legacy Building, if a front yard is provided no maximum setback is required;  
(iii) All other streets must have a minimum setback of 0 feet and maximum setback of 5 feet.

(B) Side and rear yard.

- (i) Minimum side yard is:
  - (aa) five feet for duplex structures;
  - (bb) 10 feet for multifamily structures 36 feet or less in height; and
  - (cc) no minimum in all other cases.
- (ii) Minimum rear yard is:
  - (aa) 10 feet for duplex structures;
  - (bb) 15 feet for multifamily structures 36 feet or less in height; and
  - (cc) no minimum in all other cases.

**Staff Addition:**

(B) Side and rear yard.  
(ii) For a Legacy Building, if a side yard and rear yard is provided no minimum setback is required;

(C) Dwelling unit density. No maximum dwelling unit density.

**Steering Committee Recommendation:**

FAR, Height and Lot Coverage:

- (D) Floor area ratio. Maximum floor area ratio is 20.0.
- (E) Height. Maximum structure height is any legal height.
- (F) Lot coverage. Maximum lot coverage is 100 percent.

**Staff Recommendation:**

FAR, Height and Lot Coverage:

- (D) Floor area ratio. floor area ratio is 6.
- (E) Height. 300 feet.
- (F) Lot coverage. lot coverage is 80 percent.

**Staff Addition:**

Mixed Income Housing Development Bonus:

(A): if the provisions of Section 51P-1317. XXX are met and a minimum of five percent of the units are available to households earning between 51 and 60 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices; then

Floor area ratio. floor area ratio is 7.

Height. 300 feet.

Lot coverage. lot coverage is 85 percent.

(B): if the provisions of Section 51P-1317. XXX are met and a minimum of five percent of the units are available to households earning between 51 and 60 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices and a minimum of five percent of the units are available to households earning between 61 percent and 80 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices; then

Floor area ratio. floor area ratio is 8.

Height. 400 feet.

Lot coverage. lot coverage is 85 percent.

(C): if the provisions of Section 51P-1317. XXX are met and a minimum of five percent of the units are available to households earning between 51 and 60 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices and a minimum of five percent of the units are available to households earning between 61 percent and 80 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices and an additional five percent of the units are available to households earning between 81 percent and 100 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices; then

Floor area ratio. floor area ratio is 9.

Height. 400 feet.

Lot coverage. lot coverage is 85 percent.

**Staff Addition:**

Purpose. A high-speed-rail bonus is provided to encourage high density mixed-use development near the High-Speed Rail. The bonus is given to the properties within a 1/2 a mile radius of the High-Speed Rail, if the following standards are met:

(1) Mix of uses (minimum of 3 uses): Lodging, Office, Residential, Retail and personal service uses.

(2) limit the residential use no more than 50% of the development;

(2a) If residential use is more than 50% of the development, then the provisions of Section 51P-1317. XXX are met and a minimum of five percent of the units are available to households earning between 51 and 60 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices and a minimum of five percent of the units are available to households earning between 61 percent and 80 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices and an additional five percent of the units are available to households earning between 81 percent and 100 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices.

(3) enhanced pedestrian amenities as per Section 51P-317. 214. (c) (4); and

(4) active uses on the ground and upper floor; then

(A) Floor area ratio. Maximum floor area ratio is 20.0.

(B) Height. Maximum structure height is 500 feet.

(C) Lot coverage. Maximum lot coverage is 85 percent.

(G) Lot size. Minimum lot area per dwelling unit is as follows:

TYPE OF STRUCTURE	MINIMUM LOT AREA PER DWELLING UNIT
<u>Single family</u>	<u>1000 sq. ft.</u>
<u>Duplex</u>	<u>2500 sq. ft.</u>
<u>Multifamily:</u>	
<u>  No separate bedroom</u>	<u>50 sq. ft.</u>
<u>  One bedroom</u>	<u>65 sq. ft.</u>
<u>  Two bedrooms</u>	<u>75 sq. ft.</u>
<u>  More than two bedrooms (Add this amount for each bedroom over two)</u>	<u>10 sq. ft.</u>

(H) Stories. No maximum number of stories.

      (6) Environmental performance standards: Article VI.

      (7) Landscape regulations: Article X.

      (8) Additional provisions.

          (A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

(g) Subdistrict 5 (Old City Park Institutional).

(1) Purpose. To encourage the preservation of open space and the development of compatible institutional, residential, and retail land uses; and to protect the city institution of Old City Park.

(2) Main uses permitted.

(A) Agricultural uses.

- Crop production.
- Urban Garden

(B) Commercial and business service uses.

- Custom woodworking, furniture construction, or repair.
- Machine or welding shop.

(C) Industrial uses.

- Art or craft production facility.
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

- Church.
- Community service center. *[SUP]*
- Library, art gallery, or museum.
- Public or private school. *[SUP]*

(E) Lodging uses.

- Boutique hotel
- Bed and Breakfast

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- Hotel or motel.
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

- Office.

- (H) Recreation uses.
  - Public park, playground, or golf course.
- (I) Residential uses.
  - None permitted.
- (J) Retail and personal service uses.
  - Commercial amusement (inside). [~~SUP may be required. See Section 51A-4.210(b)(7)(B).~~]
  - Commercial parking lot or garage
  - Furniture store.
  - Nursery, garden shop, or plant sales.
  - Surface parking
  - Personal service uses.
  - Restaurant without drive-in or drive-through service.
  - Temporary retail use.
  - Theater.
- (K) Transportation uses.
  - Transit passenger shelter.
- (L) Utility and public service uses.
  - Local utilities. [~~SUP or RAR may be required. See Section 51A-4.212(4).~~]
  - Police or fire station.
  - Post office.
  - Utility or government installation other than listed. [~~SUP~~]
- (M) Wholesale, distribution, and storage uses.
  - None permitted

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



(A) The following accessory uses are permitted in this subdistrict:

- Accessory community center (private).
- Accessory electric vehicle charging station.
- Accessory game court (private).
- Accessory helistop. [SUP]
- Accessory medical/infectious waste incinerator [SUP].
- Accessory outside display of merchandise
- Accessory outside storage
- Accessory pathological waste incinerator [SUP]
- Amateur communication tower [SUP]
- General waste incinerator

(4) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this paragraph 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 paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard. No side and rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is 0.5.

(E) Height. Maximum structure height is 70 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. No maximum number of stories.

(6) Environmental performance standards. See Article VI.

(7) Nonpermeable coverage. Maximum nonpermeable coverage of a lot is 85 percent.

**SEC. 51P-317.118. SIGNS**

Signs must comply with the provisions for business zoning districts in Article VII.

**Staff Addition:**

Except when located on a legacy building:

(a) When located on the 1703 S Ervay Street and 1711 S Ervay Street Building the following modifications to attached signs apply:

(1) No single face of a marquee sign may exceed 75 square feet in effective area.

(2) Marquee signs may project up to nine feet from a vertical building plane of a legacy building.

(3) One attached premise sign projecting no more than nine feet from the vertical facade of a legacy building is allowed.

(4) No single face of a sign projecting more than 18 inches from the vertical facade of a legacy building may exceed 90 square feet in effective area.

**SEC. 51P-317.119.**  
**PARKING.**

**OFF STREET PARKING, LOADING, AND BICYCLE**

**Staff Addition:**

- (a) Bicycle parking. Consult bicycle parking regulations in Division 51 A-4.330 for bicycle parking requirements.
- (b) Parking is not allowed in front yard setback.
- (C) Off street parking screening as per 51A.4.602 (b) is required.

**Steering Committee Recommendation:**

Off-street parking and loading.

- (a) In Subdistricts 2, 3, and 4, for all uses except single family and duplex, off-street parking is only required for a building built after June 1, 1981, or an addition to an existing building, at a ratio of one parking space for each 2,000 square feet of floor area which exceeds 5,000 square feet. No off-street parking is required for a building with 5,000 square feet or less of floor area. If there is a conflict, this paragraph controls over other off-street parking regulations in this chapter. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

**Staff Recommendation:**

Off-street parking and loading.

(A) In general. Except as provided in this article, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Tandem parking. For multifamily uses, tandem parking is permitted.

(C) Multifamily. One off-street parking space per bedroom per dwelling unit is required; not less than one space or more than two spaces are required for each dwelling unit.

(D) On-street parking credit. Required parking for nonresidential and multifamily uses may be reduced by one space for every parking space in the street right-of-way abutting the use. To receive credit, parking spaces must be marked per city regulations and must be approved by the director of public works and transportation.

(i) An on-street parking space may not be used to reduce the required parking for more than one use (i.e. it cannot be counted more than once as a space for a use), except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ( $8 \div 24 = \text{one-third}$ ). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(iii) If the director of public works and transportation determines that on-street parking in the street right-of-way abutting the use, approved in accordance with Paragraph (5)(D), has become a traffic hazard and prohibits the on-street parking, the on-street parking credit will be treated as a delta credit.

**Staff Addition:**

( E ) A loading space for Multifamily shall be provided.

**SEC. 51P-317.119.1. PARKING REDUCTION**

(a) Pedestrian amenities parking reduction.

(1) Parking for uses on a lot that are located within 1,500 feet of a Dallas Area Rapid Transit (DART) light rail station may be reduced by 40 percent if enhanced pedestrian amenities are provided.

(2) To qualify,  
(A) the enhanced pedestrian amenities must be located within the pedestrian amenities area on the lot or on the parkway abutting the lot receiving the reduction, and  
(B) the enhanced sidewalk must provide the shortest walking pathway to the DART light rail station.

(3) See Section 51P-317.124.1(c) for enhanced pedestrian amenities regulations.

**Staff Addition:**

(b) Ride Share Parking Reductions:

(1) A five percent parking reduction may be applied when a minimum of three parking spaces are designated as rideshare parking. Signs must be prominently displayed at each rideshare space. Each rideshare sign must:

- (A) illustrate or describe the rideshare space and the location of the main use;
- (B) be constructed of weather resistant material;
- (C) be no less than 30 inches wide and 24 inches long; and
- (D) contain clearly legible letters in a color that contrasts with the background material of the sign.

(c) Legacy Building Parking Reduction

(1) The off-street parking requirements for a lot with a legacy building may be reduced by 40 percent; and

(2) This provision may not be combined with the pedestrian amenities parking reduction of Section 51P-317.124.1(c).

**SEC. 51P-317.119.2. REMOTE PARKING**

Remote Parking: Remote parking distance up to 1300 feet is allowed by providing enhanced pedestrian amenities along pathways connecting remote parking to the site served and permitted meeting the requirements of Division 51A-4.320, "Special Parking Regulations," are met. An agreement authorizing remote parking may be based on a lease of the remote parking spaces in lieu of a remote parking agreement only if the lease:

- (a) is in writing;
- (1) contains legal descriptions of the properties affected;
- (2) specifies the special parking being provided and the hours of operation of any use involved;
- (3) is governed by the laws of the state of Texas;
- (4) is signed by all owners of the properties affected;
- (5) is for a minimum term of three years; and
- (6) provides both the owner of the lot occupied by the main use and the owner of the remote parking lot shall notify the building official in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.
- (7) An agreement authorizing remote parking based on a lease is not required to be filed in the deed records.

**SEC. 51P-317.120. SIDEWALK STANDARDS**

**Staff Addition:**

(a) Sidewalks required. Except as provided in this section, the standards, provisions, and requirements of the Dallas City Code apply to all sidewalks. The street and sidewalk standards of this section apply only to new construction or a major modification.

(1) All sidewalks must be designed and constructed to be barrier-free to the handicapped and in accordance with the construction requirements contained in the Paving Design Manual and the Standard Construction Details of the City of Dallas.

(2) No certificate of occupancy may be issued until sidewalks are provided in accordance with this section.

(3) An existing sidewalk may be used to comply with this section if it meets the construction standards and the minimum unobstructed widths.

(4) Minimum sidewalk widths for New sidewalks: All lots must have a sidewalk along the street frontage with a minimum unobstructed width of six feet.

**SEC. 51P-317.121. MIXED-INCOME HOUSING**

**Staff Addition:**

(a) Except as provided in this section, compliance with Division 51A-4.1100 is required to obtain the density bonus in Section 51P-317.XXX.

(b) Compliance with Section 51A-4.1107 is not required.

**SEC. 51P-317.122. LANDSCAPING**

(a) In general. Except as provided in this section, landscaping must be provided in accordance with Article X.

**Staff Addition:**

(1) Renovations with 35% (or 10,000 sf) floor area increase or greater, or story and height increase only Article X and landscape requirements of Section 51A-10.125(b)(1), (2), and (4)(C).

(2) Surface parking lots: Article X and landscape requirements of Section 51A-10.125(b)(1), (2), (3), and (4).

(3) Screening of off-street parking per 51A-4.602 is required.



**SEC. 51P-317.123.**

**LANDSCAPING IN THE PARKWAY.**

(a) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owner, to the tenants (“property owner”) of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit in accordance with the Dallas Building Code, or Subsection (b) of this section. This private license shall not terminate at the end of any specific time period, 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 by the city of the necessity for such termination shall be final and binding and the city shall 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 rights-of-way in a manner satisfactory to the director of public works and transportation.

(2) A property owner is not required to comply with any landscaping requirement if compliance is made impossible due to the property management director’s revocation of a landscape permit or the revocation of the license granted herein affecting landscaping.

(3) Upon the installation of landscaping in the public rights-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 liability policy shall be on an “occurrence” basis and the city shall be named as 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 same are covered by this liability insurance policy.

(4) Each property owner shall be responsible for maintaining the landscaping 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. The granting of a license for landscaping under this section does not release the property owner from liability in the installation or maintenance of trees or landscaping in the public right-of-way.

(b) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees or other amenities in the parkway. An application for a parkway landscape permit must be made to the director of public works and transportation 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 planting or other amenities proposed.

(2) 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 construction and planting or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a parkway landscape permit to the property owner; otherwise, the director shall deny the permit.

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

(4) A parkway landscape 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 unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape 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. Nos. 20395; 24826; 24872; 25160)

**SEC. 51P-317.124.**

**PEDESTRIAN AMENITIES IN THE PARKWAY.**

(a) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owners, to the tenants ("property owner") of all parkway property in Subdistrict 1, 2, 3, 3A, 3C, and 4 (the "premises") for the exclusive purpose of authorizing compliance with the enhanced pedestrian amenities provisions of this article. A property owner is not required to pay an initial or annual fee for this license, although a fee maybe charged for issuance of a parkway amenities permit in accordance with the Dallas Building Code, or Subsection (b) of this section. This private license shall not terminate at the end of any specific time period, 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 by the city of the necessity for such termination shall be final and binding and the city shall 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 rights-of-way in a manner satisfactory to the director of mobility and street services

(2) A property owner is not required to comply with any enhanced pedestrian amenities requirement if compliance is made impossible due to the property management director's revocation of a parkway amenities permit or the revocation of the license granted herein affecting enhanced pedestrian amenities.

(3) Upon the installation of enhanced pedestrian amenities in the parkway, 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 that \$1,000,000 for each occurrence, with a \$2,000,000 annual aggregate. Coverage under this liability policy shall be on an "occurrence" basis and the city shall be named as 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 waived to the extent same are covered by the liability insurance policy.

(4) Each property owner shall be responsible for maintaining the enhanced pedestrian 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 enhanced pedestrian amenities. The granting of a license for enhanced pedestrian amenities under this section does not release the

property owner from liability in the installation or maintenance of trees, landscaping, and enhanced pedestrian amenities in the parkway.

(b) Parkway pedestrian amenities permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway pedestrian amenities permit before locating trees or other amenities in the parkway. An application for a parkway pedestrian amenities permit must be made to the director of public works and transportation 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 planting or other amenities proposed.

(2) 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 construction and planting or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a parkway pedestrian amenities permit to the property owner; otherwise, the director shall deny the permit.

(3) A parkway pedestrian amenities 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 unreasonably impairs the public use of the right-of-way.

(4) A property owner is not required to comply with any enhanced pedestrian amenities requirement of this section if compliance is made impossible due to the director's denial or revocation of a parkway pedestrian amenities permit.

(5) The issuance of a parkway pedestrian amenities 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.

(c) Enhanced pedestrian amenities. Enhanced pedestrian amenities refer to a higher standard of improvements in the enhanced pedestrian amenities area, aimed at increasing the attractiveness of the street for pedestrians. These amenities may be provided by property owners in order to take advantage of such incentives as increased ground coverage, reduced parking requirements, increased remote parking distance, and exemption from minimum permeable surface and site tree requirements.

(1) An enhanced pedestrian amenities area may not extend more than 30 feet from the curb, and must be accessible to the public at all times.

(2) To qualify, enhanced pedestrian amenities must be located on the lot or in the parkway abutting the lot receiving amenities credit.

(3) The following minimum amenity standards must be provided in order to qualify for the enhanced pedestrian amenity incentives provided in this article:

(A) Street trees. A minimum of one street tree per 25 feet of frontage in the pedestrian amenities area. See Article X street trees listing.

(B) Enhanced sidewalks.

(i) Enhanced sidewalks must be located within the pedestrian amenities area. (See Section 51P-317.123 for minimum unobstructed sidewalk requirements for each subdistrict.)

(ii) For lots fronting on Primary Streets and ~~Akard Street~~, Belleview Street, East Griffin Street, West Griffin Street, and ~~Lamar Street~~, a minimum sidewalk width of 10 feet must be provided.

(iii) For lots fronting on all other streets, a minimum sidewalk width of eight feet must be provided.

(iv) For lots with structure constructed before March 27, 2002 (effective date of Ordinance No. 24872 that established the pedestrian amenities regulations), if the building official determines that a structure's location makes the required minimum sidewalk width regulations unenforceable,

(aa) a minimum sidewalk width of six feet must be provided if the sidewalk is abutting an existing curb, or

(bb) a minimum sidewalk width of five feet must be provided if the sidewalk is not abutting the existing curb.

(C) Canopies and awnings. A minimum of 20 percent of the street facing facade width.

(4) The following optional amenities are encouraged and may be provided in addition to the minimum requirements specified above. These optional amenities are considered to be enhanced pedestrian amenities for the purpose of Subsections 51P-317.124.1(a) and (b), and are subject to the conditions in Paragraph 51P-317.124.1(c)(4):

(A) Flag poles.

(B) Public art.

(C) Tree or shrub planters.

(D) Water fountains.

(E) Newspaper racks.

(F) Pedestrian street lamps. A minimum of one per 50 feet of frontage in the pedestrian amenities area.

(G) Bicycle parking racks. A minimum of 5 bicycle parking spaces per 100 foot of frontage in the pedestrian amenities area.

(H) Benches. A minimum of one per 100 feet of frontage in the pedestrian amenities area.

(I) Trash receptacles. A minimum of one per 100 feet of frontage in the pedestrian amenities area.

(5) The following conditions must be met for provision of enhanced pedestrian amenities:

(A) All amenities must be placed in a manner that does not impede the movements of pedestrians on the sidewalk and automobiles on the street.

(B) All amenities must be placed in a manner that does not obstruct visibility triangles at street intersections.

~~SEC. 51P-317.114. NONCONFORMING USES AND STRUCTURES.~~

~~(a) The provisions of Section 51A-4.704 relating to nonconforming uses and structures apply to all uses and structures in this district, except as provided in this section.~~

~~(b) The right to operate a nonconforming use in this district shall automatically terminate on January 21, 2013, or ten years after the date the use became nonconforming, whichever is later.~~

~~(c) An owner of a nonconforming use in this district may request an extension of the compliance deadline in Subsection (b) by filing an application with the director on a form provided by the city for that purpose. The application must be filed at least 180 days before the deadline in Subsection (b). If a fee is required, the application shall not be considered filed until the fee is paid. Failure to timely file a complete application for extension shall constitute a waiver of the right to contest the reasonableness of the deadline in Subsection (b).~~

~~(d) Upon the filing of a complete application for extension, the board shall, in accordance with the law, determine whether it is necessary to extend the compliance deadline for the nonconforming use. The board shall consider the factors listed in Section 51A-4.704(a)(1)(D) in determining whether to grant the request for extension.~~

~~(e) If, based on evidence presented at the public hearing, the board finds that additional time is needed to recoup the owner's actual investment in the use before the use became nonconforming, the board shall grant the request for extension and establish a new compliance deadline consistent with its determination of a reasonable amortization period; otherwise, the board shall deny the request. If the board denies the request, the right to operate the nonconforming use shall automatically terminate on the deadline in Subsection (b), or 30 days after the date of the board's decision to deny, whichever is later. (Ord. Nos. 20395; 24826; 24872; 25160)~~

**SEC. 51P-317.125.**

**CERTIFICATE OF OCCUPANCY CONDITIONED ON COMPLIANCE.**

The building official shall not issue a certificate of occupancy for a use on the Property until there has been full compliance with this article and with the construction codes and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 20395; 24826; 26102)