

PROPOSED CONDITIONS

“ARTICLE _____.

PD _____.

SEC. 51P-15.101. LEGISLATIVE HISTORY.

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

SEC. 51P-15.102. PROPERTY LOCATION AND SIZE.

PD 15 is established on property located on the north side of West Northwest Highway between Pickwick Lane and Baltimore Avenue. The size of PD 15 is approximately 14.2 acres.

SEC. 51P-15.103. DEFINITIONS AND INTERPRETATIONS.

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

(1) **BLANK WALL AREA** means any portion of the exterior of a building that does not include a material change, windows or doors, or columns, pilasters, or other articulation greater than 12 inches in depth. Blank wall area is measured horizontally on each story.

(2) **PORTICO** means an open-air structure attached to a building that consists of a roof supported by columns.

(3) **TRANSPARENCY** means the total area of window and door opening filled with glass, expressed as a percentage of the total facade area by story, except that structured parking transparency is not required to be filled with glass.

(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-15.104. EXHIBIT.

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

SEC. 51P-15.105. CREATION OF SUBAREAS.

This district is divided into the following two subareas:

- (1) Subarea A (Preston Tower).
- (2) Subarea B.

SEC. 51P-15.106. DEVELOPMENT PLAN.

- (a) Except as provided in this section, 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.
- (b) No development plan is required for the interior remodel of an existing structure (from the passage of this ordinance), sidewalk construction in accordance with Section 51P-15.116, or landscape improvements in accordance with Section 51P-15.113.

SEC. 51P-15.107. MAIN USES PERMITTED.

The following uses are the only main uses permitted:

- (1) Residential uses.
 - Single family. [*A minimum of six, maximum of eight single family structures must be attached together. A minimum of 15 feet must be provided between each group of six to eight single family structures.*]
 - Handicapped group dwelling unit. [*A minimum of six, maximum of eight single family structures must be attached together. A minimum of 15 feet must be provided between each group of six to eight single family structures. 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-15.108. LIMITED USES PERMITTED IN SUBAREA A.

The following limited uses are permitted in Subarea A:

(1) Office uses.

- Medical clinic or ambulatory surgical center.
- Office.

(2) Retail and personal service uses.

- Alcoholic beverage establishment.
- Dry cleaning or laundry store.
- General merchandise or food store less than 3,500 square feet.
- Personal service use [*tattoo and massage establishment*

prohibited].

SEC. 51P-15.109. 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-15.110. 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) Setbacks.

(1) Perimeter setbacks. Minimum setback from:

- (A) Northwest Highway is 70 feet.
- (B) Pickwick Lane is 20 feet.
- (C) Baltimore Drive is 20 feet.
- (D) the alley along the northern Property line is 20 feet.

(2) Interior setbacks.

- (A) Minimum setback from an interior property line that runs east/west is 40 feet.
- (B) Minimum setback from an interior property line that runs north/south is 20 feet.

(3) Encroachments.

(A) Benches, street lamps, transformers and other utility equipment, landscape planters, sculptures, and other decorative landscape items may be located within the required setbacks.

(B) Seat walls, retaining walls, stoops, porches, steps, unenclosed balconies, ramps, handrails, and safety railings all not exceeding four feet in height may project up to five feet into the required setbacks.

(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 setbacks if the clearance of the projection is a minimum of 12 feet above grade.

(D) Porticos may encroach up to 15 feet into the required setbacks.

(4) 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 property line that runs east/west is required for that portion of a structure over 45 feet in height.

(5) Tower spacing. Along Pickwick Lane, Baltimore Drive, and the interior property lines that run north/south an additional 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.

(b) Density.

(1) In general. Maximum dwelling unit density is 90 dwelling units per acre.

(2) Open space density bonus. Five additional dwelling units per acre are allowed if an additional five percent of the building site is reserved as open space in accordance with Section 51P-15.115 and provided in addition to the five percent of open space required in Section 51P-15.115. The open space density bonus can only be used in addition to the requirements in Section 51P-15.115 and Section 51P-15.110(e) and can only be used for a one time bonus for 5 additional dwelling units per acre.

(3) Mixed-income housing density bonus. When the provisions of Section 51P-15.119 are met, maximum dwelling unit density per acre may increase in accordance with the following:

<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>

(4) Combined density bonuses. The density bonuses in Paragraphs (2) and (3) may be used independently or combined.

(c) Floor area ratio. No maximum floor area ratio.

(d) Height.

(1) Maximum structure height.

(A) Within 240 feet of Northwest Highway, maximum structure height is 240 feet.

(B) Between 240 feet north of Northwest Highway and the north Property line, maximum structure height is 96 feet.

(2) Residential proximity slope. Residential proximity slope defined in 51A-4.412 applies to the Property.

(3) Projections.

(A) The following architectural elements may project up to six feet above the maximum structure height:

- (i) Elevator or stair penthouse or bulkhead.
- (ii) Mechanical equipment room.
- (iii) Visual screens which surround roof mounted mechanical equipment.

(B) Parapet walls and guard rails may project up to four feet above the maximum structure height.

(e) Lot coverage.

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

(A) For structures less than or equal to 96 feet in height, maximum lot coverage is 65 percent.

(B) For structures between 96 feet and 168 feet in height, maximum lot coverage is 55 percent, and 10 percent of open space must be provided in addition to the five percent of open space required in Section 51P-15.115.

(C) For structures greater than 168 feet in height, maximum lot coverage is 45 percent, and 20 percent of open space must be provided in addition to the five percent of open space required in Section 51P-15.115.

(2) Between 240 feet north of Northwest Highway and the north Property line, lot coverage is calculated as follows:

(A) For structures less than or equal to 60 feet in height, maximum lot coverage is 65 percent.

(B) For structures greater than 60 feet in height, maximum lot coverage is 55 percent, and 10 percent of open space must be provided in addition to the five percent of open space required in Section 51P-15.115.

(3) If a lot contains a structure that has increased height and decreased lot coverage as specified in Subsections (e)(1)(B), (e)(1)(C), or (e)(2)(B), lot coverage for the entire building site is subject to the lowest of the lot coverage percentages used.

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

(f) Lot size. Minimum lot size for a single family and handicapped group dwelling use is 2,000 square feet. No minimum lot size for all other uses.

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

SEC. 51P-15.111. 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) Structured parking. Except as provided in this section, all required off-street parking must be located within an aboveground or underground parking structure.

(1) Aboveground parking structures. Aboveground parking structure must be screened or wrapped.

(A) 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.

(B) 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.

(2) Single family and handicapped group dwelling unit garages. For single family and handicapped group dwelling unit uses, enclosed parking garages must be provided for required off-street parking.

(c) Surface parking.

(1) Required parking may not be provided as surface parking.

(2) Excess surface parking is only allowed as parallel parking with a minimum four-foot-wide bump out for every three spaces of parallel parking along an interior property line that runs east/west or within the Northwest Highway required setback.

(d) Service, loading, and garbage storage areas. Service, loading, and garbage storage areas must be enclosed within a main structure.

SEC. 51P-15.112. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-15.113.

LANDSCAPING AND PEDESTRIAN AMENITIES.

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

(b) Pedestrian zones along required setbacks.

(1) Pedestrian zone along Northwest Highway. The following must be provided in an area between 50 feet and 65 feet from Northwest Highway:

(A) A minimum of one medium or large tree per 30 linear feet.

(B) A minimum of one bench per 60 linear feet.

(C) A minimum of one pedestrian street lamp (free-standing or wall mounted) per 50 linear feet.

(2) Pedestrian zone along interior property lines that run east/west. The following must be provided in an area between zero feet and 15 feet from the back of the projected curb or edge of paving along all interior property lines that run east/west:

(A) A minimum of one medium or large tree per 30 linear feet.

(B) A minimum of one bench per 60 linear feet.

(C) A minimum of one pedestrian street lamp (free-standing or wall mounted) per 50 linear feet.

(c) Northwest Highway landscaping buffer. The street buffer zone in Section 51A-10.125(b)(1) does not apply to the landscape area fronting Northwest Highway.

(1) A minimum 10-foot-wide landscape buffer strip with screening must be provided along Northwest Highway.

(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-15.114.

SIGNS.

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

SEC. 51P-15.115. OPEN SPACE.

(a) Minimum 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.

(b) Increased height/decreased lot coverage open space requirements. In addition to the minimum open space required in Subsection (a), additional open space may be required due to increased height/decreased lot coverage. See Section 51P-15.110(e).

(c) Density 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. This requirement is in addition to the open space requirements in Subsections (a) and (b).

(d) Open space requirements. All open space must comply with the following provisions.

(1) Structures that are not fully enclosed such as pergolas and gazebos; and ordinary projections of window sills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed to be located within open space.

(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, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.

(4) Except for emergency and grounds maintenance vehicles, operation or parking of vehicles within on-site open space is prohibited.

(5) Open space must be properly maintained in a state of good repair and neat appearance. 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-15.113(b).

SEC. 51P-15.116. SIDEWALKS.

- (a) A sidewalk with a minimum average width of six feet must be provided along all street frontages and all interior required setbacks that run east/west except for the rear yard setback along the north Property line.
 - (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 required setbacks that run north/south.
- (c) Sidewalks must be located in an area parallel to and between:
 - (1) Two feet and 15 feet of the back of the projected curb or edge of paving along Pickwick Lane and Baltimore Drive.
 - (2) Zero feet and 15 feet of the back of the projected street curb or edge of paving along all interior property lines that run east/west and north/south.
 - (3) 50 feet and 65 feet from Northwest Highway.
- (d) Where a sidewalk crosses a vehicular driveway, the sidewalk must be constructed of a material, texture, or color that contrasts to the material, texture, or color of the vehicular driveway.

SEC. 51P-15.117. DESIGN STANDARDS.

- (a) Transparency.
 - (1) Ground-story. A minimum of 30 percent transparency is required on the ground-story facade.
 - (2) Upper-stories. A minimum of 20 percent transparency is required on each of the upper story facades.
 - (3) Applicability. This subsection does not apply to facades facing the northern Property line except for facades facing open space as provided in Section 51P-15.115.
- (b) Pedestrian building entrance. Except for facades facing the northern Property line that do not face open space as provided in Section 51P-15.115, a minimum of one pedestrian building entrance is required per 125 feet of building facade.

- (c) Blank wall area. Maximum blank wall area is 30 linear feet on any facade.
- (d) 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.
- (e) Non-required fences. Unless a use specifically requires screening, all fences 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) that provides that a fence exceeding four feet above grade may be erected in a front yard in multifamily districts does not apply.

SEC. 51P-15.118. STREET FRONTAGES.

A lot is not required to front upon either a dedicated street or a private street if adequate access is provided by an access easement. The design and construction of the access easement must be approved by the director of public works and transportation in accordance with standard city rules and specifications.

SEC. 51P-15.119. MIXED-INCOME HOUSING.

(a) 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 density bonus described in Section 51P-15.110(b)(3).

(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-3 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-15.120. 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-15.121. 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.”

DRAFT