

**Division 51A-4.200. Use Regulations.**

**SEC. 51A-4.201. AGRICULTURAL USES.**

(1) Animal production.

(A) Definition: An area which is used for the raising of animals (including fish) and the development of animal products on a commercial basis. Typical uses include beef or sheep ranching, dairy farming, piggeries, poultry farming, and fish farming.

(B) Districts permitted: By right in the A(A) district. By SUP only in non-residential districts.

(C) Required off-street parking: Two spaces. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In an A(A) district, a person shall not operate this use upon an area less than three acres. In non-residential districts, no minimum acreage is required.

(ii) Animals include but are not limited to pigs, chickens, turkeys, cows, sheep, goats, and horses.

(iii) Structures may be erected for a private stable, pen, barn, shed, or silo for raising, treating, and storing products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.

(iv) Standings under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(v) The keeping of horses is subject to the requirements under the private stable accessory use.

(vi) Fences for pens, corrals, or similar enclosures for livestock must be of sufficient height and strength to retain the animals. No pen, corral, fence or similar enclosure may be closer than 20

feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used to calculate the 20 foot requirement.

(vii) The regulations under this use do not apply to government agencies, governmentally supported organizations, or educational agencies that keep and maintain animals for health research or similar purposes, nor do these regulations apply to special events such as circuses and livestock exhibitions which are otherwise regulated by the city.

(2) Commercial stable.

(A) Definition: A facility for the business of boarding horses or renting horses to the public.

(B) Districts permitted: A(A) district.

(C) Required off-street parking: One space for each two stalls. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use does not include sales, auction, or similar trading activity.

(3) Crop production.

(A) Definitions. In this paragraph:

(i) AQUACULTURE means the cultivation, maintenance, and harvesting of aquatic species.

(ii) AQUAPONICS means the combination of aquaculture (fish) and hydroponics (plants) to grow food crops or ornamental crops and aquatic species together in a recirculating system without discharge or exchange of water.

(iii) BED COVER means a hoop-house, shade structure, or similar structure located above a planting bed to assist with the growing or shading of food crops or ornamental crops.

(iv) COMMUNITY GARDEN means an URBAN GARDEN as that use is defined in this subparagraph. Except in those Chapter 51P articles where community garden is specifically defined, any reference to community garden in Chapter 51P is a reference to an urban garden in this subparagraph.

(v) FARM OR RANCH means an area which is used for growing farm products or keeping farm poultry and farm livestock.

(vi) URBAN GARDEN means an area managed and maintained to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, sale, or donation. Urban gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

(B) Districts permitted: By right in all districts.

(C) Required off-street parking: Except as otherwise provided in this subparagraph, off-street parking is not required. For an urban garden in non-residential districts that allows on-site sales, one off-street parking space is required for every 200 square feet of sales area with a minimum two off-street parking spaces provided.

(D) Required off-street loading: None.

(E) Additional provisions for urban gardens:

(i) An urban garden must comply with the regulations for the zoning district in which the urban garden is located.

(ii) Aquaponics, aquaculture, and the raising of chickens are permitted. All other animal grazing and animal production are prohibited.

(iii) For an urban garden in a residential district, the combined floor area of structures may not exceed 10 percent of the lot, with no single structure exceeding 200 square feet in floor area. Structures that assist in the growing of vegetation, such as bed covers and raised planting beds, are not included in floor area calculations. Structures must comply with yard, lot, and space regulations for the district.

(iv) For an urban garden in a residential district, one single, non-illuminated, flat sign of no more than six square feet must be provided. The sign must contain the phone number of an emergency contact person for the urban garden. If animals are present in the urban garden, the sign must also contain the contact information for Dallas 311 city services. In residential districts, no other signage is permitted.

(v) Each bed cover may only cover one planting bed.

(vi) Except as provided in this subparagraph, maximum height of a bed cover is four feet from the growing surface or eight feet, measured from grade, whichever is less. Within the required front yard, maximum height of a bed cover is four feet, measured from grade.

(vii) The on-site sale of food crops, ornamental crops, and eggs produced at the urban garden is allowed only in non-residential districts. No other items may be sold.

(F) Additional provisions for farms:

(i) A person shall not operate a farm upon an area less than three acres.

(ii) Structures may be erected for a private pen, barn, shed, or silo for the treating, and storing of products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.

(iii) Animal grazing is allowed as part of this use; however, animal production, as defined in Section 51A-4.201(1), is not permitted.

(4) Private stable.

(A) Definition: An area for the keeping of a horse or horses for the private use of the property owner or the owner of the horse(s).

(B) Districts permitted: By right in all residential districts when located on a lot that is at least one acre in size, otherwise by SUP in all residential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A private stable is permitted only on a lot that has at least 15,000 square feet of land and a person may keep only the number of horses permitted for the lot area as described in the following chart:

<b>LOT AREA</b>	<b>NUMBER OF HORSES</b>
At least 15,000 square feet but less than one-half acre	1
At least one-half acre but less than one acre	2
At least one acre but less than two acres	3
At least one-half acre per horse	4 or more

(ii) A private stable must include a pen, corral, fence, or similar enclosure containing at least 800 square feet of land for each animal with a stable under a roof containing at least 100 square feet for each animal.

(iii) A stable must have proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(iv) A pen, corral, fence, or similar enclosure may not be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used in establishing the 20 foot distance to the adjacent property line.

(v) A pen, corral, fence, or similar enclosure must be of a sufficient height and strength to retain the horse(s). (Ord. Nos. 19455; 19786; 20493; 21001; 23302; 24718; 28125; [29687](#))

#### **SEC. 51A-4.202. COMMERCIAL AND BUSINESS SERVICE USES.**

(1) Building repair and maintenance shop.

(A) Definition: A facility providing for general building repair and maintenance, including the installation of plumbing, electrical, air conditioning, and heating equipment.

(B) Districts permitted: By right in CR, RR, CS, industrial, and central area districts. RAR required in CR, RR, CS, and industrial districts.

(C) Required off-street parking: One space per 300 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales of supplies is permitted as an accessory use.

(2) Bus or rail transit vehicle maintenance or storage facility.

(A) Definition: A facility for the maintenance, repair, or storage of bus, rail, or other transit vehicles.

(B) Districts permitted: By right in industrial and central area districts. When located at least 500 feet from a residential district, by right in the CS district with RAR required; otherwise, by SUP only in the CS district. RAR required in industrial districts.

(C) Required off-street parking: One space per 500 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(3) Catering service.

(A) Definition: A facility for the preparation and storage of food and food utensils for off-premise consumption and service.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in LO(A), MO(A), and GO(A) districts.

(C) Required off-street parking: One space per 200 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.

(D) Required off-street loading:

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

(4) Commercial cleaning or laundry plant.

(A) Definition: A facility for the cleaning or laundering of garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

(B) Districts permitted: By right in CS, industrial, and central area districts. RAR required in CS and industrial districts.

(C) Required off-street parking: One space per 300 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.

(D) Required off-street loading:

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

(5) Custom business services.

(A) Definition: A facility for providing custom services and activities which are performed according to a personal order and require individualized treatment of items. Typical custom business services include etching, engraving, laminating, binding, or the assembly, repair, and sale of such items as trophies, books, documents, window shades, and venetian blinds.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking: One space per 300 square feet of floor area; a minimum of five spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(6) Custom woodworking, furniture construction, or repair.

(A) Definition: A facility for the custom making, repairing, or refinishing of furniture or wood products on an individualized, single item basis.

(B) Districts permitted: By right in CS, industrial, and central area districts.

(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of two spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
---	--

0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Specialized equipment for custom making, repairing, or reupholstering furniture is permitted under this use.

(7) Electronics service center.

(A) Definition: A facility for the repair and service of computers and computer equipment, stereo equipment, televisions, radios, and other such electronic items.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MO(A) and GO(A) districts.

(C) Required off-street parking: One space per 300 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales of electronic items or parts is permitted as an accessory use.

(8) Job or lithographic printing.

(A) Definition: A facility for the commercial reproduction, cutting, printing, or binding of written materials, drawings, or labels on a bulk basis using lithography, offset printing, blueprinting, and similar methods.

(B) Districts permitted: By right in CS, industrial, central area, and urban corridor districts. RAR required in CS and industrial districts.

(C) Required off-street parking: One space per 600 square feet of floor area.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>

0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(8.1) Labor hall.

(A) Definitions. In this paragraph:

(i) LABOR HALL means any profit or non-profit public or private entity, whether a corporation, partnership, natural person, or any other legal entity, whose business involves securing temporary unskilled or agricultural employment for a client through the use of a hiring hall or facility where unskilled workers gather to await employment.

(ii) UNSKILLED WORKER means an individual who performs labor involving physical toil that does not require persons engaged in a particular occupation, craft, or trade, or practical or familiar knowledge of the principles or processes of an art, science, craft, or trade.

(B) Districts permitted: By right in IR and IM districts when located at least:

(i) 1000 feet from all conforming residential uses; and

(ii) 500 feet from all "public or private school" uses.

Otherwise, by SUP in IR and IM districts. By SUP only in RR, CS, LI, central area, mixed use, and multiple commercial districts.

(C) Required off-street parking. One space per 500 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.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) This use must have a lobby or waiting room with a floor area of not less than the greater of 500 square feet or 50 percent of the total floor area of the premises.

(ii) Food may be prepared and served as an accessory use.

(iii) No SUP for a labor hall may be granted for more than a two-year time period. An SUP for a labor hall is not eligible for automatic renewal.

(iv) In determining whether to grant a specific use permit for a labor hall, the city council shall consider its proximity to the main uses listed in Subparagraph (B) of this paragraph, and require that the labor hall meet, as nearly as practicable, the distance requirements set out in that subparagraph.

(v) 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 site of the labor hall and the nearest point of the building site of another use.

(vi) This use must comply with all applicable licensing provisions.

(9) Machine or welding shop.

(A) Definition: A facility where material is processed by machining, cutting, grinding, welding, or similar processes.

(B) Districts permitted: By right in CS and industrial districts. RAR required in CS and industrial districts.

(C) Required off-street parking: One space per 500 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(10) Machinery, heavy equipment, or truck sales and service.

(A) Definition: A facility for the display, sale, and service of machinery, heavy equipment, or trucks.

(B) Districts permitted: By right in RR, CS, and industrial districts. RAR required in RR, CS, and industrial districts.

(C) Required off-street parking: One space per 1,000 square feet of sales area (whether inside or outside). If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(11) Medical or scientific laboratory.

(A) Definition: A facility for testing and analyzing medical or scientific problems.

(B) Districts permitted: By right in MO(A), GO(A), CS, industrial, central area, MU-2, MU- 2(SAH), MU-3, MU-3(SAH), MC-3, and MC-4 districts. By SUP only in LO(A), CR, RR, MU-1, MU-1(SAH), MC-1, MC-2, and urban corridor districts.

(C) Required off-street parking: One space per 300 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.

(D) Required off-street loading:



<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(12) Technical school.

(A) Definition: A business enterprise offering instruction and training in trades or crafts such as auto repair, cooking, welding, bricklaying, machinery operation, or other similar trades or crafts.

(B) Districts permitted: By right in CS, industrial, and central area districts.

(C) Required off-street parking: One space per 25 square feet of classroom. Any personal service uses accessory to a technical school must be parked to the personal service use parking requirement.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(13) Tool or equipment rental.

(A) Definition: A facility for renting tools or equipment.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, MU-2; MU-2(SAH), MU-3, MU-3(SAH), MC-3, and MC-4 districts.

(C) Required off-street parking: One space per 200 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.

(D) Required off-street loading:

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

thereof

1 additional

(14) Vehicle or engine repair or maintenance.

(A) Definition: A facility for the repair, maintenance, or restoration of motor vehicles, motor vehicle engines, electrical motors, or other similar items.

(B) Districts permitted: By right in RR, CS, industrial, and central area districts. RAR required in RR, CS, and IM districts. DIR required in central area districts.

(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of five spaces is required. Parking spaces that are used to repair vehicles and located in a structure are not counted in determining the required parking. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use. (Ord. Nos. 19455; 19786; 20493; 20902; 21001; 21663; 23910; 24718; 28803)

**SEC. 51A-4.203. INDUSTRIAL USES.**

(a) Potentially incompatible industrial uses.

(1) A "potentially incompatible industrial use" listed in this subsection is permitted by SUP only in the IM district.

(2) The following main uses, activities, operations, and processes are hereby declared to be potentially incompatible industrial uses:

- Bulk processing, washing, curing, or dyeing of hair, felt, or feathers
- Concrete crushing
- Fat rendering
- Foundries, ferrous or non-ferrous
- Grain milling or processing
- Leather or fur tanning, curing, finishing, or dyeing
- Metal or metal ore reduction, refining, smelting, or alloying
- Metal or metal product treatment or processing, including enameling, japanning, lacquering, galvanizing, or similar processes

- Petroleum or petroleum product refining
  - Radioactive waste disposal services involving the handling or storage of radioactive waste, excluding hazardous waste management facilities as defined in this chapter
  - Solvent extracting
  - Slaughtering of animals, fish, or poultry
  - Sugar refining
  - Textile bleaching
  - Wood or bone distillation
  - Wood or lumber processing, including sawmills or planing mills, wood-preserving treatment, and similar processes
  - Wood pulp or fiber reduction or processing, including paper mill operations
  - Wool scouring or pulling
- (3) Main uses that manufacture the following products are hereby declared to be potentially incompatible industrial uses:
- Asphalt or asphalt products
  - Brick, tile, or clay
  - Cement
  - Charcoal, lampblack, or fuel briquettes
  - Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, exterminating agents, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic resins, rayon yarns, or hydrochloric, picric, or sulphuric acids or derivatives
  - Coal, coke, or tar products
  - Excelsior or packing materials
  - Fertilizers
  - Gelatin, glue, or size
  - Glass or glass products, including structural or plate glass or similar products
  - Graphite or graphite products
  - Gypsum
  - Heavy metal casting or foundry products, including ornamental iron work or similar products
  - Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds
  - Linoleum or oil cloth
  - Lumber, plywood, veneer, or similar wood products
  - Matches
  - Miscellaneous metal alloys or foil, including solder, pewter, brass, bronze, or tin, lead, or gold foil, or similar products
  - Paint, varnishes, or turpentine
  - Paper
  - Porcelain products, including bathroom or kitchen equipment, or similar products
  - Raw plastic

- Rubber, natural or synthetic, including tires, tubes, or similar products
- Soaps or detergents
- Stone products, including abrasives, asbestos, stone screenings, and sand or lime products

(b) Specific uses.

(0) Alcoholic beverage manufacturing.

(A) Definition: An establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area exceeding 10,000 square feet that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not an alcoholic beverage manufacturing use.

(B) Districts permitted: By right in industrial districts with RAR required. By SUP only in central area districts.

(C) Required off-street parking:

- (i) Except as otherwise provided, one space per 600 square feet of floor area.
- (ii) One space per 1,000 square feet of floor area used for storage.
- (iii) One space per 100 square feet of floor area used for retail sales and seating.

(D) Required off-street loading:

<b>SQUARE FEET OF MANUFACTURING OR STORAGE FLOOR AREA</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales of alcoholic beverages and related items and tastings or sampling are allowed in accordance with Texas Alcoholic Beverage Commission regulations.

(ii) Except for loading, all activities must occur within a building.

(iii) Silos and containers of spent grain are allowed as outdoor storage. Containers of spent grain must be screened. All other outdoor storage or repair is prohibited.

(iv) If an SUP is required, silos and outdoor storage areas for spent grain must be shown on the site plan.

(v) Drive-through facilities are prohibited.

(1) Industrial (inside).

(A) Definition: An industrial facility where all processing, fabricating, assembly, or disassembly takes place wholly within an enclosed building.

(B) Districts permitted: If this use is "potentially incompatible" [See Subsection (a)], it is permitted by SUP only in the IM district; otherwise, it is permitted by right in industrial districts with RAR required.

(C) Required off-street parking: One space per 600 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.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) Accessory outside storage is limited to five percent of the lot. Outside storage that occupies more than five percent of the lot is only allowed in a district where outside storage is permitted as a main use. For more information regarding accessory outside storage, see Section 51A-4.217. For more information regarding outside storage as a main use, see Section 51A-4.213.

(ii) Accessory inside retail sales may occupy up to 10 percent of the total floor area of the main use.

(1.1) Industrial (inside) for light manufacturing.

(A) Definition: A light industrial use where all processing, fabricating, assembly, or disassembly of items takes places wholly within an enclosed building. Typical items for processing, fabricating, assembly, or disassembly under this use include but are not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewelry, instruments, computers, and electronic devices.

(B) Districts permitted: By right in CS and industrial districts.

(C) Required off-street parking: One space per 600 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.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) Potentially incompatible industrial uses, as defined in this section, are prohibited as part of any activity, operation, or processing conducted under this use.

(ii) This use may not exceed 10,000 square feet of floor area.

(2) Industrial (outside).

(A) Definition: An industrial facility where any portion of the processing, fabricating, assembly, or disassembly takes place outside or in an open structure.

(B) Districts permitted: If this use is "potentially incompatible" [See Subsection (a)], it is permitted by SUP only in the IM

district; otherwise it is permitted:

- (i) by right in the IM district with RAR required; and
- (ii) by SUP only in the IR district.

(C) Required off-street parking: One space per 600 square feet of floor area, plus one space per 600 square feet of outside manufacturing 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.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) Accessory outside storage may occupy to 50 percent of the lot. Outside storage that occupies more than 50 percent of the lot is only allowed in a district where outside storage is permitted as a main use. For more information regarding accessory outside storage, see Section 51A-4.217. For more information regarding outside storage as a main use, see Section 51A-4.213.

(ii) Any portion of the building site containing this use that is adjacent to or directly across a street or alley from a district other than an IR or IM district must be screened from that district.

(iii) Accessory inside retail sales may occupy up to 10 percent of the total floor area of the main use.

(2.1) Medical/infectious waste incinerator.

(A) Definition: A facility used to incinerate plastics, special waste, and waste containing pathogens or biologically active material, which because of its type, concentration, and quantity, is capable of transmitting disease to persons exposed to the waste.

(B) Districts permitted: By SUP only in IR and IM districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) All medical/infectious waste incinerators must be located at least:

(aa) 1,000 feet from all lots containing residential; public or private school; church; and public park, playground, or golf course uses; and

(bb) one mile from all lots containing municipal and hazardous waste incinerators.

(ii) A medical/infectious waste incinerator used to incinerate up to 225 pounds of waste per hour must be located:

(aa) on a lot that is no smaller than one acre in size;

(bb) at least 100 feet from the lot line; and

(cc) at least one-fourth mile from all lots containing main use medical/infectious and pathological waste incinerators.

(iii) A medical/infectious waste incinerator used to incinerate more than 225 pounds of waste per hour must be located:

(aa) on a lot that is no smaller than five acres in size;

(bb) at least 200 feet from the lot line; and

(cc) at least one mile from all lots containing main use medical/infectious and pathological waste incinerators.

(iv) No outside storage is permitted in conjunction with this use.

(v) The area of notification for a public hearing to consider an SUP application for this use is 500 feet.

(3) Metal salvage facility.

(A) Definition: A facility that collects, separates, and processes scrap metal in bulk form for reuse and manufacturing.

(B) Districts permitted: By SUP only in the IM district.

(C) Required off-street parking: The off-street parking requirement may be established in the ordinance granting the SUP, otherwise a minimum of five spaces required.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) This use must have a visual screen of at least nine feet in height which consists of a solid masonry, concrete, or corrugated sheet metal wall, or a chain link fence with metal strips through all links.

(ii) The owner of a metal salvage facility shall not stack objects higher than eight feet within 40 feet of the visual screen. The owner of a metal salvage facility may stack objects one foot higher than eight feet for each five feet of setback from the 40 foot point.

(iii) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.

(iv) A minimum distance of 500 feet is required between a metal salvage facility and an R, R(A), D, D(A), TH, TH(A), CH,

MF, MF(A), MH, or MH(A) district.

(3.1) Mining.

(A) Definition: The extraction, removal, or stockpiling of earth materials, including soil, sand, gravel, oil, or other materials found in the earth. The excavation of earth materials for ponds or lakes, including excavations for fish farming ponds and recreational lakes, are considered mining unless otherwise expressly authorized by another provision of this code. The following are not considered mining:

(i) The extraction, removal, or stockpiling of earth materials incidental to an approved plat or excavation permit, incidental to construction with a building permit, or for governmental or utility construction projects such as streets, alleys, drainage, gas, electrical, water, and telephone facilities and similar projects.

(ii) The extraction, removal, or stockpiling of earth materials incidental to construction of landscaping, retaining walls, fences, and similar activities consistent with the land use allowed at the site of removal.

(iii) Gas drilling and production. See Section 51A-4.203(b)(3.2).

(B) Districts permitted: By SUP only in A(A) and IM districts.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) The applicant shall submit a site plan of existing conditions, operations plan, reclamation plan, and the proposed bond to the director for review and recommendation.

(ii) If a specific use permit is granted, the city shall inspect and monitor the mining and reclamation operation at least once annually.

(iii) A specific use permit may not be issued for mining on city park land.

(F) Site plan of existing conditions: The applicant shall submit a site plan of existing conditions that includes:

(i) a site location map on a small scale showing major circulation routes and other landmarks which would aid in the location of the site;

(ii) contours shown at no greater than five-foot intervals;

(iii) connections to roads outside the site;

(iv) location, identification, and dimensions of all public and private easements;

(v) location of flood plain, water bodies, natural and man-made channels (wet and dry), and subsurface channels;

(vi) tree and other vegetation groupings, rock outcroppings, and any other significant natural features;

(vii) location and depth of any known former or current mines or landfills in or within 500 feet of the boundaries of the excavation and an indication of the type of fill used;



- (viii) analyzed core samples if the city determines that contaminants may be present; and
- (ix) any other information the director determines is reasonably necessary for a complete review of the proposed operations.

(G) Operations plan: The applicant shall submit an operations plan that includes:

- (i) storage of reclamation topsoil and methods of disposing of all material not to be sold or reclaimed;
- (ii) hours of operation;
- (iii) location and depth of excavation;
- (iv) drainage and erosion control measures;
- (v) method for the disposal of contaminants, if present;
- (vi) roads to be used for transportation of stone, sand, or gravel;
- (vii) fences or any other barriers necessary for safety;
- (viii) noise and dust control measures;
- (ix) the length of time necessary to complete the mining and reclamation of the site; and
- (x) any other information the director determines is reasonably necessary for a complete review of the proposed operations.

(H) Reclamation plan: The applicant shall submit a reclamation plan that is verified by a registered surveyor. The reclamation plan must show the reclamation of the entire site upon completion of operation and the phases of reclamation to be completed at no greater than five-year intervals. The reclamation plan must include the following information:

- (i) contours shown at no greater than five-foot intervals with slopes not steeper than a three-to-one (horizontal to vertical) ratio;
- (ii) circulation routes, including roadways, any internal circulation, rights-of-way, and connections to roads outside the site;
- (iii) location, identification, and dimensions of all public and private easements;
- (iv) location of flood plain, water bodies, natural and man-made channels (wet and dry), subsurface dams, dikes, or channels;
- (v) location of any areas to be filled with water including a description of the source of the water, the means of water retention, and the prevention of stagnation and pollution;
- (vi) location and type of vegetation;
- (vii) structures (including height), utilities, and proposed land uses, if any;
- (viii) the amount of the performance bond that will be posted in accordance with Subparagraph (I) below; and
- (ix) any other information the director determines is reasonably necessary for a complete review of the proposed operation.

(I) Performance bond:

(i) The applicant shall post a performance bond with the city controller before passage of the ordinance granting the specific use permit. The performance bond must be approved as to form by the city attorney.

(ii) The bond must be twice the estimated cost to the city of restoring the premises in a manner shown on the reclamation plan. The amount of the bond shall be determined by the director on the basis of relevant factors including expected changes in the price index, topography of the site, project methods being employed, depth and composition of overburden, and data provided in the reclamation plan.

(iii) The bond must be issued by a surety company licensed to do business in Texas. The applicant may deposit cash, certificates of deposit, or government securities in lieu of a bond. Interest received on deposits and securities must be returned to the applicant upon the approval of reclamation of the site.

(iv) The director shall conduct a final inspection to determine whether the site has been reclaimed in accordance with the specific use permit. Final inspection must be made not more than two years after the expiration of the specific use permit. A registered surveyor provided by the applicant shall verify the final topography of the site.

(v) The director shall report to the city council on the completion of the project. The city council shall determine by resolution whether the reclamation has been completed in accordance with the specific use permit and whether the performance bond should be released.

(vi) The city controller shall release the bond or deposit if the city council finds that the applicant has completed reclamation of the site in accordance with the specific use permit. If the site is not restored in accordance with the reclamation plan, the director shall use the bond or deposit to restore the site in accordance with the plan.

(3.2) Gas drilling and production.

(A) Definitions:

(i) BOUNDARY means the perimeter of the operation site. OPERATION SITE means the area identified in the SUP to be used for drilling, production, and all associated operational activities after gas drilling is complete.

(ii) ENVIRONMENTALLY SIGNIFICANT AREA means an area:

(aa) with slopes greater than three to one;

(bb) containing endangered species of either flora or fauna;

(cc) that is geologically similar to the Escarpment Zone, as defined in Division 51A-5.200, "Escarpment Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations;"

(dd) identified as wetlands or wildlife habitat;

(ee) determined to be an archeological or historical site; or

(ff) containing more than 1,000 inches of trunk diameter of protected trees, in the aggregate, within a 10,000 square foot area. Trunk diameter is measured at a point 12 inches above grade. To be included in the aggregate calculations of trunk diameter, a protected tree must have a trunk diameter of six inches or more. For purposes of this provision, a protected tree is defined in Section 5A-10.101.

(iii) GAS DRILLING AND PRODUCTION means the activities related to the extraction of any fluid, either combustible or noncombustible, that is produced in a natural state from the earth and that maintains a gaseous or rarefied state at standard temperature and pressure conditions, or the extraction of any gaseous vapors derived from petroleum or natural gas.

(iv) HABITABLE STRUCTURE means any use or structure that is not a protected use but has a means of ingress or egress, light, and ventilation. Habitable structure does not include an accessory structure, such as a garage or shed.

(v) PROTECTED USE means institutional and community service uses (except cemetery or mausoleum); lodging uses; office uses; recreation uses (except when the operation site is on a public park, playground, or golf course); residential uses; and retail and personal service uses (except commercial motor vehicle parking or commercial parking lot or garage). Parking areas and areas used exclusively for drainage detention are not part of a protected use.

(vi) See Article XII for additional definitions that apply to gas drilling and production.

(B) Districts permitted: By SUP only in all districts.

(C) Required off-street parking: None.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) See Article XII for additional regulations relating to gas drilling and production. No provision found in Articles IV or XII may be waived through the adoption of or amendment to a planned development district.

(ii) Before an SUP for a gas drilling and production use within a public park, playground, or golf course may be processed, city council must hold a public hearing and make a determination in accordance with Texas Parks and Wildlife Code Chapter 26, "Protection of Public Parks and Recreational Lands."

(iii) A favorable vote of three-fourths of all members of the city council is required to approve a gas drilling and production use on a public park, playground, or golf course if city council finds that the approval will not harm the public health, safety, or welfare.

(iv) In addition to the findings required in Section 51A-4.219 for the granting of an SUP, city plan commission and city council must consider the:

(aa) proximity of a proposed gas drilling and production use to an environmentally significant area; and

(bb) potential impact the proposed gas drilling and production use may have on the environmentally significant area.

(v) Compliance with federal and state laws and regulations and with city ordinances, rules, and regulations is required, and may include platting, a flood plain fill or alteration permit, building permits, and gas well permits. Compliance with these additional regulations may be required before, concurrently with, after, or independently of the SUP process.

(vi) Trailers or mobile homes that are temporarily placed on the operation site and used by gas drilling workers as a residence are a permitted accessory use.

(vii) Once any gas drilling related activity begins on the operation site, the applicant shall limit access to the operation site by erecting an eight-foot-tall temporary chain-link fence. Within 30 days after any well completion activity ceases, an eight-foot-tall permanent fence must be erected and maintained around the perimeter of the operation site. This provision controls over the fence height regulations of the zoning district. City council, by SUP, may require a different form of screening, but may not reduce the fence height requirements of this provision.

(viii) Access to the operation site must comply with the Dallas Fire Code. The operation site plan must be reviewed and approved by the fire marshal before an SUP can be granted.

(ix) The operation site may not have a slope greater than 10 degrees unless the director determines that all equipment is located and activities occur on a portion of the operation site that does not have a slope greater than 10 degrees, there is adequate erosion control, and the slope of the operation site will not be a threat to the public safety or welfare.

(x) The operator shall provide the director with a statement of intent to enter into a road repair agreement before an SUP may be scheduled for a public hearing.

(xi) The director shall revise the zoning district maps upon the granting of an SUP for a gas drilling and production use, to provide a 1,000 foot gas drilling and production use notice overlay around the boundary of the operation site.

(F) Spacing:

(i) Habitable structure.

(aa) Except as otherwise provided in this provision, a gas drilling and production use must be spaced at least 300 feet from a habitable structure.

(bb) If a gas drilling and production use is located on the same property as a habitable structure, the spacing requirements in this provision may be waived for that habitable structure with a favorable vote of two-thirds of all members of the city council if city council finds that the reduction will not harm the public health, safety, or welfare.

(cc) Spacing is measured from the boundary of the operation site in a straight line, without regard for intervening structures or objects, to the closest point of the habitable structure.

(ii) Protected use.

(aa) Except as otherwise provided in this provision, a gas drilling and production use must be spaced at least 1,500 feet from a protected use (except trailers or mobile homes placed on the operation site as temporary residences for workers).

(bb) City council may reduce the minimum 1,500 foot spacing requirement from a protected use by not more than 500 feet with a favorable vote of two-thirds of all members of the city council if city council finds that the reduction will not harm the public health, safety, or welfare.

(cc) If a gas drilling and production use is located on the same property as a protected use, the spacing requirements in this provision may be waived for that protected use with a favorable vote of two-thirds of all members of the city council if city council finds that the reduction will not harm the public health, safety, or welfare.

(dd) If a gas drilling and production use is located on a public park, playground, or golf course, the spacing requirements in this subparagraph do not apply to protected uses or habitable structures located on the public park, playground, or golf course. The spacing requirements in this provision for protected uses and habitable structures off the public park, playground, or golf course use still apply.

(ee) Spacing is measured as follows:

(11) For institutional and community service uses (except cemetery or mausoleum), and residential uses, from the boundary of the operation site in a straight line, without regard to intervening structures or objects, to the property line of the institutional and community service use (except cemetery or mausoleum) or the residential use.

(22) For recreation uses (except when the operation site is on a public park, playground, or golf course), lodging uses, office uses, and retail and personal service uses (except commercial motor vehicle parking or commercial parking lot or garage) from the boundary of the operation site in a straight line, without regard to intervening structures or objects, to the closest point of a physical barrier or demarcation that establishes a boundary of the protected use. Examples of physical barriers or demarcations include fencing around activity areas, such as play fields, courts, or pools; or edges, borders, or boundaries of maintained areas adjacent to trails, golf courses, or active recreation areas. If the protected use is conducted exclusively inside, from the boundary of the operation site in a straight line, without regard to intervening structures or objects, to the closest point of the structure housing the protected use.

(G) Neighborhood meeting:

(i) Within 60 days after filing an SUP application, the applicant or operator shall, at the applicant or operator's expense, provide notice of a neighborhood meeting regarding the pending SUP application.

(ii) The applicant or operator shall mail notice of the neighborhood meeting by depositing the notice properly addressed and postage paid in the United States mail. The notice must be written in English and Spanish. The applicant or operator shall mail notice of the neighborhood meeting to all real property owners as indicated by the most recent appraisal district records and all mailing addresses within 2,000 feet of the boundary of the proposed gas drilling and production use operation site.

(iii) The notice of the neighborhood meeting must include:

- (aa) the date, time, and location of the neighborhood meeting;
- (bb) the identity of the applicant and the operator;
- (cc) the location of the pending SUP application;
- (dd) information about the proposed gas drilling and production use;
- (ee) the purpose of the neighborhood meeting; and

(ff) information about subscribing to the operator's electronic notification list to receive updates about when specific operations will occur, including site preparation, drilling, casing, fracturing, pipeline construction, production, transportation, and maintenance of the operation site.

(iv) Within five days after mailing the notice of the neighborhood meeting, the applicant shall file an affidavit with the director swearing and affirming that all real property owners and mailing addresses within 2,000 feet of the boundary of the proposed gas drilling and production use operation site were mailed notice of the neighborhood meeting in accordance with this subparagraph. The affidavit must include a list of the real property owners and mailing addresses to which notice was sent.

(v) The applicant and operator shall attend and conduct the neighborhood meeting not less than seven or more than 21 days after providing notice of the neighborhood meeting. The neighborhood meeting must be held at a facility open to the public near the proposed gas drilling and production use.

(vi) The purpose of the neighborhood meeting is for the applicant or operator to:

(aa) inform the community about the proposed gas drilling and production use;

(bb) explain the operations associated with gas drilling and production, including site preparation, site development and construction, drilling, casing, fracturing, pipeline construction, production, transportation, and maintenance of the operation site; and

(cc) explain and provide information about subscribing to the operator's electronic notification list to receive updates about when specific operations will occur, including site preparation, drilling, casing, fracturing, pipeline construction, production, transportation, and maintenance of the operation site.

(3.3) Gas pipeline compressor station.

(A) Definition:

(i) BOUNDARY means the perimeter of the compressor station site. GAS PIPELINE COMPRESSOR STATION SITE means the area identified in the SUP to be used for the gas pipeline compressor station.

(ii) GAS PIPELINE COMPRESSOR STATION means a facility for devices that raise the pressure of a compressible fluid (gas) in order for the gas to be transported through a transmission pipeline. This use does not include compressors that are part of a gas drilling and production use that only provide compression for gas to circulate into a gathering system.

(iii) PROTECTED USE means institutional and community service uses (except cemetery or mausoleum); lodging uses; office uses; recreation uses (except when the operation site is on a public park, playground, or golf course); residential uses; and retail and personal service uses (except commercial motor vehicle parking or commercial parking lot or garage). Parking areas and areas used exclusively for drainage detention are not part of a protected use.

(B) Districts permitted: By SUP only in IM district.

(C) Required off-street parking: Five spaces.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A gas pipeline compressor station must be spaced at least 1,500 feet from a protected use, measured from the boundary of the gas pipeline compressor station site in a straight line, without regard to intervening structures or objects, to the closest point of the protected use or areas of the protected use activity.

(ii) To reduce noise, all compressors must be fully enclosed in a building.

(iii) Except as otherwise provided in this subparagraph, the perimeter of the gas pipeline compressor station site must be screened from public view. City council may, by SUP, require a different form of screening but may not reduce the height requirements in this subparagraph. Screening must be at least six feet in height and must be constructed of:

(aa) earthen berm planted with turf grass or ground cover that does not have a slope that exceeds one foot of height for each two feet of width;

(bb) brick, stone, metal, or masonry wall that significantly screens equipment and structures from view;

(cc) landscaping materials recommended for local area use by the chief arborist. The landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. The initial plantings must be capable of obtaining a solid appearance within 18 months; or

(dd) any combination of the above.

(iv) Unless a specific color is required by federal or state law, all equipment and structures must be painted with a neutral color to match the nearby surroundings as nearly as possible.

(v) To reduce noise and emissions, electric motors must be used on the gas pipeline compressor station unless the operator submits a report to the gas inspector and the gas inspector finds that electric motors cannot be used.

(vi) Internal combustion engines and compressors, whether stationary or mounted on wheels, must be equipped with an exhaust muffler or a comparable device that suppresses noise and disruptive vibrations and prevents the escape of gases, fumes, ignited carbon, or soot.

(vii) Exhaust from any internal combustion engine or compressor may not be discharged into the open air unless it is equipped

with an exhaust muffler or mufflers or an exhaust muffler box constructed of non-combustible materials sufficient to suppress noise and disruptive vibrations and prevent the escape of noxious gases, fumes, ignited carbon, or soot.

(viii) Compressors must comply with the low and high frequency noise requirements in Section 51A-12.204(1), "Noise."

(4) Municipal waste incinerator.

(A) Definition: A facility used to

incinerate solid waste, other than industrial or hazardous waste, resulting from or incidental to municipal, community, institutional, and recreational activities, including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, and abandoned automobiles.

(B) Districts permitted: By SUP only in IR and IM districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) A municipal waste incinerator must front on a principal arterial.

(ii) The incinerator must be located on a lot that is no smaller than five acres in size, and be located at least 200 feet from the lot line.

(iii) The incinerator must be located at least:

(aa) 1,500 feet from all lots containing residential; public or private school; church; public park, playground, or golf course; convalescent or nursing home; medical clinic or ambulatory surgical center; and hospital uses;

(bb) two miles from all lots containing municipal and hazardous waste incinerators; and

(cc) one mile from all lots containing medical/infectious and pathological waste incinerators.

(iv) No outside storage is permitted in conjunction with this use.

(v) The area of notification for a public hearing to consider an SUP application for this use is 750 feet.

(4.1) Organic compost recycling facility.

(A) Definition: A commercial facility where the production of compost from organic materials takes place outside or in an open structure. For purposes of this definition, organic materials mean leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material not greater than six inches in diameter that results from landscape maintenance and land-clearing operations. Tree stumps, roots, and shrubs with intact root balls are not organic materials.

(B) Districts permitted: By right in the IM district with RAR required. By SUP only in A(A) and IR districts.

(C) Required off-street parking: One space per 500 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.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In an IM district, an organic compost recycling facility must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an IM district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.

(5) Outside salvage or reclamation.

(A) Definition: A facility which stores, keeps, dismantles, or salvages scrap or discarded material or equipment outside. Scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, and appliances.

(B) Districts permitted: By SUP only in the IM district.

(C) Required off-street parking: The off-street parking requirement may be established in the ordinance granting the SUP, otherwise a minimum of five spaces required.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) This use must have a visual screen of at least nine feet in height which consists of a solid masonry, concrete, or corrugated sheet metal wall, or a chain link fence with metal strips through all links.

(ii) The owner of an outside salvage or reclamation use shall not stack objects higher than eight feet within 40 feet of the visual screen. The owner of an outside salvage or reclamation use may stack objects one foot higher than eight feet for each five feet of setback from the 40 foot point.

(iii) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.

(iv) A minimum distance of 500 feet is required between an outside salvage or reclamation use and an R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(5.1) Pathological waste incinerator.

(A) Definition: A facility used to incinerate organic human or animal waste, including, but not limited to:

(i) Human materials removed during surgery, labor and delivery, autopsy, or biopsy, including body parts, tissues or fetuses, organs, and bulk blood and body fluids.

(ii) Products of spontaneous human abortions, regardless of the period of gestation, including body parts, tissue, fetuses, organs, and bulk blood and body fluids.

(iii) Anatomical remains.

(iv) Bodies for cremation.

- (B) Districts permitted: By SUP only in IR and IM districts.
- (C) Required off-street parking: One space per 1,000 square feet of floor area.
- (D) Required off-street loading:

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

(E) Additional provisions:

(i) A pathological waste incinerator must be located on a lot that is no smaller than one acre in size, and be at least 100 feet from the lot line.

(ii) The incinerator must be located at least:

(aa) 1,000 feet from all lots containing residential; public or private school; church; and public park, playground, or golf course uses;

(bb) one mile from all lots containing municipal and hazardous waste incinerators; and

(cc) one-fourth mile from all lots containing medical/infectious and pathological waste incinerators.

(iii) Reserved.

(iv) All waste must be disposed of within a 24 hour period.

(v) No outside storage is permitted in conjunction with this use.

(6) Temporary concrete or asphalt batching plant.

(A) Definition: A temporary facility for mixing cement or asphalt.

(B) Districts permitted: Special authorization by the building official is required in accordance with the additional provisions for this use.

(C) Off-street parking:

(i) Required off-street parking: Two spaces. Off-street parking requirements for this use may be satisfied by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary parking spaces:

(aa) are adequately designed to accommodate the parking needs of the use; and

(bb) will not adversely affect surrounding uses.

(ii) No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A temporary certificate of occupancy is required for this use. The building official may issue a temporary certificate of occupancy in any zoning district for a temporary batching plant to mix, compound, and batch concrete, asphalt, or both, for a public or



private project. The certificate is valid for six months. The building official shall deny the certificate if he determines that on-site fencing, screening, or buffering elements do not provide adequate protection for adjacent property. If the project is not completed within six months, the building official may extend the certificate to complete the project.

- (ii) A person to whom a temporary certificate of occupancy is issued shall:
  - (aa) comply with city, state and federal laws at the batching plant site;
  - (bb) clear the site of equipment, material and debris upon completion of the project;
  - (cc) repair or replace any public improvement that is damaged during the operation of the temporary batching plant; and
  - (dd) locate and operate the temporary plant in a manner which eliminates unnecessary dust, noise, and odor (as illustrated by, but not limited to covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust).

(iii) A person shall only furnish concrete, asphalt, or both, to the specific project for which the temporary certificate of occupancy is issued.

(iv) The placement of a temporary batching plant for a private project is restricted to the site of the project. The board may grant a special exception to this requirement when, in the opinion of the board, the special exception will not adversely affect neighboring properties. (Ord. Nos. 19455; 19786; 20411; 20478; 20493; 21002; 21456; 22026; 22255; 22388; 22392; 24792; 25047; 26920; 28553; 28700; 28803; 29228; 29557; [29917](#))

**SEC. 51A-4.204. INSTITUTIONAL AND COMMUNITY SERVICE USES.**

(1) Adult day care facility.

(A) Definition: A facility that provides care or supervision for five or more persons 18 years of age or older who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers.

(B) Districts permitted: By right in retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use in MF-3(A), MF-4(A), and office districts. By SUP in residential districts. *[No SUP required for a limited use in MF-3(A) and MF-4(A) districts.]*

(C) Required off-street parking: One space per 500 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

- (i) The limited use regulations in this chapter are modified for this use to allow an outdoor recreation area and separate access from the main building to the recreation area.
- (ii) This use must comply with statutory licensing requirements.
- (iii) The persons being cared for or supervised under this use may not use the facility as a residence.

(2) Cemetery or mausoleum.

(A) Definition:

- (i) A cemetery is a place designated for burial of the dead.
- (ii) A mausoleum is a building with places for the entombment of the dead.

(B) Districts permitted: By SUP only in all residential and nonresidential districts except the P(A) and urban corridor districts.

(C) Required off-street parking: Two spaces. No handicapped parking is required.

(D) Required off-street loading: None

(E) Additional provisions:

- (i) Cemeteries are subject to Chapter 11 of this code.

(3) Child-care facility.

(A) Definition: A facility that provides care, training, education, custody, treatment, or supervision for persons under 14 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

(i) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities on or near the premises, including but not limited to retreats or classes for religious instruction;

(ii) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;

(iii) an educational facility accredited by the Central Education Agency or the Southern Association of Colleges and Schools that operates primarily for educational purposes in grades kindergarten and above;

(iv) an educational facility that operates solely for educational purposes in grades kindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;

(v) a kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the Central Education Agency, that offers educational programs through grade six, and does not provide custodial care during the hours before or after the customary school day;

(vi) an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers educational programs for children age five and above in one or more of the following: kindergarten through at least grade three, elementary, or secondary grades;

(vii) a day home as defined in Section 51A-4.217; or

(viii) individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

(B) Districts permitted: By right in retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use in MF-3(A), MF-4(A), and office districts. By SUP in residential districts. *[No SUP required for a limited use in MF-3(A) and MF-4(A) districts.]*

(C) Required off-street parking: If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP, otherwise one space per 500 square feet of floor area.

(D) Required off-street loading:

**SQUARE FEET OF FLOOR AREA IN  
STRUCTURE**

**TOTAL REQUIRED SPACES OR  
BERTHS**

0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The limited use regulations in this chapter are modified for this use to allow an outdoor play area and separate access from the main building to the play area.

(ii) This use must comply with all applicable requirements imposed by state law.

(iii) The persons being cared for, trained, kept, treated, or supervised under this use may not use the facility as a residence.

(4) Church.

(A) Definition: A facility principally used for people to gather together for public worship, religious training, or other religious activities. This use does not include home meetings or other religious activities conducted in a privately occupied residence.

(B) Districts permitted: By right in all residential and nonresidential districts except the P(A) district.

(C) Required off-street parking:

(i) Number of spaces required. One space per 333 square feet in floor area if a church has less than 5,000 square feet of floor area and is located in a shopping center with more than 20,000 square feet in floor area, otherwise one space for each four fixed seats in the sanctuary or auditorium. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat for purposes of this paragraph. If portions of seating areas in the sanctuary or auditorium are not equipped with fixed seats, benches, or pews, the parking requirement for those portions is one space for each 28 square feet of floor area.

(ii) Definitions. For purposes of this subsection, "remote parking" means required off-street parking provided on a lot not occupied by the main use. "Shared parking" means the use of the same off-street parking stall to satisfy the off-street parking requirements for two or more uses.

(iii) Reconciliation with Divisions 51A-4.300 et seq. Except as otherwise expressly provided in this subsection, the off-street parking regulations in Divisions 51A-4.300 et seq. apply to this use. In the event of a conflict between this subsection and Divisions 51A-4.300 et seq., this subsection controls.

(iv) Remote and shared parking. A church may use remote and/or shared parking to satisfy up to 50 percent of its off-street parking requirement, provided that the remote and/or shared parking is on a lot that is:

(aa) dedicated to parking use by an instrument filed with the building official and approved by the city attorney's office;

(bb) located in a non-residential district; and

(cc) located within 600 feet (including streets and alleys) of the lot occupied by the church. The distance measured is the shortest distance between the lots.

(v) Distance extension with shuttle service. A remote parking lot for a church may be located up to one and one-half miles (including streets and alleys) from the lot occupied by the church if a shuttle service is provided to transport persons between the church and the remote parking lot. The shuttle service route must be approved by the traffic engineer.

(vi) Remote parking agreement. An agreement authorizing a church to use remote parking may be based on a lease of the remote parking spaces if:

(aa) the lease is for a minimum term of three years; and

(bb) the agreement provides that both the owner of the lot occupied by the church and the owner of the remote lot shall notify the city of Dallas in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A church may permit passengers of mass transportation and car pools to park on the church parking lot.

(ii) The following structures, when located on top of a church building, are excluded from the height measurement of the church building:

- (aa) Belfries.
- (bb) Bell towers.
- (cc) Campaniles.
- (dd) Carillons.
- (ee) Crosses.
- (ff) Cupolas.
- (gg) Spires.
- (hh) Steeples.

(iii) A rectory, convent, or monastery is permitted as an accessory use.

(5) College, university, or seminary.

(A) Definition:

- (i) A college or university is an academic institution of higher learning beyond the level of secondary school.
- (ii) A seminary is an institution for the training of candidates for the priesthood, ministry, or rabbinate.

(B) Districts permitted: By right in A(A), LO(A), MO(A), GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in single family, duplex, townhouse, CH, multifamily, NO(A), and NS(A) districts.

(C) Required off-street parking: One space per 25 square feet of classroom. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

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

(6) Repealed. (Ord. 21044)

(7) Community service center.

(A) Definition: A multi-functional facility where a combination of social, recreational, welfare, health, habilitation, or rehabilitation services are provided to the public. For purposes of this definition, a facility where only business transactions or administrative, educational, school support, counseling, informational, referral, or out-patient medical, dental, or optical treatment services (or any combination of these activities) take place is not considered to be a community service center.

(B) Districts permitted: By right in RR, IR, and CA-2(A) districts. By SUP only in all residential, office, NS(A), CR, CS, LI, CA-1(A), mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking: One space per 200 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.

(D) Required off-street loading: None.

(8) Convalescent and nursing homes, hospice care, and related institutions.

(A) Definition:

(i) This use includes both:

(aa) an establishment which furnishes (in single or multiple facilities) food and shelter to five or more persons who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment and, in addition, provides minor treatment under the direction and supervision of a physician, or services which meet some need beyond the basic provision of food, shelter, and laundry; and

(bb) an establishment conducted by or for the adherence of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend exclusively upon prayer or spiritual means for healing, without the use of any drug or material remedy, provided safety, sanitary, and quarantine laws and regulations are complied with.

(ii) This use does not include:

(aa) a hotel or similar place that furnishes only food and lodging, or either, to its guests;

(bb) a hospital; or

(cc) an establishment that furnishes only baths and massages in addition to food, shelter, and laundry.

(B) Districts permitted: By right in multifamily, central area mixed use, and urban corridor districts. By SUP only in agricultural, TH(A), and CH districts. RAR required in multifamily and mixed use districts.

(C) Required off-street parking: 0.3 spaces per bed. Handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) In townhouse, RTN, CH, and multifamily districts, this use is subject to the following density restrictions:

<b>ZONING DISTRICT CLASSIFICATION</b>	<b>MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE</b>	<b>MAXIMUM NO. OF BEDS PER NET ACRE</b>
TH-1(A) and RTN	35	70
TH-2(A) and TH-3(A)	40	80
CH	45	90
MF-1(A) and MF-1(SAH)	50	100
MF-2(A) and MF-2(SAH)	60	120
MF-3(A)	90	180
MF-4(A)	160	320

\*For purposes of this subparagraph, the term "suite" means one or more rooms designed to accommodate one family, containing living, sanitary, and sleeping facilities, but not containing a kitchen.

(ii) This use must comply with statutory licensing requirements, if any.

(iii) This use may include dwelling units that are exclusively restricted to visitors, patients, or members of the staff.

(9) Convent or monastery.

(A) Definition: The living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.

(B) Districts permitted: By right in A(A), multifamily, office, retail, CS, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in single family, duplex, townhouse, and CH districts.

(C) Required off-street parking: One space for each three residents; a minimum of two spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: None.

(10) Repealed. (Ord. 21044)

(11) Foster home.

(A) Definition: A facility that provides room, board, and supervision to five or more persons under 18 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility.

(B) Districts permitted: By right in CH, multifamily, CA-2(A), and mixed use districts. By SUP only in A(A), single family, duplex, townhouse, MH(A), and CA-1(A) districts.

(C) Required off-street parking: Two spaces. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must comply with statutory licensing requirements.

(12) Reserved.

(13) Halfway house.

(A) Definition: A facility for the housing, rehabilitation, and training of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses.

(B) Districts permitted: By SUP only in LI, RR, CS, MU-2, MU-2(SAH), MU-3, MU-3(SAH), and central area districts. A halfway house may not be located in a planned development district unless all of the requirements of this paragraph are met.

(C) Required off-street parking: Determined by the specific use permit. This requirement must include provision of adequate off-street parking for residents, staff, and visitors. In determining an adequate number of off-street parking spaces, the city council shall consider the degree to which allowing the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: Determined by the specific use permit.

(E) Additional provisions:

(i) No more than 50 residents are permitted in a halfway house. Halfway houses must be located at least 1000 feet from residential districts, single family, duplex, and multifamily uses, public parks and recreational facilities, child-care facilities, and public or private schools.

(ii) A halfway house may not be located within one mile from another halfway house.

(iii) A specific use permit for a halfway house shall be issued for a two year time period. Periodic review periods may be established as part of the specific use permit.

(iv) The treatment of alcoholic, narcotic, or psychiatric problems is allowed under this use if expressly permitted by the

specific use permit.

(v) This use shall comply with all applicable city, state, and federal codes and regulations.

(vi) Halfway houses must be located within 1200 feet of mass transit service.

(vii) A halfway house specific use permit application must include evidence of meetings between the applicant and property owners within the notification area. Evidence of meetings must include records reflecting the dates of the meetings, the individuals or organizations involved, and the issues discussed and resolved.

(viii) Signs identifying a use as a halfway house are not permitted.

(ix) Halfway house premises must be properly maintained in good condition at all times.

(x) A security plan must be submitted with an application for a specific use permit for a halfway house. The security plan must demonstrate compliance with the security requirements of state law. The director shall furnish a copy of security plans for halfway houses to appropriate city, county, and state agencies for their review before the commission's consideration of an application. Provisions addressing security must be included in any ordinance granting a specific use permit for a halfway house. A compliance report must be submitted to the director every two years after the date of passage of an ordinance granting a specific use permit and with each application for renewal of a specific use permit for a halfway house.

(xi) 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 site of the halfway house and the nearest point of the building site of another use, or of a zoning district boundary.

(14) Hospital.

(A) Definition: An institution where sick or injured patients are given medical treatment.

(B) Districts permitted: By right in GO(A), RR, CS, LI, IR, central area, MU-3, and MU-3(SAH) districts. By SUP only in A(A), multifamily, MO(A), CR, IM, MU-1, MU-1(SAH), MU-2, MU-2(SAH), multiple commercial, and urban corridor districts. RAR required in GO(A), RR, CS, LI, IR, MU-3, and MU-3(SAH) districts.

(C) Required off-street parking: One space for each patient bed. Handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must be licensed by the state as a hospital.

(15) Repealed. (Ord. 21044)

(16) Library, art gallery, or museum.

(A) Definition: An establishment for the loan or display of books or objects of art, science, or history.

(B) Districts permitted: By right in office, retail, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in residential districts.

(C) Required off-street parking: For a library, one space per 500 square feet of floor area. For an art gallery or museum, one space per 600 square feet of floor area.

(D) Required off-street loading:

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

(E) Additional provisions:

- (i) This use must be sponsored by a public or quasi-public agency and open and available to the general public.
- (ii) Retail sales in a library, art gallery, or museum is permitted as a limited accessory use.

(17) Public or private school.

(A) Definitions:

(i) OPEN-ENROLLMENT CHARTER SCHOOL means a public school that is operated under a charter granted under Subchapter D of Chapter 12 of the Texas Education Code.

(ii) PRIVATE SCHOOL means a school that a student may attend and thereby be exempt from state law requirements of compulsory attendance at a public school, and that exists apart from the student's home.

(iii) PUBLIC SCHOOL means a kindergarten, elementary, or secondary educational institution that is owned or operated by a local independent school district, or operated under a charter granted under Chapter 12 of the Texas Education Code.

(B) Districts permitted:

(i) Public school other than an open-enrollment charter school: By right in A(A), office, retail, CS, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in single family, duplex, townhouse, CH, multifamily, MH(A), and industrial districts. RAR required in A(A), office, retail, CS, mixed use, multiple commercial, and urban corridor districts.

(ii) Open-enrollment charter school or private school: By SUP only in residential, office, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking:

- (i) One and one-half spaces for each kindergarten/elementary school classroom;
- (ii) Three and one-half spaces for each junior high/middle school classroom; and
- (iii) Nine and one-half spaces for each senior high school classroom.

(iv) If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>



0 to 50,000 50,000 to 150,000	NONE 1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use does not include business, commercial, trade, or craft schools.

(ii) This use must comply with all applicable licensing requirements.

(iii) If this use is nonconforming, the board of adjustment shall not establish a compliance date for the use under Section 51A-4.704(a)(1) unless the owners of more than 50 percent of the land within 200 feet of the lot containing the school or a lot used by an entity affiliated with the school that is within 200 feet of the lot containing the school file a written petition with the board requesting that a compliance date be established. In computing the percentage of land area under this subparagraph, the area of public rights-of-way and city-owned property is excluded. The area of the lots used or owned by the school or by an entity affiliated with the school is also excluded from the computation.

(iv) This use, if nonconforming, may expand its total floor area by up to ten percent or 2,000 square feet, whichever is less, without obtaining an SUP. (Ord. Nos. 19455; 19786; 19913; 19931; 20037; 20159; 20493; 20731; 20752; 20807; 20845; 20920; 21044; 21442; 21663; 22026; 24271; 24718; 25047; 27495; 28096; 28424; 28803)

### **SEC. 51A-4.205. LODGING USES.**

(1) Hotel or motel.

(A) Definition: A facility containing six or more guest rooms that are rented to occupants on a daily basis.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraphs (B)(iii) or (B)(iv), by right in MO(A), GO(A), RR, CS, LI, IR, IM, central area, MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, MU-3(SAH) and multiple commercial districts.

(ii) By SUP only in the CR district.

(iii) By SUP only for a hotel or motel use that has 60 or fewer guest rooms.

(iv) If an SUP is not required, RAR required in MO(A), GO(A), RR, CS, LI, IR, IM, MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, MU-3(SAH), and multiple commercial districts.

(C) Required off-street parking: One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of meeting room. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Suite hotels may have kitchens in the guest rooms.

(1.1) Extended stay hotel or motel.

(A) Definition: A lodging facility containing six or more guest rooms, in which:

(i) 25 percent or more of the guest rooms have a kitchen that includes a sink, a full-size stove, and a full-size refrigerator (a cooking area limited to a microwave, mini-refrigerator, or cook-top does not constitute a "kitchen" for purposes of this definition); and

(ii) 10 percent or more of the guest rooms contain a sleeping area that is separated from a sitting area by a wall or partition.

(B) Districts permitted: By SUP in MO(A), GO(A), RR, CS, industrial, central area, mixed use, and multiple commercial districts.

(C) Required off-street parking: One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of floor area other than guest rooms. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Amenities such as maids, laundry, concierge, meeting rooms, exercise rooms, pool, and business services (fax, internet, voice mail, courier, etc.) may only be provided to guests.

(2) Lodging or boarding house.

(A) Definition: A facility containing at least one but fewer than six guest rooms that are separately rented to occupants.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), RR, CS, LI, IR, and central area districts. By SUP only in CR and IM districts.

(C) Required off-street parking: One space for each guest room. No handicapped parking is required.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction	

## (E) Additional provisions:

- (i) The operator of this use may serve meals to the occupants.
- (ii) This use may not have kitchens in the guest rooms.

(2.1) Overnight general purpose shelter.

## (A) Definitions: In these use regulations:

- (i) BED means a piece of furniture, mat, cushion, or other device on or in which a person may lie and sleep.

(ii) OVERNIGHT GENERAL PURPOSE SHELTER means an emergency lodging facility (as opposed to a residential or medical treatment facility) that provides room and board to more than four persons who are not related by blood, marriage, or adoption to the head of the household or the owner or operator of the facility, and that negotiates sleeping arrangements on a daily basis, whether or not the facility is operated for profit or charges for the services it offers. This definition does not include:

(aa) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or

(bb) any other use specifically defined in this chapter.

- (iii) THIS USE means an overnight general purpose shelter as defined in this paragraph.

## (B) Districts permitted:

(i) If this use provides shelter for 20 or less overnight guests, it is permitted by SUP only in LO(A), MO(A), GO(A), CR, RR, CS, LI, IR, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), and multiple commercial districts.

(ii) If this use provides shelter for more than 20 overnight guests, it is permitted by SUP only in GO(A), CS, LI, IR, and central area districts.

(C) Required off-street parking: 0.0025 spaces per bed, plus one space per 200 square feet of office or program service floor area; a minimum of four spaces is required.

## (D) Required off-street loading:

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

## (E) Additional provisions:

- (i) The maximum number of overnight guests permitted under this use is:

(aa) 20 in LO(A), MO(A), CR, RR, MU-2, MU-3, and multiple commercial districts; and

(bb) 200 in all other cases.

(ii) The cumulative maximum number of beds permitted for all of these uses combined on building sites located wholly or partially in the central business district is 250.

- (iii) The cumulative maximum number of beds permitted for all of these uses combined on building sites located wholly or

partially in the area including and within one-third of a mile of the central business district is 1100.

(iv) In the event of a conflict between Subparagraphs (ii) and (iii) and the provisions of any special purpose, planned development, or conservation district ordinances, Subparagraphs (ii) and (iii) control.

(v) This use must be spaced at least 1,000 feet away from:

(aa) a church;

(bb) a public or private elementary or secondary school;

(cc) any residential use listed in Section 51A-4.209 except a "college dormitory, fraternity, or sorority house";

(dd) any residential district, historic overlay district, or public park; and

(ee) any other overnight general purpose shelter.

If this use provides shelter for more than 50 overnight guests, it must be spaced at least one-half mile from any other overnight general purpose shelter. For purposes of these use regulations, measurement is made in a straight line, without regard to intervening structures or objects, from the nearest boundary of the building site containing the overnight general purpose shelter to the nearest boundary of the building site containing the church, public or private elementary or secondary school, or residential use, or to the nearest boundary of the residential or historic overlay district or public park, whichever is applicable. The distance between overnight general purpose shelters is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the shelters are located.

(vi) This use must be located within one-half mile of public transit.

(vii) This use must comply with all applicable licensing requirements.

(viii) The board of adjustment shall not establish a termination date for this use under Section 51A-4.704(a)(1).

(ix) Whenever an overnight general purpose shelter operating on city-owned land in full compliance with all applicable laws is, through no fault of its own, forced to vacate its current location as a result of the direct, positive, and affirmative action of the city, and if the requirements of this subparagraph are met, the shelter shall be permitted to relocate in any nonresidential district for a period of time of one year without applying for an SUP. The SUP requirement shall be suspended only if the proposed new building site is located a minimum of 1,000 feet from any building site containing any residential use listed in Section 51A-4.209 except a "college dormitory, fraternity, or sorority house"; and a minimum of 1,000 feet from any building site containing another shelter. All measurements shall be taken radially between the building sites in question. In addition, the shelter must obtain a certificate of occupancy and any other required licenses and approvals before it may begin operating. A shelter that relocates in accordance with this subparagraph shall not acquire any nonconforming rights during the period of suspension, and any investment made in land, buildings, or structures during that period shall be at the complete risk of the shelter that an SUP may not ultimately be granted. At or before the end of the one-year period, the shelter shall either file an application for an SUP or cease operations. A shelter that files an application for an SUP in accordance with this subparagraph may remain operating while the application is pending before the city plan commission or city council; however, if the application is denied or withdrawn, the shelter shall cease operations no later than 60 days after the date the final decision is made to deny the application, or the date the application is withdrawn, whichever is applicable.

(3) Reserved. (Ord. Nos. 19455; 19786; 19873; 20038; 20493; 20920; 21663; 22139; 24857; 25435)

## **SEC. 51A-4.206. MISCELLANEOUS USES.**

(1) Attached non-premise sign.

(A) Definition: A "non-premise sign" as defined in Article VII that is also an "attached sign" as defined in that article.

(B) Districts permitted:

(i) By express authorization in special provision sign districts.

(ii) By express authorization and SUP only in planned development districts.

(iii) By SUP only in office, retail, CS, industrial, central area, mixed use, and multiple commercial districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must be located in or within one mile of the central business district, and be spaced at least 1,000 feet from all other attached non-premise signs.

(ii) The effective area of this use may not exceed 25 percent of the area of the facade to which it is attached, or 672 square feet, whichever is less. No more than 10 percent of the effective area of this use may contain words, and this use may not contain more than eight words.

(iii) An SUP granted for this use must have a time limit of no more than three years, and is not eligible for automatic renewal.

(iv) These use regulations cannot be modified in an ordinance establishing or amending regulations governing a planned development district.

(v) Subparagraphs (i), (ii), and (iii) do not apply when this use is expressly authorized in a special provision sign district.

(vi) No certificate of occupancy is required for this use.

(2) Carnival or circus (temporary).

(A) Definition: A temporary traveling show or exhibition that has no permanent structure or installation.

(B) Districts permitted: Special authorization by the building official as approved in Resolution No. 65-1854.

(C) Required off-street parking: 25 spaces per acre. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) Off-street parking and loading requirements for this use may be satisfied by using existing parking and loading spaces for other uses located within 500 feet of the carnival or circus, or by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary parking and loading spaces:

(aa) are adequately designed to accommodate the parking and loading needs of the use; and

(bb) will not adversely affect surrounding uses.

(3) Detached non-premise sign.

(A) Definition: A "non-premise sign" as defined in Article VII that is also a "detached sign" as defined in that article.

(B) Districts permitted: See Section 51A-7.306.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Legal and non-conforming detached non-premise signs may be relocated under certain circumstances. See Section 51A-7.307.

(ii) No certificate of occupancy is required for this use.

(4) Hazardous waste management facility.

(A) Definition: A facility for which a person is required to obtain a hazardous waste permit from the Texas Water Commission pursuant to the Texas Solid Waste Disposal Act (Chapter 361 of the Texas Health and Safety Code). The term "hazardous waste permit" means that permit required to be obtained from the Texas Water Commission pursuant to Section 361.082 of that Act for the processing, storage, or disposal of hazardous waste. In accordance with that Act:

(i) DISPOSAL means the discharging, depositing, injecting, dumping, spilling, leaking, or placing of hazardous waste, whether

containerized or uncontainerized, into or on land or water so that the hazardous waste or any constituent thereof may be emitted into the air, discharged into surface water or groundwater, or introduced into the environment in any other manner.

(ii) FACILITY means all contiguous land, including structures, appurtenances, and other improvements on the land, used for the processing, storage, or disposal of hazardous waste on the building site.

(iii) HAZARDOUS WASTE means solid waste, as defined by state law, identified or listed as hazardous waste by the administrator of the United States Environmental Protection Agency under the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.).

(iv) PROCESSING means the extraction of materials from or the transfer, volume reduction, conversion to energy, or other separation and preparation of hazardous waste for reuse or disposal. The term includes the treatment or neutralization of hazardous waste designed to change the physical, chemical, or biological character or composition of a hazardous waste so as to neutralize the waste, recover energy or material from the waste, render the waste nonhazardous or less hazardous, make it safer to transport, store, or dispose of, or render it amenable for recovery or storage, or reduce its volume. The term does not include activities concerning those materials exempted by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.), unless the Texas Water Commission or the Texas Department of Health determines that regulation of the activity under the Texas Solid Waste Disposal Act is necessary to protect human health or the environment.

(v) STORAGE means the temporary holding of hazardous waste, after which the waste is processed, disposed of, or stored elsewhere. [Note: The term "temporary holding" in this definition is subject to interpretation by the Texas Water Commission.]

(B) Districts permitted: By right in the IM district when operated as a hazardous waste incinerator; otherwise by right in IR and IM districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 50,000	NONE
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must fully comply with all applicable local, state, and federal laws and regulations.

(ii) This use must not be located within 1,000 feet of an established residence, church, school, or dedicated public park which is in use at the time the notice of intent to file a hazardous waste permit application is filed with the Texas Water Commission, or if no such notice is filed, at the time the permit application is filed with the commission.

(iii) This use shall at all times be considered a separate main use. This use cannot be an accessory use within the meaning of Section 51A-4.217.

(iv) When operated as a hazardous waste incinerator, this use must front on a principal arterial and be located:

(aa) on a lot that is no smaller than five acres in size;

(bb) at least 200 feet from the lot line;

(cc) at least two miles from all lots containing municipal and hazardous waste incinerators;

(dd) at least one mile from all lots containing medical/infectious and pathological waste incinerators; and

(ee) at least 1,500 feet from all lots containing residential; public or private school; church; public park, playground, or golf course; convalescent or nursing home; medical clinic or ambulatory surgical center; and hospital uses.

(v) No outside storage is permitted in conjunction with this use when it is operated as a hazardous waste incinerator.

(vi) In the event of a conflict between these use regulations and any other provision in this chapter, these use regulations control.

(5) Placement of fill material.

(A) Definition: The placement or deposit of fill material, which is composed of nonhazardous earth material. This does not include industrial or municipal waste as defined in Chapter 18 of the Dallas City Code, as amended or solid waste as defined in 51A-2.102 of the Dallas Development Code, as amended. For the purposes of this paragraph:

(i) Hazardous earth material means: earth material containing hazardous material, as defined in Title 49 of the Code of Federal Regulations.

(B) Districts permitted: Except as otherwise provided in this paragraph, by SUP in all districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In addition to the findings required by Section 51A-4.219 of this chapter, a specific use permit may not be granted for this use except upon a finding that the placement of fill material:

(aa) will not adversely affect surrounding uses;

(bb) will be conducted in a manner which eliminates unnecessary dust, noise and odor;

(cc) will not damage any public improvement or public infrastructure as a result of the filling operation;

(dd) will not be placed in a flood plain, escarpment or geologically similar area unless authorized in accordance with the Dallas City Code;

(ee) will not alter drainage of the property that adversely affects the site or adjacent properties;

(ff) will be accomplished with safe and adequate ingress and egress to the site; and

(gg) will not damage or destroy any protected trees during the filling operation unless mitigation measures are provided in accordance with Article X of the Dallas Development Code.

(ii) Automatic renewal. A specific use permit granted for this use is not eligible for automatic renewal.

(iii) Exemptions from the specific use permit requirement. Placement of fill material is permitted by right in all districts if it:

(aa) is incidental to on-site filling operations necessary to the development of a subdivision pursuant to an approved plat and a private development contract executed with the city;

(bb) is for the site where the filling is being done and in connection with one of the following approved permits: permit for construction, fill permit, escarpment permit, excavation permit, or landscape permit;

(cc) is incidental to on-site filling operations necessary for governmental or utility construction projects such as streets, alleys, drainage, gas, electrical, water, cable, and telephone facilities, and similar projects;

(dd) is incidental to on-site filling operations necessary to the construction of paving for parking areas and similar activities consistent with the allowed land use; or

(ee) does not exceed five truck loads or 50 cubic yards of fill material, whichever is less, during any 12 month period. For purposes of this provision, a truck is defined as a truck-tractor, road tractor, semi-trailer, trailer or truck with a rated capacity in excess of one and one-half tons according to the manufacturer's classification.

Note: If the placement of fill material exceeds the level stated above in provision (E)(iii)(ee) and does not qualify for an exemption, the operator of the use must file an application for a specific use permit.

(iv) Operations plan. An applicant shall submit to the director of sustainable development and construction an operations plan which includes:

(aa) hours of operation;

(bb) location and depth of fill;

(cc) fences or any other barriers necessary for safety and screening;

(dd) drainage and erosion control measures, if required;

(ee) means for protection of trees;

(ff) truck routes to be used (usage of truck routes must be in compliance with Article X of Chapter 28 of the Dallas City Code);

(gg) the length of time necessary to complete the filling;

(hh) sufficient ingress and egress to and from the site; and

(ii) any other information the director determines is reasonably necessary for a complete review of the proposed filling operations.

(v) Illegally deposited material. Any material illegally deposited in the placement of fill material must be removed within 60 days after notice from the director of the Department of Streets, Sanitation and Code Enforcement.

(6) Temporary construction or sales office.

(A) Definition: A facility temporarily used as a construction or sales office.

(B) Districts permitted: By right in all residential and nonresidential districts except the P(A) district.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A temporary construction or sales office must be located on a platted lot or on a site that is part of a preliminary plat approved by the commission.

(ii) The building official shall issue a temporary certificate of occupancy for a period of one year for a temporary construction or sales office. The building official may grant up to four extensions of six months each to the certificate of occupancy for a construction office if the builder maintains active or continuous construction on the site or within the subdivision, and for a sales office if a minimum of ten lots in the subdivision are unsold.

(iii) A temporary construction or sales office may not be located in another subdivision or used for construction or sales in another subdivision. (Ord. Nos. 19455; 19786; 20478; 20493; 21002; 22996; 23239; 24232; 25047; 28073)

## **SEC. 51A-4.207. OFFICE USES.**

(1) Alternative financial establishment.

(A) Definitions: In this paragraph:

(i) ALTERNATIVE FINANCIAL ESTABLISHMENT means a car title loan business or money services business. An alternative financial establishment does not include state or federally chartered banks, community development financial institutions, savings and loans, credit unions, or regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code. If a regulated lender licensed in accordance with Chapter 342 of the Texas Finance Code also offers services as a credit access business under Chapter 393 of the Texas Finance Code, that business is an alternative financial establishment.

(ii) CAR TITLE LOAN BUSINESS means an establishment that makes small, short-term consumer loans secured by a title to a motor vehicle.

(iii) MONEY SERVICES BUSINESS means a business that provides or assists a consumer in obtaining a payday cash



advance, payroll advance, short-term cash loan, short term cash advance, instant payday cash advance, short-term money loan services, or similar services to individuals for a specified fee.

(B) Districts permitted: By SUP only in all nonresidential districts except the NO(A), NS(A), MU-1, MU-1(SAH), UC-1, and P(A) districts.

(C) Required off-street parking: One space per 333 square feet of floor area.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) No alternative financial establishment may be located within 1,500 feet, measured from property line to property line, of any other alternative financial establishment.

(ii) No alternative financial establishment may be located within 300 feet, measured from property line to property line, of a lot in a residential district.

(iii) An alternative financial establishment may only be a main use that requires a specific use permit and a certificate of occupancy. An alternative financial establishment may not be an accessory use within the meaning of Section 51A-4.217.

(2) Financial institution without drive-in window.

(A) Definition: A facility for the extension of credit and the custody, loan, or exchange of money which does not provide drive-in window service for customers. A financial institution without drive-in window includes regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code, but does not include lenders that also offer any services as credit access businesses under Chapter 393 of the Texas Finance Code.

(B) Districts permitted: By right in all nonresidential districts except the P(A) district.

(C) Required off-street parking: One space per 333 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.

(D) Required off-street loading:

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

(3) Financial institution with drive-in window.

(A) Definition: A facility for the extension of credit and the custody, loan, or exchange of money which provides drive-in window service for customers in motor vehicles. A financial institution with drive-in window includes regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code, but does not include lenders that also offer any services as credit access businesses under Chapter 393 of the Texas Finance Code.

(B) Districts permitted: By right in MO(A), GO(A), CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By SUP only in LO(A) districts. DIR required in MO(A), GO(A), CR, RR, mixed use, central area, and multiple commercial districts. RAR required in CS and industrial districts.

(C) Required off-street parking: One space per 333 square feet of floor area. See the additional provisions [Subparagraph (E)] for off-street stacking requirements. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) The following off-street stacking requirements apply to this use (See Section 51A-4.304 for more information regarding off-street stacking spaces generally):

(aa) The total number of stacking spaces required for teller windows or stations is as follows:

<b>NO. OF TELLER WINDOWS OR STATIONS</b>	<b>TOTAL NUMBER OF STACKING SPACES REQUIRED</b>
1	5
2	10
3	15
4	18
Each additional teller window or station	3 additional

(bb) For purposes of Subparagraph (aa), the term "teller window or station" means a location where customers in motor vehicles transact business with an employee of the financial institution by deal drawer or through the use of a pneumatic tube system or equivalent.

(cc) Each unmanned transaction station must have a minimum of two stacking spaces. For purposes of this subparagraph, the term "unmanned transaction station" means a location where customers in motor vehicles transact business with a machine.

(4) Medical clinic or ambulatory surgical center.

(A) Definition: A facility for examining, consulting with, and treating patients with medical, dental, or optical problems on an out-patient basis.

(B) Districts permitted: By right in all nonresidential districts except the P(A) district.

(C) Required off-street parking: One space per 200 square feet of floor area. Handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) Offices and laboratories are permitted as accessory uses.

(5) Office.

(A) Definition: A place for the regular transaction of business.

(B) Districts permitted: By right in all nonresidential districts except the P(A) district.

(C) Required off-street parking: One space per 333 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.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) Retail sales, the transfer of manufactured goods, or the storage of commodities is not permitted except as a limited accessory use. (Ord. Nos. 19455; 19786; 19806; 20493; 21001; 28214; 29208; 29589)

### **SEC. 51A-4.208. RECREATION USES.**

(1) Country club with private membership.

(A) Definition: A private recreational club containing a golf course and a club house that is available only to the country club membership and their guests.

(B) Districts permitted: By right in CH, multifamily, MH(A), and all nonresidential districts except the P(A), and urban corridor districts. By SUP only in A(A), single family, duplex, and townhouse districts. RAR required in CH, multifamily, and MH(A) districts.

(C) Required off-street parking: If an SUP is required for this use, the off-street parking requirement may be established by the ordinance granting the SUP, otherwise three spaces for each game court, one space for each additional 150 square feet of floor area, and five spaces for each golf course green.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may contain a private bar, dining room, a swimming pool, and tennis courts and similar services and recreational facilities.

(2) Private recreation center, club, or area.

(A) Definition: An area providing private recreational facilities such as playgrounds, parks, game courts, swimming pools, and playing fields.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-2 and UC-3 districts. By SUP only in all residential districts except MH(A), and in NO(A), LO(A), MO(A), and NS(A) districts.

(C) Required off-street parking: If an SUP is required for this use, the off-street parking requirement may be established by the ordinance granting the SUP, otherwise three spaces for each game court and one space for each additional 150 square feet of floor area.

(D) Required off-street loading: None.

(3) Public park, playground, or golf course.

(A) Definition: Land planned, developed, or used for active or passive recreational use by the public that is owned or operated by a public agency for those purposes.

(B) Districts permitted: By right in all residential and nonresidential districts except the P(A) district. DIR required in urban corridor districts.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions.

(i) Lighting standards for this use for facilities other than parking may:

(aa) be built to any height below the residential proximity slope; or

(bb) project above the residential proximity slope to a height not to exceed 40 feet. This provision is an exception to the maximum structure height that would otherwise apply in the zoning district.

(ii) Lighting standards for this use for parking facilities must not exceed 20 feet in height.

(iii) Spillover light on neighboring residential lots must not exceed 0.1 footcandle measured at a point five feet inside the residential lot line and five feet above the ground surface.

(iv) The board may grant a special exception to the height restrictions applicable to lighting standards for this use upon making a special finding from the evidence presented that:

(aa) strict compliance with those restrictions will unreasonably burden the use of the property; and

(bb) the special exception will not adversely affect neighboring property. The board shall not grant a special exception to the spillover light restriction in Subparagraph (iii).

(v) The heights of nonconforming lighting standards for this use may be increased by up to 10 percent without board approval, provided that the spillover light restriction in Subparagraph (iii) is complied with. The cumulative additional height authorized by this subparagraph is 10 percent of the height of the lighting standard at the time it became nonconforming. (Ord. Nos. 19455; 19786; 20344; 20384; 20493; 24718; 27183; 28803)

(a) General provisions. Notwithstanding any other provision in this chapter, a facility that meets all of the requirements of Article 1011n, V.T.C.A., may locate in any residential zone or district in the city as a matter of right. Unless otherwise directed by the city attorney, the building official and any other city officer or employee charged with enforcement of this chapter shall construe Article 1011n by substituting Congress' definition of a handicapped person in the Fair Housing Amendments Act of 1988, as amended, for the state's definition of "disabled person" in that article.

(b) Specific uses.

(1) College dormitory, fraternity, or sorority house.

(A) Definition: A college resident hall or a facility for housing a social or service organization of college students.

(B) Districts permitted: By right in A(A), multifamily, MH(A), LO(A), MO(A), GO(A), CR, RR, CS, central area, mixed use, and multiple commercial districts. By SUP only in NO(A), NS(A), and urban corridor districts.

(C) Required off-street parking: One space for each sleeping room. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: One space.

(2) Duplex.

(A) Definition: Two dwelling units located on a lot.

(B) Districts permitted: By right in duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), central area, and mixed use districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

(C) Required off-street parking: Two spaces per dwelling unit. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Only one main building may be placed on a building site under this use.

(ii) In a duplex district, a lot for a duplex use may be supplied by not more than one electrical utility service and metered by not more than two electrical meters. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than two electrical meters on a lot for a duplex use in a duplex district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interest;

(bb) not adversely affect neighboring properties; and

(cc) not be used to conduct a use not permitted in the district where the building site is located.

(iii) In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, "industrialized housing" means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the "value" of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. "Compatible" as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

(dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation.

(ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

(3) Group residential facility.

(A) Definition: An interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a "family" as that term is defined in this chapter, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

(i) facilities that negotiate sleeping arrangements on a daily basis;

(ii) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or

(iii) any other use specifically defined in this chapter.

(B) Districts permitted: When located at least 1,000 feet from all other group residential facilities and licensed handicapped group dwelling units (as defined in this chapter), by right in CH, multifamily, central area, and mixed use districts; otherwise, by SUP only in the same districts. For purposes of this provision, the term "licensed" means licensed by the Texas Department of Human Services, or its successor, and the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups. [See Section 51A-1.102(b)(2).]) By SUP only in urban corridor districts.

(C) Required off-street parking: 0.25 spaces per bed, plus one space per 200 square feet of office area; a minimum of four spaces is required. No handicapped parking is required. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the following density restrictions:

<b>ZONING DISTRICT CLASSIFICATION</b>	<b>MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE</b>	<b>MAXIMUM NO. OF BEDS* PER NET ACRE</b>
TH-1(A) and RTN	35	70
TH-2(A) and TH-3(A)	40	80
CH	45	90
MF-1(A) and MF-1(SAH)	50	100
MF-2(A) and MF-2(SAH)	60	120

MF-3(A)	90	180
MF-4(A)	160	320

\*For purposes of this subparagraph, the term "suite" means one or more rooms designed to accommodate one family, containing living, sanitary, and sleeping facilities, but not containing a kitchen; and the term "bed" means a piece of furniture, mat, cushion, or other device on or in which one may lie and sleep.

(ii) This use must comply with statutory licensing requirements, if any.

(iii) This use may include dwelling units or suites that are exclusively restricted to visitors or members of the staff.

(3.1) Handicapped group dwelling unit.

(A) Definitions:

(i) DOMICILE means the legal, established, fixed, and permanent place of residence of a person, as distinguished from a temporary and transient, though actual, place of residence.

(ii) HANDICAPPED GROUP DWELLING UNIT means a single dwelling unit that is the domicile of not more than eight handicapped persons who are not a "family" as that term is defined in this chapter, and who are living together as a single housekeeping unit. Up to two supervisory personnel may reside on the premises, provided that the total number of residents, including supervisory personnel, does not exceed eight.

(iii) HANDICAPPED PERSON means a handicapped person as defined in the federal Fair Housing Amendments Act of 1988, as amended.

(iv) LICENSED means licensed by the Texas Department of Human Services, or its successor.

(B) Districts permitted: When located at least 1,000 feet from group residential facilities and all other licensed handicapped group dwelling units (as defined in this chapter), by right in the following districts: agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), GO(A), central area, MU-1, and MU-1(SAH) districts; otherwise, by SUP only in the same districts. In the GO(A) district, the total floor area of this use in combination with all single family, duplex, and multifamily uses may not exceed five percent of the total floor area of the building in which the use is located. For purposes of this provision, the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups.) By SUP only in urban corridor districts.

(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. No handicapped parking is required. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No certificate of occupancy is required for this use.

(ii) This use liberalizes current restrictions on the number of unrelated persons who may reside together in a dwelling unit in the city for the exclusive benefit of handicapped persons seeking to permanently reside together as a single housekeeping unit. Its purpose is to comply with the substance and spirit of the federal Fair Housing Amendments Act of 1988, as amended, which requires that reasonable accommodations be made in rules, policies, and practices to permit persons with handicaps equal opportunity to use and enjoy a dwelling. [See Section 51A-1.102(b)(2).]

(iii) This use is exempt from payment of SUP application fees.

(iv) Any owner of property on which this use is located or proposed to be located may request a letter from the director confirming that no SUP is required for the use. No fee is required to apply for such a letter. Application must be on a form furnished

by the director. The director shall issue the requested letter unless, within 30 days after submission of a complete application, the director gives written notice to the applicant that the use or proposed use will require an SUP. For purposes of this paragraph, notice is given to the applicant by depositing the same properly addressed and postage paid in the United States mail. The proper address for purposes of this notice requirement is the address provided by the applicant on the application. No SUP shall be required for uses that operate in justifiable reliance upon a valid confirmation letter issued by the director.

(v) Any aggrieved person may appeal a decision of the director that an SUP is required for this use. Such appeals shall be heard and decided by the board of adjustment. An appeal to the board must be made within 15 days after the director gives written notice that the SUP is required. Appeal is made by filing a written notice of appeal on a form approved by the board. [See Section 51A-4.703.] No fee is required to appeal the decision of the director to the board.

(vi) If two or more facilities are within 1,000 feet of each other and otherwise in permissible locations, the first one lawfully established and continually operating thereafter is the conforming use. For purposes of this subparagraph, "continually operating" means that the use has not been discontinued for six months or more.

(4) Manufactured home park, manufactured home subdivision, or campground.

(A) Definition:

(i) A manufactured home park is a unified development of transient stands arranged on a lot under single ownership.

(ii) A manufactured home subdivision is a plat designed specifically for manufactured home development.

(iii) A campground is a lot used to accommodate recreation vehicles, tents, or manufactured homes on a rental basis for temporary camping purposes.

(B) Districts permitted: By right in the MH(A) district.

(C) Required off-street parking: 1.5 spaces for each transient stand for a manufactured home park or campground; 1.5 spaces for each lot in a manufactured home subdivision. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The owner of a manufactured home park must have a site plan approved by the commission before the building official may issue a building permit for the manufactured home park. The site plan must include the dimensions, bearings, and street frontage of the property; the location of buildings, structures, lots, stands, and uses; the method of ingress and egress; off-street parking and loading arrangements; screening, lighting, and landscaping, if appropriate; and any other information the director determines necessary for a complete review of the proposed development.

(ii) The owner of a manufactured home subdivision must have a plat approved by the commission and filed in the county records before the building official may issue a building permit for the manufactured home subdivision.

(iii) One caretaker's dwelling unit and one office is permitted under this use.

(iv) Uses that are customarily incidental to this use, including an employee's washroom, a manager's office, laundry room, swimming pool, and game courts are permitted provided they are located no closer than 50 feet to an R, R(A), D, D(A), TH, or TH(A) district. The game courts, laundry room, and swimming pool must be for the exclusive use of the residents and their guests. No exterior advertising of the uses is permitted.

(v) The owner under this use must provide and maintain a permanent steel chain link fence or its equivalent. The fence must be at least five feet in height and must completely surround the rear and all sides of this use that are not exposed to a dedicated street.

(vi) Open playground space must be provided under this use at a ratio of 500 square feet of open space for each of the first 20 lots or transient stands provided, and at a ratio of 250 square feet for all additional lots or transient stands.

(vii) This use must comply with the requirements of Chapter 47 of this code.

(5) Multifamily.

(A) Definitions: Three or more dwelling units located on a lot.

(B) Districts permitted: By right in CH, multifamily, central area, mixed use, and urban corridor districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]



(C) Off-street parking.

Required off-street parking: One space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Uses that are customarily incidental to the multifamily use and that include an employee's washroom, a manager's office, laundry room, swimming pool, and game courts are permitted provided they are located no closer than 50 feet to an R, R(A), D, D(A), TH, or TH(A) district. The game courts, laundry room, and swimming pool must be for the exclusive use of the residents and their guests. No exterior advertising of the uses is permitted.

(ii) The minimum space between exterior walls of a multifamily dwelling must be 10 feet between the walls if only one wall has an opening for light and air and 20 feet if both walls have an opening for light and air. This provision applies to multifamily buildings with a common roof and free standing multifamily buildings. This provision does not apply to walls located entirely within a dwelling unit.

(iii) This use does not include a hotel or motel.

(5.1) Residential hotel.

(A) Definition: A facility that receives more than 50 percent of its rental income from occupancies of 30 consecutive days or more and contains:

(i) six or more guest rooms with living and sleeping accommodations, but no kitchen or kitchenette;

(ii) six or more guest rooms with living, sleeping, and kitchen or kitchenette facilities that are offered for rental on a daily basis; or

(iii) six or more guest rooms with living and sleeping accommodations, each of which is individually secured and rented separately to one or more individuals who have access to bathroom, kitchen, or dining facilities outside the guest room on a common basis with other occupants of the structure.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), central area, and mixed use districts when located at least one mile, measured from property line to property line, from all other residential hotel uses.

(C) Required off-street parking: 0.5 spaces per guest room. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the regulations in Article VII of Chapter 27 of the Dallas City Code, as amended.

(ii) For a use holding an occupancy record card pursuant to Chapter 27 on August 10, 1994, the nonconformity as to the minimum distance requirement set out in Subparagraph (B) does not render it subject to amortization by the board of adjustment.

(iii) The operator of this use shall maintain a registry showing the name, address, date of arrival, and date of departure of each guest. The operator of this use shall make the registry available to the building official.

(5.2) Retirement housing.

(A) Definition: A residential facility principally designed for persons 55 years of age or older. This use does not include a "convalescent and nursing homes, hospice care, and related institutions" use, which is defined as a separate main use in Section 51A-4.204(8).

(B) Districts permitted: By right in CH, multifamily, central area, and mixed use districts. By SUP only in townhouse and urban corridor districts.

(C) Required off-street parking: One space per dwelling unit or suite.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 50,000	NONE
50,000 to 100,000	1
100,000 to 300,000	2
Each additional 200,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In these regulations:

(aa) ELDERLY RESIDENT means a resident that is 55 years of age or older.

(bb) SUITE means one or more rooms designed to accommodate one family containing living, sanitary, and sleeping facilities, but not containing a kitchen.

(ii) In townhouse, RTN, CH, and multifamily districts, this use is subject to the following density restrictions:

<b>ZONING DISTRICT CLASSIFICATION</b>	<b>MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE</b>
TH-1(A) and RTN	25
TH-2(A) and TH-3(A)	35
CH	40
MF-1(A) and MF-1(SAH)	45
MF-2(A) and MF-2(SAH)	55
MF-3(A)	90
MF-4(A)	160

(iii) Except as otherwise provided in Subparagraphs (iv) and (v), each occupied dwelling unit or suite must have at least one elderly resident. Failure to comply with this provision shall result in the facility being reclassified as another residential or lodging use.

(iv) One dwelling unit or suite may be designated as a caretaker unit whose occupants are not subject to the age restriction in Subparagraph (iii).

(v) Those persons legally re-siding with an elderly resident at the facility may continue to reside at the facility for a period not to exceed one year if the elderly resident dies or moves out for medical reasons. The board may grant a special exception to authorize an extension of the length of time a person may continue to reside at the facility if the board finds, after a public hearing, that literal enforcement of this provision would result in an unnecessary personal hardship. In determining whether an unnecessary personal hardship would result, the board shall consider the following factors:

(aa) The physical limitations of the resident, if any.

(bb) Any economic constraints which would make it difficult for the resident to relocate.

(cc) Whether the resident is dependent on support services or special amenities provided by the retirement housing project.

(dd) Whether there are any alternative housing or market constraints which would impair the ability to relocate.

(vi) No use with exterior advertising or signs may be considered accessory to this use.

(6) Single family.

(A) Definition: One dwelling unit located on a lot.

(B) Districts permitted: By right in agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), central area, MU-1, and MU-1(SAH) districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

(aa) be used as rental accommodations; or

(bb) adversely affect neighboring properties.

(ii) In granting a special exception under Subparagraph (i), the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

(iii) Except for the foundation, a dwelling unit must be physically separable from contiguous dwelling units in the event of removal of a dwelling unit. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.

(iv) Each dwelling unit must have separate utility services; however, general utility services on land owned and maintained by a homeowner's association is allowed.

(v) In a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter on a lot in a single family, duplex, or townhouse district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interests;

(bb) not adversely affect neighboring properties; and

(cc) not be used to conduct a use not permitted in the district where the building site is located.

(vi) In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, "industrialized housing" means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the "value" of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. "Compatible" as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

(dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation.

(ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

(vii) Except in the agricultural district, accessory structures are subject to the following regulations:

(aa) No person shall rent an accessory structure. For purposes of this section, rent means the payment of any form of consideration for the use of the accessory structure.

(bb) No person shall use an advertisement, display, listing, or sign on or off the premises to advertise the rental of an accessory structure.

(cc) The height of an accessory structure may not exceed the height of the main building.

(dd) The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.

(ee) The total floor area of all accessory structures on a lot, excluding floor area used for parking, may not exceed 50 percent of the floor area of the main building.

(ff) Accessory structures must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the main building. "Compatible" as used in this provision means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. This provision does not apply to accessory structures with a floor area of 200 square feet or less. (Ord. Nos. 19455; 19786; 19912; 20360; 20493; 20953; 21044; 21663; 22139; 22390; 23897; 24585; 24718; 24857; 25133; 25486; 25977; 27495; 28803; 29208; [30184](#))

## **SEC. 51A-4.210. RETAIL AND PERSONAL SERVICE USES.**

(a) General provisions. Except as otherwise provided in this article, the following general provisions apply to all uses listed in this section:

(1) All uses must be retail or service establishments dealing directly with consumers. No person may produce goods or perform services on the premises unless those goods or services are principally sold on the premises to individuals at retail.

(2) Outside sales, outside display of merchandise, and outside storage may be classified as either main or accessory uses. Accessory outside sales, accessory outside display of merchandise, and accessory outside storage are limited to five percent of the lot. If these uses occupy more than five percent of the lot, they are only allowed in districts that permit them as a main use.

(3) In a GO(A) district, a retail and personal service use:

(A) must be contained entirely within a building; and

(B) may not have a floor area that, in combination with the floor areas of other retail and personal service uses in the building, exceeds 10 percent of the total floor area of the building.

(b) Specific uses.

(1) Ambulance service.

(A) Definition: A facility for the housing, maintenance, and dispatch of vehicles designed to transport sick or injured persons to medical facilities.

(B) Districts permitted: By right in CR, RR, CS, central area, MC-3, and MC-4 districts. RAR required in CR, RR, CS, MC-3, and MC-4 districts.

(C) Required off-street parking: One space per 300 square feet of floor area, plus one space per 500 square feet of site 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(2) Animal shelter or clinic.

(A) Definition: A facility for the diagnosis, treatment, hospitalization, or harboring of animals including, but not limited to dogs, cats, birds, and horses.

(B) Districts permitted:

(i) Without outside runs: By right in A(A), CR, RR, CS, LI, IR, IM, mixed use, multiple commercial, and urban corridor districts. RAR required in CR, RR, CS, mixed use, and multiple commercial districts.

(ii) With outside runs: By right in CS, LI, IR, and IM districts when located at least 1,000 feet from residential districts; otherwise, by SUP only in the same districts. By SUP only in A(A) and RR districts.

(C) Required off-street parking: One space per 300 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(3) Auto service center.

(A) Definition: A facility for the servicing or minor mechanical repair of motor vehicles. This use may include the retail sale of lubricating oils, tires, or parts for use in motor vehicles. This use does not include as its primary function the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components, nor auto body repair or painting.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. RAR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.

(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of four spaces is required. Parking spaces that are used to repair motor vehicles and located in a structure are not counted in determining the required parking. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 60,000	1
Each additional 60,000 or fraction thereof	1

(E) Additional provisions:

(i) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.

(ii) The servicing or repair of motor vehicles that weigh more than 6,000 pounds or that have a manufacturer's rated seating capacity of more than 15 persons is not permitted under this use.

(4) Alcoholic beverage establishments.

(A) Definitions:

(i) **BAR, LOUNGE, OR TAVERN** means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

(ii) **MICROBREWERY, MICRO-DISTILLERY, OR WINERY** means an establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area of 10,000 square feet or less that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not a microbrewery, microdistillery, or winery use.

(iii) **PRIVATE-CLUB BAR** means an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code that derives 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include a fraternal or veterans organization, as defined in the Texas Alcoholic Beverage Code, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code.

(B) Districts permitted:

(i) Bar, lounge, or tavern and private club-bar. By SUP only in GO(A)\*, CR, RR, CS, industrial, central area, mixed use, multiple commercial, MF-4(A), LO(A), MO(A), UC-2, and UC-3 districts. \*Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(ii) Microbrewery, micro-distillery, or winery. By right in industrial districts with RAR required. By SUP only in CR, RR, CS, central area, mixed-use, urban corridor, and walkable urban mixed use districts.

(C) Required off-street parking:

(i) Bar, lounge, or tavern and private club-bar.

(aa) Except as otherwise provided, one space per 100 square feet of floor area.

(bb) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the bar, lounge, or tavern use.

(ii) Microbrewery, micro-distillery, or winery.

(aa) Except as otherwise provided, one space per 600 square feet of floor area.

(bb) One space per 1,000 square feet of floor area used for storage.

(cc) One space per 100 square feet of floor area used for retail sales and seating.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Bar, lounge, or tavern and private club-bar.

(aa) Food may be prepared and served as an accessory use.

(bb) Music, entertainment, or facilities for dancing may be provided under this use.

(cc) The person owning or operating the use shall, upon request, supply the building official with any records needed to document the percentage of gross revenue for the previous 12 month period derived from the sale or service of alcoholic beverages for on-premise consumption.

(dd) Unless the person owning or operating the use supplies the building official with records to prove otherwise, an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code is presumed to derive 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption.

(ii) Microbrewery, micro-distillery, or winery.

(aa) Retail sales of alcoholic beverages and related items and tastings or sampling are allowed in accordance with Texas Alcoholic Beverage Commission regulations.

(bb) Except for loading, all activities must occur within a building.

(cc) Silos and containers of spent grain are allowed as outdoor storage. Containers of spent grain must be screened. All other outdoor storage or repair is prohibited.

(dd) If an SUP is required, silos and outdoor storage areas for spent grain must be shown on the site plan.

(ee) Drive-through facilities are prohibited.

(5) Business school.

(A) Definition: A facility offering instruction and training in a service or the arts such as secretarial, barber, commercial artist, computer software, medical technician, and similar training.

(B) Districts permitted: By right in LO(A), MO(A), GO(A)\*, CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-2, and UC-3 districts. By SUP only in the NO(A) district. \*Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking: One space per 25 square feet of classroom. Any personal service uses accessory to a business school must be parked to the personal service use parking requirement.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN</b>	<b>TOTAL REQUIRED SPACES OR</b>
-------------------------------------	---------------------------------

<b>STRUCTURE</b>	<b>BERTHS</b>
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(6) Car wash.

(A) Definition: A facility for the washing or steam cleaning of passenger vehicles. A car wash may be:

- (i) a single unit type which has a single bay or a group of single bays with each bay to accommodate one vehicle only; or
- (ii) a tunnel unit type which allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

(B) Districts permitted: By right in CR, RR, CS, industrial, mixed use, MC-2, MC-3, and MC-4 districts. DIR required in the CR district. RAR required in RR, CS, industrial, mixed use, MC-2, MC-3, and MC-4 districts.

(C) Required off-street parking: For single-unit type car washes: none. For tunnel-type car washes a minimum of three spaces required. See the additional provisions [Subparagraph (E)] for off-street stacking requirements.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Required off-street stacking: Three stacking spaces for each bay in a single unit car wash; 25 stacking spaces for each tunnel unit car wash. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) Spaces used to wash motor vehicles and located in a structure are not counted in determining the required stacking.

(7) Commercial amusement (inside).

(A) Definitions. In this paragraph:

(i) AMUSEMENT CENTER means a facility for which an amusement center license is required under Chapter 6A of the Dallas City Code, as amended.

(ii) BILLIARD HALL means a facility for which a billiard hall license is required under Chapter 9A of the Dallas City Code, as amended.

(iii) CHILDREN'S AMUSEMENT CENTER means a facility with amusement rides, games, play areas, and other activities, catering primarily to children 12 years of age and younger.

(iv) CLASS E DANCE HALL means a facility for which a Class E dance hall license is required under Chapter 14 of the Dallas City Code, as amended.

(v) COMMERCIAL AMUSEMENT (INSIDE) means a facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This use includes but is not limited to an adult arcade, adult cabaret, adult theater, amusement center, billiard hall, bowling alley, children's amusement center, dance hall, motor track, or skating rink.



(vi) DANCE HALL means a dance hall as defined in Chapter 14 of the Dallas City Code, as amended, but excludes those uses described in Section 14-2(d). This definition includes a Class E dance hall.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraphs (B)(ii), (B)(iii), and (B)(iv), by right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-2, and UC-3 districts.

(ii) Amusement center: An SUP is required for an amusement center in a CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-1, or UC-2 district if it has a floor area of 2,500 square feet or more and is located within 300 feet of a residential district.

(iii) Bingo parlor: An SUP is required for a bingo parlor in a CR, UC-2, or UC-3 district.

(iv) Dance hall: An SUP is required for any dance hall (including a Class E dance hall) in a CR, CS, UC-2, or UC-3 district. An SUP is also required for a Class E dance hall in an RR, industrial, central area, mixed use, or multiple commercial district if the Class E dance hall is located within 300 feet of a residential district. RAR is required for any dance hall that does not require an SUP but is located within 300 feet of a residential district.

(C) Required off-street parking:

(i) Bingo parlor: one space per 50 square feet of floor area.

(ii) Bowling alley: six spaces per lane.

(iii) Children's amusement center: one space per 200 square feet of floor area.

(iv) Dance hall: one space per 25 square feet of dance floor and one space per 100 square feet of floor area for the remainder of the use. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet this off-street parking requirement. No special exception may be granted to the parking requirements.

(v) Motor track: one space per 1000 square feet of restricted track area and one space per additional 200 square feet of floor area.

(vi) Skating rink: one space per 200 square feet of floor area.

(vii) Other uses: If an SUP is required for this use, the off-street parking requirements may be established in the ordinance granting the SUP, otherwise one space per 100 square feet of floor area.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) For purposes of determining the applicability of regulations triggered by the proximity of this use to another zoning district, measurements are made in a straight line, without regard to intervening structures or objects, from the nearest boundary of the lot where this use is conducted to the nearest boundary of the zoning district at issue.

(ii) All required off-street parking for a bingo parlor located within 300 feet of a residential district must be provided on the lot occupied by the bingo parlor use.

(iii) A dance hall shall at all times be considered a separate main use and cannot be an accessory use within the meaning of Section 51A-4.217.

(iv) This use must comply with all applicable licensing requirements. Amusement center licensing requirements are located in Chapter 6A, billiard hall licensing requirements are located in Chapter 9A, dance hall licensing requirements are located in Chapter 14, and sexually oriented business licensing requirements are located in Chapter 41A.

(8) Commercial amusement (outside).

(A) Definition: A facility offering entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside. This use includes, but is not limited to a golf driving range or miniature golf course.

(B) Districts permitted: By right in CS and central area districts. By SUP only in A(A), CR, RR, mixed use, and multiple commercial districts. DIR required in the CS district.

(C) Required off-street parking: If an SUP is required for this use, the off-street parking requirement may be established by the ordinance granting the SUP, otherwise one space per 200 square feet of floor area, plus one space per 400 square feet of site area exclusive of parking area.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(8.1) Commercial motor vehicle parking.

(A) Definition: A facility for the temporary, daily, or overnight parking of commercial motor vehicles as defined in the use regulations for a truck stop, and/or motor vehicles with two or more rear axles such as trucks, truck tractors, and similar vehicles, for no charge or for a fee, regardless of whether that fee is charged independently of any other use on the lot, if the parking is not accessory to a main use on the lot.

(B) Districts permitted: By right in CS, LI, IR, and IM districts, except by SUP only if located within 500 feet of a residential district, measured in a straight line, without regard to intervening structures or objects, from the nearest boundary of the lot where this use is conducted to the nearest boundary of the zoning district at issue.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(9) Commercial parking lot or garage.

(A) Definition: A vehicle parking facility that is operated as a business enterprise by charging a fee for parking.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. RAR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.

(C) Required off-street parking: None; however, if this use is in the central business district, off-street stacking spaces or passenger unloading zones may need to be provided. No handicapped parking is required. For more information regarding off-street parking in the central business district, see Section 51A-4.306.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The parking of vehicles that weigh more than 6,000 pounds or that have a manufacturer's rated seating capacity of more than 15 persons is prohibited under this use in all areas of the city except the central business district.

(ii) This use must comply with the off-street parking regulations in Divisions 51A-4.300 et seq.

(iii) If located in the CA-1(A) district, this use must comply with the regulations in Section 51A-4.124(a)(9).

(9.1) Convenience store with drive-through.

(A) Definition: A business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, that has drive-in or drive-through service and has less than 10,000 square feet of floor area. For purposes of this definition, CONVENIENCE GOODS means food, beverage, household, personal care, and pharmaceutical items. A gasoline pump is not considered a drive-in or drive-through service.

(B) Districts permitted: By SUP only in CR, RR, CS, IR, IM, MU-2, MU-3, and multiple commercial districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(9.1)(E)(ii), is permitted only on Saturday and Sunday.

(iv) This use must comply with Chapter 12B, "Convenience Stores," of the Dallas City Code.

(10) Drive-in theater.

(A) Definition: A facility for showing motion pictures outdoors where the audience views the motion picture from automobiles or while seated outside.

(B) Districts permitted: By SUP only in A(A), CS, and IM districts.

(C) Required off-street parking: Six parking spaces. The number of stacking spaces must equal ten percent of the number of the theater's stalls. No handicapped parking is required.

(D) Required off-street loading: None.

(11) Dry cleaning or laundry store.

(A) Definition: A facility for the cleaning or laundering of garments, principally for individuals.

(B) Districts permitted: By right in GO(A)\*, retail, CS, industrial, central area, mixed use, and multiple commercial districts. In urban corridor districts, this use is permitted by right, but the use may not have a drive-in or drive-through facility. By right as a limited use only in MF-3(A), MF-4(A), LO(A), and MO(A) districts. \*Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking: One space per 200 square feet or 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.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) Garments may be collected at off-site pick-up stations for laundering and dry cleaning in this use.

(ii) This use may occupy no more than:

(aa) 3,500 square feet of floor area in an NS(A) district; and

(bb) 7,500 square feet of floor area in all other districts.

(iii) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(12) Furniture store.

(A) Definition: A facility principally for the display and retail sale of new furniture and appliances.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking: One space per 500 square feet of floor area open to the public. One space per 1,000 square feet of floor area for storage or warehouse areas not open to the public.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(12)(E)(i), is permitted only on Saturday and Sunday.

(iii) See Section 51A-4.605 for design standards applicable to uses of 100,000 square feet or more.

(13) General merchandise or food store 3,500 square feet or less.

(A) Definition: A retail store with a floor area of 3,500 square feet or less for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term "food store" includes a grocery store, delicatessen, convenience store without drive-through, and specialty foods store. This use does not include other uses in this article that are specifically listed.

(B) Districts permitted: By right in GO(A)\*, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MF-3(A), MF-4(A), LO(A), and MO(A) districts. \*Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking: One space per 200 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.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(13)(E)(ii), is permitted only on Saturday and Sunday.

(14) General merchandise or food store greater than 3,500 square feet.

(A) Definition: A retail store with a floor area greater than 3,500 square feet but less than 100,000 square feet for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term "food store" includes a grocery store, delicatessen, convenience store without drive-through, and specialty foods store. This use does not include other uses in this article that are specifically listed.

(B) Districts permitted: By right in CR, RR, CS, central area, mixed use, multiple commercial, UC-2, and UC-3 districts.

(C) Required off-street parking: One space per 200 square feet of floor area for uses with less than 10,000 square feet of floor area. One space per 220 square feet of floor area for uses with a floor area of 10,000 square feet or greater, but less than 40,000 square feet of floor area. One space per 250 square feet of floor area for uses with a floor area of 40,000 square feet or greater, but less than 100,000 square feet of floor area.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(14)(E)(ii), is permitted only on Saturday and Sunday.

(14.1) General merchandise or food store 100,000 square feet or more.

(A) Definition: A retail store with a floor area of 100,000 square feet or more for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term "food store" includes a grocery, delicatessen, and convenience and specialty foods stores. This use does not include other uses in this article that are specifically listed.

(B) Districts permitted: By right in RR and central area districts. By SUP only in CR, CS, LI, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking: One space per 300 square feet of floor area.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
---	--

100,000 to 150,000	3
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(14.1)(E)(ii), is permitted only on Saturday and Sunday.

(iv) See Section 51A-4.605 for design standards applicable to uses of 100,000 square feet or more.

(15) Home improvement center, lumber, brick or building materials sales yard.

(A) Definition: A facility for the sale of home, lawn, and garden supplies, brick, lumber, and other similar building materials.

(B) Districts permitted: By right in CR, RR, CS, and industrial districts. DIR required in the CR district. RAR required in RR, CS, and industrial districts.

(C) Required off-street parking: One space per 275 square feet of retail floor area, plus one space per 1,000 square feet of site area exclusive of parking area.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In all districts except the CR district, accessory outside sales, accessory outside display of merchandise, and accessory outside storage may individually occupy more than five percent of the lot, but may collectively occupy no more than 25 percent of the lot. In the CR district, these accessory uses may collectively occupy no more than five percent of the lot.

(ii) See Section 51A-4.605 for design standards applicable to uses of 100,000 square feet or more.

(16) Household equipment and appliance repair.

(A) Definition: A facility for the repair of household and home equipment, including appliances, lawnmowers, power tools, and similar items.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, MC-4, and urban corridor districts.

(C) Required off-street parking: One space per 200 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(16.1) Liquefied natural gas fueling station.

(A) Definitions: In this paragraph:

(i) COMMERCIAL MOTOR VEHICLE means a motor vehicle that:

(aa) is designed or used for the transportation of cargo;

(bb) has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and

(cc) is not owned or operated by a governmental entity.

(ii) LIQUEFIED NATURAL GAS FUELING STATION means a facility for the retail sale of liquefied natural gas from pumps to commercial motor vehicles.

(B) Districts permitted:

(i) By right in LI, IR, and IM districts, but SUP required if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.

(ii) By SUP in only in the CS district.

(C) Required off-street parking: None.

(D) Required off-street loading: Sufficient space must be allowed for the unloading of a liquefied natural gas fuel truck.

(E) Additional provisions:

(i) No overnight parking is allowed.

(ii) No signage is permitted on liquefied natural gas storage tanks except for required safety signage.

(iii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iv) Liquefied natural gas storage tanks, fuel pumps, and related equipment may not be located beneath electric power lines.

(v) Liquefied natural gas storage tanks, fuel pumps, and related equipment must be located at least 10 feet from the nearest building, property line, any source of ignition, or nearest public street or sidewalk.

(vi) Liquefied natural gas storage tanks, fuel pumps, and related equipment must be located at least 50 feet from the nearest rail of any railroad main track.

(vii) A clear space of at least three feet must be provided for access to all valves and fittings.

(viii) During fueling operations, the point of transfer (the point where the fueling connection is made) must be at least 10 feet from any building or public street or sidewalk, and at least three feet from any storage tanks or containers. The point of transfer may be a lesser distance from buildings or walls made of concrete or masonry materials, or of another material having a fire resistance rating of at least two hours, but the point of transfer must be at least 10 feet away from any building openings.

(17) Liquor store.

(A) Definition: An establishment principally for the retail sale of alcoholic beverages for off-premise consumption, as defined in the Texas Alcoholic Beverage Code.

(B) Districts permitted: By right in CR, RR, CS, central area, MU-2, MU-2 (SAH), MU-3, MU- 3(SAH), MC-2, MC-3, and MC-4 districts.

(C) Required off-street parking: One space per 200 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 60,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) If a use has drive-in or drive-through service and has less than 10,000 square feet of floor area, the use shall be classified as a convenience store with drive-through under Paragraph (9.1).

(18) Mortuary, funeral home, or commercial wedding chapel.

(A) Definition:

(i) A mortuary or funeral home is a facility in which dead bodies are prepared for burial or cremation or funeral services are conducted.

(ii) A commercial wedding chapel is a facility, not associated with a church, where a wedding is performed for profit.

(B) Districts permitted: By right in CR, RR, CS, central area, mixed use, and multiple commercial districts.

(C) Off-street parking:

(i) Required off-street parking:

(aa) One space per 300 square feet of floor area other than the chapel, plus one space for each two seats in the chapel. Up to 50 percent of the required off-street parking for this use may be tandem spaces.

(bb) If all spaces provided are non-tandem, the off-street parking requirement for this use is one space per 500 feet of floor area other than the chapel, plus one space for each two seats in the chapel.

(ii) If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE



10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) A commercial wedding chapel may provide reception areas, but no alcoholic beverages may be sold.

(19) Motor vehicle fueling station.

(A) Definition: A facility for the retail sale of motor vehicle fuel dispensed from pumps or electric vehicle charging stations. This use does not include a truck stop or a liquefied natural gas fueling station as defined in this section.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By right as a limited use only in MO(A) and GO(A) districts. By SUP only in MF-3(A), MF-4(A), and NS(A) districts.

(C) Required off-street parking: Two spaces. No handicapped parking is required.

(D) Required off-street loading: Sufficient space must be provided to allow for the unloading of a fuel truck.

(E) Additional provisions:

(i) Except for compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(ii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iii) Fuel pumps are permitted as an accessory use only if they comply with the following subparagraphs:

(aa) The pumps must be available only to the owner and tenant of the main building and not available to the general public.

(bb) The fuel pump and any sign relating to the pump must not be visible from the public street. No sign may be erected indicating the availability of motor vehicle fuel.

(iv) Fuel pumps must be located at least 18 feet from the boundary of the site.

(v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.

(20) Nursery, garden shop, or plant sales.

(A) A facility for the growing, display, or sale of plant stock, seeds, or other horticultural items.

(B) Districts permitted: By right in A(A), GO(A)\*, CR, RR, CS, central area, mixed use, multiple commercial, and urban corridor districts. \*Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking: One space per 500 square feet of floor area, plus one space per 2,000 square feet of outside sales and display 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.

(D) Required off-street loading:

<b>SQUARE FEET OF SALES AREA</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In all districts where this use is permitted except the GO(A) district, accessory outside sales, display of merchandise, or storage may occupy up to 100 percent of the lot. In the GO(A) district, this use must be located entirely within a building. See Subsection (a)(3) for more information about restrictions on retail and personal service uses generally in the GO(A) district.

(21) Outside sales.

(A) Definition: A site for the outside sale of general merchandise or food. This use includes, but is not limited to, outdoor flea markets.

(B) Districts permitted: By right in central area districts. By SUP only in RR and CS districts.

(C) Required off-street parking: One space per 200 square feet of sales 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.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Except as otherwise provided in this article, outside sales is considered to be a separate main use if it occupies more than five percent of the lot. Outside sales on less than five percent of the lot may qualify as an accessory use if it is customarily incidental to a main use. See Section 51A-4.217.

(21.1) Paraphernalia shop.

(A) Definition: An establishment that displays or offers for sale any "illegal smoking paraphernalia" as that term is defined in Chapter 31 of the Dallas City Code or any other smoking paraphernalia that is commonly used, or commonly known to be used, for the inhalation of tobacco or illegal substances. For purposes of this definition, rolling papers, tobacco cigarettes, and tobacco cigars are not considered paraphernalia.

(B) Districts permitted: By SUP only in CR, RR, CS, industrial, and mixed use districts.

(C) Required off-street parking: One space for each 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A paraphernalia shop may not be located within 1,500 feet, measured from property line to property line, of any other paraphernalia shop.

(ii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot in a residential district.

(iii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a school.

(iv) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a child-care facility.

(v) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a college, university, or seminary.

(vi) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a church.

(vii) A paraphernalia shop may not have a drive-in or drive-through or walk-up window.

(viii) The outside sale, display, or storage of products is prohibited.

(ix) A paraphernalia shop may only be a main use that requires a certificate of occupancy. A paraphernalia shop may not be an accessory use within the meaning of Section 51A-4.217.

(22) Pawn shop.

(A) Definition: A facility for loaning money on the security of personal property and the sale of unclaimed property.

(B) Districts permitted: By right in CR, RR, CS, IR, and IM districts.

(C) Required off-street parking: One space per 200 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) A pawnshop legally operating as a permitted use or a nonconforming use on March 1, 1989, is entitled to relocate to another site in the same zoning district or classification in which it is located on March 1, 1989, provided the relocation is completed before the first anniversary of the date that the pawnshop ceased doing business at the previous location.

(23) Personal service use.

(A) Definition: A facility for the sale of personal services. Typical personal service uses include a barber/beauty shop, shoe repair, a tailor, an instructional arts studio, a photography studio, a laundry or cleaning pickup and receiving station, a handcrafted art work studio, safe deposit boxes, a travel bureau, and a custom printing or duplicating shop.

(B) Districts permitted: By right in GO(A)\*, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MF-3(A), MF-4(A), NO(A), LO(A), and MO(A) districts. \*Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking: One space per 200 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) In the NO(A) district, this use may occupy no more than 1,000 square feet of floor area.

(24) Restaurant without drive-in or drive-through service.

(A) Definition: An establishment principally for the sale and consumption of food on the premises. (This use does not include

a restaurant with drive-in or drive-through service.)

(B) Districts permitted: By right in GO(A)\*, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MF-4(A), LO(A), and MO(A) districts. By SUP only in the NO(A) district. RAR required in MF-4(A), LO(A), MO(A), GO(A), retail, CS, industrial, mixed use, and multiple commercial districts. \*Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking:

(i) As a main use: except as otherwise provided, one space per 100 square feet of floor area.

(ii) As a limited or accessory use: except as otherwise provided, one space per 200 square feet of floor area.

(iii) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant without drive-in or drive-through service use.

(iv) If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The sale and service of alcoholic beverages in conjunction with the operation of this use is allowed generally, but may be prohibited if this use is located in a liquor control overlay district. See Section 51A-4.503.

(25) Restaurant with drive-in or drive-through service.

(A) Definition:

(i) A restaurant with drive-in service is an establishment principally for the sale and consumption of food where food service is provided to customers in motor vehicles for consumption on the premises.

(ii) A restaurant with drive-through service is an establishment principally for the sale and consumption of food which has direct window service allowing customers in motor vehicles to pick up food for off-premise consumption.

(B) Districts permitted: By right in CR, RR, CS, industrial, mixed use, and multiple commercial districts. By SUP only in central area districts. DIR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.

(C) Required off-street parking:

(i) Except as otherwise provided, one space per 100 square feet of floor area; with a minimum of four spaces. See additional provisions [Subparagraph (E)] for off-street stacking requirements. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant with drive-in or drive-through service use.

(iii) If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The sale and service of alcoholic beverages in conjunction with the operation of this use is allowed generally, but may be prohibited if this use is located in a liquor control overlay district. See Section 51A-4.503.

(ii) The total number of stacking spaces required for this use is as follows:

<b>NO. OF DRIVE-THROUGH WINDOWS</b>	<b>TOTAL NUMBER OF STACKING SPACES REQUIRED</b>
1	6
2	8
Each additional drive-through window	4 additional

(iii) A remote order station, if any, must be set back at least 27 feet from all streets that allow direct access to the station.

(26) Surface parking.

(A) Definition: A passenger vehicle parking facility.

(B) Districts permitted: By right in the P(A) district.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) All parking must be at grade level.

(ii) A commercial parking lot or garage is not permitted under this use.

(iii) No structures are permitted under this use except signs and required screening.

(iv) The owner of surface parking must maintain a minimum front yard of ten feet when the surface parking is contiguous to an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(27) Swap or buy shop.

(A) Definition: A facility for the purchase and retail sale or exchange of new or used regulated property where more than 25 percent of the facility's total inventory is obtained from a source other than an authorized vendor or manufacturer. This use includes, but is not limited to, bazaars. For purposes of this definition:

(i) **REGULATED PROPERTY** means automobile accessories, business machines, crafted precious metals, electronic

equipment, firearms as defined by state law, household appliances, jewelry, motorcycle accessories, musical instruments, photographic equipment, power tools, or sporting goods; and

(ii) AUTHORIZED VENDOR OR MANUFACTURER means a commercial supplier who deals in the wholesale distribution of regulated property in the ordinary course of business.

(B) Districts permitted: By SUP only in CR, RR, CS, central area, mixed use, and multiple commercial districts.

(C) Required off-street parking: One space per 200 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(28) Taxidermist.

(A) Definition: A facility for preparing, stuffing, and mounting the skins of animals, birds, and fish.

(B) Districts permitted: By right in CS, industrial, and central area districts.

(C) Required off-street parking: One space per 600 square feet of floor area.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(29) Temporary retail use.

(A) Definition: A temporary facility for the retail sale of seasonal products, including food, christmas trees, and live plants.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking: One space per 500 square feet of site 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.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) Off-street parking and loading requirements for this use may be satisfied by using existing parking and loading spaces for other uses located within 500 feet of the temporary retail use, or by providing temporary parking and loading spaces that do not strictly comply with the construction and maintenance provisions for off-street parking and loading in this chapter. The operator of this use

has the burden of demonstrating to the satisfaction of the building official that temporary off-street parking or loading spaces:

- (aa) are adequately designed to accommodate the parking and loading needs of the temporary retail use; and
- (bb) will not adversely affect surrounding uses.

(ii) The building official shall issue a temporary certificate of occupancy for a period of 60 days for a temporary retail use. The building official may grant one 30-day extension of the temporary certificate of occupancy if the use has fully complied with all applicable city ordinances. No more than one temporary certificate of occupancy may be issued for a temporary retail use at the same location within a 12- month period.

(30) Theater.

(A) Definition: A facility for showing motion pictures or staging theatrical performances to an audience inside an enclosed structure.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. In urban corridor districts, DIR required and this use is limited to a theater with less than 1,000 seats. By SUP only in MF-4, MO(A), and GO(A)\* districts. \*Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking: One space per 28 square feet of seating 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The sale or service of food or drinks is permitted as a limited accessory use.

(ii) This use may include service of food or drink to the audience within the main auditorium.

(iii) The sale and service of alcoholic beverages in conjunction with the operation of this use may be prohibited if this use is located in a liquor control overlay district. See Section 51A-4.503.

(30.1) Truck stop.

(A) Definitions: In these use regulations:

(i) COMMERCIAL MOTOR VEHICLE means a motor vehicle that:

(aa) is designed or used for the transportation of cargo;

(bb) has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and

(cc) is not owned or operated by a governmental entity.

(ii) TRUCK STOP means a facility for the retail sale of motor vehicle fuel dispensed from pumps to commercial motor vehicles.

(B) Districts permitted: By SUP only in CS, LI, IM, and IR districts.

(C) Required off-street parking: Two spaces. No handicapped parking is required.

(D) Required off-street loading: Sufficient space must be provided to allow for the unloading of a fuel truck.

(E) Additional provisions:

(i) Except for above-ground storage tanks used in connection with liquefied natural gas fueling facilities, and compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(ii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iii) A truck stop is always a main use, and cannot be an accessory use within the meaning of Section 51A-4.217. Other than accessory parking, any other use on the same lot is considered an additional main use, such as on-site restaurants, cleaning facilities, and repair services.

(iv) Fuel pumps must be located at least 18 feet from the boundary of the site.

(v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.

(vi) Except as provided in Item (vii), liquefied natural gas storage tanks are only permitted if approved as part of the specific use permit process.

(vii) For the purposes of Section 51A-4.704, adding liquefied natural gas fueling facilities to a nonconforming truck stop is not the enlargement of a nonconforming use.

(viii) No signage is permitted on liquefied natural gas storage tanks except for required safety signage.

(31) Vehicle display, sales, and service.

(A) Definition: A facility for the display, service, and retail sale of new or used automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers.

(B) Districts permitted: By right in RR, CS, and industrial districts. By SUP only in central area districts. RAR required in RR, CS, and industrial districts.

(C) Required off-street parking: One space per 500 square feet of floor and site area exclusive of parking 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The weight of each vehicle displayed or sold under this use may not exceed 6,000 pounds.

(ii) Outside display and storage of new or used vehicles for sale is permitted under this use without visual screening.

(iii) New or used vehicles for sale may be displayed or stored in the required front yard under this use.

(iv) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor



vehicle related use. (Ord. Nos. 19455; 19786; 19810; 19928; 20242; 20237; 20257; 20272; 20273; 20425; 20493; 20494; 20895; 21001; 21200; 21209; 21259; 21289; 21291; 21400; 21659; 21663; 21697; 21735; 21796; 21960; 22020; 22204; 22531; 22995; 23739; 24439; 24659; 24718; 24759; 25047; 25056; 25785; 26269; 26513; 26746; 27563; 28073; 28079; 28700; 28737; 28803; [30477](#))

**SEC. 51A-4.211. TRANSPORTATION USES.**

(1) Airport or landing field.

(A) Definition: A facility for the landing of fixed or rotary wing aircraft.

(B) Districts permitted: By SUP only in IR and IM districts.

(C) Required off-street parking: One space per 200 square feet of terminal building 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(i) A minimum of 60 acres is required for this use.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration's rules and regulations.

(2) Commercial bus station and terminal.

(A) Definition: A facility operated as a bus or shuttle passenger station or transfer center serving a privately owned transit operation. For purposes of this paragraph:

(i) Bus means a motor vehicle that has a manufacturer's rated seating capacity of more than 15 passengers, and is used for the transportation of persons from a location in the city to another location either inside or outside the city.

(ii) Shuttle means a van-type motor vehicle that has a manufacturer's rated seating capacity of not less than seven passengers and not more than 15 passengers, and is used for the transportation of persons from a location in the city to another location either inside or outside the city.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraph (B)(ii), by right in RR, CS, LI, IR, IM, and central area districts.

(ii) By SUP only in the CS district when:

(aa) the facility operates with a bus; or

(bb) the facility operates with a shuttle within 500 feet of a residential district.

(iii) DIR required in RR and central area districts, and the CS district when an SUP is not required. RAR required in industrial districts.

(C) Required off-street parking: One space per 200 square feet of building floor area plus one space per five seats of

manufacturer's rated seating capacity for the maximum number of vehicles on site during any one hour time period. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A lobby or waiting room with a floor area of not less than 200 square feet must be provided.

(ii) Seating in the lobby or waiting room must be provided at a ratio of one seat for every 25 square feet of floor area in the lobby or waiting room.

(iii) The outdoor sale of general merchandise or food is prohibited.

(iv) No loading or unloading of passengers is permitted on public right-of-way.

(3) Heliport.

(A) Definitions: A facility for the landing and taking off of rotary wing aircraft.

(B) Districts permitted: By right in IR and IM districts. By SUP only in RR, CS, LI, central area, MU-3, MU-3(SAH), MC-3, and MC-4 districts. RAR required in IR and IM districts.

(C) Required off-street parking: One space per 600 square feet of site area; a minimum of four spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may include fueling or servicing facilities, if approved by the city aviation department.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration's rules, regulations, and approval.

(4) Helistop.

(A) Definition: A landing pad for occasional use by rotary wing aircraft.

(B) Districts permitted: By right in IR and IM districts. By SUP only in A(A) MO(A), GO(A), RR, CS, LI, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH) MC-2, MC-3, and MC-4 districts. RAR required in IR and IM districts.

(C) Required off-street parking: Two spaces. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Regularly scheduled stops are not permitted under this use.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration's rules, regulations, and approval.

(iv) Fueling or servicing facilities are not permitted under this use.

(5) Private street or alley.

(A) Definition: A street or an alley whose ownership has been retained privately.

(B) District restrictions:

(i) This accessory use is not permitted in agricultural, multifamily, MH(A), office, retail, commercial service and industrial, mixed use, and multiple commercial districts.

(ii) An SUP is required for this accessory use in single family, duplex, townhouse, CH, and central area districts.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading: See Section 51A-4.303.

(E) Additional provisions:

(i) Private streets and alleys must be constructed and maintained to the standards for public rights-of-way and must be approved by the director. Sidewalks are required and must be constructed and maintained to the standards for sidewalks in the public right-of-way. Water and sanitary sewer mains must be installed in accordance with the applicable ordinances.

(ii) A legal entity must be created that is responsible for street lighting, street maintenance and cleaning, and the installation and maintenance of interior traffic control devices. The legal instruments establishing the responsibility for a private street or alley must be submitted to the city plan commission for approval, be approved as to legal form by the city attorney, and recorded in the appropriate county.

(iii) Private streets and alleys must contain private service easements including, but not limited to, the following easements: utilities; firelane; street lighting; government vehicle access; mail collection and delivery access; and utility meter reading access.

(iv) Street lights comparable with those required on public rights-of-way must be provided. Street lighting design plans must be approved by the director in compliance with applicable standards of the department of sustainable development and construction.

(v) Design plans and location of all traffic control devices must be approved by the traffic engineer. The design, size, color, and construction of all traffic control devices must comply with those required in public rights-of-way.

(vi) The fire protection standards in Article XIII of the Dallas fire code must be followed.

(vii) A public school, park or other public facility must be accessible from public rights-of-way in accordance with this code.

(viii) Private streets must comply with the thoroughfare plan and may not interrupt public through streets.

(ix) Private street names and numbers must be approved by the city plan commission.

(x) Private streets and the area they serve must be platted.

(xi) Guard houses may be constructed at any entrance to a private street. All guard houses must be at least 25 feet from a public right-of-way.

(xii) Any structure that restricts access to a private street must provide a passageway 20 feet wide and 14 feet high.

(xiii) One private street entrance must remain open at all times. If an additional private street entrance is closed at any time, it must be constructed to permit opening of the passageway in emergencies by boltcutters or breakaway panels.

(xiv) A private street serving an area containing over 150 dwelling units must have a minimum of two access points to a public street.

(xv) A private street may serve no more than 300 dwelling units.

(xvi) The city has no obligation to maintain a private street. If a private street is not maintained in compliance with the requirements of this chapter, the city, after a public hearing before the city plan commission, shall have the right, but not the obligation, to take those actions necessary to put the private street in compliance. The legal entity responsible for maintaining the private street shall pay the city for the work performed within a period of 180 days from the presentation of the bill, or the private street will become a public street of the city.

(xvii) A court or plaza may be considered a private street for the purpose of creating a building site if a specific use permit for a private street or alley use is obtained.

(6) Railroad passenger station.

(A) Definition: A facility for the loading and discharging of train passengers.

(B) Districts permitted: By right in central area districts. By SUP only in GO(A), RR, CS, industrial, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC- 2, MC-3, and MC-4 districts.

(C) Required off-street parking: One space per 200 square feet of terminal building 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.

(D) Required off-street loading: None.

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

(7) Railroad yard, roundhouse, or shops.

(A) Definition: A facility for storing and repairing railroad equipment, and making up trains.

(B) Districts permitted: By right in IM and central area districts. RAR required in the IM district.

(C) Required off-street parking: One space for each 500 square feet of floor area of roundhouse and shops. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: None.

(8) STOL (short takeoff or landing) port.

(A) Definition: A facility for take-off and landing operations of fixed wing aircraft designed to land on runways of 1000 feet or less.

(B) Districts permitted: By SUP only in IR, IM, and central area districts.

(C) Required off-street parking: One space per 200 square feet of terminal building floor area; a minimum of five spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may include refueling equipment and passenger shelters, but may not include maintenance facilities.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration's rules, regulations, and approval.

(9) Transit passenger shelter.

(A) Definition: A structure which affords protection from the weather to persons who are waiting to board a publicly owned or franchised transit vehicle.

(B) Districts permitted: By right in all residential and nonresidential districts.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A site plan must be submitted to and approved by the director if the location of the proposed shelter structure will be on or within 20 feet of a lot that is located in a single family or duplex district and occupied by a residential use. The site plan must show the area within a 50-foot radius of the proposed shelter structure. No site plan is required if the lot is vacant or exclusively occupied by one or more nonresidential uses.

(ii) The submission and review procedures for a site plan required under Subparagraph (i) are the same as those required under Section 51A-4.803 for a lot that has residential adjacency. For purposes of these provisions, the term "lot" in Section 51A-4.803 is construed to mean only that area for which a site plan is required.

(iii) In addition to the requirements of Section 51A-4.803(e), upon the filing of a complete application for review of a site plan required under Subparagraph (i), the director shall send written notice to all owners of real property lying within 200 feet of the area for which the site plan is required.

(iv) In single family and duplex districts, the shelter structure must not occupy an area greater than 100 square feet.

(v) A litter container of adequate size must be provided on the site at all times.

(vi) This use must be installed by public agencies.

(vii) This use is exempt from the front, side, and rear yard requirements in this chapter, except that the shelter structure must be set back at least five feet from the edge of the roadway.

(viii) No signs are permitted on the transit passenger shelter site except for governmental signs, transit system logos, schedules, and route information.

(10) Transit passenger station or transfer center.

(A) Definition: A facility operated as a bus or rail passenger station or transfer center serving a publicly-owned or franchised mass transit operation. Typical facilities may include station platforms, bus bays, off-street parking, private access roads, and other passenger amenities.

(B) Districts permitted:

(i) By right in central area districts.

(ii) By SUP only in all residential districts.

(iii) By SUP or, in the alternative, by city council resolution in office, retail, CS, industrial, mixed use, and multiple commercial districts. Authorization by city council resolution must strictly comply with the procedures and requirements outlined in the additional provisions below.

(C) Required off-street parking: None required in central area districts. In all other districts, the off-street parking requirements for each site shall be determined during the site review process and incorporated into the specific use permit ordinance or city council resolution, whichever is applicable.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Analyses required. In all districts except central area districts:

(aa) transit and parking demand analyses must be submitted with an application for a specific use permit or for an approval by city council resolution; and

(bb) a traffic impact analysis is required when the same is requested by the director, or when the proposed facility will generate more than 1,000 vehicle trips per day.

(ii) Landscaping. Landscaping must be provided to comply with Article X of this chapter, or with a landscape plan approved by the city council. In approving a landscape plan, the city council shall, as a minimum, impose landscaping requirements that are reasonably consistent with the standards and purposes of Article X.

(iii) Screening. Screening must be provided to comply with Section 51A-4.602, or with a site plan approved by the city council.

(iv) Vehicular ingress and egress.

(aa) Vehicular ingress and egress between this use and a residential alley is prohibited. For purposes of this paragraph, the term "residential alley" means a public alley or access easement that abuts or is in a single family, duplex, townhouse, or clustered housing district.

(bb) Any vehicular ingress and egress between this use and a minor street must be shown on a site plan approved by the city council.

(v) Minimum setbacks for parking and maneuvering. In residential districts, all off-street parking spaces and bus bays, including maneuvering areas, must be located behind the required setback lines established in this chapter, or behind the established setbacks for the blockface, whichever results in the greater setback. A minimum setback of ten feet must be provided for a side or rear yard adjacent to a residential use.

(vi) Outside speaker restrictions. Outside speakers are not permitted within 50 feet of another lot in a residential district. Outside speakers, when permitted, must face away from adjacent properties.

(vii) Restrictions on authorization by city council resolution in certain districts. In NO(A), LO(A), MO(A), NS(A), CR, RR, CS, LI, MU-1, MU- 1(SAH), MC-1, and MC-2 districts, authorization by city council resolution is not available unless:

(aa) a traffic impact analysis demonstrates to the satisfaction of the director that the projected traffic from the proposed facility will not reduce traffic operating conditions on public streets to a level-of-service "E" or "F" as defined in the Highway Capacity Manual, Transportation Research Board of the National Research Council, Washington, D.C.; and

(bb) the facility:

[1] is located greater than 330 feet from private property (as defined in Section 51A-4.412 of the Dallas Development Code) in a single family, duplex, townhouse, or CH district;

[2] has no parking other than that needed for the drop-off and pick-up of passengers, and no more than five bus bays; or

[3] is separated from a lot in a single family, duplex, townhouse, or CH district by a street 64 feet or more in width.

(viii) Procedures for authorization by city council resolution. Authorization by city council resolution must strictly comply with the following procedures and requirements:

(aa) The specific use permit requirement for each particular station or transfer center site shall remain in effect unless and until the city council adopts a resolution approving that site in accordance with this subsection.

(bb) An applicant for authorization by city council resolution shall submit a site plan that complies with the requirements of Section 51A-4.803 to the director. The director shall review the site plan in accordance with that section and formulate a recommendation for the city council within 30 calendar days of the date of its submission.

(cc) Upon formulating a recommendation regarding the site plan, the director shall schedule a public hearing before the city council to receive public comment regarding the plan. The director shall send written notice of the public hearing to all owners of real property within 500 feet of the proposed site. The measurement of the 500 feet includes streets and alleys. The notice must be given not less than 10 days before the date set for the hearing. Notice is given by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.

(dd) The city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the hearing. After the city council holds its public hearing, it shall make a decision regarding the plan. The decision need not be made on the same day that the public hearing is held.

(ee) The city council may approve or deny the site plan. An approval must be by resolution adopted by a majority of those councilmembers present and eligible to vote, and a true and correct copy of the site plan must be attached to the resolution as an exhibit. The city council may impose reasonable conditions upon the approval of a site plan consistent with the purposes stated in Section 51A-1.102 of this chapter. Any conditions imposed must be in writing and made part of the resolution.

(ff) After a final decision is reached by the city council denying a site plan, no further applications for site plan approval may be considered for that particular station or transfer center site for two years from the date of the final decision. If the city council renders a final decision of denial without prejudice, the two year time limitation is waived. A property owner may apply for a waiver of the two year time limitation by submitting a request in writing to the director. Only the city council may waive the time limitation applicable to site plans reviewed under this subsection. A simple majority vote by the city council is required to grant the request. The two year time limitation applicable to site plans reviewed under this subsection does not affect the ability of a property owner to apply for a specific use permit for the same site.

(gg) Authorization by city council resolution shall no longer be available for a particular station or transfer center site when an application is made for a specific use permit for that site unless the application is withdrawn prior to the mailing of notices for the public hearing before the city plan commission. (Ord. Nos. 19455; 19786; 20122; 20493; 20625; 21001; 21663; 22026; 22799; 23735;

**SEC. 51A-4.212. UTILITY AND PUBLIC SERVICE USES.**

(1) Commercial radio or television transmitting station.

(A) Definition: A facility for the transmission of commercial programming by radio or television within the commercial band of the electromagnetic spectrum.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By SUP only in A(A), LO(A), and MO(A) districts.

(C) Required off-street parking: 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.

(D) Required off-street loading: None.

(2) Electrical generating plant.

(A) Definition: A facility franchised by the city that generates electricity from mechanical power produced by gas, coal, or nuclear fission.

(B) Districts permitted: By SUP only in the IM district.

(C) Required off-street parking: 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(3) Electrical substation.

(A) Definition: A facility for transforming electricity for distribution to individual customers.

(B) Districts permitted: By right in LO(A), MO(A), GO(A), CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By SUP only in all residential, NO(A), and NS(A) districts.

(C) Required off-street parking: Two spaces. No handicapped parking is required.

(D) Required off-street loading: None.

(4) Local utilities.

(A) Definitions:

(i) UTILITY SERVICES means air pollution monitoring stations, antennas, cables, dishes, distribution lines, drainage lines, generating facilities, nodes and hubs, pipes, poles, pumping stations, receivers and senders, repeating or regenerating devices, storm water facilities, switching stations, substations, tanks, transmission lines, water wells, wires, or similar equipment operated by a municipality, a transit authority, or a certificated, franchised, or licensed utility company providing cable television, electrical, gas, internet, storm sewer, telecommunications, telegraph, telephone, water, or wastewater service to the public.

(ii) COMMUNICATIONS EX- CHANGE FACILITY means a facility for the centralized placement of communications equipment used to store, house and route voice and data transmissions among communications companies.

(B) Districts permitted:

(i) Utility services:

(aa) Except as otherwise provided, by right in all residential and nonresidential districts.

(bb) By SUP only in residential districts if the above-grade facilities exceed 300 square feet in floor area or structure footprint per lot, except that no SUP is required for below-grade facilities, distribution lines, transmission lines, and supporting structures. In this subparagraph, "structure footprint" means the ground area defined by vertical planes extending downward from the outermost projection of the structure.

(cc) RAR is required if this use is more than 150 square feet in floor area or more than 10 feet in height, except that no RAR is required for below-grade facilities, distribution lines, transmission lines, and supporting structures.

(ii) Communications exchange facility: By right in LO(A), MO(A), GO(A), RR, CS, industrial, central area, mixed use, and multiple commercial districts. By right in the CR district if this use does not exceed 50,000 square feet in floor area; otherwise, prohibited in the CR district. By right in nonresidential planned development districts that allow local utilities. Allowed in residential planned development districts only if specifically listed as a permitted use, otherwise prohibited in residential planned development districts.

(C) Required off-street parking:

(i) Utility services: None. No handicapped parking is required.

(ii) Communications exchange facility: One space per 5,000 square feet of floor area, except that one space per 333 square feet is required for any floor area used for office space. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

(i) Utility services: None.

(ii) Communications exchange facility:

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

(E) Additional provisions:

(i) Utility services:

(aa) Above-ground storage tanks are not permitted under this use, except accessory above-ground storage tanks to emergency generators. The capacity of accessory above-ground storage tanks may not exceed 11,000 gallons in nonresidential districts and 3,500 gallons in residential districts.

(bb) Except as otherwise provided in Subparagraph (E)(i)(dd), in residential districts, if this use is over seven feet in height, screening that complies with Section 51A-4.602(b) must be constructed and maintained along the side and rear of the use.

(cc) Except as otherwise provided in Subparagraph (E)(i)(dd), if this use is over seven feet in height, a perimeter landscape buffer strip that complies with Section 51A-10.125 must be provided.



(dd) Distribution lines, transmission lines, and supporting structures are exempt from the requirements of Subparagraphs (E)(i)(bb) and (E)(i)(cc).

(ee) No landscape regulations apply to this use except as expressly provided in these additional provisions.

(ff) This use is not subject to compliance proceedings under Section 51A-4.704.

(ii) Communications exchange facility:

(aa) Section 51A-4.408(a)(1), which exempts structures for utility uses from certain height restrictions, does not apply to this use.

(bb) Above-ground storage tanks are not permitted under this use, except accessory above-ground storage tanks to emergency generators. Unless located within an enclosed structure or completely screened from adjacent street right-of-way and all other properties by solid screening, the capacity of accessory above-ground storage tanks may not exceed 11,000 gallons in nonresidential districts and 3,500 gallons in residential districts.

(5) Police or fire station.

(A) Definition: A facility operated by the city as a police or fire station.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in residential, NO(A), LO(A), MO(A), and NS(A) districts.

(C) Off-street parking:

(i) Required off-street parking:

(aa) Police station: One space per 150 square feet of floor area.

(bb) Fire station: Five spaces plus one additional space per bed.

(ii) If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) This use may include emergency medical services.

(6) Post office.

(A) Definition: A government facility for the transmission, sorting, and local distribution of mail.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in MF-3(A), MF-4(A), LO(A), MO(A), and NS(A) districts.

(C) Required off-street parking: One space per 200 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use includes main branches, substation branches, and neighborhood coin-operated self-service stations.

(7) Radio, television, or microwave tower.

(A) Definition: A structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum.

(B) Districts permitted: By right in GO(A), CS, industrial, and central area districts. By SUP only in residential, NO(A), LO(A), MO(A), retail, mixed use, and multiple commercial districts. RAR required in GO(A), CS, and industrial districts.

(C) Required off-street parking: Two spaces. No handicapped parking is required.

(D) Required off-street loading: None.

(8) Refuse transfer station.

(A) Definition: A privately owned facility for the separation, transfer, or packing of solid waste materials from smaller collecting vehicles to larger transport vehicles.

(B) Districts permitted: By SUP only in A(A) and IM districts.

(C) Required off-street parking: One space per 1,000 square feet of site area exclusive of parking 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.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must comply with Chapter 18 of the Dallas City Code and all other applicable city ordinances, rules, and regulations.

(9) Sanitary landfill.

(A) Definition: A facility for the collection, handling, storage, and disposal of solid waste.

(B) Districts permitted: By SUP only in A(A) and IM districts.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to federal and state law requirements.

(ii) This use must comply with Chapter 18 of the Dallas City Code and all other applicable city ordinances, rules, and regulations.

(10) Sewage treatment plant.

(A) Definition: A facility for receiving and treating sewage from the city sanitary sewer system.

(B) Districts permitted: By SUP only in A(A), IM, and central area districts.

(C) Required off-street parking: One space for each million gallons of capacity. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: None.

(10.1) Tower/antenna for cellular communication.

(A) Definitions:

(i) Mounted cellular antenna means a cellular antenna that is attached to an existing structure, that complies with the requirements of Subparagraph (E)(i), and that is part of a cellular system authorized by the Federal Communications Commission. An

auxiliary building housing electronic and communication equipment is permitted as part of this use.

(ii) Monopole cellular tower means a single pole structure that supports a platform and cellular antennas, that complies with the requirements of Subparagraphs (E)(ii) and (iii), and that is part of a cellular system authorized by the Federal Communications Commission. An auxiliary building housing electronic and communication equipment is permitted as part of this use.

(iii) Other cellular communication tower/antenna means any cellular communication tower or antenna that is part of a cellular system authorized by the Federal Communications Commission, but that is not covered by the definitions contained in Subparagraphs (A)(i) and (A)(ii). An auxiliary building housing electronic and communication equipment is permitted as part of this use.

(iv) Platform means that portion of a monopole cellular tower that is located on top of the pole and that supports directional, transmitting, and receiving antennas.

(v) Temporary cellular unit means any cellular communication structure, vehicle, trailer mounted apparatus, or device that is part of a system authorized by the Federal Communications Commission that is used to temporarily provide service where an existing tower/antenna for cellular communication is not operable for one or more of the following reasons:

(aa) The existing tower/ antenna for cellular communication use is damaged or destroyed other than by the intentional act of the owner or agent; or

(bb) A demolition or construction permit has been issued on a building site that includes an existing mounted cellular antenna, monopole cellular tower, or other cellular communication tower/antenna.

(B) Districts permitted:

(i) Mounted cellular antennas: By right in A(A), single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), and MH(A) districts when attached to an existing structure that is currently occupied or was last occupied by a nonresidential use. By SUP only in A(A), single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), and MH(A) districts when attached to an existing structure that is currently occupied or was last occupied by a nonresidential use and the mounted cellular antenna exceeds the residential proximity slope height restrictions. The impact of the mounted cellular antenna height on an adjacent residential district must be considered in the SUP process.

(ii) Mounted cellular antennas: By right in MF-3(A), MF-4(A), office, retail, CS, industrial, central area, mixed use, multiple commercial, P(A), and UC-3 districts when attached to any existing structure. By SUP only in MF-3(A), MF-4(A), office, retail, CS, industrial, central area, mixed use, multiple commercial, P(A), and UC-3 districts when attached to an existing structure and the mounted cellular antenna exceeds the residential proximity slope height restrictions. The impact of the mounted cellular antenna height on an adjacent residential district must be considered in the SUP process.

(iii) Monopole cellular towers: By right in commercial, industrial, and central area districts with RAR required in commercial and industrial districts. By right in LO(A), MO(A), GO(A), mixed use, and multiple commercial districts if the height of the tower does not exceed the maximum height for structures in that district as provided in the district regulations (Divisions 51A-4.100 et seq.) with RAR required in the same districts; otherwise by SUP only. By right in the CR district if the height of the tower does not exceed 65 feet, with RAR required; otherwise by SUP only. By right in the RR district if the height of the tower does not exceed 80 feet, with RAR required; otherwise by SUP only. By SUP only in all residential, NO(A), NS(A) districts, and in any district where a monopole cellular tower is permitted by right but exceeds the residential proximity slope height restrictions. The impact of the monopole cellular tower height on an adjacent residential district must be considered in the SUP process.

(iv) Other cellular communication towers/antennas are permitted by right in GO(A), CS, industrial, and central area districts. By SUP only in residential, NO(A), GO(A), MO(A), retail, mixed use, multiple commercial districts, and in any district where other cellular communication towers/antennas are permitted by right but exceed the residential proximity slope height restrictions. RAR required in GO(A), CS, and industrial districts. The impact of the other cellular communication tower/antenna height on an adjacent residential district must be considered in the SUP process.

(v) Temporary cellular unit is permitted by right in all districts.

(C) Required off-street parking: None required for temporary cellular units. One space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment ("auxiliary building") greater than 120 square feet. Physically separate auxiliary buildings will not be aggregated to determine the area of an auxiliary building for the purpose of determining required off-street parking requirements. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Mounted cellular antennas may not exceed 12 feet above the structure to which they are attached. Whip antennas are excluded from this calculation.

(ii) The pole portion of a monopole cellular tower may not exceed 42 inches in diameter. Microwave dishes or similar devices up to three feet in diameter may be mounted on the pole portion of a monopole cellular tower. If microwave dishes or similar devices on a monopole cellular tower are concealed within a stealth tower, no maximum; otherwise, no more than two dishes or similar devices may be placed on a monopole cellular tower.

(iii) The platform portion of a monopole cellular tower may not have a horizontal cross sectional area greater than 196 square feet. The depth of the platform may not exceed 4 feet, excluding any whip antenna. Only antennas that are part of a cellular system authorized by the Federal Communications Commission are permitted on a platform.

(iv) The owner of a monopole or other tower for cellular communication shall notify the building official when the tower is no longer operating as part of a cellular system authorized by the Federal Communications Commission. Within 12 months of the date the tower ceases to operate as part of an authorized cellular system, the tower must either be removed from the site, or a certificate of occupancy must be obtained to allow another permitted use of the tower. If within 12 months the owner fails to remove the tower or obtain proper authorization for use of the tower, the building official shall revoke the certificate of occupancy for the tower and notify the city attorney to pursue enforcement remedies.

(v) Mounted cellular antennas attached to utility structures are exempt from the residential proximity slope regulations in certain circumstances. *[See Section 51A-4.408(a)(1)(C).]*

(vi) Temporary cellular unit:

(aa) The building official shall issue a certificate of occupancy for a period not to exceed one year. The building official may grant up to two six-month extensions if a complete application for or amendment to a specific use permit or planned development district has been filed with the director or a building permit is issued for the replacement of the existing tower/antenna for cellular communication.

(bb) A temporary cellular unit must be removed upon the expiration of its certificate of occupancy or upon the completion or expiration of a permit to construct a structure to mount a permanent mounted cellular antenna, a monopole cellular tower, or other cellular antenna, whichever occurs first.

(cc) Except as provided in this provision, a temporary cellular unit must comply with the yard, lot, and space regulations of the district and may not exceed the height of the existing tower/antenna for cellular communication use to be removed. Lightning rods atop a temporary cellular unit are not included in height calculations. A temporary cellular unit is not subject to residential proximity slope. If a temporary cellular unit collocates with existing operators on a single vertical temporary cellular unit, the following regulations apply:

(I) If the height of the existing mounted cellular antenna to be removed is less than the maximum structure height of the district, the maximum structure height may extend an additional ten feet in height for each existing operator above one, not to exceed the maximum structure height of the district.

(II) If the height of the existing mounted cellular antennas to be removed is equal to or exceeds the maximum structure height of the district, the maximum height of the temporary cellular unit may not exceed the height of the existing mounted cellular antennas to be removed.

(vii) The specific use permit regulations in Section 51A-4.219 apply to a tower/ antenna for cellular communication except as modified in this provision. The director shall send written notice of a public hearing on an application for an SUP for a tower/antenna for cellular communication use to all owners of real property lying within 500 feet of the building site as defined in Section 51A-4.601 on which the tower/antenna for cellular communication use will be located. If the site does not comply with Section 51A-4.601, the director shall send written notice of a public hearing on an application for an SUP for a tower/antenna for cellular communication use to all owners of real property lying within 500 feet of the boundaries of a lot on a preliminary plat that is approved by the city plan commission upon which the tower/antenna for cellular communication use is to be located.

(viii) An application for or an amendment to a specific use permit or planned development district is not required for a modification to an existing tower/antenna for cellular communication or its base station unless the modification substantially changes the physical dimensions of the existing tower/antenna for cellular communication, or its base station. A modification substantially changes the physical dimensions of an existing tower/antenna for cellular communication or its base station if it meets the criteria listed in 47 C.F.R. §1.40001(b)(7), as amended.

(11) Utility or government installation other than listed.

(A) Definition:

(i) A "utility other than listed" is a public or private facility certificated, franchised, licensed, or operated by the city as a utility, and that is not specifically covered by the use regulations in this chapter.

(ii) A "government installation other than listed" is an installation owned or leased by a government agency and that is not specifically covered by the use regulations in this chapter. Typical such government installations include city hall, a courthouse, or an elevated water storage reservoir.

(B) Districts permitted: By right in central area and urban corridor districts, except that an SUP is required for the "government installation other than listed" use in the CA-1(A) district. By SUP only in residential, office, retail, industrial, mixed use, and multiple commercial districts.

(C) Required off-street parking: The ratio of the use that the building official determines is the most equivalent to the proposed use in terms of function. If a specific use permit is required, the off-street parking regulations may be established in the ordinance granting the permit. In such cases, the city council shall consider the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The SUP requirement for this use does not apply to a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency.

(12) Water treatment plant.

(A) Definition: A facility for purifying, supplying, and distributing city water, including a system of reservoirs, channels, mains, and purifying equipment.

(B) Districts permitted: By right in the IM district. By SUP only in A(A), central area, and IR districts. RAR required in the IM district.

(C) Required off-street parking: Two spaces. No handicapped parking is required.

(D) Required off-street loading: None.

(Ord. Nos. 19455; 19786; 19808; 20037; 20493; 20731; 21000; 21001; 21314; 21663; 22392; 22639; 24543; 24718; 24898; 25440; 26578; [29984](#); [30808](#))

**SEC. 51A-4.213. WHOLESALE, DISTRIBUTION, AND STORAGE USES.**

(1) Auto auction.

(A) Definition: A facility for the auction of automobiles.

(B) Districts permitted: By SUP only in CS and IM districts.

(C) Required off-street parking: One space per 500 square feet of site area exclusive of parking 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1

(2) Building mover's temporary storage yard.

(A) Definition: A site where a building or structure which has been removed from its original construction site is temporarily stored.

(B) Districts permitted: By SUP only in CS and IM districts.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must be surrounded by a solid visual screen of at least nine feet in height and constructed of solid masonry, solid concrete, corrugated sheet metal, or a chain link fence with strips of metal through all links.

(ii) This use must be landscaped with plants meeting the requirements of the specific use permit.

(iii) Buildings temporarily stored under this use may not be placed upon a foundation.

(iv) This use does not include bona fide sales lots on which new buildings or structures are located displaying examples of workmanship or appearance of the buildings or structures to be constructed on other sites and sold.

(3) Contractor's maintenance yard.

(A) Definition: A facility for the storage and maintenance of contractor's supplies and operational equipment.

(B) Districts permitted: By right in CS and IM districts. RAR required in CS and IM districts.

(C) Required off-street parking: One space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must be surrounded by screening.

(4) Freight terminal.

(A) Definition: A facility for the transfer or storage of freight.

(B) Districts permitted: By right in CS, industrial, and central area districts. RAR required in CS and industrial districts. DIR required in central area districts.

(C) Required off-street parking: 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction	1 additional

thereof

(5) Livestock auction pens or sheds.

(A) Definition: A facility for the auction of livestock.

(B) Districts permitted: By SUP only in A(A) and IM districts.

(C) Required off-street parking: One space per 28 square feet of seating area, plus one space per 600 square feet of sales 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.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(6) Manufactured building sales lot.

(A) Definition: A facility for the display, service, and retail sale of manufactured housing or preassembled storage buildings.

(B) Districts permitted: RAR required in CS and industrial districts.

(C) Required off-street parking: One space per 200 square feet of office floor area. A minimum of four spaces must be provided.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Outside display and storage of new or used manufactured housing or preassembled storage buildings for sale is permitted under this use without a visual screen.

(ii) Display or storage of manufactured housing or preassembled storage buildings is prohibited within the required front yard.

(7) Mini-warehouse.

(A) Definition: A building or group of buildings containing one or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds 500 square feet in floor area.

(B) Districts permitted: By right in CS, industrial, and central area districts. By SUP only in CR, RR, mixed use, and multiple commercial districts.

(C) Required off-street parking: A minimum of six spaces required. Spaces may not be used for outside storage, vehicle storage, or parking for vehicles for rent.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Caretaker's quarters are permitted as an accessory use. One parking space must be provided per 500 square feet of floor area of caretaker's quarters; however, no more than two spaces are required for each caretaker's quarters.

(8) Office showroom/warehouse.

(A) Definitions. In this paragraph:

(i) OFFICE SHOWROOM/ WAREHOUSE means a facility which has the combined uses of office and showroom or warehouse for the primary purpose of wholesale trade, display, and distribution of products.

(ii) OFFICE SHOWROOM COMPONENT means the portion of this use which provides area for the regular transaction of business and for the display of uncontainerized merchandise in a finished building setting.

(B) Districts permitted: By right in CS, industrial, central area, MU-3, and MU-3(SAH) districts.

(C) Off-street parking.

Required off-street parking:

(i) Office: One space per 333 square feet of floor area.

(ii) Showroom/warehouse: One space per 1,000 square feet of floor area for the first 20,000 square feet of floor area. One space per 4,000 square feet of floor area in excess of 20,000 square feet.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional



(E) Additional provisions:

(i) Retail sales of products which are sold at wholesale on the premises are permitted as a part of this use.

(ii) In the MU-3 and MU-3(SAH) districts, the office showroom component of this use must comprise at least 25 percent of the total floor area of the use.

(9) Outside storage.

(A) Definition: A lot used for the outside placement of an item for a period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.

(B) Districts permitted: By right in CS and industrial districts. By SUP only in central area districts. RAR required in CS and industrial districts.

(C) Required off-street parking: One space for each 5,000 square feet of site area exclusive of parking area up to a maximum of five required spaces; a minimum of one space is required.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Landscaping.

(i) A landscape buffer must be provided between any required screening fence and an adjacent thoroughfare.

(ii) The director may approve an alternative irrigation plan for landscaping if the director determines that it will maintain the required landscaping.

(F) Screening.

(i) In CS, LI, and IR districts, outside storage must be screened.

(ii) In the IM district, outside storage must be screened on any side that is within 200 feet of and visible from a thoroughfare, expressway as defined in Section 51A-7.102, new expressway as defined in Section 51A-7.102, or an adjacent property that is not zoned an IM district. For purposes of this provision, adjacent means across the street or sharing a common lot line.

(G) Stacking height.

(i) Except as provided in this subparagraph, maximum outside storage stacking height is 30 feet if the open storage is visible from and within 200 feet of a thoroughfare or adjoining property that is not zoned an IM district. If outside storage is 200 feet or more from a thoroughfare or adjoining property, no maximum outside storage stacking height.

(ii) Outside storage stacking height within 40 feet of required screening may not exceed the height of the required screening.

(H) Additional provisions:

(i) A person shall not place, store, or maintain outside for a period in excess of 24 hours, an item that is not:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot. Outside storage on less than five percent of the lot may qualify as an accessory use if it is customarily incidental to a main use. See Section 51A-4.217.

(iii) Outside storage is prohibited in required yards, landscaping areas, and parking areas.

(iv) All nonconforming open storage uses must comply with Subparagraphs (F) and (G) before September 22, 2018. The owner or operator may request from the board of adjustment an extension of this time period by filing an application with the director on a form provided by the city. The application must be filed before the September 22, 2018 deadline expires. The application is not considered filed until the fee is paid. The board of adjustment may grant an extension of this time period if it determines, after a public hearing, that strict compliance would result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this Paragraph (9), "Outside Storage." The fee to request that the board of adjustment extend time is the same fee as the fee for a nonresidential special exception set forth in Article I, "General Provisions," of the Dallas Development Code.

(10) Petroleum product storage and wholesale.

(A) Definition: A facility for the storage and wholesale trade and distribution of petroleum products.

(B) Districts permitted: By right in the IM district with RAR required. By SUP only in the CS district.

(C) Required off-street parking: One space for each 2,000 square feet of site area exclusive of parking area; a minimum of four spaces required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In an IM district, petroleum product storage and wholesale must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an IM district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.

(11) Recycling buy-back center.

(A) Definitions: In these use regulations:

(i) HOUSEHOLD METALS means items that are:

(aa) customarily used in a residential dwelling;

(bb) comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended; and

(cc) not included in the definition of industrial metals. Examples of household metals include, but are not limited to kitchen pots and pans, cooking and serving tools, barbeque equipment, window screens, gardening tools, and aluminum foil.

(ii) INDUSTRIAL METALS means pipes, wires, coils, condensers, guard rails, automotive parts, bulky appliances, and similar industrial or construction materials which are comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended.

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

(iv) RECYCLING BUY-BACK CENTER means a facility wholly enclosed within a building, or an automatic collection machine, used for the collection and temporary storage of recyclable materials as provided in Subparagraph (B).

(v) RECYCLING USE means any use listed in Paragraphs (11) through (11.3) of this section.

(B) Districts permitted:

(i) If this use is located on property controlled, managed, or maintained by the park and recreation board: By right in all districts.

(ii) For the collection of aluminum cans, steel cans, glass, paper, clothing, and plastics: By right with RAR required in industrial, central area, MU- 2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, and MC-4 districts. By SUP in CR, RR, CS, MU-1, MU- 1(SAH), and MC-1 districts.

(iii) For the collection of household metals: By SUP in CR, RR, CS, industrial, central area, mixed use and multiple commercial districts.

(iv) For the collection of industrial metals: By SUP in industrial districts.

(C) Required off-street parking: One space per 500 square feet of floor area.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The floor area of this use may not exceed 10,000 square feet.

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

(iii) 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.

(iv) In the LI, IR, and IM districts, openings providing vehicle access to the building may remain open at all times. In all other districts, vehicle access openings must remain closed except when receiving or removing recyclable materials.

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

(vi) 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.

(vii) The collection of industrial metals is prohibited in all districts except the LI, IR, and IM districts as provided in Subparagraph (B).

(viii) If this use is located on property controlled, managed, or maintained by the park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.

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

(x) No SUP for this use may be granted for more than a two-year time period.

(11.1) Recycling collection center.

(A) Definitions:

(i) HOUSEHOLD METALS means items that are:

(aa) customarily used in a residential dwelling;

(bb) comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended; and

(cc) not included in the definition of industrial metals. Examples of household metals include, but are not limited to kitchen pots and pans, cooking and serving tools, barbecue equipment, window screens, gardening tools, and aluminum foil.

(ii) INDUSTRIAL METALS means pipes, wires, coils, condensers, guard rails, automotive parts, bulky appliances, and similar industrial or construction materials which are comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended.

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

(iv) RECYCLING COLLECTION CENTER means a facility for the collection and temporary storage of recyclable materials as provided in Subparagraph (B).

(v) RECYCLING USE means any use listed in Paragraphs (11) through (11.3) of this section.

(B) Districts permitted:

(i) If this use is located on property controlled, managed, or maintained by the park and recreation board: By right in all districts.

(ii) For the collection of aluminum cans, steel cans, glass, paper, and plastics: By right with RAR required in industrial, central area, MU-2, MU- 2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, and MC-4 districts. By SUP in CR, RR, CS, MU-1, MU-1(SAH), and MC-1 districts.

(iii) For the collection of household metals: By SUP in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts.

(iv) For the collection of industrial metals: By SUP in industrial districts.

(C) Required off-street parking: A minimum of one space is required. If the use is operated by an attendant, one additional space is required. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may only be located on an improved surface in an enclosed container or a trailer that is not more than 45 feet in length.

(ii) A trailer may only be placed on an improved surface of a building site containing a minimum of 30,000 square feet of land area, and a minimum of 10,000 square feet of building area. The area occupied by this use may not exceed 2,000 contiguous square feet, excluding area for required parking and maneuvering.

(iii) No more than one recycling use is permitted on a building site. A collection center is limited to one trailer and two containers of no more than 40 cubic yards each. An additional 40-cubic-yard container may be substituted for the permitted trailer.

(iv) A collection center located on a parking lot may not occupy required off-street parking spaces. A collection center must be arranged so as to not impede free traffic flow. This use may not be located in a required yard.

(v) Mechanical processing of recyclable materials is prohibited on site.

(vi) Materials stored at the collection center must be removed at least once a week or before reaching capacity.

(vii) The collection center must be maintained in proper repair and the exterior must have a neat and clean appearance. All containers must be constructed of solid materials.

(viii) Collection centers must be attended at all times or closed.

(ix) A sign must be provided for each trailer and container. Each sign must identify the use, the operator responsible for the use, and the telephone number of the operator. A trailer may have one sign on each side, not exceeding 125 square feet. No sign on a container may exceed 30 square feet. No other sign is permitted for this use.

(x) No SUP for this use may be granted for more than a two-year time period.

(xi) Operation of this use between the hours of 9:00 p.m. and 7:00 a.m. is prohibited.

(xii) 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.

(xiii) If this use is located on property controlled, managed, or maintained by the park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.

(xiv) The collection of hazardous waste, as defined in Section 51A-4.206(1.1), is prohibited.

(11.2) Recycling drop-off container.

(A) Definitions: In these use regulations:

(i) RECYCLABLE MATERIALS means aluminum cans, steel cans, glass, paper, and plastics.

(ii) RECYCLING DROP-OFF CONTAINER means a facility for the collection and temporary storage of recyclable materials that are limited to aluminum cans, steel cans, glass, paper, and plastics.

(B) Districts permitted:

(i) By right in all districts if this use is located on property controlled, managed, or maintained by the park and recreation board.

(ii) By right in all districts except the P(A) district if the requirements of Subparagraph (E) are satisfied. Except as otherwise provided in Subparagraph (B)(i) and except for the P(A) district, by SUP in any district if any requirement of Subparagraph (E) is not satisfied.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A multifamily or non-residential use must be located on the same building site as this use.

(ii) This use may not be located within a visibility triangle as defined in Section 51A-4.602.

(iii) No more than two containers are permitted on a building site. Containers may have no more than 3.5 cubic yards of storage capacity except that one container for paper collection may have no more than 20 cubic yards of storage capacity. No container may exceed six feet in height. All deposit openings must be designed to prevent dispersion of the container's contents, or the container must be staffed at all times when collection may occur. Containers must be constructed of solid materials and placed on concrete paving, hot mix asphalt paving that consists of a binder and surface course, or a material that has equivalent characteristics.

(iv) Containers may not occupy required off-street parking spaces, impede free traffic flow, or be located in a yard that abuts a street. For purposes of this provision, "yard" means the area extending the length of the lot between the main structure and a street.

(v) Trailers and automatic collection machines are prohibited.

(vi) Mechanical processing of the recyclable materials is prohibited on site.

(vii) 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.

(viii) A sign must be provided for each container on the container. Each sign must identify the use, the operator responsible for the use, and the telephone number of the operator. No sign on a container may exceed 30 square feet. One sign that does not exceed 20 square feet may be provided on a required screening fence within five feet of a container.

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

(x) This use must be located at least 1,000 feet from another recycling use. Measurements of distance under this provision 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.

(xi) Recycling drop-off containers must be visually screened on any side visible from a street or an adjoining residential property by a brick, stone, concrete masonry, stucco, concrete, or wood wall or fence or by landscape screening. To allow air circulation and visibility, the screening from grade to one foot above grade must be open except for support posts. Screening must be properly maintained so that:

(aa) the screening is not out of vertical alignment more than one foot from the vertical, measured at the top of the screening; and

(bb) any rotted, fire damaged, or broken slats or support posts; any broken or bent metal posts; any torn, cut, bent, or ripped metal screening; any loose or missing bricks, stones, rocks, mortar, or similar materials and any dead or damaged landscaping materials are repaired or replaced.

(xii) No SUP for this use may be granted for more than a two-year time period.

(xiii) Nonprofit organizations are exempt from payment of SUP application fees for this use. For purposes of this provision, "nonprofit organization" means an organization eligible for an exemption from taxation pursuant to Sections 501(c) of the Internal Revenue Code. At the time of application, a nonprofit applicant must submit an affidavit, acknowledged before a notary public, stating the organization's eligibility for a fee exemption under this paragraph.

(xiv) The collection of hazardous waste, as defined in Section 51A-4.206(1.1), is prohibited.

(xv) If this use is located on property controlled, managed, or maintained by the park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.

(xvi) By December 31, 2008, recycling drop-off containers must be brought into compliance with amendments to this subparagraph contained in Ordinance No. 27314, passed by the Dallas City Council on September 10, 2008.

(11.3) Recycling drop-off for special occasion collection.

(A) Definitions: In these use regulations:

(i) HOUSEHOLD METALS means items that are:

(aa) customarily used in a residential dwelling;

(bb) comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended; and

(cc) not included in the definition of industrial metals. Examples of household metals include, but are not limited to kitchen pots and pans, cooking and serving tools, barbeque equipment, window screens, gardening tools, and aluminum foil.

(ii) INDUSTRIAL METALS means pipes, wires, coils, condensers, guard rails, automotive parts, bulky appliances, and similar industrial or construction materials which are comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended.

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

(iv) RECYCLING DROP-OFF FOR SPECIAL OCCASION COLLECTION means a facility for the collection and temporary storage of recyclable materials that are limited to metals, glass, paper, and plastics.

(B) Districts permitted:

(i) By right in all districts if this use is located on property controlled, managed, or maintained by the park and recreation board.

(ii) By right in all districts except the P(A) district if the requirements of Subparagraph (E) are satisfied. Except as otherwise provided in Subparagraph (B)(i) and except for the P(A) district, by SUP in any district if any requirement of Subparagraph (E) is not satisfied.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

- (i) No more than one event each calendar month is permitted, and no event may exceed three days in duration.
- (ii) A church, school, or community center use with no less than two acres of land area must be located on the same building site as this use.
- (iii) Trailers and containers may not be located within a required yard.
- (iv) This use is limited to one trailer and two containers of no more than 40 cubic yards each. An additional 40-cubic-yard container may be substituted for the permitted trailer.
- (v) This use must be attended at all times or closed.
- (vi) This use may not occupy required off-street parking spaces or impede free traffic flow.
- (vii) Mechanical processing of recyclable materials is prohibited.
- (viii) All containers, conveyances, and materials must be removed from the property after each three-day event. The facilities must be maintained in proper repair and the exterior must have a neat and clean appearance. All containers must be constructed of solid materials.
- (ix) A sign must be provided for each trailer and container. Each sign must identify the use, the operator responsible for the use, and the telephone number of the operator. No sign may exceed 30 square feet.
- (x) Sales transactions are prohibited on site.
- (xi) No more than one recycling use is permitted on a building site.
- (xii) 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.
- (xiii) Nonprofit organizations are exempt from payment of SUP application fees for this use. For purposes of this paragraph, nonprofit organization means an organization eligible for an exemption from taxation pursuant to Sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code. At the time of application, a nonprofit applicant must submit an affidavit, acknowledged before a notary public, stating the organization's eligibility for a fee exemption under this paragraph.
- (xiv) No SUP for this use may be granted for more than a two-year time period.
- (xv) If this use is located on property controlled, managed, or maintained by the park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.
- (xvi) The collection of hazardous waste, as defined in Section 51A-4.206(1.1), is prohibited.

(12) Sand, gravel, or earth sales and storage.

- (A) Definition: A facility for storing and selling sand, gravel, and earth.
- (B) Districts permitted: By right in the IM district with RAR required. By SUP only in A(A) and CS districts.
- (C) Required off-street parking: One space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.
- (D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2

Each additional 100,000 or fraction thereof	1 additional
---	--------------

(E) Additional provisions:

(i) No mining is permitted under this use.

(ii) In an IM district, sand, gravel, or earth sales and storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjoining property that is not zoned an IM district.

(13) Trade center.

(A) Definition: A facility for exhibitions, trade shows, and conventions.

(B) Districts permitted: By right in CS, industrial, central area, MU-3, MU-3(SAH), and MC-4 districts.

(C) Required off-street parking: One space for each 700 square feet of floor area, exclusive of atriums, mechanical rooms, stairwells, and hallways. Required off-street parking must be provided on the site within 500 feet of a public entrance to the trade center. However, parking may be located at a distance greater than 500 feet if a satisfactory system of transportation between the trade center and parking area is established and maintained by the owner of the use. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must have a minimum floor area of 2,000,000 square feet.

(ii) This use must have a site area of at least 100 acres. The site area may be divided by streets. The area of the dividing streets is not included in the computation of the site area.

(iii) No more than 40 percent of the floor area may be used for retail sales.

(14) Vehicle storage lot.

(A) Definition: A facility for the storage of vehicles that have been towed, repossessed, or are otherwise in the care and custody of the operator of the lot.

(B) Districts permitted: By right in the IM district. By SUP only in the CS district.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No servicing of vehicles or sales of vehicles or parts are permitted under this use.

(ii) A person shall not store outside a legally or mechanically inoperative or wrecked motor vehicle for a continuous period in



excess of 60 days.

(iii) This use must have a visual screen of at least six feet in height which consists of solid masonry, concrete, brick, stucco, stone, or wood.

(iv) Access through required screening may be provided only by a solid gate equaling the height of the screening. The gate must be located at least 20 feet from the back of the existing street curb, and must remain closed except when in actual use.

(v) No stacking, crushing, dismantling, or repair of vehicles is permitted.

(vi) A landscape plan must be submitted to the building official with any application for a building permit in connection with the creation or expansion of this use. The point values and standards contained in Section 51A-10.107 of this chapter apply to the building official's review of the landscape plan required for this use. The landscape plan must show at least 20 points of landscaping located between the required screening and the perimeter of the lot. The requirements contained in Article X of this chapter related to acceptable landscape materials, soil requirements, protection of landscape areas, irrigation requirements, completion, and maintenance apply to this use.

(vii) A minimum distance of 500 feet is required between this use and a single family, duplex, townhouse, clustered housing, multifamily, or manufactured home district.

(viii) This use must comply with all applicable licensing requirements.

(ix) Paving surface requirements may be provided in an ordinance granting or amending a specific use permit or a planned development district. Otherwise, the paving surface requirements contained in Subsection 51A-4.301(d)(3.1) apply.

(15) Warehouse.

(A) Definition: A facility for the inside storage and distribution of items.

(B) Districts permitted: By right in CS, industrial, and central area districts. RAR required in CS and industrial districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area up to 20,000 square feet, and one space per 4,000 square feet of floor area over 20,000 square feet. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

<b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b>	<b>TOTAL REQUIRED SPACES OR BERTHS</b>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales are permitted as part of the warehouse use if the sales are conducted in compliance with the following subparagraphs:

(aa) Up to 100 percent of the total warehouse floor area may be devoted to retail sales activities during an occasional warehouse sale. No more than six occasional warehouse sales may be conducted during any 12 month period. Each occasional warehouse sale must be limited in duration to no more than three consecutive calendar days.

(bb) Retail sales are permitted at all times as part of the warehouse use when the retail sales area does not exceed 10 percent of the total warehouse floor area. (Ord. Nos. 19455; 19786; 20363; 20380; 20493; 20806; 20928; 20950; 21001; 21289; 21663; 21697; 24792; 27314; 28803; 29208; [29917](#))

(Ord. 19455)

**SEC. 51A-4.217. ACCESSORY USES.**

(a) General provisions.

(1) An accessory use must be a use customarily incidental to a main use. A use listed in Sections 51A-4.201 through 51A-4.216 may be an accessory use if the building official determines that the use is customarily incidental to a main use and otherwise complies with this section. Except as otherwise provided in this article, an accessory use must comply with all regulations applicable to the main use.

(2) Except as otherwise provided in this article, an accessory use must be located on the same lot as the main use.

(3) Except as otherwise provided in this article, accessory uses listed in Subsection (b) or in Sections 51A-4.201 through 51A-5.216 are subject to the following area restrictions: If the use is conducted outside, it may not occupy more than five percent of the area of the lot containing the main use. If the use is conducted inside, it may not occupy more than five percent of the floor area of the main use. Any use which exceeds these area restrictions is considered to be a separate main use.

(4) Except as otherwise provided in Subsection (b), an accessory use is permitted in any district in which the main use is permitted.

(5) Except as provided in this paragraph, an alcohol related establishment that is customarily incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, is not limited to the five percent area restriction in Section 51A-4.217(a)(3), and will be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on-premise consumption. Accessory microbrewery, micro-distillery, or winery uses and accessory alcoholic beverage manufacturing uses may not occupy more than 40 percent of the total floor area of the main use. Any use that exceeds these area restrictions is considered a separate main use.

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations and restrictions outlined below:

(1) Accessory community center (private).

(A) Definition: An integral part of a residential project or community unit development that is under the management and unified control of the operators of the project or development, and that is used by the residents of the project or development for a place of meeting, recreation, or social activity.

(B) District restrictions:

(i) This accessory use is not permitted in A(A), office, retail, CS, industrial, multiple commercial, and P(A) districts.

(ii) An SUP is required for this accessory use in single family, duplex, townhouse, CH, and urban corridor districts.

(C) Required off-street parking:

(i) Except as provided in this subparagraph, one space for each 100 square feet of floor area.

(ii) No off-street parking is required if this use is accessory to a multifamily use and is used primarily by residents.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A private community center may not be operated as a place of public meetings or as a business.

(ii) The operation of a private community center must not create noise, odor or similar conditions beyond the property line of the project or development site.

(iii) A liquor permit may not be issued for a private community center.

(iv) This accessory use need not be located on the same lot as the main use.

(v) The area restrictions in Subsection (a)(3) do not apply to this use.

(1.1) Accessory electric vehicle charging station.

(A) Definition: A facility that provides electrical charging for vehicles.

(B) District restrictions: Residential and nonresidential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Up to 10 percent of parking counted as required parking for a main use on the property may be electric vehicle charging spaces.

(ii) If this accessory use is located in a residential district, it may not have a sign advertising its services.

(iii) A charging cord may not cross over a sidewalk or pedestrian walkway.

(2) Accessory game court (private).

(A) Definition: A game court for engaging in tennis, handball, racquetball, or similar physical activities.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: Three spaces for each game court. No off-street parking is required for a game court accessory to a single family or duplex use.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This accessory use may occupy up to 50 percent of the area of the lot containing the main use.

(3) Accessory helistop.

(A) Definition: A landing pad for occasional use by rotary wing aircraft.

(B) District restrictions:

(i) This accessory use is not permitted in single family, duplex, townhouse, CH, MH(A), NO(A), LO(A), NS(A), P(A), and urban corridor districts.

(ii) An SUP is required for this accessory use in A(A), multifamily, MO(A), CR, RR, CS, LI, central area, MU-1, MU-1(SAH), MU-2, MU-2(SAH), and multiple commercial districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Regularly scheduled stops are not permitted under this accessory use.

(ii) Fueling or servicing facilities are not permitted under this accessory use.

(iii) This accessory use must be approved by the city aviation department.

(iv) This accessory use is subject to the Federal Aviation Administration's rules, regulations, and approval.

(3.1) Accessory medical/infectious waste incinerator.

(A) Definition: A facility used to incinerate plastics, special waste, and waste containing pathogens or biologically active material which, because of its type, concentration, and quantity, is capable of transmitting disease to persons exposed to the waste.

(B) District restrictions:

(i) This accessory use is not permitted in single family, duplex, townhouse, CH, MH(A), NO(A), LO(A), NS(A), P(A), and urban corridor districts.

(ii) An SUP is required for this facility if it is used to incinerate more than 225 pounds of waste per hour.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This accessory use is permitted only in conjunction with a hospital use.

(ii) The facility must be located at least 200 feet from all lots containing residential uses.

(iii) If the facility is used to incinerate more than 225 pounds of waste per hour, it must be located at least 200 feet from all lots containing public or private school uses.

(4) Accessory outside display of merchandise.

(A) Definition: The outside placement of merchandise for sale for a continuous period less than 24 hours.

(B) District restrictions: This accessory use is not permitted in residential, NO(A), LO(A), and MO(A) districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Except as otherwise provided in the use regulations, the area used for accessory outside display of merchandise may not be greater than an area equal to five percent of the floor area of the main use. This regulation controls over the area restrictions in Subsection 51A-4.217(a)(3).

(F) As with all other uses, an accessory outside display may not obstruct required parking and may not be placed in the public right-of-way without a license.

(5) Accessory outside sales.

(A) Definition: A site for the outside sale of merchandise.

(B) District restrictions: This accessory use is not permitted in residential, NO(A), LO(A), MO(A), and P(A) districts.

(C) Required off-street parking: None for the first 1,000 square feet of sales area; one space for each additional 500 square feet of sales area.

(D) Required off-street loading: None.

(6) Accessory outside storage.

(A) Definitions:

(i) ACCESSORY OUTSIDE STORAGE means the outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.

(ii) BOOK EXCHANGE STRUCTURE means an enclosed structure that holds books or other literary materials to be shared or exchanged in a pedestrian accessible location constructed and maintained by the owner of the property.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off street parking: None.

(D) Required off street loading: None.

(E) Additional provisions:

(i) A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) For purposes of this subsection, an item located on a porch of a building is considered to be outside if the porch is not enclosed.

(iii) Except as otherwise provided in this subsection, accessory outside storage is not permitted in the primary yard or on a front porch of a residential building. In this subsection, "primary yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.

(iv) It is a defense to prosecution under Subsection (E)(iii) that the item is:

(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, except that this defense is not available if the vehicle is a truck tractor, truck, bus, or recreational vehicle and it has a rated capacity in excess of one and one-half tons according to the manufacturer's classification, or if the vehicle is over 32 feet in length;

(bb) a boat, trailer, or recreational vehicle parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, and the item cannot reasonably be placed in an area behind the primary yard;

(cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed in the primary yard or on the front porch for landscaping purposes;

(dd) lawn furniture or a book exchange structure made of a material that is resistant to damage or deterioration from exposure to the outside environment;

(ee) located on a front porch and not visible from the street; or

(ff) a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Section 681.006 of the Texas Transportation Code.

(v) A person shall not use more than five percent of the lot area of a premise for accessory outside storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory outside storage. Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot.

(vi) The board may grant a special exception to the additional provisions of this subsection relating to accessory outside storage in the primary yard or on a front porch of a residential building when, in the opinion of the board, the special exception will not adversely affect neighboring property.

#### (6.1) Accessory pathological waste incinerator.

(A) Definition: A facility used to incinerate organic human or animal waste, including:

(i) Human materials removed during surgery, labor and delivery, autopsy, or biopsy, including body parts, tissues or fetuses, organs, and bulk blood and body fluids.

(ii) Products of spontaneous human abortions, regardless of the period of gestation, including body parts, tissue, fetuses, organs, and bulk blood and body fluids.

(iii) Anatomical remains.

(iv) Bodies for cremation.

(B) District restrictions: This accessory use is not permitted in office, NS(A), industrial, P(A), and urban corridor districts. This accessory use is permitted in residential districts only in conjunction with a public park containing a zoo and aquarium.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This accessory use is permitted only in conjunction with a mortuary or funeral home; or a public park containing a zoo and aquarium owned or operated by a public agency, available to the general public year-round, and having a collection of at least 5,000 specimens.

(ii) This accessory use must be located at least 200 feet from all lots containing residential uses.

(iii) When this accessory use is operated in conjunction with a public park containing a zoo and aquarium, no more than one incinerator is permitted, and the incinerator may not burn more than 200 pounds per hour.

(7) Amateur communication tower.

(A) Definition: A tower with an antenna that transmits amateur radio, citizen band, or both spectrums, or that receives any portion of a radio spectrum.

(B) District restrictions:

(i) This accessory use is not permitted in NO(A), NS(A), and P(A) districts.

(ii) An SUP is required for this accessory use in MF-3(A) and MF-4(A) districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In all districts where this accessory use is permitted except MF-3(A) and MF-4(A) districts, a person may erect one amateur communication tower that exceeds the maximum height specified in Section 51A-4.408 if the amateur communication tower:

(aa) does not exceed 60 feet in height;

(bb) is setback an additional 12 inches from the required front, side, and rear yards for each additional eighteen inches of height above the maximum height specified in Section 51A-4.408;

(cc) has a maximum horizontal cross-sectional area of three square feet;

(dd) has no more than two antennae above the maximum height specified in Section 51A-4.408 with a maximum volume of 900 cubic feet for a single antenna and 1400 cubic feet for two antennae. In this provision, antenna volume is the space within an imaginary rectangular prism which contains all extremities of the antenna;

(ee) does not encroach into the required front, side, or rear yard. A guy wire and anchor point for a tower is prohibited in the required front yard and is also prohibited in the required side and rear yards unless the guy wire and anchor point is attached to the top of a structural support that is no less than six feet in height. If a structural support for a guy wire and anchor point is used, the structural support may project into the required side and rear yards no more than two feet, measured from the setback line. In this provision, a structural support for an anchor point is any pole, post, strut, or other fixture or framework necessary to hold and secure an anchor point or within three feet of the side or rear property line. If an alley abuts a rear property line, a guy wire and anchor point may extend to the rear property line; and

(ff) has a minimum space between antennae above the maximum height specified in Section 51A-4.408 of eight feet or more as measured vertically between the highest point of the lower antenna and the lowest point of the higher antenna.

(ii) The board of adjustment may allow a special exception from the requirements of Subsection (E)(i) with the exception of Subsection (E)(i)(aa), if the board finds that the special exception would not adversely affect neighboring property and would be in harmony with the general purpose and intent of this section.

(iii) In all residential districts where this accessory use is permitted except MF-3(A) and MF-4(A) districts, a person may erect an amateur communication tower over 60 feet and not above 100 feet in height if authorized by a specific use permit.

(iv) This accessory use may occupy up to 25 percent of the area of the lot containing the main use.

(v) This accessory use is prohibited in all residential districts in the area between the street and the facade of any main or accessory structure. (This area includes, but may be greater than, the front yard.)

(vi) The owner or operator of an amateur communication tower shall remove the tower within six months of the date that the tower ceased to operate as an amateur radio, citizen band, or radio spectrum authorized by the Federal Communications Commission. Upon failure of the owner or operator to remove the tower within the prescribed period, the building official shall notify the city attorney to pursue enforcement remedies against that owner or operator for failure to remove the tower.

(7.1) Day home.

(A) Definition: A facility that provides care or supervision for "day home attendees," whether or not the facility is operated for profit or charges for the services it offers. For the purposes of this paragraph, "day home attendees" means persons under 14 years of age, including those related to the owner of the residence or the head of the household by blood, marriage, or adoption. A day home is incidental to the primary use of the premises as a residence and conducted on the premises by a resident of the premises who is on the premises during hours of operation.

(B) District restrictions: This accessory use is not permitted in P(A) and urban corridor districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No more than 10 day home attendees are permitted at any time in the operation of this use.

(ii) A person who conducts a day home use shall not:

(aa) use an advertisement, sign, or display on or off the premises;

(bb) advertise in the yellow pages of the telephone directory;

(cc) employ more than two persons on the premises, other than the residents of the premises;

(dd) conduct outdoor activities between the hours of 10 p.m. and 7 a.m.;

(ee) conduct outdoor activities unless the activities are screened from the neighboring property by a fence at least four feet in height;

(ff) generate loud and raucous noise that renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.

(iii) This use does not include individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

(iv) The area restrictions in Subsection (a)(3) do not apply to this use.

(v) This use must comply with all applicable requirements imposed by city ordinances, rules, and regulations, and by state law.

(7.2) General waste incinerator.

(A) Definition: A facility used to incinerate solid waste consisting of combustible rubbish, refuse, and garbage.

(B) District restrictions: This accessory use is not permitted in urban corridor districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This accessory use must be located at least 200 feet from all lots containing residential uses.

(8) Home occupation.

(A) Definition: An occupation that is incidental to the primary use of the premises as a residence and conducted on the residential premises by a resident of the premises.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A person who engages in a home occupation shall not:

(aa) use any advertisement, sign, or display relating to the home occupation on the premises;

(bb) use the street address of the premises on any advertisement, sign, or display off the premises;

(cc) employ more than one person on the premises, other than residents of the premises;

(dd) have an employee, other than residents of the premises, who works on the premises more than four hours in any given week;

(ee) conduct any activities relating to the home occupation, including activities on any porch, deck, patio, garage, or unenclosed or partially enclosed portion of any structure, unless conducted entirely inside the main structure;

(ff) involve more than 3 people on the premises at one time, other than residents of the premises;

(gg) generate loud and raucous noise that renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort;

(hh) sell or offer products of the home occupation at or on the premises;

(ii) generate vehicular traffic that unreasonably disrupts the surrounding residents' peaceful enjoyment of the neighborhood;

(jj) generate parking congestion that unreasonably reduces the availability of on-street parking spaces on surrounding streets.

(ii) A home occupation may not occupy more than 25 percent or 400 square feet of the total floor area of the main structure, whichever is less. This area restriction controls over the area restriction of Subsection (a)(3).

(9) Occasional sales (garage sales).

(A) Definition: The sale of tangible personal property at retail by a person who is not in the business or does not hold himself or herself out to be in the business of selling tangible personal property at retail.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A person shall sell tangible personal property only on the premises of the owner or lessee of the premises where the sale is conducted, and the owner or lessee must be the legal owner of the tangible personal property at the time of the sale.

(ii) The sale must be inside the building or garage, or on an approved surface as described in Section 51A-4.301(d)(4).

(iii) A person shall not sell, offer, or advertise for sale merchandise made, produced, or acquired solely for the purpose of resale at an occasional sale.

(iv) A person shall not conduct an occasional sale for a duration of more than three consecutive calendar days.

(v) A person shall not conduct more than two occasional sales at a premises during any 12 month period.

(vi) A person shall not place more than one sign, not to exceed two square feet in effective area, upon the lot where the sale is taking place. Up to five signs, not to exceed two square feet in effective area each, are permitted at locations remote from the sale property with the permission of the owner of the remote location. Signs advertising an occasional sale are not permitted in medians or on trees or light poles. All signs advertising an occasional sale must be removed within 24 hours after expiration of the permit issued under Section 51A-1.105(x).

(vii) The area restrictions in Subsection (a)(3) do not apply to this use.

(viii) Any advertisement of an occasional sale or of an item being offered for sale at an occasional sale must contain the street address at which the sale will occur and the date(s) on which the sale will occur.



(ix) A person commits an offense if he operates an occasional sale without a valid permit under Section 51A-1.105(x).

(10) Private stable.

(A) Definition: An area for the keeping of horses for the private use of the property owner.

(B) District restrictions: This accessory use is not permitted in office, retail, CS, industrial, mixed use, multiple commercial, central area, P(A), and urban corridor districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A private stable is permitted only on a lot that has at least 15,000 square feet and a person may keep only the number of horses permitted for the lot area as described in the following chart:

<b>LOT AREA</b>	<b>NUMBER OF HORSES</b>
At least 15,000 sq. ft. but less than one-half acre	1
At least one-half acre but less than one acre	2
At least one acre but less than two acres	3
At least one-half acre per horse	4 or more

(ii) A private stable must include a pen or corral containing at least 800 square feet for each animal with a stable under a roof containing at least 100 square feet for each animal.

(iii) A stable must have proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(iv) A pen, corral, fences, or similar enclosures may not be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used in establishing the 20 feet distance to the adjacent property line.

(v) Fences for pens, corrals, or similar enclosures must be of a sufficient height and strength to retain the horses.

(vi) The area restrictions in Subsection (a)(3) do not apply to this use.

(11) Swimming pool (private).

(A) Definition: A swimming pool constructed for the exclusive use of the residents of a residential use.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No private swimming pool may be operated as a business, except that private swimming lessons may be given under the home occupation use.

(ii) No private swimming pool may be maintained in such a manner as to be hazardous or obnoxious to adjacent property owners.

(iii) No private swimming pool may be constructed in the required front yard. However, a private swimming pool may be located within the required side or rear yard if it meets the requirements of Section 51A-4.217(a).

(iv) A private swimming pool must be surrounded by a fence.

(v) The area restrictions in Subsection (a)(3) do not apply to this use.

(12) Pedestrian skybridges.

(A) Definition. Use of a structure constructed above grade primarily to allow pedestrians to cross a city right-of-way. A pedestrian skybridge use does not include use of a structure constructed primarily for automobiles.

(B) Purpose. The purpose of this section is to promote the health, safety, and general welfare of persons and property within the city by providing for the structural integrity of pedestrian skybridges over public right-of-ways; preventing visual obstruction of public right-of-ways and urban landscapes; facilitating the flow of traffic; encouraging use of public skybridges by pedestrians through well designed additions to the existing pedestrian system; minimizing the negative impact of pedestrian skybridges on adjoining properties, communication and utility company facilities, and public street lighting and safety facilities; and establishing standards for construction and maintenance of pedestrian skybridges.

(C) Districts permitted. A pedestrian skybridge is permitted in any district by SUP. An SUP is required for pedestrian skybridges in planned development (PD) districts. A license or abandonment from the city of Dallas is also required to cross a city right-of-way. Provisions concerning licenses for use of the public right-of-way are contained in Chapter 43, "Streets and Sidewalks," of the Dallas City Code. Provisions concerning abandonment of the public right-of-way are contained in Chapter 2, "Administration," of the Dallas City Code.

(D) Application. An application for an SUP for a pedestrian skybridge must contain a statement outlining the need for the pedestrian skybridge and how the pedestrian skybridge will enhance the welfare of the area of request and adjacent properties.

(E) Specific use permit procedure. The provisions concerning specific use permits contained in Section 51A-4.219 apply except as modified by this subsection.

(i) Notification. The director shall send written notice of a public hearing on an application for an SUP for a pedestrian skybridge to all owners of real property lying within 750 feet of the properties on which the skybridge will be located.

(ii) Protest. For purposes of the protest provisions, the area of request is the properties on which the skybridge will be located.

(iii) Residential adjacency. An SUP for a pedestrian skybridge must be approved by the affirmative vote of three-fourths of all members of the city council if the pedestrian skybridge is within 750 feet of a residential zoning district or planned development district that allows residential uses or is sited within a planned development district that is adjacent to residential districts.

(iv) Term. The term of an SUP for a pedestrian skybridge must coincide with the term of any related license.

(F) Mandatory pedestrian skybridge standards. Additional provisions concerning construction of pedestrian walkways are contained in Section 509 of Chapter 53, "Dallas Building Code," of the Dallas City Code. Pedestrian skybridges must be constructed and maintained in accordance with the following regulations:

(i) Pedestrian sky-bridges must be properly maintained at all times. If a pedestrian skybridge connects two buildings which are separately owned, an operating agreement assigning maintenance and liability responsibilities is required.

(ii) No more than one pedestrian skybridge may be located within any block or 700 feet of frontage, whichever is less.

(iii) Pedestrian sky-bridges must have clearance above the public right-of-way of at least 18 feet above grade.

(iv) If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. If the pedestrian skybridge has a length equal to or greater than 150 feet, the interior passageway must be no less than 12 feet and no greater than 20 feet in width.

(v) The interior height of the passageway must be at least 7 1/2 feet. The interior height at the springline of vaulted ceilings must be at least 7 1/2 feet.

(vi) Supports must not be located within the public right-of-way.

(vii) A sign must be posted within the adjoining structures indicating whether the skybridge is open to the public, the location of the pedestrian skybridge, and where the pedestrian skybridge leads.

(viii) Pedestrian sky-bridges must meet state and federal standards for accessibility to and usability by individuals with

disabilities.

(ix) Pedestrian sky-bridges connected to structures with air conditioning must be enclosed and air conditioned.

(x) Any change in slope of the pedestrian skybridge greater than one percent must be over private property or concealed within the pedestrian skybridge.

(xi) Pedestrian sky-bridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees.

(xii) At least 70 percent of the side walls must be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than 6 percent. "Light transmission" means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.

(xiii) Minimum artificial lighting of 15 foot candles must be provided. Lighting must not produce glare of an intensity that creates a nuisance for motor vehicles or pedestrians.

(xiv) No exterior signs, other than government signs, may be applied to or suspended from any pedestrian skybridge.

(xv) Pedestrian sky-bridges must not be located within 300 feet of an historic overlay district.

(xvi) Pedestrian sky-bridges must be designed to prevent people from jumping or throwing objects from the pedestrian skybridge.

(xvii) Structural materials must be durable and easily maintained. Construction must comply with the City of Dallas Building and Fire Codes.

(xviii) Pedestrian sky-bridges must not interfere with or impair use of the right-of-way by existing or proposed communication and utility facilities.

(xvii) The applicant must post bond for the estimated cost to the city to remove the pedestrian skybridge if it becomes a public nuisance.

(G) Recommended pedestrian skybridge standards. Pedestrian skybridges are recommended to be constructed and maintained in accordance with the following guidelines:

(i) Pedestrian sky-bridges which are open to the public should penetrate the second story of the adjoining structures, or, if not possible, as close as possible to the street level.

(ii) Pedestrian sky-bridges should penetrate the adjoining structures as close as possible to escalators or elevators having access to the entire structure and the street.

(iii) Free-standing pedestrian skybridges and pedestrian skybridges connected to structures without air conditioning should have a roof, wind breaks, and adequate ventilation that maximize the comfort and safety of pedestrians. A pedestrian skybridge should be open only when the adjoining structures are open.

(iv) If the length of the pedestrian skybridge exceeds 250 feet, the passageway should be interrupted by interior visual breaks, such as turns, courts or plazas.

(v) Primary lighting sources should be recessed and indirect. Accent lighting is encouraged. Natural lighting should be used in addition to artificial lighting.

(vi) The pedestrian skybridge should be designed so as to coordinate with the adjoining structures to the extent possible. Where coordination is not possible, the pedestrian skybridge should be of a neutral color, such as brown or grey.

(H) Special exception. The board of adjustment may grant a special exception to the pedestrian skybridge standards contained in this paragraph if the board finds that:

(i) strict compliance with the requirements will unreasonably burden the use of either of the properties;

(ii) the special exception will not adversely affect neighboring property; and

(iii) the special exception will not be contrary to the public interest.

(I) Compliance regulations. Pedestrian skybridge uses are not subject to the compliance regulations contained in Section 51A-

### **SEC. 51A-4.218. LIMITED USES.**

- (a) A limited use must be contained entirely within a building and be primarily for the service of the occupants of the building.
- (b) A limited use may not have a floor area that in combination with the floor areas of other limited uses in the building exceeds 10 percent of the floor area of the building.
- (c) A limited use must:
  - (1) have no exterior public entrance except through the general building entrances; and
  - (2) have no exterior advertising signs on the same lot. (Ord. 19455)

### **SEC. 51A-4.219. SPECIFIC USE PERMIT (SUP).**

- (a) General provisions.
  - (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be compatible with adjacent property and consistent with the character of the neighborhood.
  - (2) The use regulations for each use in Division 51A-4.200 state whether an SUP is required for a use to be permitted in a zoning district. The SUP requirement for a use in a district does not constitute an authorization or an assurance that the use will be permitted. Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate. Each SUP must be granted by the city council by separate ordinance.
  - (3) The city council shall not grant an SUP for a use except upon a finding that the use will:
    - (A) complement or be compatible with the surrounding uses and community facilities;
    - (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;
    - (C) not be detrimental to the public health, safety, or general welfare; and
    - (D) conform in all other respects to all zoning regulations and standards.
  - (4) The granting of an SUP has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
  - (5) The city council may impose reasonable conditions upon the granting of an SUP consistent with the purposes stated in this chapter.
  - (6) The applicant shall post the SUP ordinance in a conspicuous place on the property, except where a use has no interior building space (for example, a private street or alley use). The applicant shall post the SUP ordinance by June 1, 2006.
- (b) Specific use permit procedure.
  - (1) An applicant for an SUP shall comply with the zoning amendment procedure for a change in zoning district classification. Each SUP ordinance is incorporated by reference into this chapter.
  - (2) At the time of applying for an SUP, the applicant shall submit:
    - (A) a site plan that includes:
      - (i) the dimensions, bearings, and street frontage of the property;
      - (ii) the location of buildings, structures, and uses;
      - (iii) the method of ingress and egress;
      - (iv) off-street parking and loading arrangements;

(v) screening, lighting, and landscaping, if appropriate;

(vi) the locations, calipers, and names (both common and scientific) of all trees near proposed construction activity (trees in close proximity that all have a caliper of less than eight inches may be designated as a "group of trees" with only the number noted); and

(vii) any other information the director determines necessary for a complete review of the proposed development; and

(B) a traffic impact analysis if the director determines that the analysis is necessary for a complete review of the impacts of the proposed development.

(3) If the director determines that one or more of the items listed in Paragraph (2) is not necessary to allow for a complete review of the proposed development, he shall waive the requirement that the item(s) be provided.

(4) The minor amendment process allows flexibility as necessary to meet the contingencies of development. Amendments that do not qualify as minor amendments must be processed as a zoning amendment. The city plan commission shall, after a public hearing, authorize minor changes in the site plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:

(A) alter the basic relationship of the proposed development to adjacent property;

(B) increase the number of dwelling units shown on the original site plan by more than 10 percent;

(C) increase the floor area shown on the original site plan by more than five percent or 1,000 square feet, whichever is less;

(D) increase the height shown on the original site plan;

(E) decrease the number of off-street parking spaces shown on the original site plan so as to create a traffic hazard or traffic congestion or fail to provide adequate parking; or

(F) reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original site plan.

For purposes of this paragraph, "original site plan" means the earliest approved site plan that is still in effect, and does not mean a later amended site plan. For example, if a site plan was approved with the specific use permit and then amended through the minor amendment process, the original site plan would be the site plan approved with the specific use permit, not the site plan as amended through the minor amendment process. If, however, the site plan approved with the specific use permit was replaced through the zoning amendment process, then the replacement site plan becomes the original site plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

An applicant or owner of real property within the notification area may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that city plan commission used. Appeal to the city council is the final administrative remedy available.

(5) Reserved.

(6) A time limit may be imposed as a condition upon the granting of an SUP. If a time limit has been imposed, the SUP automatically terminates when the time limit expires. Except as otherwise provided in Subsection (c), the applicant shall go through the procedures outlined above in Paragraphs (1) and (2) to renew an SUP.

(7) As a further condition to the granting of an SUP, the city council may require the property owner to participate in cost-sharing for infrastructure improvements that are in part necessitated by the proposed development. In no case, however, shall the property owner be required to pay for more than 50 percent of the cost of improvements located more than 250 feet from the lot.

(8) The minor amendment process allows flexibility as necessary to meet the contingencies of development. Amendments that do not qualify as minor amendments must be processed as a zoning amendment. The city plan commission shall, after a public hearing, authorize minor changes in the landscape plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:

(A) reduce the perimeter landscape buffer strip shown on the original landscape plan;

(B) detrimentally affect the original landscape plan's aesthetic function relative to adjacent right-of-way or surrounding property; or

(C) detrimentally affect the original landscape plan's screening or buffering function.

For purposes of this paragraph, "original landscape plan" means the earliest approved landscape plan that is still in effect, and does not

mean a later amended landscape plan. For example, if a landscape plan was approved with the specific use permit and then amended through the minor amendment process, the original landscape plan would be the landscape plan approved with the specific use permit, not the landscape plan as amended through the minor amendment process. If, however, the landscape plan approved with the specific use permit was replaced through the zoning amendment process, then the replacement landscape plan becomes the original landscape plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

An applicant or owner of real property within the notification area may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that city plan commission used. Appeal to the city council is the final administrative remedy available.

(c) Automatic renewals.

(1) As part of an SUP ordinance or ordinance amendment, the city council may declare that an SUP is eligible for automatic renewal pursuant to this subsection. Automatic renewal is an alternative to the standard method of renewing an SUP by amending the SUP ordinance. In order for automatic renewal to occur, the property owner or his representative must file a complete application for automatic renewal with the director after the 180th day but before the 120th day before the expiration of the current SUP time period. If a fee is required, the application is not considered "filed" until the fee is paid. For more information regarding fees, see Section 51A-1.105.

(2) Automatic renewal does not result in an amendment to the SUP ordinance. An applicant seeking to change the SUP conditions or to otherwise amend the SUP ordinance must go through the procedures outlined in Subsection (b).

(3) An application for automatic renewal must be filed with the director on a form furnished by the city for that purpose. As part of the application, the property owner or his representative shall state that all existing SUP conditions have been complied with, and that no changes to the conditions or other SUP ordinance provisions are being requested.

(4) Failure to timely file a complete application required under Paragraph (1) renders the SUP ineligible for automatic renewal. The city council may, however, reinstate an SUP's eligibility for future automatic renewals as part of a new SUP ordinance or ordinance amendment.

(5) Upon the filing of a complete application for automatic renewal, the director shall send written notice to all owners of real property lying within 200 feet of the area governed by the SUP. The notice must state that the SUP is eligible for automatic renewal and may be automatically renewed without further notice.

(6) If the owners of 20 percent or more of the land within 200 feet of the area governed by the SUP file a written protest against the automatic renewal in accordance with this paragraph, the director shall forward the application to the city plan commission and city council for further action. Written protests against an automatic renewal must be filed with the director before 5:00 p.m. of the 21st calendar day after the date the notice is mailed. A protest sent through the mail must be received by the director before the deadline. If the deadline falls on a Saturday, Sunday, or official city holiday, then the protests must be filed before noon of the following working day. To the extent that they do not conflict with this subsection, the provisions of Section 51A-4.701 governing written protests in zoning cases apply to protests filed under this subsection.

(7) After the deadline for filing written protests has passed, the director shall review the conditions of the SUP and determine whether the conditions have been met. If the director determines that the conditions have not been met, he shall forward the application to the city plan commission and city council for further action.

(8) "Further action" as that term is used in Paragraphs (6) and (7) means that the director shall schedule the application for public hearings before both the city plan commission and the city council. Notice of the public hearings must be given as would be required by law for a change in zoning district classification. The city plan commission shall make a recommendation to the city council regarding the proposed renewal based on staff reports, field inspections, and the evidence presented at its public hearing.

(9) In connection with an application that has been forwarded to it by the director pursuant to Paragraph (6) or (7), the city council may:

(A) pass an amending ordinance to repeal the SUP's eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in the SUP ordinance; or

(B) take no action and thereby allow the SUP to automatically renew as a matter of law.

(10) No renewal or expiration of an SUP may occur while the application is pending before the city plan commission or city

council. If the application is pending at the end of the current time period stated in the SUP ordinance, the time period shall be extended as a matter of law until:

(A) the day following the next succeeding official agenda meeting of the city council after the council makes its final decision on the application; or

(B) if the council votes to pass an amending ordinance, until the effective date of the amending ordinance.

(11) The renewal of an SUP eligible for automatic renewal occurs as a matter of law at the end of the current time period as stated in the SUP ordinance, or as extended pursuant to Paragraph (10). Unless otherwise specified in the SUP ordinance, an automatic renewal is for the same time period as the immediately preceding time period [excluding, if applicable, extensions pursuant to Paragraph (10)].

(12) An SUP that is automatically renewed pursuant to this subsection may continue to be automatically renewed in perpetuity so long as the owner or his representative continues to timely file the applications for automatic renewal required under Paragraph (1). Failure to timely file this application during any renewal period renders the SUP ineligible for further automatic renewal. The city council may, however, reinstate the SUP's eligibility for future automatic renewals as part of a new SUP ordinance or ordinance amendment.

(13) This subsection does not impair the ability of the city plan commission or city council to call a public hearing on its own motion for the purpose of passing an amending ordinance to repeal an SUP's eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in an SUP ordinance. (Ord. Nos. 19455; 20132; 20496; 22053; 23997; 26270; 26730)

#### **SEC. 51A-4.220. CLASSIFICATION OF NEW USES.**

(a) Initiation.

(1) A person, the commission, or the city council may propose zoning amendments to regulate new and previously unlisted uses.

(2) A person requesting the addition of a new use shall submit to the director all information necessary for the classification of the use, including, but not limited to:

(A) the nature of the use and whether the use involves dwelling activity, sales, or processing;

(B) the type of product sold or produced under the use;

(C) whether the use has enclosed or open storage and the amount and nature of the storage;

(D) anticipated employment;

(E) transportation requirements;

(F) the nature and time of occupancy and operation of the premises;

(G) the off-street parking and loading demands;

(H) the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated; and

(I) the requirements for public utilities such as sanitary sewer and water.

(b) Use regulations. New use regulations must contain the following information:

(1) The definition of the use.

(2) The zoning districts within which the use is permitted.

(3) The required off-street parking.

(4) The required off-street loading.

(5) Any additional provisions reasonably necessary to regulate the use. (Ord. 19455)

#### **SEC. 51A-4.221. SEXUALLY ORIENTED BUSINESSES.**

(a) Purpose. All uses operated as sexually oriented businesses are subject to the licensing and locational restrictions in Chapter 41A. This section expressly classifies the sexually oriented businesses defined in Chapter 41A for zoning purposes. These classifications codify the existing practices of the building official and should not be construed as changing the locational restrictions in Chapter 41A.

(b) Definitions. In this section:

(1) ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(2) ADULT BOOKSTORE or ADULT VIDEO STORE means a commercial establishment that as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

(A) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, DVD's, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or

(B) instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

(3) ADULT CABARET means a commercial establishment that regularly features the offering to customers of adult cabaret entertainment.

(4) ADULT CABARET ENTERTAINMENT means live entertainment that:

(A) is intended to provide sexual stimulation or sexual gratification; and

(B) is distinguished by or characterized by an emphasis on matter depicting, simulating, describing, or relating to "specified anatomical areas" or "specified sexual activities."

(5) ADULT MOTEL means a hotel, motel, or similar commercial establishment that:

(A) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign (as defined in this section) visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions; or

(B) offers a sleeping room for rent for a period of time that is less than 10 hours; or

(C) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

(6) ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(7) ESCORT means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(8) ESCORT AGENCY means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

(9) NUDE MODEL STUDIO means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

(10) NUDITY or a STATE OF NUDITY means:

(A) the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or

(B) a state of dress that fails to completely and opaquely cover a human buttock, anus, male genitals, female genitals, or any part of the female breast or breasts that is situated below a point immediately above the top of the areola.

(11) SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, or nude model studio, or other commercial enterprise the primary business of which



is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

(12) SIGN means any display, design, pictorial, or other representation that is:

(A) constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever so that it is visible from the outside of a sexually oriented business; and

(B) used to seek the attraction of the public to any goods, services, or merchandise available at the sexually oriented business. The term "sign" also includes any representation painted on or otherwise affixed to any exterior portion of a sexually oriented business establishment or to any part of the tract upon which the establishment is situated.

(13) SPECIFIED ANATOMICAL AREAS means:

(A) any of the following, or any combination of the following, when less than completely and opaquely covered:

(i) any human genitals, pubic region, or pubic hair;

(ii) any buttock; or

(iii) any portion of the female breast or breasts that is situated below a point immediately above the top of the areola; or

(B) human male genitals in a discernibly erect state, even if completely and opaquely covered.

(14) SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

(A) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(B) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(C) masturbation, actual or simulated; or

(D) excretory functions as part of or in connection with any of the activities set forth in Subparagraphs (A) through (C) of this paragraph.

(c) Zoning classification of sexually oriented businesses. The different types of sexually oriented businesses defined above are classified as follows for zoning purposes:

<b>SEXUALLY ORIENTED BUSINESS</b>	<b>CHAPTER 51, ARTICLE IV, ZONING CLASSIFICATION</b>	<b>CHAPTER 51A, ARTICLE IV, ZONING CLASSIFICATION</b>	<b>CHAPTER 51A, ARTICLE XIII, ZONING CLASSIFICATION</b>
Adult arcade	Inside commercial amusement See Section 51-4.208.	Commercial amusement (inside) See Section 51A-4.210.	Commercial amusement (inside) See Section 51A-13.306(d)(6)(A).
Adult bookstores or adult video stores	Retail stores other than listed See Section 51-4.211.	General merchandise or food store See Section 51A-4.210.	Retail sales See Section 51A-13.306(d)(5)(C).
Adult cabaret	Inside commercial amusement	Commercial amusement (inside)	Commercial amusement (inside) See Section

	See Section 51-4.208.	See Section 51A-4.210.	51A-13.306(d)(6)(A).
Adult motel	Hotel and motel See Section 51-4.216.1.	Hotel or motel See Section 51A-4.205.	Overnight lodging See Section 51A-13.306(d)(7)(B).
Adult motion picture theater	Theatre See Section 51-4.208.	Theater See Section 51A-4.210.	Indoor recreation See Section 51A-13.306(d)(6)(B).
Escort agency	Office See Section 51-4.210.	Office See Section 51A-4.207.	Office See Section 51A-13.306(d)(4)(B).
Nude model studio	Photography studio See Section 51-4.211.	Personal service See Section 51A-4.210.	Personal service See Section 51A-13.306(d)(6)(D).

(d) Always a main use. A use being operated as a sexually oriented business shall at all times be considered a separate main use, and cannot be an accessory use within the meaning of Section 51A-4.217. (Ord. Nos. 24438; 24696; 26513; 27404; 27495; 27790)