

PROPOSED CONDITIONS

“ARTICLE ____.

PD ____.

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No.____, passed by the Dallas City Council on _____.

SEC. 51P- ____ .102. PROPERTY LOCATION AND SIZE.

PD ____ is established on property located at _____. The size of PD ____ is approximately acres.

SEC. 51P- ____ .103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (c) This district is considered to be a residential zoning district.

SEC. 51P- ____ .104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit ____A: Subarea map.

SEC. 51P- ____ .105. CREATION OF SUBAREAS.

- (a) This district is divided into the following two subareas:
 - (1) Subarea A (Preston Tower).
 - (2) Subarea B.

SEC. 51P- ____ .106. DEVELOPMENT PLAN.

- (a) A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P- ____ .107. MAIN USES PERMITTED.

The following uses are the only main uses permitted:

(1) Residential uses.

- Single family. [*A minimum of six single family structures must be attached together with a minimum of 7 feet 6 inches between each group of six single family structures.*]
- Handicapped group dwelling unit. [*SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.*]
- Multifamily.
- Retirement housing.

(2) Institutional and community service uses.

- Church.

(3) Utility and public service uses.

- Local utilities.
- Tower/antenna for cellular communication. [*Limited to a mounted cellular antenna.*]

SEC. 51P- ____ .108. LIMITED USES PERMITTED IN SUBAREA A.

- (a) Allowed limited uses in Preston Tower from original ordinance to be called forward from CH. 51 to CH. 51A.

SEC. 51P- ____ .109. ACCESSORY USES.

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

- (b) The following specific accessory uses are not permitted:

- *Accessory medical/infectious waste incinerator.*

- *Accessory pathological waste incinerator.*
- *Accessory outside storage.*
- *Amateur communication tower.*
- *General waste incinerator.*

SEC. 51P-____.110. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

- (a) In general. Except as provided in this section, the yard, lot, and space regulations for the MF-3(A) Multifamily District apply.
- (b) Increased development standards. When the provisions of Section 51P-____.118 are met, the modifications to the MF-3(A) Subdistrict in this subsection apply.
 - (1) Setbacks.
 - (A) Front yard.
 - (i) Minimum front yard is 70 feet from Northwest Highway.
 - (B) Side and rear yard.
 - (i) Minimum side yard is 20 feet from Pickwick Lane.
 - (ii) Minimum side yard is 20 feet from Baltimore Drive.
 - (iii) Minimum rear yard is 20 feet from the north alley.
 - (C) Interior setbacks. Minimum required setback for property lines not specified in the front, side, or rear yard setback regulations.
 - (i) Minimum setback from an east/west property line is 40 feet.
 - (ii) Minimum setback from a north/south property line is 20 feet.
 - (2) Encroachments. The following additional items are permitted to be located within the required front, side, rear, and interior setbacks:
 - (A) Benches, street lamps, transformers and other utility equipment, landscape planters, sculptures, and other decorative landscape items may be located within the required minimum yards.

- (B) Seat walls, retaining walls, stoops, porches, steps, unenclosed balconies, ramps, handrails, and safety railings all not exceeding four feet in height and extending a maximum of five feet into the required minimum yards.
 - (C) Balconies, bay windows, awnings, and signs affixed to the building or part of the foundation may project up to five feet into the required minimum yards if the clearance of the projection is 12 feet above grade.
 - (D) Porticos may encroach 15 feet into the required minimum yards.
- (3) Urban form setback.
- (A) An additional 20-foot front yard setback from Northwest Highway is required for that portion of a structure over 45 feet in height.
 - (B) An additional 20-foot setback from any interior east/west property line is required for that portion of a structure over 45 feet in height.
- (4) Tower spacing. An additional side yard, rear yard, and north/south interior setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet.
- (5) Density. Maximum dwelling unit density is 90 dwelling units per acre.
- (6) Floor area ratio. No maximum floor area.
- (7) Height.
- (A) Within 240 feet north of Northwest Highway, maximum structure height is 240 feet.
 - (B) From 240 feet north of Northwest Highway to the north boundary of the Property, maximum structure height is 96 feet.
 - (C) The following architectural elements may project a maximum of six feet above the maximum structure height:
 - (i) Elevator penthouse or bulkhead.
 - (ii) Mechanical equipment room.
 - (iii) Visual screens which surround roof mounted mechanical equipment.

- (D) Parapet walls and guard rails may project a maximum of four feet above the maximum structure height.
- (E) Residential proximity slope applies as detailed in Section 51A-4.412.

(8) Lot coverage.

(A) Within 240 feet of Northwest Highway, lot coverage is calculated as follows:

- (i) Maximum lot coverage is 65 percent for structures less than or equal to 96 feet in height.
- (ii) Maximum lot coverage is 55 percent if the structure exceeds 96 feet in height and must provide an additional 10% of open space.
- (iii) Maximum lot coverage is 45 percent if the structure exceeds 168 feet in height and must provide an additional 20% of open space.

(B) From 240 feet north of Northwest Highway to the north boundary of the Property, lot coverage is calculated as follows:

- (i) Maximum lot coverage is 65 percent for structures less than or equal to 60 feet in height.
- (ii) Maximum lot coverage is 55 percent if the structure exceeds 60 feet in height and must provide an additional 10% of open space.

(C) If a lot contains a structure which has increased height and decreased lot coverage as specified in Section (8)(A)(ii) and (iii) or Section (8)(B)(ii), lot coverage for the entire lot is subject to the lowest of the lot coverage percentages used.

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

(9) Lot size. No minimum lot size.

(10) Stories. No maximum number of stories above grade.

SEC. 51P- ____ .111. OFF-STREET PARKING AND LOADING.

- (a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.
- (b) Multifamily and retirement housing.
 - (1) All required off-street parking must be located within an aboveground or underground parking structure.
 - (2) Aboveground parking structures.
 - (A) Aboveground parking structure must be screened or wrapped.
 - (B) Screening of parking structures. Openings in aboveground parking structure facades must be screened except for openings for vehicular access. Screening may include architectural grill work or other materials that provide ventilation.
 - (C) Wrapping of parking structures. Except for openings for vehicular access, aboveground parking structures must have a use other than parking, with a minimum depth of 25 feet of the building measured inward from the exterior facing structure facade.
- (c) Surface parking.
 - (1) Except as provided below, surface parking is prohibited.
 - (2) Surface parking is not allowed in a required setback except for parallel parking with a minimum 4-foot-wide bump out for every three spaces of parallel parking along an east/west property line or within the Northwest Highway front yard setback.
- (d) Service and loading areas. Service, loading, and garbage storage areas must be enclosed within structure.

SEC. 51P- ____ .112. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P- ____ .113. LANDSCAPING.

- (a) In general. Except as provided in this section, landscaping must be provided in accordance with Article X.
- (b) Pedestrian zone in required setbacks.
 - (1) Pedestrian zone for the Northwest Highway setback. The following must be provided in an area between 50 feet and 65 feet from Northwest Highway:
 - (A) One medium or large tree per 30 feet along the setback (minimum of one).
 - (B) One bench per 60 feet along the setback (minimum of one).
 - (C) One pedestrian street lamp (free-standing or wall mounted) per 50 feet along the setback (minimum of one).
 - (2) Pedestrian zone for the east/west setbacks. The following must be provided in an area between zero feet and 15 feet of the back of the projected curb or edge of paving along all east/west setbacks:
 - (A) One medium or large tree per 30 feet along the setback (minimum of one).
 - (B) One bench per 60 feet along the setback (minimum of one).
 - (C) One pedestrian street lamp (free-standing or wall mounted) per 50 feet along the setback (minimum of one).
- (c) Northwest Highway landscaping buffer. Street buffer zone in Section 51A-10.125(b)(1) does not apply to the landscape area fronting Northwest Highway.
 - (1) A 10-foot-wide landscape buffer with screening must be provided along the Northwest Highway frontage.
 - (2) An existing or improved wall or fence must be provided in the landscape buffer and placed alongside large evergreen shrubs planted to form a full screening effect, or in combination with options for plant screening with one of the five options listed in Section 51A-10.126(b)(4)(D).
- (d) Maintenance. Plant materials must be maintained in a healthy, growing condition.

SEC. 51P- ____ .114. SIGNS.

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

SEC. 51P- ____ .115. OPEN SPACE.

- (a) Required open space. A minimum of five percent of the building site must be reserved as open space for activity such as active or passive recreation, groundwater recharge, or landscaping and must be located between the exterior structure facade and the property line.
- (1) No structures except for architectural elements; structures that are not fully enclosed such as colonnades, pergolas, and gazebos; and ordinary projections of window sills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed.
 - (2) Open space must contain primarily grass, vegetation, or open water; and be primarily used as a ground-water recharge area; and may contain pedestrian amenities such as fountains, benches, paths, or shade structures.
 - (3) Parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.
 - (4) Operation or parking of vehicles within on-site open space is prohibited. Emergency and grounds maintenance vehicles are exempt.
 - (5) Open spaces must be properly maintained in a state of good repair and neat appearance, and plant materials must be maintained in a healthy, growing condition.
 - (6) Landscape areas that fulfil the requirements of Article X may also fulfil these requirements if all conditions of this section and Article X are met.
 - (7) Open space requirements may include the pedestrian zones as referenced in Section 51P-____.113(b) of this ordinance.

SEC. 51P- ____ .116. SIDEWALKS.

- (a) A sidewalk with a minimum average width of six feet must be provided along all street frontages and all east/west setbacks except for the rear yard setback.
- (1) Except as provided in this subsection, all sidewalks must be clear and unobstructed for a minimum of five feet in width.
 - (2) Tree grates do not count toward the minimum unobstructed sidewalk width.
 - (3) If the director determines that the location of a local utility or protected tree, as defined in Article X, would prevent a five-foot minimum width, the sidewalk may be reduced to four feet in width in that location.

- (b) A sidewalk with a minimum width of four feet must be provided along all interior north/south setbacks.
- (c) Sidewalks must be located in an area parallel to and between two feet and 15 feet of the back of the projected curb or edge of paving along Pickwick Lane and Baltimore Drive.
- (d) Sidewalks must be located in an area parallel to and between zero feet and 15 feet of the back of the projected street curb or edge of paving along all interior east/west and north/south setbacks.
- (e) Sidewalks must be located in an area parallel to and between 50 feet and 65 feet from Northwest Highway.

SEC. 51P- ____ .117. DESIGN STANDARDS.

- (a) Exterior facades. All street, setback, and open space-fronting facades must have at least one window and at least one common primary entrance facing the street, setback, or open space at ground-level. A transparent surface is required for every 25 linear feet of continuous street, setback, and open space-fronting facade.
- (b) Highly reflective glass. Highly reflective glass is prohibited. Reflective glass may not be used as an exterior building material on any building or structure in the district.
- (c) Non-required fences. Unless a use specifically requires screening, all fences for uses along a street, setback, or open space must have a surface area that is a minimum of 50 percent open, allowing visibility between three feet and six feet above grade. The exception for multifamily uses in Section 51A-4.602(a)(2) which provides that a fence exceeding four feet above grade may be erected in a front yard in multifamily districts is not applicable.

SEC. 51P- ____ .118. SPECIAL PROVISIONS.

- (a) Development bonus for open space. To obtain a density bonus of five additional dwelling units per acre, an additional five percent of the building site must be reserved as open space for activity such as active or passive recreation, groundwater recharge, or landscaping and must be located between the exterior structure facade and the property line.
- (b) Development bonuses for mixed-income housing. In this section, maximum dwelling unit density per acre may vary depending on whether a development bonus is obtained as follows:
 - (1) Density bonuses.

<u>Set aside minimums</u> <u>(% of total residential units reserved in each</u> <u>income band, adjusted annually)</u>	<u>Maximum Unit Density per Acre</u>
<u>5% at 51-60% AMFI and</u> <u>5% at 61-80% AMFI</u>	<u>100</u>
<u>5% at 51-60% AMFI and</u> <u>5% at 61-80% AMFI and</u> <u>5% at 81-100% AMFI</u>	<u>120</u>

(c) The development bonuses in Section (a) and (b) can be used independently or be combined.

SEC. 51P- ____ .119. MIXED-INCOME HOUSING.

Applicability. This section only applies when an application is made for a certificate of occupancy for a multifamily or retirement housing use that includes the increased development standards described in Section 51P- ____ .110(b).

(b) Definitions. In this section:

(1) **AFFIRMATIVE FAIR HOUSING MARKETING** means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, national origin, religion, sex, age, disability, or other protected class under Title VIII of the Civil Rights Act of 1964 and all related regulations, executive orders, and directives.

(2) **AFFORDABLE UNITS** means a percentage of the rental units within a development that are available to be occupied by either (i) eligible households or (ii) voucher holders during the rental affordability period.

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

(4) **DEVELOPER** means the owner or operator of the Property during the rental affordability period.

(5) **DIRECTOR** means the director of the Office of Fair Housing or the director’s representative.

(6) **EFFICIENCY UNIT** means a dwelling unit with no separate bedroom.

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

(8) RENTAL AFFORDABILITY PERIOD means the period of time that the affordable units are available to be leased to and occupied by eligible households or voucher holders.

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

(c) Qualification requirements.

(1) Affordable units must be dispersed throughout the residential floor area of each building, but may not be fixed to specific dwelling units and must float within each dwelling unit type.

(2) Affordable units must be of identical finish-out and materials as the market rate dwelling units and must be made available to eligible households or voucher holders on identical lease terms, except rent amount, as are available to market rate dwelling unit tenants.

(3) Except as provided in Subsection (g), affordable units must be dispersed substantially pro-rata among the affordable unit types so that not all the affordable units are efficiency or one-bedroom units. For example, if 10 percent of the multiple-family dwelling units are affordable units, 10 percent of the efficiency units, 10 percent of the one-bedroom units, 10 percent of the two-bedroom units, 10 percent of the three-bedroom units (and so on, if applicable) must be affordable units. A maximum of three specialty units such as club suites and penthouse suites are not required to be part of the dispersal of affordable units by type; however, the overall 10 percent requirement is calculated based on the total number of all units.

(4) Affordable units must be marketed in accordance with an affirmative fair housing marketing plan provided by the developer in coordination with the Office of Fair Housing.

(5) A household's status as an eligible household must be established no more than 30 days before the household's execution of a lease for an affordable unit and each lease must not exceed one year. All eligible tenants must recertify their household income for each subsequent lease renewal.

(6) The rent charged for affordable units must include all expenses that are mandatory for all tenants, but may not include optional reserved parking expenses, or other optional expenses approved by the director.

(7) Eligible households or voucher holders occupying affordable units may not be restricted from common areas and amenities, unless the restrictions apply to all dwelling unit occupants.

(8) The rental affordability period is 15 years beginning on the date the first affordable unit is leased to an eligible household or voucher holder. The modifications to the MF-2 Multiple-Family Subdistrict yard, lot, and space regulations survives expiration of the rental affordability period.

(9) The affordable units must not be segregated or concentrated in any one floor or area of any buildings, but must be dispersed throughout all residential buildings.

(10) Developer must execute deed restrictions, prior to approval of the certificate of occupancy, in a form acceptable to the city, in the city's sole discretion, and record the executed deed restrictions in the Deed Records of Dallas County, Texas to ensure that the Property will comply with all conditions.

(11) Developer shall not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government, in accordance with Section 20A-4.1 of the Dallas City Code.

(d) Request process.

(1) Building permit. An incentive zoning affordable housing plan must be submitted with an application for a building permit and must include:

(A) The date, names, addresses, and telephone numbers of the developer and the person preparing the incentive zoning affordable housing plan, if different;

(B) Lot and block descriptions, zoning classification, and census tracts of the lots for which the increased development rights are requested;

(C) The percentage of total dwelling units that will be affordable units and the actual number of dwelling units that will be affordable units; and

(D) The total number of one bedroom dwelling units, two-bedroom dwelling units, etc. being proposed.

(2) Affirmative fair housing marketing plan.

(A) The affirmative fair housing marketing plan must be in writing and must be submitted to, and receive written approval from, the director at least three months prior to the start of pre-leasing.

(B) The affirmative fair housing marketing plan must describe the advertising, outreach, community contacts, and other marketing activities that informs potential renters of the existence of the affordable units.

(C) The director must approve or deny the affirmative fair housing marketing plan within 60 days after a complete plan is submitted.

(i) Approval. The director shall approve the affirmative fair housing marketing plan if it complies with the requirements of this section and meets the purpose of the marketing requirements.

(ii) Denial. The director shall deny the affirmative fair housing marketing plan if it does not comply with the requirements of this section or does not meet the purpose of the marketing requirements. If the director denies the affirmative fair housing marketing plan, he or she shall state in writing the specific reasons for denial. If denied, a new affirmative fair housing marketing plan may be submitted.

(3) Certificate of occupancy. Before the issuance of a certificate of occupancy, the developer must submit to the building official an incentive zoning affordable housing plan that must include:

(A) The approved affirmative fair housing marketing plan.

(B) A statement that all signatories agree to defend, indemnify, and hold harmless the City of Dallas from and against all claims or liabilities arising out of or in connection with a multiple family structure that exceeds 36 feet in height.

(C) A statement and acknowledgement from the developer that the qualifications in Subsection (c) will be continuously met.

(D) The signature of the director verifying that the developer has informed the Office of Fair Housing that the developer intends to apply for a certificate of occupancy.

(e) Annual report.

(1) An annual report must be submitted to the director in writing and must include the following:

(A) a rent roll;

(B) a list of dwelling units deemed affordable units;

(C) a list of the affordable units currently offered for lease;

(D) the income and household size for each eligible household or voucher holder;

(E) a signed statement by the developer acknowledging compliance with Subsection (c); and

(F) any other reasonable and pertinent information the director deems necessary to demonstrate compliance with Subsection (c).

(2) The first annual report must be submitted to the director on the one year anniversary of the beginning of the affordability period. After the first annual report, the developer shall submit annual reports on subsequent anniversary dates.

(3) The final annual report must be signed by the director verifying that the rental affordability period has ended and must be filed with the building official.

(f) Consent to substitute.

(1) Notwithstanding the pro-rata distribution requirements in this section, if the developer cannot locate eligible households or voucher holders to lease two-bedroom or larger dwelling units, and if the director is satisfied that the developer has made best efforts to lease the two-bedroom or larger dwelling units, if applicable, including full compliance with the affirmative fair housing marketing plan, with written consent from the director, developer may from time to time substitute on a two-for-one basis additional one bedroom dwelling units and/or on a three-to-one basis additional efficiency units to meet the pro rata distribution requirements described in this subsection.

(2) Before granting written consent, the director shall review and approve an amended affirmative fair housing marketing plan detailing how the developer will target marketing to larger households who could qualify to lease the two-bedroom dwelling units (and larger dwelling units, if applicable). The director's written consent shall include a time period during which the agreed-upon substitutions satisfy the pro rata distribution requirements.

(h) Audit and income verification.

(1) The annual report may be audited by the director to verify the information provided in the annual report.

(2) The director may also randomly, regularly, and periodically select a sample of tenants occupying affordable units for the purpose of income verification. Any information received pursuant to this subsection remains confidential and may only be used for the purpose of verifying income to determine eligibility for occupation of the affordable units. All prospective tenants of an affordable unit must agree to provide or to allow the director to obtain sufficient information to enable income verification as contemplated in this section as a condition to leasing the unit.

SEC. 51P- ____ .120. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-____.121. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.”

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