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**FILE NUMBER:** Z212-353(JM)                      **DATE FILED:** September 22, 2022

**LOCATION:** Northeast line of Irving Boulevard and the southwest line of Market Center Boulevard, northwest of Oak Lawn Avenue

**COUNCIL DISTRICT:** 6

**SIZE OF REQUEST:** ± 4.14 acres                      **CENSUS TRACT:** 48113010003

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**REPRESENTATIVE:** Suzan Kedron, Jackson Walker LLP

**APPLICANT/  
OWNER:** Market Center Boulevard Owner, LP

**REQUEST:** An application for a new subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District.

**SUMMARY:** The purpose of the request is to propose modifications to the development standards for a special project including increased height, a parking reduction, and the addition of public benefits including open space, mixed-income housing, and urban design and pedestrian amenities.

**STAFF RECOMMENDATION:** Approval, subject to a conceptual plan, a revised Exhibit 621B, and staff’s recommended conditions.

**PLANNED DEVELOPMENT NO. 621:**  
<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=621>

**PRIOR CPC ACTION:** On September 21 and September 7, 2023, the City Plan Commission held this case under advisement. No updates or changes have been made.

**BACKGROUND INFORMATION:**

- On August 28, 2002, the City Council approved Planned Development District No. 621, the Old Trinity and Design District Special Purpose District. The PD is comprised of approximately 424 acres and provides standards to encourage mixed-use development with enhanced site design, architectural design, open space, and environmental standards.
- The subject site contains 4.14 acres developed with three one-story structures built in the 1950s and totaling over 100,000 square feet of floor area.
- The proposed subdistrict deviates from the existing Subdistrict No. 1 standards to allow a special project with increased height from 130 to 185 feet plus 20 feet for mechanicals, reduced parking ratio for office uses, reduced site trees, and additional signage provisions.
- PD No. 621 development standards and uses to allow a mixed-use development with increased height and floor area ratio with provided design standards, open space, and mixed-income housing.

**Zoning History:** There have been two recent zoning requests in the area within the last five years.

1. **Z189-157:** On February 19, 2019, automatic renewal of Specific Use Permit No. 2082 for a motor vehicle fueling station use on property zoned Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, Subarea 1, located on the east corner of Market Center Boulevard and Oak Lawn Avenue was approved administratively in accordance with the Chapter 51A-4.219(c).
2. **Z201-125:** On November 10, 2021, the City Council approved the renewal of Specific Use Permit No. 2326 for an alcoholic beverage establishment limited to a bar, lounge, or tavern use on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, located on the east side of Market Center Boulevard, southeast of Oak Lawn Avenue.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Irving Boulevard	Principal Arterial	100 feet	100 feet
Market Center Boulevard	Principal Arterial	100 feet Bike plan	100 feet

**Traffic:**

The Transportation Development Services Division of the Transportation Department has reviewed the Traffic Impact Analysis dated September 15, 2022 and subsequent supplement dated January 11, 2023. Staff determined that the proposed development will not significantly impact the surrounding roadway system.

**STAFF ANALYSIS**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006, outlining several goals and policies which serve as a framework for assisting in evaluating the applicant's request. The request complies with the following land use goals and policies of the Comprehensive Plan:

**LAND USE ELEMENT**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

**Policy 1.1.5** Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

**GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS**

**Policy 1.3.1** Create housing opportunities throughout Dallas.

**GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT**

**Policy 2.2.6** Restore Dallas as the foremost retail location in the region.

**GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS**

**Policy 2.5.1** Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

**Policy 2.5.2** Ensure that existing and future residential areas are appropriately linked in order to enhance economic development and urban design benefits.

**ECONOMIC ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

**Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions.

**GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT**

**Policy 2.2.5** Focus on companies that represent the greatest potential for job growth and investment.

**URBAN DESIGN**

**GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

**Policy 5.1.1** Promote pedestrian-friendly streetscapes.

**Policy 5.1.3** Encourage complementary building height, scale, design and character.

**GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY**

**Policy 5.2.1** Maintain neighborhood scale and character.

**Policy 5.2.4** Enhance retail, industrial and business operations.

**GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE**

**Policy 5.3.1** Encourage a balance of land uses within walking distance of each other.

**NEIGHBORHOOD PLUS**

**GOAL 4 ATTRACT AND RETAIN MIDDLE CLASS**

**Policy 4.3** Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

**GOAL 6 ENHANCE RENTAL HOUSING OPTION**

**Policy 6.2** Expand affordable housing options and encourage its distribution throughout the city and region.

**Area Plans:**

The subject site is located within the Trinity River Corridor Comprehensive Land Use Plan (2005), Downtown-Lakes District. The Downtown-Lakes District is one of two districts that blends both sides of the Trinity River. It is the recognized core of the city of Dallas and includes the city's founding site as well as major civic and cultural institutions located Downtown. Specifically, the site is situated within the Mixed-Use –Adaptive Reuse area of the plan. The module for this preferred land use includes a mix of uses with up to 25 percent multifamily (p. 23). The plan identifies that the area will continue to have the most

intense development pattern in Dallas. With the highest development intensity in this plan, this area extends across IH-35 from Downtown Dallas to the Trinity River levees and continues across the river to Oak Cliff and West Dallas. This development pattern should extend the existing downtown fabric and take full advantage of the appealing amenities planned in the central part of the Trinity River Corridor.

The *Downtown Dallas 360 Plan* was adopted in April 2011 and updated in December 2017. The Plan was adopted as a guide to future City Council actions concerning land use and development regulations, transportation and economic development, and capital improvement expenditures in the area generally bound by a two-and-a-half-mile radius centered on the intersection of Main Street and Akard Street.

The Plan recognizes the Design District as a unique destination for art, home furnishings, and design goods. In recent years, however, the Design District has emerged as a vibrant, mixed-use neighborhood as residential buildings and additional commercial services have come online. The Design District has long been a premier destination for interior designers seeking unique home decor and furnishings. Today, the district offers a variety of merchandise, including art, antiques, and vintage goods, making it one of Dallas' most attractive shopping and retail areas.

The *Stemmons/Design District Land Use Plan/Study* adopted in 2001, prioritizes the adaptive reuse of existing structures while noting how it is complicated by the 100 percent lot coverage and existing on-street parking to meet the demands of new uses. With its adjacency to the Trinity River and the proposed flood and recreational improvements, a unique opportunity exists for the area to redevelop into a mixed-use district that supports residential uses as well as many of the existing uses.

The *Stemmons Corridor – Southwestern Medical District Area Plan* (2010), provides guidance for future land development through a vision, policy and implementation program. The area serves as a destination for business, trade and economic innovation, medical attention and research, urban housing, shopping, recreation, and entertainment. The plan confirms the site as being appropriate for urban mixed-use (medium) uses. Additionally, development and design recommendations are made including:

- Having 55-70% residential, 15-20% retail, 20-25% office/institutional and zero industrial or other land uses.
- The recommended max building height is based on a max of seven stories.
- Architectural details to enhance on-street experience including protecting people from the elements with awnings, arcades, or porticoes; visual amenities such as façade details, window shopping galleries, and public/semi-public spaces including outdoor dining areas, courtyards, or small plazas.

- Streets should have design elements to encourage walking such as on-street parking, wide sidewalks, and well-signalized crosswalks, bulb-outs at intersections, street trees, pedestrian-scale lighting, benches, and other street furniture. Pedestrian pathways should be incorporated to ensure convenient access.
- Reduce front-facing off-street parking, design parking to the rear of buildings or within structures.

The proposed project is mixed-use but will not adaptively reuse the existing structures and seeks to reduce the site off-street parking and on-site trees. This is inconsistent with the various plan goals and objectives. Furthermore, the special project defined and granted additional height, reduced parking, and reduced trees, fails to provide a residential component in certainty.

**Surrounding Land Uses:**

Area	Zoning	Use
Site	Subdistrict No. 1, PD No. 621	Office showroom/warehouse, warehouse, and vacant (animal shelter or clinic)
Northwest	Subdistrict No. 1, PD No. 621	Personal service (arts & craft production facility), restaurant without drive-in service, financial institution with drive-in window, and office
Northeast	Subdistrict No. 1, PD No. 621	Office showroom/warehouse, multifamily, medical clinic or ambulatory surgical center, industrial (inside) for light manufacturing (wholesale production bakery), and general merchandise or food store less than 3500 square feet
Southeast	Subdistrict No. 1, PD No. 621	Office showroom/warehouse, restaurant without drive-in service, art gallery, personal service, and general merchandise or food store less than 3500 square feet
Southwest	Subdistrict No. 1A, PD No. 621	Office showroom/warehouse, office, industrial inside/warehouse, and personal service (fitness)

**Land Use Compatibility:**

The 4.14-acre site is three parcels containing three one-story structures built in the 1950s and totaling over 100,000 square feet of floor area. Those structures contain office showroom/warehouse, warehouse, and vacant (animal shelter or clinic) uses. The property has frontage on two principal arterials (Irving Boulevard and Market Center Boulevard) and is located less than 500 feet from the Trinity Strand Trail by way of Market Center Boulevard.

Surrounding land uses consist of personal service (arts & craft production facility), restaurant without drive-in service, financial institution with drive-in window, and office to the northwest; office showroom/warehouse, multifamily, medical clinic or ambulatory surgical center, industrial (inside) for light manufacturing (wholesale production bakery),

and general merchandise or food store less than 3500 square feet to the northeast across Market Center Boulevard; office showroom/warehouse, restaurant without drive-in service, art gallery, personal service, and general merchandise or food store less than 3500 square feet to the southeast; and, office showroom/warehouse, office, industrial inside/warehouse, and personal service (fitness) uses to the southwest.

The applicant proposes to create a new PD subdistrict which maintains the existing development regulations and allows for the development of a *special project* to increase the permitted height, reduce the off-street parking required for office uses; amend landscaping regulations to reduce overall site trees provided with the new construction; and permit additional signage including a rooftop sign and newly defined entryway portal sign. The proposed subdistrict for a *special project* use would require certain public benefits consistent with the existing PD regulations and bonuses being provided including: (1) street level uses and street level parking concealment, (2) pedestrian amenities, (3) electric vehicle charging spaces, (4) open space, and (5) mixed-income housing.

The requested rezoning is consistent with and would complement the existing neighborhood character. The inclusion of ground floor commercial adds neighborhood destinations, aids in placemaking, and will serve as additional employment opportunity in proximity to nearby and proposed housing. However, staff is recommending qualifying a mixed-use project to include a residential component. In the Dallas Development Code (Section 51A), the Mixed-Use Districts offer additional FAR when a residential component is included in a mixed-use project. Similarly, the existing Subdistrict No. 1 regulations permit additional height with the inclusion of residential uses. Staff finds it imperative that the *special project* definition require a residential component to guarantee a true mixed-use project.

**Development Standards:**

Provision	Existing Subdistrict 1	Proposed New Subdistrict
<b>Uses</b>	Mixed uses; medium density	Mixed uses; medium density
		Add "special project" with mix of uses including 5% MIH at 81-100 AMFI
<b>Setbacks</b>	0'/0'/0'	No revisions
<b>Density</b>	No maximum	No revisions
<b>Floor area ratio</b>	4	No revisions
<b>Height</b>	130' (150' with 0.5 FAR residential component)	130' (150' with 0.5 FAR residential component)
		185' for "special project" plus 20' for mechanical elements

<b>Height Bonuses</b>	<b>Existing for SD No. 1:</b> <ul style="list-style-type: none"> <li>• 36' Street-level parking structure concealment</li> <li>• 12' for LEED</li> <li>• 12' for pedestrian amenities</li> </ul>	<b>New proposed:</b> 55' plus additional 20' for mechanical elements for providing: <ul style="list-style-type: none"> <li>• Street-level uses and parking structure concealment</li> <li>• Pedestrian amenities</li> <li>• Electric vehicle charging stations</li> <li>• Open space</li> <li>• MIH</li> </ul>
	<b>Existing in PD, but not in SD No. 1:</b> <ul style="list-style-type: none"> <li>• 15' Public art or water feature</li> <li>• 15' Electric charging stations</li> <li>• 40' for publicly accessible open space with certain criteria (public water feature can't be given bonus if they opt for this)</li> <li>• Others specific to 1I and 1J for sports practice facility (MAVS) and rehabilitation of a legacy structure (Cabana).</li> </ul>	
<b>Lot coverage</b>	100%	No revisions
<b>Landscaping</b>	Specific landscape regulations	Reduction for site trees to 1/5k SF
<b>Off-street parking</b>	Dallas Development Code plus specific use parking ratios	Reduction for office use to 1/435 SF
<b>Design criteria 113</b>	Specific regulations	No revisions
<b>Signs</b>	Business zoning district plus specific retail and personal service attached signage	One 1,200 SF rooftop sign and a new "entryway portal sign"

*Height*

The existing Subdistrict No. 1 allows up to 130-feet-in-height with a bonus of 20 additional feet for adding a residential component with a minimum floor-area-ratio of 0.5. There are 12 additional subdistricts which were created and redefined from the original Subdistrict No. 1 to allow deviations including increased height ranging from 200 to 400 feet and maxing out at any legal height permitted by the FAA. The requested additional height is suitable to allow for flexibility in providing the benefits to the area.

*Open Space*

Chapter 51A requires 10 percent open space. The proposed *special project* requires compliance with the existing open space requirements in the bonuses listed in the PD.

- A minimum of one aggregate open space area of 1,000 square feet must be clearly visible and adjacent to, or a part of, a public sidewalk.
- No vehicular access is permitted.

- A minimum of 25 percent of the open space area must be improved with plantings, sculptures, pools, or similar features.
- A minimum of 25 percent of the open space area must be improved to provide shade, using trees, awnings, shade structures, or other means to provide users refuge from the elements.
- Shielded lighting requirements based on suitable footcandles.
- A minimum of three amenities must be provided including seating areas, children's play area, a water feature, public art, a historical monument, trash and recycling receptacles, windows and doors from an abutting building facing the public art, and/or drinking fountains.

### *Design Standards*

PD No. 621 contains a variety of architectural design guidelines to which the proposed subdistrict will adhere based on a point system. A minimum of 50 points are required for new construction or major modifications with a floor area ratio of 2.0 or less, and at least 70 points for properties with floor area ratios greater than 2.0 (out of 205 possible points). The design options include: (1) maintenance of original facades, (2) ground floor uses, (3) pedestrian amenities, (4) public art or water features, (5) paving material (decorative), (6) pedestrian orientation of building façade, (7) structured parking facilities, (8) energy conservation, (9) permeable surface (for part of required sidewalks and driveways), and (10) LEED credits (no longer applicable).

For a Special Project, no additional architectural design standards are proposed beyond those required by PD No. 621.

The proposed standards are unique to PD No. 621 and go beyond the Design Standards required for MIH development bonuses in the Dallas Development Code. However, some aspects not addressed include individual entries, enlarged sidewalks, and prohibition of surface parking between the street-facing façade and property line. It should also be noted that a by-right development in the proposed subdistrict must also comply with these standards. No extra standards were provided for the *special project* development type.

### **Mixed Income Housing**

The applicant requests development rights to allow an increase in height leveraging their proposal to provide bonuses per PD No.621 including open space, sustainability regulations, and ensure the development has an affordable housing component.

Staff uses the Market Value Analysis (MVA) categories to evaluate requests for PDs with mixed-income housing. The area of request is located in a “E” MVA cluster. In “D,” “E,” and “F” MVA areas. For developments within these MVA categories, staff’s standard recommendation is that five percent of the total units be reserved for households at 81-100 percent of AMFI. The applicant is meeting this minimum recommendation.

The MIH in the Development Code contains provisions to allow up to ten percent specialty units, including club suites and penthouse suites, which are not required to be part of the dispersal of reserved dwelling units by type; however, specialty units are included in the total number of all units used to calculate the number of reserved units. Additionally, specialty units may not be designated solely due to the number of bedrooms in the unit.

The proposed subdistrict is including an increase of the specialty units up to 20 percent. Staff does not support this request.

While not required, the applicant has requested to include the standard code provision for the applicability of the fee-in-lieu option. Staff recommends the removal of this provision as it is redundant.

**Parking:**

The proposed PD No. 621 new subdistrict is proposed to provide parking in accordance with the parking regulations in the Dallas Development Code, with few exceptions included in PD No. 621. The PD includes different parking ratios for several uses. For an office use, PD No. 621 requires a ratio of one parking space per 358 square feet of floor area. The proposed subdistrict includes a ratio of one space per 435 square feet of floor area. A parking study dated June 16, 2023 was considered by the Engineering Division and found suitable. Additionally, staff recommends the parking bonus included with the MIH development bonus for a minimum of one-half space per dwelling unit with 15 percent of parking available for guest parking. The applicant proposes an alternative ratio of one space per dwelling unit with reduced guest parking at 10 percent.

**Landscaping:**

The proposed subdistrict contains conditions for landscaping to be provided in accordance with Article X. For a *special project*, modified landscaping provisions apply. The terminology was assessed by the city arborist and found acceptable.

The provisions amended for the new subdistrict reduce site trees from up to 45 trees and a minimum 90 caliper inches, down to a maximum of 38 trees and 76 caliper inches. Additionally, up to 50 percent of the trees can be reduced if the remaining trees are larger in caliper inches. However, for the September 21<sup>st</sup> update, the applicant added a minimum of 25 trees is required. This means the four-acre site could have a minimum of

25 trees or one tree per 7,214 square feet of area. While payment into the open space fund is permitted by PD No. 621, which the applicant has provided as an alternative to meeting the landscaping regulations, however the reduction in trees requested has been omitted as required to contribute. Staff does not support the lack of trees nor the lack of payment into the open space fund.

While the city arborist found the provisions acceptable for applicability purposes due to the constraints of the PD, staff does not support a reduction in site trees for new construction or major modifications. The area plans acknowledge misalignment of environmental goals and existing development types (for adaptive reuse). However, if development rights are sought for a future development, site planning should include full compliance with the landscaping regulations.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not located within an MVA cluster, properties immediately adjacent to the site are sporadically categorized as being within an “E” MVA cluster.

Z212-353(JM)

**List of Officers**

**Market Center Boulevard Owner, LP (Applicant and Owner)**

- Clay Duvall—Vice President

**Proposed PD Conditions**

**ARTICLE 621.**

**PD 621.**

**Old Trinity and Design District Special Purpose District**

**SEC. 51P-621.101. LEGISLATIVE HISTORY.**

PD 621 was established by Ordinance No. 25013, passed by the Dallas City Council on August 28, 2002. (Ord. 25013)

**SEC. 51P-621.102. PROPERTY LOCATION AND SIZE.**

PD 621 is established on property generally bounded by Sylvan Avenue/Wycliff Avenue on the northwest, the meanders of the old channel of the Trinity River on the north, Interstate 35 on the east, Continental Avenue on the south, and the Trinity River Floodway on the west. The size of PD 621 is approximately 424.3103 acres. (Ord. Nos. 25013; 25560; 27006; 29127; 31235)

**SEC. 51P-621.102.1. CREATION OF SUBDISTRICTS.**

(a) Name. This special purpose district is to be known as the Old Trinity and Design District Special Purpose District.

(b) Creation of subdistricts.

(1) This special purpose district is divided into ~~13~~ 14 subdistricts. Exhibit 621A describes the boundaries of each subdistrict. The map labelled Exhibit 621B shows the boundaries of each subdistrict. In case of a conflict, the verbal description in Exhibit 621A controls over the map in Exhibit 621B.

(2) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K and 3 are transit oriented, mixed-use zoning districts for the development of combinations of medium to high density residential, retail, and office uses. Development should encourage residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light-rail stations; conserve energy; provide for efficient traffic circulation; conserve land; minimize vehicular travel; encourage both day-time and night-time activity; encourage use of mass transit; increase pedestrian activity; and encourage bicycle usage. Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G 1H, 1I, 1J, 1K and 3 retain the potential for limited industrial and warehouse uses.

(3) Subdistrict 2 is for MU-3 Mixed Use District uses, bus or rail transit vehicle maintenance or storage facility uses, and commercial bus station and terminal uses. (Ord. Nos. 25013; 26975; 27006; 27280; 28231; 28819; 30040; 30041; 30042; 30347; 31235; 32135)

**SEC. 51P-621.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions in Chapter 51A apply to this article. The following definitions apply to this special purpose district:

(1) ANTIQUE SHOP means an establishment for the retail sale of articles such as glass, china, furniture, or similar furnishings and decorations that have value and significance as a result of age, design, or sentiment.

(2) ART GALLERY means an establishment where original works of art or limited editions of original works of art are bought, sold, loaned, appraised, or exhibited to the general public.

(3) ART OR CRAFT PRODUCTION FACILITY means a facility for the production of handcrafted art or craft products through processes such as kiln firing, glass blowing, welding, or woodworking and for sale of the products to the general public.

(4) BEER OR WINE MANUFACTURING means an enclosed facility that processes and manufactures alcoholic beverages. This use does not include the processing or manufacturing of distilled spirits.

(5) BUS OR RAIL TRANSIT VEHICLE MAINTENANCE OR STORAGE FACILITY means a facility for the maintenance, repair, or storage of bus, rail, or other transit vehicles, including the following accessory uses: sleeping facilities for bus, rail or transit vehicle drivers, vehicle paint and body shop, vehicle washing, vehicle fueling facilities, sanitary hoppers, oil storage, package express services, bus charter sales, offices, training facilities, vehicle storage, vehicle sales, and communication antennas.

(6) CANOPY TREE means a species of tree that normally bears crown foliage no lower than six feet above ground upon maturity.

(7) DUMPSTER means a movable container holding two cubic yards or more of garbage.

(XX) ENTRYWAY PORTAL SIGN means a sign located on an access gate or a vertical clearance structure/access gate. Entryway portal signs shall not exceed 250 square feet in area and shall not project more than 8 feet above the access gate or vertical clearance structure/access gate.

(8) FACADE means any separate face of a building that is visible from a street, alley, or railbed.

(8.1) INDOOR ATHLETIC AND ENTERTAINMENT CENTER means, within Subdistrict 3, an establishment with separate suites dedicated for athletic competition, training, and games of skill within private rooms. Other forms of indoor entertainment or games are also permitted in conjunction with this use as an accessory use. Sale and consumption of food and beverages is permitted on the premises and may be prepared and served as an accessory use.

(8.2) LEGACY BUILDING means a building constructed on or before 1963 that:

(A) contains a hotel or motel use; and

(B) is individually listed in the National Register of Historic Places.

(8.3) LEGACY BUILDING MIXED-USE PROJECT means a project containing more than two uses developed as a single project that includes at least one use in a legacy building.

(9) MAJOR MODIFICATION means reconstruction, alteration, or renovation of an original building that exceeds 50 percent of the value of the original building assessed by the Dallas Central Appraisal District or any increase in the floor area of an original building if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, and over 75 percent for residential projects.

(10) MASSAGE ESTABLISHMENT means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include, however, duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under such physician's direction. "MASSAGE" means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

(11) MEANDERS OF THE OLD TRINITY RIVER CHANNEL means the old Trinity River channel within this special purpose district, as shown on the map labeled Exhibit 621C.

(12) MIXED USE PROJECT means a development, on a single building site, that contains more than one use.

(13) NEW CONSTRUCTION means construction of a main structure that is not an original building.

(13.1) NEW DEVELOPMENT means any work that increases the total floor area on a building site.

(14) OPENING means a door, window, passageway, or any other similar architectural feature through which light or solid objects may pass.

(15) ORIGINAL BUILDING means a structure existing on the date of the establishment of this special purpose district, but does not include a structure that has undergone a major modification.

(16) OUTSIDE SEATING means the area between an omitted wall line and the structural wall when the area is used solely for seating of patrons.

(17) PIERCING SALON means a facility in which body piercing is performed. BODY PIERCING means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

***Staff's Recommendation:*** Staff's amended definition removes amended conditions provided to the applicant for providing public benefits as well as design standards applicable to a by-right project.

(XX) SPECIAL PROJECT means a mixed-use development in Subdistrict 1K containing a multifamily use and a combination of any two or more permitted uses that meets the requirements of Sec. 109(a)(5.2) and Sec. 116.2 below.

***Applicant's Request:***

(XX) SPECIAL PROJECT means a mixed-use development in Subdistrict 1K containing an office or multifamily use and a combination of any two or more permitted uses in Section 51P-621.106(b), and that meets the requirements of Section 109, Section 110, Section 112, Section 113, Section 114, Section 116, and Section 116.2 below.

(18) SPORTS PRACTICE FACILITY means a private recreation center, club, or area that includes a combination of the following: two full basketball courts, locker rooms, plunge pools, weight room and training area, a lounge area, and offices for staff.

(19) RAILBEDS means the areas shown on the map labelled Exhibit 621D.

(20) TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

(21) WALKING DISTANCE means the distance from the nearest point of a parking lot to the nearest public entrance of a main use, measured along the most convenient pedestrian walkway.

(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 special purpose district is considered to be a mixed use zoning district.

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

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

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only. (For more information regarding limited uses, see Section 51A-4.218, “Limited Uses.”)

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

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

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, “Site Plan Review,” a site plan must be submitted and approved in accordance with the requirements of that section. (“RAR” means “residential adjacency review.” For more information regarding residential adjacency review generally, see Division 51A-4.800, “Development Impact Review.”) (Ord. Nos. 25013; 25560; 28231; 30347; 31235; 32135)

**SEC. 51P-621.103.1. EXHIBITS.**

The following exhibits are incorporated into this article:

(1) Exhibit 621A: Property and Subdistrict Descriptions.

(2) Exhibit 621B: Subdistrict Map.

(3) Exhibit 621C: Meanders of the Old Trinity River Channel.

(4) Exhibit 621D: Existing Railbeds.

(5) Exhibit 621E: List of Native Plants.

(6) Exhibit 621F: The Old Trinity and Design District “Woonerf-Living Streets” Conceptual Plan.

- (7) Exhibit 621G: Tower Diagrams for Subdistrict 1A.
- (8) Exhibit 621H: Tower Orientation.
- (9) Exhibit 621I: Tower Diagram for Subdistrict 1E.
- (10) Exhibit 621J: Tower Diagram for Subdistrict 1F.
- (11) Exhibit 621K: Tower Diagram for Subdistrict 1G.
- (12) Exhibit 621L: Tower Diagram for Subdistrict 1J.
- (13) Exhibit 621M: Development Plan for Subdistrict 3.
- (14) Exhibit 621N: Landscape Plan for Subdistrict 3. (Ord. Nos. 28231; 30040; 30041; 30042; 31235; 32135)
- (15) Exhibit 621O: Concept Plan for Subdistrict 1K: Special Project.

**SEC. 51P-621.104. CONCEPTUAL PLAN.**

(a) In general. Except as otherwise provided in this section, there is no conceptual plan for this special purpose district. (Ord. 25013):

(b) Subdistrict 1K. Development and use of the Property in Subdistrict 1K must comply with the concept plan (Exhibit 621O) if the Property qualifies for as a special project. For all other developments, no concept plan is required. If there is a conflict between the text of this division and the concept plan, the text of this division controls.

**SEC. 51P-621.105. DEVELOPMENT PLAN.**

(a) Except as otherwise provided in this article, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development of the railbeds as woonerf, as described in Exhibit 621F, is encouraged. The provisions of Exhibit 621F are not required.

(c) Development and use of the Property in Subdistrict 3 must comply with the development plan for Subdistrict 3 (Exhibit 621M). If there is a conflict between the text of this article and the development plan for Subdistrict 3, the text of this article controls. (Ord. Nos. 25013; 25560; 32135)

**SEC. 51P-621.106. MAIN USES PERMITTED.—staff has accepted the format presented and added the staff recommendations for certain land uses into the proposed section presented.**

(a) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K and 3.

(1) Agricultural uses.

None permitted.

(2) Commercial and business service uses.

- Building repair and maintenance shop. [RAR]
- Catering service.
- Commercial cleaning or laundry plant. [SUP]
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. [RAR]
- Labor hall. [SUP]
- Machine or welding shop. [RAR]
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.

**Staff's Recommendation:**

(3) Industrial uses.

- Beer or wine manufacturing. [Limited to Subdistricts 1C, 1D, and 1I. **By SUP only in Subdistrict 1K.**]
- Industrial (inside) for light manufacturing. **Prohibited in Subdistrict 1K.**
- Industrial (inside). [RAR] **Prohibited in Subdistrict 1K.**
- Temporary concrete or asphalt batching plant. [By special authorization of the building official.] **Prohibited in Subdistrict 1K.**

**Applicant's Request:**

(3) Industrial uses.

- Beer or wine manufacturing. [Limited to Subdistricts 1C, 1D, and 1I.]
- Industrial (inside) for light manufacturing.
- Industrial (inside). [RAR]
- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(4) Institutional and community service uses.

- Adult day care facility.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convent or monastery.
- Halfway house. [SUP]
- Hospital. [RAR]
- Library, art gallery, or museum.
- Open-enrollment charter school. [SUP]
- Private school other than open-enrollment charter school. [SUP]
- Public school other than open-enrollment charter school. [SUP]

(5) Lodging uses.

- Hotel or motel. [RAR]
- Lodging or boarding house. [SUP]

(6) Miscellaneous uses.

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

(7) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. [SUP, *except with RAR only for lots adjacent to Oak Lawn Avenue, Market Center Boulevard, or Turtle Creek Boulevard*]
- Medical clinic or ambulatory surgical center.
- Office.

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area. [*See Section 51P-621.117(c) for use with a seating capacity of 10,000 or more in Subdistrict II.*]
- Public park, playground, or golf course.

(9) Residential uses.

- College dormitory, fraternity, or sorority house. [SUP]
- Duplex.

- Group residential facility. *[SUP required if the spacing component of Section 51A-4.209(3) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District]*
- Handicapped group dwelling unit. *[SUP required if the spacing component of Section 51A-4.209(3.1) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District]*
- Multifamily.
- Retirement housing. *[SUP]*
- Single family.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. *[Allowed by right in Subdistrict 1J. SUP required in all other subdistricts, except that a microbrewery, micro-distillery, or winery is permitted by right in Subdistrict II. See Section 51A-4.210(b)(4).]*
- Ambulance service. *[RAR]*
- Animal shelter or clinic without outside run. *[RAR]*
- Animal shelter or clinic with outside run. *[SUP]*
- Antique shop.
- Art gallery.
- Art or craft production facility. *[Limited to 5,000 square feet or less of floor area.]*
- Auto service center. *[SUP]*
- Billiard hall. *[SUP]*
- Bingo parlor. *[SUP]*
- Business school.
- Car wash. *[SUP]*
- Commercial amusement (inside). *[See Section 51A-4.210(b)(7). Except as otherwise provided, permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District. Class E dancehalls, as defined in Chapter 14 of the Dallas City Code, are not permitted. Billiard hall by SUP only. Bingo parlor by SUP only. In Subdistrict II, see Section 51P-621.117(c) for use with a seating capacity of 10,000 or more.]*

**Staff's Recommendation:**

- |                                                                           |
|---------------------------------------------------------------------------|
| -- Commercial parking lot or garage. <b>Prohibited in Subdistrict 1K.</b> |
|---------------------------------------------------------------------------|

**Applicant's Request:**

- |                                                                 |
|-----------------------------------------------------------------|
| -- Commercial parking lot or garage.                            |
| -- Dry cleaning or laundry store.                               |
| -- Furniture store.                                             |
| -- General merchandise or food store 3,500 square feet or less. |

- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard.
- Household equipment and appliance repair.
- Indoor athletic and entertainment center *[Subdistrict 3 only by SUP only]*
- Liquor store.
- Massage establishment. *[SUP]*
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station. *[SUP]*
- Nursery, garden shop, or plant sales.
- Outside sales. *[SUP]*
- Personal service uses.
- Piercing salon. *[SUP]*
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service. *[SUP]*
- Swap or buy shop. *[SUP]*
- Taxidermist.
- Tattoo studio. *[SUP]*
- Temporary retail use.
- Theater. *[Limited to 1,000 seats or fewer, except in Subdistrict II. See Section 51P-621.117(c) for use with a seating capacity of 10,000 or more in Subdistrict II.]*
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[SUP]*

(11) Transportation uses.

- Heliport. *[SUP]*
- Helistop. *[SUP]*
- Railroad passenger station. *[SUP]*
- Transit passenger shelter.
- Transit passenger station or transfer center. *[By SUP or city council resolution.]*

(12) Utility and public service uses.

- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[RAR]*
- Tower/antenna for cellular communication.
- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

- Auto auction. [SUP]
- Contractor's maintenance yard. [RAR]
- Mini-warehouse. [SUP, except with RAR only if all on-site circulation is internal to the structure.]
- Office showroom/warehouse.
- Recycling drop-off container. [SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.]
- Trade center.
- Warehouse.

**(b) Subdistrict 1K: Special project. The following uses are permitted for a special project:**

**(1) Agricultural uses.**

**None permitted.**

**(2) Commercial and business service uses.**

- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Medical or scientific laboratory.
- Technical school.

***Staff's Recommendation:***

**(3) Industrial uses.**

- Beer or wine manufacturing. [SUP]
- ~~Industrial (inside). [RAR]~~
- ~~Industrial (inside) for light manufacturing.~~

***Applicant's Request:***

**(3) Industrial uses.**

- Beer or wine manufacturing. [SUP]
- Industrial (inside). [RAR]
- Industrial (inside) for light manufacturing.

**(4) Institutional and community service uses.**

- College, university, or seminary.
- Library, art gallery, or museum.

**(5) Lodging uses.**

-- Hotel [limited to a maximum of 150 guest rooms].

(6) Miscellaneous uses.

None permitted.

(7) Office uses.

-- Financial institution with drive-in window.

-- Financial institution without drive-in window.

-- Office.

(8) Recreation uses.

-- Private recreation center, club, or area.

(9) Residential uses.

-- Multifamily.

(10) Retail and personal service uses.

-- Alcoholic beverage establishments. [SUP]

-- Antique shop.

-- Art gallery.

-- Art or craft production facility.

-- Billiard hall. [SUP]

-- Bingo parlor. [SUP]

-- Business school.

-- Commercial amusement (inside). [SUP]

-- Commercial parking lot or garage.

-- Dry cleaning or laundry store.

-- Furniture store.

-- General merchandise or food store 3,500 square feet or less.

-- General merchandise or food store greater than 3,500 square feet.

-- Indoor athletic and entertainment center.

-- Liquor store.

-- Massage establishment. [SUP]

-- Nursery, garden shop, or plant sales.

-- Outside sales. [SUP]

-- Personal service uses.

-- Restaurant without drive-in or drive-through service.

-- Restaurant with drive-in or drive-through service. [SUP]

-- Temporary retail use.

-- Theater.

-- Vehicle display, sales, and service. [SUP]

(11) Transportation uses.

-- Heliport. [SUP]

-- Helistop. [SUP]

(12) Utility and public service uses.

None permitted.

(13) Wholesale, distribution, and storage uses.

-- Office showroom/warehouse.

-- Trade center.

(bc) Subdistrict 2.

**Omitted for brevity.**

**SEC. 51P-621.107. ACCESSORY USES.**

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

(b) The following accessory uses are not permitted in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J and ~~1K~~:

- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Amateur communications tower.
- Day home.
- General waste incinerator.
- Private stable.

(c) Except as otherwise provided in this section, accessory uses in Subdistrict 2 must comply with the accessory use regulations applicable to the MU-3 Mixed Use District.

(d) The following accessory uses are permitted by SUP only:

- Accessory outside storage. [SUP]
- Pedestrian skybridges. [SUP] (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819; 30347; 31235)

**SEC. 51P-621.108. CREATION OF A BUILDING SITE.**

***Omitted for brevity.***

**SEC. 51P-621.109. 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. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K and 3.

(1) Front yard. No minimum front yard.

(2) Side and rear yard. No minimum side or rear yard.

(3) Density. No maximum density. ***For a special project in Subdistrict 1K, 450 dwelling unit maximum.***

(4) Floor area.

(A) For Subdistricts 1, 1A, 1C, 1D, 1K and 3, maximum floor area ratio is 4.0.

***Omitted floor area differences for Subdistricts 1E through 1J for brevity. No FAR deviation proposed with this application.***

(5) Height.

(A) Except as provided in this subsection, maximum height is:

(i) 150 feet for buildings having an FAR for residential uses of 0.5 or more; and

(ii) 130 feet for all other buildings and structures.

(B) In Subdistricts 1E, 1F, 1G, 1H, 1I, and 1J, mechanical equipment, elevator overrides, penthouses, parapet walls, and related equipment and structures may extend an additional 10 feet in height above the maximum structure height.

(5.1) Height bonuses for Subdistricts 1A, 1B, 1D, 1E, 1F, 1G, 1H, 1I, 1J, and 3. One or more of the following height bonuses may be combined to achieve a maximum building height of 270 feet for Subdistricts 1A, 1B, 1D, and 3, a maximum building height of 300 feet for Subdistricts 1E, 1F, 1G, and 1H, a maximum building height of 350 feet for Subdistrict 1I, and a

maximum building height of 400 feet for Subdistrict 1J. In Subdistrict 1F, the development must comply with Section 51P-621.109(a)(4)(D)(i) and (ii) to receive a height bonus. In Subdistrict 1G, the development must comply with Section 51P-621.109(a)(4)(E)(i) or (ii) to receive a height bonus. In Subdistrict 1H, the development must comply with Section 51P-621.109(a)(4)(F)(i) through (iv) to receive a height bonus. In Subdistrict 1I, once the following height bonuses are used to reach a building height of 350 feet, a structure may be built to any legal height allowed by the Federal Aviation Administration. In Subdistrict 1J, the development must include the rehabilitation and adaptive reuse of a legacy building to receive a height bonus. In this paragraph, REHABILITATION means the process of returning a building to a state of utility in accordance with the United States Department of the Interior guidelines, as stated in the Secretary of the Interior's Standards for Rehabilitation.

(A) Tower size and orientation. Building height may be increased a maximum of 60 feet if (See Exhibit 621G for Subdistrict 1A. See Exhibit 621H for Subdistrict 1B. See Exhibit 621I for Subdistrict 1E. See Exhibit 621J for Subdistrict 1F. See Exhibit 621K for Subdistrict 1G. See Exhibit 621L for Subdistrict 1H. See Exhibit 621L for Subdistrict 1J):

(i) in Subdistricts 1A, 1D, and 3:

(aa) the portion of the building above 75 feet in height has a floor plate of 12,500 square feet or less; and

(bb) the tower dimension perpendicular to the east Trinity River levee is at least three times longer than the tower dimension parallel to the east Trinity River levee (tower dimension is measured at the widest point of the building facade).

(ii) In Subdistrict 1B:

(aa) the portion of the building above 75 feet has a floor plate of 25,000 square feet or less;

(bb) the tower is oriented as indicated on Exhibit 621H; and

(cc) the longer tower dimension is at least three times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

(iii) In Subdistricts 1E and 1G:

(aa) the portion of the building above 85 feet has a floor plate of 25,000 square feet or less;

(bb) the tower is oriented as indicated on Exhibit 621I (for Subdistrict 1E) or Exhibit 621K (for Subdistrict 1G); and

(cc) the longer tower dimensions is at least two times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

(iv) in Subdistrict 1F:

(aa) the portion of the building above 75 feet has a floor plate of 25,000 square feet or less;

(bb) the tower is oriented as indicated on Exhibit 621J;  
and

(cc) the longer tower dimension is at least one-and-a-half times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

(v) in Subdistrict 1H:

(aa) the portion of a building above 85 feet has a floor plate of 25,000 square feet or less;

(bb) towers are oriented as indicated on Exhibit 621L; and

(cc) the longer tower dimension is at least one and a half times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

(vi) in Subdistrict 1J:

(aa) the portion of a building that is above 75 feet, has a floor plate of 25,000 square feet or less;

(bb) the tower is oriented as indicated on Exhibit 621L;  
and

(cc) the longer tower dimension is at least three times higher than the short tower dimension (tower dimension is measured at the widest point of the building facade).

(B) Street-level parking structure concealment. Building height may be increased a maximum of 36 feet if:

(i) the building is located in Subdistricts 1A, 1B, 1D, 1H, or 3  
and:

(aa) the building has street-level office showroom/warehouse, office, restaurant, or residential uses that conceal 100 percent of the street-level parking structure facade; and

(bb) the street-level uses have a minimum depth of 30 feet measured from the building facade.

(ii) the building is located in Subdistrict 1E and except as provided in this subparagraph:

(aa) the development complies with Section 51P-621.109(a)(4)(C)(i) or (ii);

(bb) one hundred percent of the street-level parking structure facade is screened as follows:

(I) the building has street-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses that conceal a minimum of 85 percent of the street-level parking structure facade (excluding driveway entrances);

(II) the remainder of the street-level parking structure facade is screened with a solid material that is architecturally compatible with the main building.

(cc) the street-level uses have a minimum depth of 30 feet measured from the building facade.

(iii) the building is located in Subdistrict 1F and:

(aa) the building has street-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses that conceal 100 percent of the street-level parking structure facade facing Edison Street (excluding driveway entrances);

(bb) any street-level parking structure facade must provide screening that is architecturally compatible with the building and conceals a minimum of 50 percent of the street-level parking structure facade facing Stemmons Freeway (excluding driveway entrances); and

(cc) the street-level uses have a minimum depth of 30 feet measured from the building facade.

(iv) the building is located in Subdistrict 1G and:

(aa) except as provided in this provision, the building has ground-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses that conceal 70 percent of the ground-level parking structure facade on the south side of the parking structure;

(bb) the ground-level uses have a minimum depth of 30 feet measured from the building facade; and

(cc) for facades facing Stemmons Freeway, ground-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses or screening of any portion of a ground-level parking structure facade are not required.

(v) the building is located in Subdistrict 1I and:

(aa) except as provided in this provision, the building has ground-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses that conceal 70 percent of the ground-level parking structure facade. The remainder of the street-level parking structure facade must be screened with a solid material that is architecturally compatible with the main building;

(bb) the ground-level uses have a minimum depth of 30 feet measured from the building facade; and

(cc) for facades facing Stemmons Freeway, ground-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses or screening of any portion of a ground-level parking structure facade are not required.

(vi) the building is located in Subdistrict 1J and:

(aa) complies with Section 51P-621.109(a)(4)(H);

(bb) the building contains ground-level retail and personal service uses, or residential uses that conceal a minimum of 50 percent of the ground-level street-facing parking structure facade. The remainder of the parking structure facades must provide screening that is architecturally compatible with the main building; and

(cc) the street-level uses have a minimum depth of 30 feet measured from the building facade.

(C) LEED rating.

(i) Building height may be increased a maximum of 12 feet if the building is eligible for silver, gold, or platinum designation under the United States Green Building Leadership in Energy and Environmental Design (LEED) rating system.

(ii) Determination of eligibility.

(aa) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a certified designation. The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of development services.

(bb) Before the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(cc) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(dd) The checklist, certified development plans, and any supporting documents and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified designation.

(D) Pedestrian amenities. Building height may be increased a maximum of 12 feet if the building achieves 25 points under Section 51P-621.113(c)(3).

(E) Public art or water feature. In Subdistricts 1E, 1F, 1G, 1H, 1I, and 1J building height may be increased a maximum of 15 feet if:

(i) in Subdistricts 1E, and 1F, the building achieves 15 points under Section 51P-621.113(c)(4);

(ii) the public art or water feature is located in exterior open space and has a minimum of 600 square feet of land area, and includes a minimum of two of the following:

(aa) benches and/or seat walls;

(bb) trash receptacles;

(cc) shade structure, awning, trees; and

(iii) In Subdistrict 1E, the developer complies with Section 51P-621.109(a)(4)(C)(i) or (ii).

(F) Electric charging stations. In Subdistricts 1E, 1F, 1G, 1H, 1I, and 1J, building height may be increased a maximum of 15 feet if the development provides a minimum of five electric charging stations for the charging of electrically-powered motor vehicles, with a minimum of two of the stations that are accessible to the public. For purposes of this subparagraph, accessible to the public means an electric charging station that is visible from a public right-of-way or signage or other identification if either or all of the spaces are located within a structure.

(G) Publicly accessible open space. In Subdistricts 1F, 1H, 1I, and 1J, building height may be increased a maximum of 40 feet if street-level publicly accessible open space is provided in accordance with this subparagraph. If building height is increased under this subparagraph, it may not be increased an additional 15 feet under Subparagraph (E) for the same open space.

(i) The open space must have a minimum of 1,000 square feet of land area.

(ii) The open space must be clearly visible and adjacent to, or a part of, a public sidewalk, subject to the following maximum elevations between the grade or the sidewalk and the grade of the open space:

**Publicly Accessible Open Space Elevation**

<b><u>Open Space Land Area</u></b>	<b><u>Maximum elevation above sidewalk grade</u></b>
------------------------------------	------------------------------------------------------

500 square feet or less	6 inches or less
501-1,000 square feet	12 inches or less
1,001-2,000 square feet	2 feet or less
2,001-3,000 square feet	3 feet or less
3,001 square feet and greater	4 feet or less

(iii) The open space may not be designed to allow vehicular access.

(iv) In Subdistrict 1F, obstructions are not allowed above the plaza except awnings, trellises, or similar structures to enhance usability. In Subdistricts 1H and 1I, obstructions with a minimum clearance of 14 feet in height from the grade of the plaza are allowed within the publicly accessible open space.

(v) A minimum of 25 percent of the land area must be improved with plantings, sculptures, pools, or similar features.

(vi) A minimum of 25 percent of the land area must be improved to provide shade, using trees, awnings, shade structures, or other means to provide users refuge from the elements.

(vii) Lighting must be provided to maintain a minimum of 0.2 footcandles across all walkable and seating areas inside and adjacent to the open space area. Illumination must be provided from one hour after sunset to one hour after sunrise.

(viii) All light sources that illuminate the open space area must be shielded from direct view.

(ix) The open space must provide a minimum of three of the following:

- (aa) seating areas.
- (bb) children's play area.
- (cc) water feature.
- (dd) public art.
- (ee) historical monument.
- (ff) trash and recycling receptacles.
- (gg) windows and doors from an abutting building facing the public art.
- (hh) drinking fountains.

(H) Sports practice facility. In Subdistrict 1I, building height may be increased a maximum of 50 feet if a sports practice facility is constructed.

(I) Public trail. In Subdistrict 1I, building height may be increased a maximum of 75 feet if a public trail is provided extending from Slocum Street along the southern boundary of Subdistrict 1I and connecting to the existing DART Victory Station. The public trail must meet the park and recreation department standards for hike and bike trails, measuring a minimum of 12 feet in width and composed of a minimum of five-inch-thick reinforced concrete with a minimum shoulder of 24 inches. Amenities such as trash receptacles, benches, bubblers, lighting, signage, striping, traffic control devices, and other trail-related items must be included if required by park and recreation department staff during the design of the trail. Other trail-related items include landscaping which coordinates with the development. The public trail must be reviewed and approved by the park board. Upon connection to the DART Victory Station, a 25-foot easement must be dedicated exclusively to the city to assure its availability to the public for pedestrian access. Upon dedication to the city, maintenance will be completed by the city.

(i) A development agreement approved by the city council that details infrastructure and service provisions and phasing and assigns cost responsibilities for the provision of recreational services and facilities is required before this this provision is satisfied.

(ii) If the Texas Department of Transportation or DART denies the application to connect the trail through right-of-way to the DART Victory Station and no other reasonable means of connection is available; or, if the park and recreation department, park board, and property owner cannot come to an agreement for the design of the trail, then in-lieu of providing the trail connection and to satisfy the requirement of this bonus, a contribution may be made to the Old Trinity and Design District Open Space Fund as described in Section 51P-621.112(b)(6)(A). The contribution will be determined based on an estimate of the cost of the

construction of the proposed trail. The estimate must be provided by the developer and approved by the park and recreation department.

(J) New development design. In Subdistrict 1J, height may be increased a maximum of 25 feet if new development is architecturally compatible with the legacy building. In this subparagraph, COMPATIBLE means similar and consistent in appearance and style; but does not necessarily mean identical.

(K) Sidewalks. In Subdistrict 1J, height may be increased a maximum of 15 feet if a minimum six-foot wide, unobstructed sidewalk is constructed along Slocum Street.

(L) Mixed-income housing. In Subdistrict 1J, when a multifamily use complies with the requirements in Section 51P-621.116.1, the proposed height may be increased a maximum of 35 feet, in the following increments:

(i) 10 feet if a minimum of five percent of the units are available to households earning between 51 and 60 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices.

(ii) 10 feet if a minimum of five percent of the units are available to households earning between 61 and 80 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices.

(iii) 15 feet if a minimum of five percent of the units are available to households earning between 81 and 100 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices.

(5.2) Height Bonuses in Subdistrict 1K: Special project.

(A) Maximum structure height is 185 feet, provided the development complies with the following height bonus criteria:

(i) Street-level uses. The development has a minimum of 15,000 square feet of street-level floor area with restaurant, retail, or personal service uses.

(ii) Street-level parking structure concealment.

(aa) the development has at least fifty percent of the street-level parking structure concealed with any of the permitted uses (excluding driveway entrances);

(bb) the remainder of the street-level parking structure facade shall be screened using a material that is architecturally compatible with the development;

(cc) the street-level uses, except for lobby areas, have a minimum depth of 30 feet measured from the building façade; and

(dd) for facades facing an alley or a fire lane, street-level uses are not required for concealment.

(iv) Pedestrian amenities. The development achieves 25 points under Section 51P-621.113(c)(3).

(v) Electric vehicle spaces. The development provides a minimum of five EV capable spaces.

(vi) Open space. Street-level open space is provided in accordance with Section 51P-621.109(a)(5.1) (G).

(vii) Mixed-income housing. If multifamily use is provided, compliance with the requirements in Section 51P-621.116.2 is required.

(B) Mechanical equipment, elevator overrides, penthouses, parapet walls, and related equipment and structures may extend an additional 20 feet in height above the maximum structure height.

(6) Building site coverage.

(A) Except as provided in this paragraph, maximum building site coverage is 100 percent.

**Omitted for brevity.**

## **SEC. 51P-621.110. OFF-STREET PARKING AND LOADING.**

(a) General requirements applicable to all subdistricts.

(1) Except as otherwise provided in this section, off-street parking and loading must be provided in compliance with Division 51A-4.300, “Off-Street Parking and Loading Regulations.” In the event of a conflict between this section and Division 51A-4.300, this section controls.

(2) If several uses are located on a single building site, the off-street parking requirement is the sum of the requirements for each use, and off-street parking spaces for one use may not be counted toward the off-street parking requirement of another use, except as otherwise provided in this section.

(3) If more than 10 off-street parking spaces are required, handicapped parking must be provided pursuant to Section 51A-4.305, “Handicapped Parking Regulations.”

(b) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K and 3.

(1) Except for the uses listed below, consult the use regulations in Division 51A-4.200, "Use Regulations," for the specific off-street parking requirements for each use.

(A) Alcoholic beverage establishment. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the alcoholic beverage establishment. Outside seating may not be converted to interior floor area unless the additional required parking is provided.

(B) Antique shop. One space per 600 square feet of floor area.

(C) Art gallery. One space per 600 square feet of floor area.

(D) Art or craft production facility. One space per 1,000 square feet of floor area.

(E) Beer or wine manufacturing. One space per 600 square feet of floor area.

(F) Dance hall. One space per 25 square feet of floor area.

(G) Duplex.

(i) One space per dwelling unit with one or fewer bedrooms.

(ii) Two spaces per dwelling unit with more than one bedroom.

(iii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

(H) Furniture store. One space per 1,000 square feet of floor area.

(I) General merchandise or food store 3,500 square feet or less. One space per 275 square feet of floor area.

(J) General merchandise or food store greater than 3,500 square feet. One space per 275 square feet of floor area.

(K) Hotel or motel. 0.55 spaces per guest room [*300 rooms or less only; Subdistrict 1E only*].

(L) Indoor athletic and entertainment center. One space per 500 square feet of floor area.

(M) Multifamily.

(i) One-and-one-half spaces per dwelling unit.

(ii) In Subdistricts 1B and 1I, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

(N) Office. One space per 358 square feet of floor area.

(O) Office showroom/warehouse. One space per 1,100 square feet of floor area up to 20,000 square feet, and one space per 4,100 square feet of floor area over 20,000 square feet.

(P) Personal service uses. One space per 275 square feet of floor area.

(Q) Restaurant. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the restaurant. Outside seating may not be converted to interior floor area unless the additional required parking is provided.

(R) Single family.

(i) One space per dwelling unit with one or fewer bedrooms.

(ii) Two spaces per dwelling unit with more than one bedroom.

(iii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

(2) Parking reductions.

(A) Bicycle parking. The off-street parking requirement for nonresidential uses located within 600 feet of the centerpoint of the intersection of Slocum Street and Cole Street may be reduced by 10 percent if:

(i) one five-bicycle parking stand for each 100 feet of street frontage is provided in the front yard of the building site; and

(ii) a minimum 12-foot-wide pedestrian and bicycle path is provided to link the building site with a DART light rail station.

(B) Employment centers adjacent to shuttle or bus stops. The following uses may provide off-street parking as specified if the use is within 1,000 feet of a shuttle stop or bus stop that provides a direct link to the Victory rail transit station or the Market Center rail transit station and if the use has 75,000 or more square feet of floor area:

(i) Industrial (inside). One space per 750 square feet of floor area.

(ii) Office. One space per 450 square feet of floor area.

(C) On-street parking. On-street parking spaces adjacent to a building site may be credited toward the off-street parking requirement of uses on the building site, even if the parking, backing, or maneuvering must be performed in the public right-of-way. On-street parking must be striped in accordance with standard city specifications.

(i) Head-in parking. One head-in parking space may be credited for each nine feet of frontage of the building site. Angled head-in parking must be angled more than 60 degrees but less than 90 degrees to the curb. The closest point of any angled head-in parking space may not be located closer than 10 feet to any perpendicular (90 degree) head-in parking space.

(ii) Parallel parking. One parallel parking space may be credited for each 22 feet of frontage of the building site.

(D) Special exception. The board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception.

(3) Delta theory.

(A) Except as otherwise provided in this paragraph, see Section 51A-4.704(b)(4). In the event of a conflict between this paragraph and Section 51A-4.704(b)(4), this section controls.

(B) The right to carry forward nonconforming parking and loading spaces does not terminate.

(4) Special parking.

(A) In general. Except as otherwise provided in this paragraph, see Division 51A-4.320, "Special Parking Regulations."

(B) Special parking allowed. Except as specifically modified in this section, required off-street parking may be special parking.

(C) Remote parking for nonresidential uses.

(i) Required off-street parking for nonresidential uses may be remote parking.

(ii) Remote parking for nonresidential uses must be located within 1,000 feet of the use served by the remote parking. The building official may extend the distance for remote parking to no more than 1,500 feet if a shuttle from the remote parking is provided. A license is required to authorize an extension of distance beyond 1,500 feet.

(iii) Remote parking lots must meet on-site parking landscape requirements.

(iv) Parking located in a railbed may be used as remote parking.

(D) Shared parking. Except for residential uses in Subdistrict 1B, if more than one type of use is located on a building site, all uses on the building site must share parking. Table 1 must be used to calculate the required off-street parking spaces when parking is shared. The number of off-street parking spaces that must be provided for the development is the largest number of spaces required under any of the five time-of-day columns. For example, in the morning, a development with residential and office uses must provide 80 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. Likewise, in the afternoon, that development must provide 60 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. A similar calculation must be performed for each time of day. If the number of spaces required in the morning is greater than the number of spaces required during any other time of day, then the number of spaces required in the morning must be provided. Likewise, if the number of spaces required in the late afternoon is greater than the number of spaces required during any other time of day, then the number of spaces required in the late afternoon must be provided.

**Table 1: Shared Parking Table**  
**(For calculating the parking requirement for shared parking)**

	%	%	%	%	%
<u>Use Category</u>	<u>Morning</u>	<u>Noon</u>	<u>Afternoon</u>	<u>Late Afternoon</u>	<u>Evening</u>
Residential	80	60	60	70	100
Office-related	100	80	100	85	35
Retail-related	60	75	70	65	70
Bar and Restaurant	20	100	30	30	100
Warehouse/ Showroom	100	75	100	65	35
All other	100	100	100	100	100

“(5) Cash in lieu of required parking. A property owner may make a one-time cash payment to the Old Trinity and Design District Parking Fund in lieu of providing required parking for a use in an original building. The amount of the payment is calculated by using the following formula:

**National median cost per square foot x 350 x Dallas cost index x Number of required spaces not provided x .75 = Payment required**

where "national median cost per square foot" is the national median cost per square foot of a parking space in a parking garage. Both the "national median cost per square foot" and the "Dallas cost index" must be derived from the most recent issue of Building Construction Cost Data, published by the Robert Snow Means Company, Inc., of Kingston, Massachusetts, unless another

comparable publication is designated by the director. The department shall administer a city account to be known as the Old Trinity and Design District Parking Fund. Funds from the Old Trinity and Design District Parking Fund must be used only for the acquisition or construction of parking garages or other parking improvements within Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, and 1J. The payment into the Old Trinity and Design District Parking Fund is due at the time of application for a building permit.”

(6) Fees for required parking. Fees may be charged for use of required parking.

(7) Parking structure screening. In Subdistricts 1E, 1F, 1G, 1H, and 1I, any portion of a street-level parking structure facade that is concealed by a street-level use is considered screened.

(c) Subdistrict 2. The off-street parking requirement for a bus or rail transit vehicle maintenance or storage facility is one space per 1,500 square feet of floor area. For all other uses, consult the use regulations contained in Division 51A-4.200, “Use Regulations,” for the specific off-street parking/loading requirements for each use. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819; 30040; 30041; 30042; 30347; 31150; 31235; 32135)

(d) Subdistrict 1K: Special project.

(1) Except as provided in this subsection, the off-street parking requirement is determined using the shared parking ratio in Section 51P-621.110(b)(4)(D).

(2) For office uses, one space per 435 square feet of floor area is required.

***Staff’s Recommendation:***

(3) In Subdistrict 1K, when compliant with Section 116.2, one-half spaces are required per multifamily dwelling unit.

(a) A minimum of 15 percent of the required off-street parking spaces for a multifamily use must be unassigned and available for use by visitors and residents.

***Applicant’s Request:***

(3) When compliant with Section 116.2, one space is required per multifamily dwelling unit. At least 10 percent of the required off-street parking spaces for multifamily use must be unassigned and available for use by visitors and residents.

Omit (d)(3)(a) recommended by Staff, as the language has been incorporated into Applicant’s proposed (d)(3).

See Article VI. (Ord. 25013)

**SEC. 51P-621.112. LANDSCAPING.**

(a) General requirements applicable to all subdistricts except Subdistrict 3.

(1) Required tree species. All required trees must be from the following list of Texas native species:

<u>Scientific name</u>	<u>Common name</u>
Aesculus glaba v. arguta	Texas buckeye
Aesculus pavia	Red buckeye
Bumelia lanuginosa	Woolly-bucket bumelia
Carya illinoensis	Pecan
Carya texana	Black hickory
Cercis canadensis v. Canadensis	Eastern redbud
Diospyros virginiana	Common persimmon
Ilex decidua	Deciduous holly
Ilex vomitoria	Yaupon holly
Juglans nigra	Black walnut
Juniperus virginiana	Eastern red cedar
Morus rubra	Red mulberry
Myrica cerifera	Wax myrtle
Prunus mexicana	Mexican plum
Quercus macrocarpa	Bur oak
Quercus marilandica	Blackjack oak
Quercus shumardii	Shumard red oak
Quercus stellata	Post oak
Quercus virginiana	Live Oak
Rhamnus caroliniana	Carolina buckthorn
Rhus copallina	Flameleaf sumac
Rhus virens	Evergreen sumac
Sapindus drummondii	Western soapberry
Sophora affinis	Eve's necklace
Taxodium distichum	Bald cypress
Ulmus americana	American elm
Ulmus crassifolia	Cedar elm
Viburnum rufidulum	Rusty blackhaw viburnum
Zanthoxylum clavaherculis	Hercules' club

(2) Prohibited trees.

(A) The following trees may not be planted within this special purpose district:

<u>Scientific name</u>	<u>Common name</u>
Populus deltoides	Cottonwood

Albizia julbrissen

Mimosa

(B) Bradford pears (*pyrus calleryana*) may be planted as site trees. Bradford pears may not be used as street trees, used as landscape buffer trees, or planted in the public right-of-way.

(3) Street trees.

(A) In Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, **1J** and ~~1K~~, one street tree must be provided per 25 feet of street frontage, with a minimum of one street tree per building site. In Subdistrict 2, one street tree must be provided per 50 feet of street frontage, with a minimum of one street tree per building site.

(B) Street trees must be located on the building site within 50 feet of the projected street curb, except that street trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met and a right-of-way landscape permit is obtained from the city. For purposes of this subparagraph, “projected street curb” means the future location of the street curb consistent with the City of Dallas Thoroughfare Plan as determined by the director of public works and transportation.

(C) Street trees must be provided for all new construction.

(4) Landscaping in the public right-of-way.

(A) Landscaping may be located in the public right-of-way if a right-of-way landscape permit is obtained from the city.

(B) Plants in the public right-of-way may not obstruct visibility or create a traffic hazard. See Section 51A-4.602(d), “Visual Obstruction Regulations.”

(C) The city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the landscaping requirements of this special purpose district. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a right-of-way landscape permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(D) A property owner or tenant is not required to comply with any right-of-way landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of a right-of-way landscape permit or the revocation of the private license granted under this subsection.

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

(F) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, and for keeping the premises safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain the landscaping. The granting of a license for landscaping under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees and landscaping in the public right-of-way.

(5) Visual obstruction regulations. A property owner is not required to comply with the landscaping requirements of this section to the extent that compliance is made impossible by Subsection (d), "Visual Obstruction Regulations," of Section 51A-4.602, "Fence, Screening, and Visual Obstruction Regulations."

(b) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J and ~~1K~~.

(1) General requirement. Except as otherwise provided in this section, landscaping must be provided as required by Article X.

(2) Landscaping in railbeds.

(A) Any landscaping planted in the area to the centerline of a railbed may be used to satisfy required landscaping for the adjacent property. Landscaping planted in a railbed may not be located in an access easement.

(B) The requirements of Section 51A-10.125(b)(5), "Parking Lot Trees," do not apply to parking located within a railbed.

(3) Parking lot buffer. A five-foot-wide landscaped strip must be located along any edge of a parking lot or parking structure that is visible at grade level from a street. A minimum

three-inch-caliper tree must be located every 15 feet, or fraction thereof, or clustered every 30 feet within the landscaped strip.

(4) Plant requirements. Plants used to satisfy the landscape requirements must comply with the following requirements:

(A) A large evergreen shrub must have the ability to grow to a minimum height of three feet within three years.

(B) Solid sod or hydro-mulch grass may be used.

(C) Artificial plant materials may not be used.

(D) Any required landscaping that dies must be replaced.

(5) Landscape plan. A landscape plan must accompany any application for a building permit to expand floor area if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, or over 75 percent for residential projects. A landscape plan must earn at least 50 points (out of a total of 155 possible points.) The points awarded for providing these features are provided in parentheses. Existing landscaping qualifies for points.

(A) Lighting. (Total possible points = 20) Ten points each are awarded for providing tree lighting, light bollards, light poles, building facade lighting, or landscaped area lighting, up to a maximum of 20 points. The lighting provided must be at least 1.5 foot-candles in intensity over adjacent pedestrian areas.

(B) Landscaping on rooftops and facades. (Total possible points = 30) Ten points each are awarded for large planters, hanging planters, exterior embedded or extended planters, and vine supports on rooftops or along front facades up to a maximum of 30 points. Vines within ground-based planters must be able to extend above one-half the total height of the ground story of the main structure.

(C) Landscape buffer. (Total possible points = 25) The landscape buffer must be a minimum of 80 square feet. A mix of plant materials may be used.

(D) Tree canopy at the street frontage. (Total possible points = 20) Points may be obtained for planting canopy trees along the entire street frontage, exclusive of vehicular and pedestrian entrances and exits. The trees may be planted in the right-of-way if a right-of-way landscape permit is obtained. Ten points are awarded for planting these trees at a density of one tree per 30 linear feet of street frontage and 20 points are awarded for planting these trees at a density of one tree per 15 linear feet of street frontage. Note: Power lines may affect the types of trees used.

(E) Seasonal color landscaping. (Total possible points = 20) Points may be obtained for providing a landscape area for seasonal color in planting beds, raised planters, or pots. Five points are awarded for a landscape area that is equal to at least one-fourth of a square

foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one-half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. The plants in the landscape area must be changed at least twice per year with the appropriate seasonal color plants. This area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season.

(F) Native plant landscaping. (Total possible points = 20) Points may be obtained for providing a landscape area containing native plants. Five points are awarded for a landscape area that is equal to at least one-fourth of a square foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one-half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. Native plants listed in Exhibit 621E must be used.

(G) Creation of open space. (Total possible points = 20) Five points are awarded per 200 square feet of open space if the open space is a minimum of 500 feet from the building site but within this special purpose district. For purposes of this subparagraph, “open space” means a space containing no structures or pavement at or above grade, and containing only grass or other vegetation. Open space must be available for use by the public. The open space must be maintained in a state of good repair and neat appearance at all times by the owner of the property for which the building permit was issued.

(6) Open space fund. If a property owner in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1H, 1I, **IJ** and ~~HJK~~ cannot plant all of the required trees on the building site, or the property owner in Subdistricts 1G and 1I cannot plant all of the required trees on the building site or within 1,000 feet of the building site, the property owner shall comply with the following requirements for no more than 50 percent of the required trees:

(A) Make a payment into the Old Trinity and Design District Open Space Fund. The department shall administer a city account to be known as the Old Trinity and Design District Open Space Fund. Funds from the Old Trinity and Design District Open Space Fund must be used only for acquiring and maintaining property for parks and open-space within this special purpose district. The amount of the payment required per tree not planted is calculated by using the formula for appraising the value of a two-inch-caliper tree, as derived from the most recent edition of the *Guide for Establishing Values of Trees and Other Plants* published by the Council of Tree and Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining a two-inch tree for two years.

(B) Plant trees within:

(i) portals to the Trinity River (as identified in the Trinity River Corridor Comprehensive Land Use Plan) within this special purpose district,

(ii) along that portion of the Old Trinity Trail within this special purpose district, or

(iii) along the meanders of the Old Trinity River channel, as shown.

(7) Parking/landscaping zone. Where there is at least a 70-foot space between buildings, a parking/landscaping zone meeting the following requirements is allowed in the space between the two buildings, but is not required. The composition of the parking/landscaping zone, moving from one building façade across to the other building façade, is as follows:

(A) First, a minimum six-foot-wide sidewalk parallel to the façade of the first building.

(B) Second, a parking area between six feet from the first building façade to 16 feet from the first building façade. This parking area must have angled head-in parking at an angle of 60 degrees to 90 degrees. A landscaped area containing one tree must be located between every fifth parking stall. Trees in the parking area must be spaced 46 to 50 feet on center, and must be 12 to 16 feet away from the first building façade. One parking stall may be omitted to allow for a loading dock to remain functional.

(C) Third, a minimum of 26 feet of right-of-way for the two-way traffic in the middle.

(D) Fourth, a matching parking area from between 16 feet from the second building façade to six feet from the second building façade.

(E) Fifth, a matching six-foot-wide sidewalk parallel to the façade of the second building.

(c) Subdistrict 2. Except as otherwise provided in this section, all properties in Subdistrict 2 must comply with Article X.

(d) Subdistrict 3. Landscaping must be provided as shown on the landscape plan for Subdistrict 3 (Exhibit 621N). If there is a conflict between the text of this article and the landscape plan for Subdistrict 3, the text of this article controls. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819; 30040; 30041; 30042; 30347; 31235; 32135)

**Staff's Recommendation:**

Omit changes.

**Applicant's Request:**

(e) Subdistrict 1K: Special project.

(1) Except as provided in this subsection, landscaping for a special project must be provided in accordance with the regulations applicable to Subdistrict 1K.

(2) Site trees.

(A) The development must provide either:

(i) One tree having a caliper of at least two inches for each 5,000 square feet of lot area, or fraction thereof, with a minimum of 38 trees being provided; or

(ii) Supply the sum total of required caliper inches by using varying sizes of trees, including a minimum caliper of 2 inches and a maximum caliper of 5 inches. Total number of site trees may not be reduced to less than fifty percent (50%) of the required quantity of trees. The total number of site trees may not be reduced to less than 25 trees.

(3) Except for site trees, if the director determines that the development cannot plant all of the required trees on the building site, the requirements of Section 51P-621.112(b)(6) apply.

**SEC. 51P-621.113. ARCHITECTURAL DESIGN GUIDELINES.**

(a) Purpose. The architectural design guidelines of this section are intended to preserve the historical, cultural, and architectural importance and significance of Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J and 1JK. These architectural design guidelines are intended to encourage adaptive reuse of existing buildings; new contemporary and creative construction and major modifications that will enhance the architectural character of the district; and sustainable, green, energy efficient design and construction.

(b) Facade requirements for new construction and major modifications in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J and 1JK.

(1) Facades must be brick, concrete masonry, glass, hollow tile, stone, or other fireproof materials, except that wooden siding, wooden sheets, and metal may not be used on more than 50 percent of any facade.

(2) Facades consisting of more than 80 percent glass, excluding glass block, are prohibited.

(3) The maximum permitted reflectance of glass used as a facade material varies depending on where the glass is used. The reflectance of glass used on the first two stories may not exceed 15 percent. The reflectance of glass used above the first two stories may not exceed 27 percent. Reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. The higher the percentage, the more visible light reflected and the more mirror-like the glass will appear.

(c) Design test requirements in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J and 1JK. New construction or a major modification must earn at least 50 points for properties

with a floor area ratio of 2.0 or less, and at least 70 points for properties with floor area ratios greater than 2.0 (out of 205 possible points). The total possible points in any category are provided in parentheses.

(1) Maintenance of original facades. (Total possible points = 10) Ten points are awarded for the adaptive reuse of an original building if its original facade design elements are not altered.

(2) Ground floor uses, building facades, and roofs. (Total possible points = 20) Points may be earned as follows:

(A) Retail and showroom uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) is allocated to retail and personal service uses or office showroom/warehouse uses.

(B) Restaurant uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) includes restaurant uses.

(C) Facade treatments. Ten points are awarded if the building's front facade is given texture and complexity by the inclusion of ground level entries more than 14 feet in height, porticos, indented entries, belt coursing or other horizontal banding, grid coursing, articulation of window openings, corner pilasters, rustication of the first floor, changes of color, or ornamental iron.

(3) Pedestrian amenities. (Total possible points = 25) Five points each are awarded for benches, trash receptacles, awnings/canopies, bicycle parking racks, and pedestrian street lamps. These items should be creative and contemporary. Pedestrian amenities must be located within the curb-to-building area of the building site, but, if a hardship prohibits locating these in the curb-to-building area of the building site, the amenities may be placed within the public right-of-way as long as they meet city standards and licensing requirements and do not block free movement of pedestrians. Pedestrian amenities must be maintained and operated by the owner of the building site. If there is more than one owner, all owners are jointly responsible for maintenance. Such amenities include:

(A) Benches or exterior seating areas (maximum of one every 50 feet).

(B) Trash receptacles (maximum of five points).

(C) Awnings/canopies along the front facade.

(D) One five-bicycle stand per 100 feet of street frontage.

(E) At least one pedestrian street lamp (freestanding or wall mounted) per 50 feet of street frontage.

(4) Public art or water features. (Total possible points = 15) Fifteen points are awarded for public art or water features costing at least \$2,500, limited to one per building site. In order to qualify for public art points, the public art must be visible from a public right-of-way at all times. Examples of public art could include art in an atrium or lobby that is visible from a public right-of-way, art incorporated into the sidewalk or building facade, or freestanding art. For purposes of this paragraph, "water features" means: fountains, pools, mechanical water jets, or similar water devices.

(5) Paving material. (Total possible points = 15) Five points are awarded per one-third increment of an outdoor private walkway area accessible to the public that is covered by decorative pavement. For purposes of this paragraph, "decorative pavement" means: colored concrete pavers; brick; stone; stamped, textured, or colored concrete; and exterior grade tile.

(6) Pedestrian orientation of building facade. (Total possible points = 20) Twenty points are awarded if a minimum of 25 percent of the front facade has transparent display windows or windows affording views into retail, office, or lobby space. The transparency requirement applies to the first 16 feet of height of the facade.

(7) Structured parking facilities. (Total possible points = 50) Fifty points are awarded for a structured parking facility if the design matches the facade of a new building or architecturally complements the facade of an original building.

(8) Energy conservation. (Total possible points = 15) Ten points are awarded for using solar, geothermal, or other non-petroleum, non-coal energy sources. Five points are awarded for planting twice the number of canopy trees required by Section 51P-621.112, "Landscaping."

(9) Permeable surface. (Total possible points = 15) Five points are awarded each third of an outdoor walkway or driveway with a permeable surface.

(10) LEED's credit. (Total possible points = 20) Twenty points are awarded for a project with a floor area ratio of more than 2.0 when the project complies with the following:

(A) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) Checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a certified designation (26 to 32 project points). The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of sustainable development and construction. Prior to the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(B) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(C) All supporting documentation and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of sustainable development and construction certifies that the building complies with the LEED certified designation (26 to 32 project points).

(d) Approval by development plan. The city plan commission may approve new construction or a major modification that does not meet the requirements of Subsections (b) and (c) of this section if the development plan and elevations show that the new construction or major modification is consistent with the spirit and intent of this section.

(e) Fences and Walls in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J and 1K. Fences and walls longer than 200 feet adjacent to any public street must be designed to prevent visual monotony through use of offsets, changes of materials and textures, gates or openings, or landscaping. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819; 30040; 30041; 30042; 30347; 31235)

**SEC. 51P-621.114. SITE DESIGN REQUIREMENTS.**

(a) Above-grade off-street parking. Parking is permitted on any level of a building.

(b) Median and curb cuts along Industrial Boulevard. Median and curb cuts to access railbeds for off-street parking from Industrial Boulevard, between Continental Avenue and Sylvan/Wycliff Avenue, must be approved by the director of public works and transportation. Traffic must be one-way from Industrial Boulevard westbound to Levee Street.

(c) Sidewalk standards for new construction.

(1) In general.

(A) Sidewalks complying with the standards of this subsection must be provided for all new construction.

(B) If a sidewalk is to be located in a front yard, a sidewalk easement must be dedicated to the city to assure its availability to the public for pedestrian access.

(C) Except as otherwise provided in this subsection, the requirements of Chapter 43, "Streets and Sidewalks," apply to all sidewalks.

(2) Location.

(A) Sidewalks must be located along the entire length of the street frontage.

(B) On state highways, sidewalks must be provided in the parkway, subject to Texas Department of Transportation approval. If Texas Department of Transportation approval cannot be obtained, the property is exempt from this requirement.

(C) Except as provided in this section, sidewalks must be located between five feet and 10 feet from the back of the projected street curb, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must be located between five feet and 12 feet from the back of the projected street curb. Sidewalks may be located farther from the projected street curb to the extent necessary to preserve existing trees or structures or to comply with landscaping requirements.

(D) In Subdistrict 1E, sidewalks must be located between zero feet and 10 feet from the back of the projected street curb, except that sidewalks on Turtle Creek Boulevard must be located between zero feet and 12 feet from the back of the projected street curb, but no more than 50 percent of the length of all sidewalks may be immediately adjacent to the street curb. In Subdistrict 1E, sidewalks may be located either closer to, or farther from, the projected street curb to the extent necessary to preserve existing trees or structures or to comply with landscaping requirements.

(E) In Subdistricts 1E, 1F, 1G, 1I, and 1J, design and construction must be level with any connecting sidewalk for sidewalks crossing drive approaches.

(3) Width.

(A) Sidewalk widths must match the width of existing sidewalks in front of adjacent properties at the point of convergence. Where there are different sidewalk widths on each side of the street frontage, the new sidewalk must taper or expand to meet the incongruous sidewalks.

(B) Sidewalks must have an unobstructed minimum width of four feet, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must have an unobstructed minimum width of six feet, and sidewalks in Subdistrict 1I must have a minimum unobstructed width of eight feet. For purposes of this provision, "unobstructed" means by structures or landscaping, excluding utility poles and service boxes.

(d) License to allow compliance with ADA requirements.

(1) If there is no other way to install ramps required by the Americans with Disabilities Act or similar state laws other than to install the ramps in the public right-of-way, the city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the Americans with Disabilities Act or similar state laws. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a building permit in accordance with the Dallas Building Code. This private

license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

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

(3) Each owner or tenant is responsible for maintaining any ramps in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain any ramps. The granting of a license for ramps under this subsection does not release the owner or tenant from liability for the installation or maintenance of ramps in the public right-of-way.

(e) Exemption for Subdistrict 2. The site design requirements of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2.

(f) Exemption for Subdistrict 3. The site design requirements of this section do not apply to uses in Subdistrict 3, except that sidewalks in Subdistrict 3 must be provided as shown in the development plan for Subdistrict 3. (Ord. Nos. 25013; 25560; 26102; 30040; 30041; 30042; 30347; 31150; 31235; 32135)

**SEC. 51P-621.115. SCREENING REGULATIONS.**

(a) Parking lot screening.

(1) Except as otherwise provided in this section, Section 51A-4.301(f), “Screening Provisions for Off-Street Parking,” applies to all parking lots and parking structures.

(2) Fences may complement but not substitute for parking lot trees and shrubbery screening.

(3) The provision of screening for surface parking only applies to new construction. All surface parking must be screened from a street or access easement by using one or more of the following three methods to separately or collectively attain a minimum height of three feet above the parking surface:

(A) Earthen berm planted with turf grass or groundcover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height per three feet of width.

(B) A fence constructed of one or more of the following: brick, stone, concrete masonry, stucco, concrete, wood, or other durable material. Wrought iron fences are allowed.

(C) Hedge-like evergreen plant materials recommended for local area use by the city arborist. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 36 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(b) Screening of off-street loading spaces, dumpsters, and garbage storage areas.

(1) Except as otherwise provided in this subsection, screening of off-street loading spaces, dumpsters, and garbage storage areas must be provided in compliance with Section 51A-4.602, "Fence, Screening, and Visual Obstruction Regulations."

(2) All off-street loading spaces, dumpsters, and garbage storage areas must be screened from all public streets adjacent to the building site. Screening is not required on sides that are not visible from a public street.

(3) Screening of all off-street loading spaces, dumpsters, and garbage storage areas must be at least six feet in height.

(4) Screening is not required in the railbeds.

(c) Outdoor storage areas. Except for vehicle display, sales, and service uses and nursery, garden shop, and plant sales uses, all outdoor storage areas for commercial and business services uses and industrial uses must be entirely screened by an eight-foot solid screening fence, vegetative materials, or other alternative deemed appropriate by the building official.

(d) Exemption for Subdistrict 2. The screening regulations of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2.

(e) Exemption for Subdistrict 3. The screening regulations of this section do not apply to uses in Subdistrict 3. (Ord. Nos. 25013; 25560; 32135)

**SEC. 51P-621.116. SIGNS.**

(a) Except as otherwise provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) In Subdistrict 2, detached premise signs existing on the date of establishment of this special purpose district may remain, provided the sign and sign supports are maintained in a state of good repair and neat appearance at all times. See Section 51A-7.210, “General Maintenance.”

(c) Projecting attached premise signs for retail and personal service uses are allowed, provided they do not project more than five feet from the building façade and are between nine and 15 feet above the sidewalk. For purposes of this provision, a “projecting attached premise sign” means an attached premise sign projecting more than 12 inches from a building at an angle other than parallel to the façade.

(d) In Subdistrict 1E, one rooftop-mounted metal framework premise sign is permitted, subject to the following conditions:

(1) A rooftop-mounted metal framework premise sign may be illuminated internally or externally or both.

(2) A rooftop-mounted premise sign may not exceed 1,200 square feet in effective area.

(3) A rooftop-mounted premise sign must comply with the Dallas Fire Code and must be approved by the fire marshal before a sign permit may be approved by the director. (Ord. Nos. 25013; 25560; 31150)

(e) Subdistrict 1K: Special project. Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII:

(1) One rooftop-mounted metal framework premise sign is permitted on a portion of a building that is no more than 115 feet in height, subject to the following conditions:

(A) A rooftop-mounted metal framework premise sign may be illuminated internally and externally.

(B) A rooftop-mounted metal framework premise sign may not exceed 1,200 square feet in effective area.

(C) A rooftop-mounted metal framework premise sign must be internally located on a rooftop that is lower than the abutting structures.

(D) A rooftop-mounted metal framework premise sign must be flanked by at least two portions of a building of greater height.

(2) One entryway portal sign is permitted at each access point of the special project.

(3) One non-monument sign is permitted in the special project, subject to the following restrictions:

(A) Height. The maximum height for a non-monument sign is nine feet.

(A) Setback. The minimum setback for a non-monument sign is five feet.

(A) Effective area. The effective area of a non-monument sign may not exceed 150 square feet.

(4) Any other detached sign shall be a monument sign.

(5) All premise signs must comply with the Dallas Fire Code and must be approved by the fire marshal before a sign permit may be approved by the director. (Ord. Nos. 25013; 25560; 31150)

**SEC. 51P-621.116.1. MIXED-INCOME HOUSING FOR SUBDISTRICT 1J.**

(a) Except as provided in this section, compliance with Division 51A-4.1100 is required to obtain the development bonuses in Section 51P-621.109(5.1)(L).

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

**SEC. 51P-621.116.2. MIXED-INCOME HOUSING FOR SUBDISTRICT 1K: SPECIAL PROJECT.**

(a) In general. Except as provided in this section, when residential uses are provided, the development bonuses in Section 51P-621.109(5.2)(A)(vi) apply if five percent of the total number of residential units must be made available to households earning between 61 and 80 percent of the area median family income and are in compliance with Division 51A-4.1100.

***Staff's Recommendation:***

(b) Specialty units. A maximum of 10 percent of the total units may be specialty units including club suites and penthouse suites and are not required to be part of the dispersal of reserved dwelling units by type; however, specialty units are included in the total number of all

units used to calculate the number of reserved units. Units may not be designated as specialty units solely due to the number of bedrooms in the unit.

Omit (d)

***Applicant's Request:***

(b) Specialty units. A maximum of 20 percent of the total units may be specialty units including club suites and penthouse suites and are not required to be part of the dispersal of reserved dwelling units by type; however, specialty units are included in the total number of all units used to calculate the number of reserved units. Units may not be designated as specialty units solely due to the number of bedrooms in the unit.

(d) Fee-in-lieu. Payment of a fee in accordance with Section 20A-23.1(c) is sufficient for compliance with Division 51A-4.1100 to obtain the development bonuses in place of providing reserved units.

(e) In the event of a conflict between Section 51A-4.1107(c) and this division, this division controls.

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

**SEC. 51P-621.117. ADDITIONAL PROVISIONS.**

(a) The entire Property and any improvements in the public right-of-way must be properly maintained in a state of good repair and neat appearance. The city may remove any improvements in the public right-of-way that are not maintained in a state of good repair and neat appearance at the sole expense of the property owner, and may use any available legal remedy to recover the cost of removal from the property owner.

(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.

(c) In Subdistrict 1I, a traffic impact analysis is required in addition to the development impact review requirements in Division 51A-4.800 for a commercial amusement (inside), private recreation center, club, or area, or theater with a seating capacity of 10,000 or more. The area subject to review will include Subdistrict 1I and all property within a quarter mile. All infrastructure improvements essential to the operation of the use must be in place prior to the issuance of a certificate of occupancy for the use. The time period for review of the traffic impact analysis and development impact review is extended to 60 calendar days. (Ord. Nos. 25013; 25560; 26102; 30347)

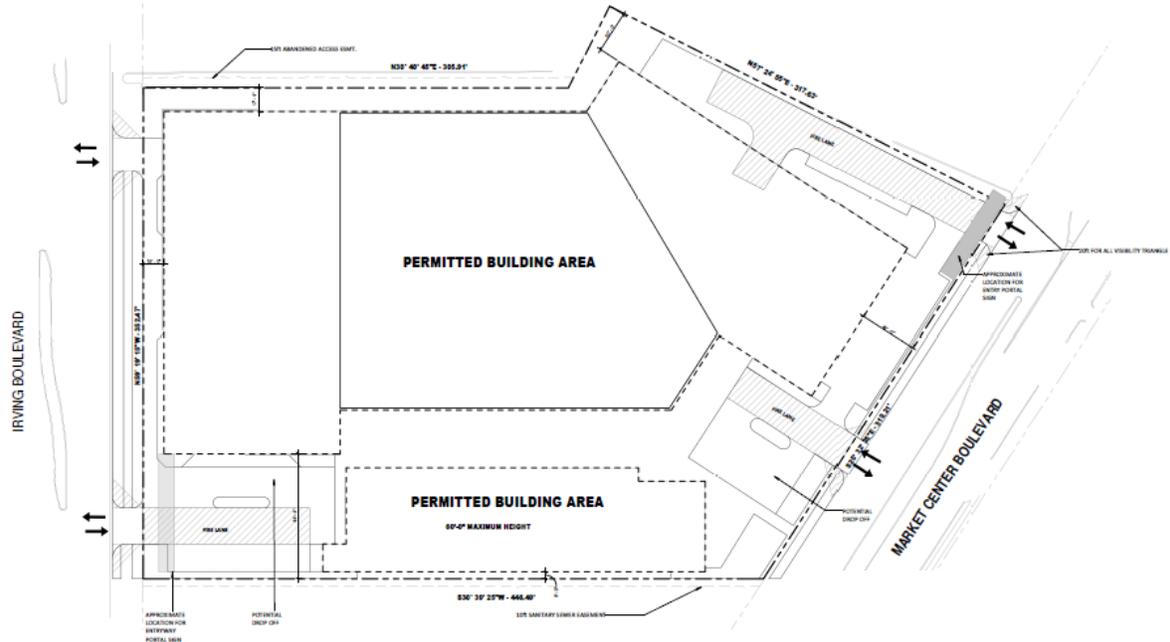
**SEC. 51P-621.118. COMPLIANCE WITH CONDITIONS.**

(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 director of public works and transportation.

(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 in this special purpose district 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. (Ord. Nos. 25013; 26102)

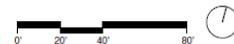


**Proposed Conceptual Plan**

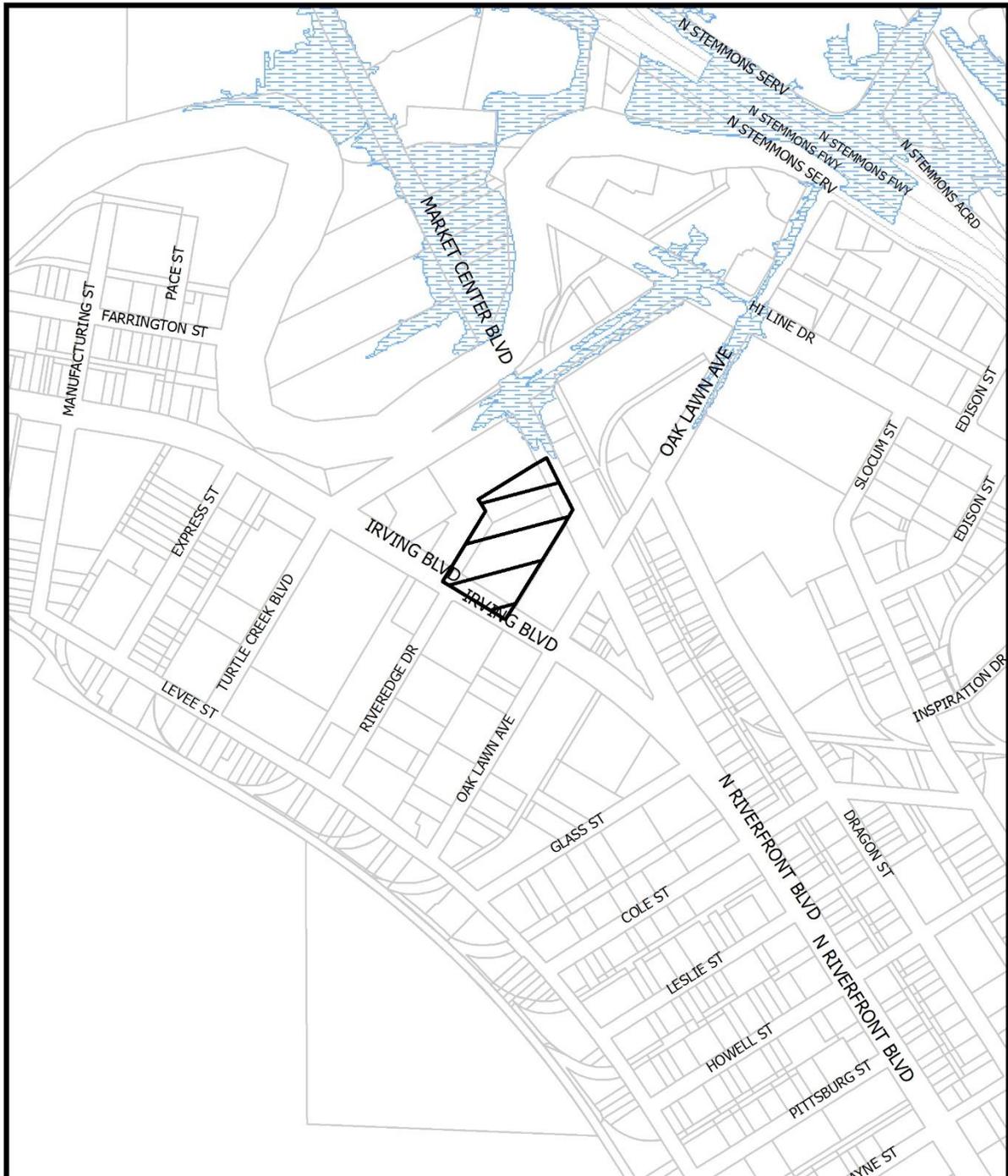


<b>OVERALL SITE DATA TABLE</b> Allowable Uses Per PD 621, Subdistrict 1K	
Site Area	4.416 acres (192,365 SF)
Building Height	185' Mechanical equipment, elevator overrides, penthouses, parapet walls, and related equipment and structures may extend an additional 20 feet in height above the maximum structure height.
FAR	4.0
Minimum Square Footage (for specific uses)	Restaurant, retail, or personal service uses: minimum 15,000 square foot of floor area, located on street level

LEGEND	
	PROPERTY LINE
	FIRE LANE
	BUILDING OUTLINE
	EGRESS/INGRESS
	APPROXIMATE LOCATION OF ROOFTOP-MOUNTED SIGN



CONCEPT PLAN

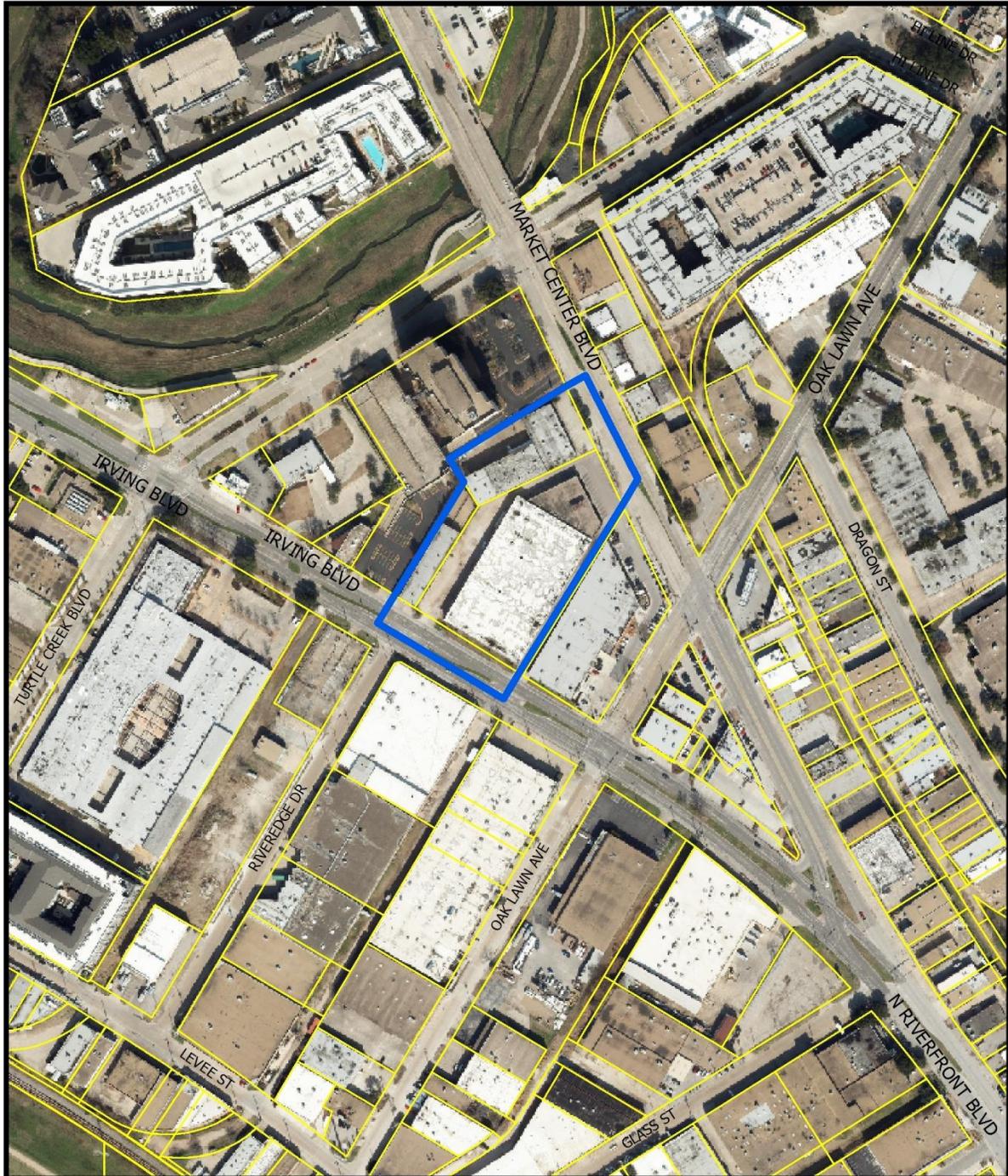


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### VICINITY MAP

Case no: Z212-353

Date: 4/3/2023



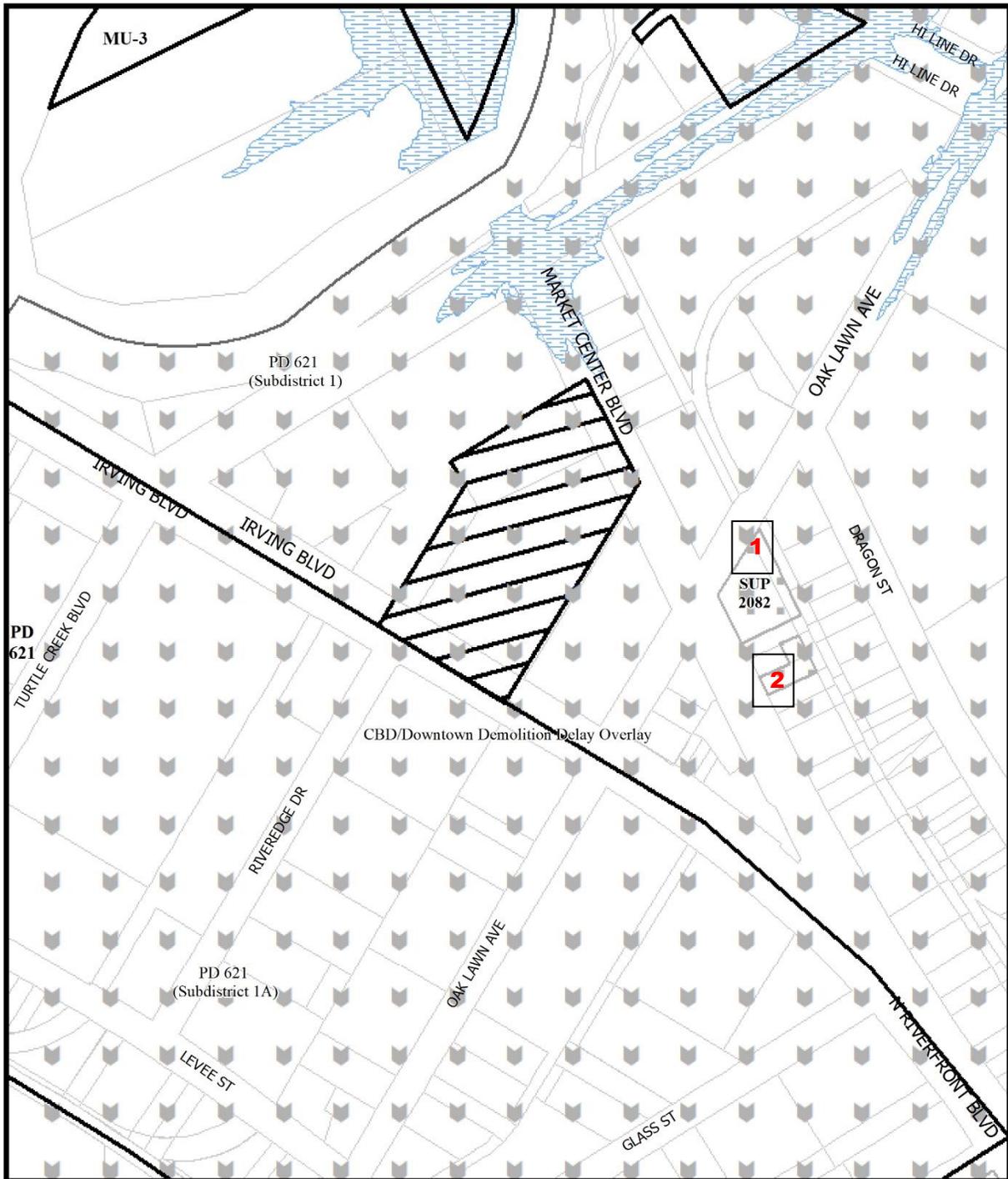
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# AERIAL MAP

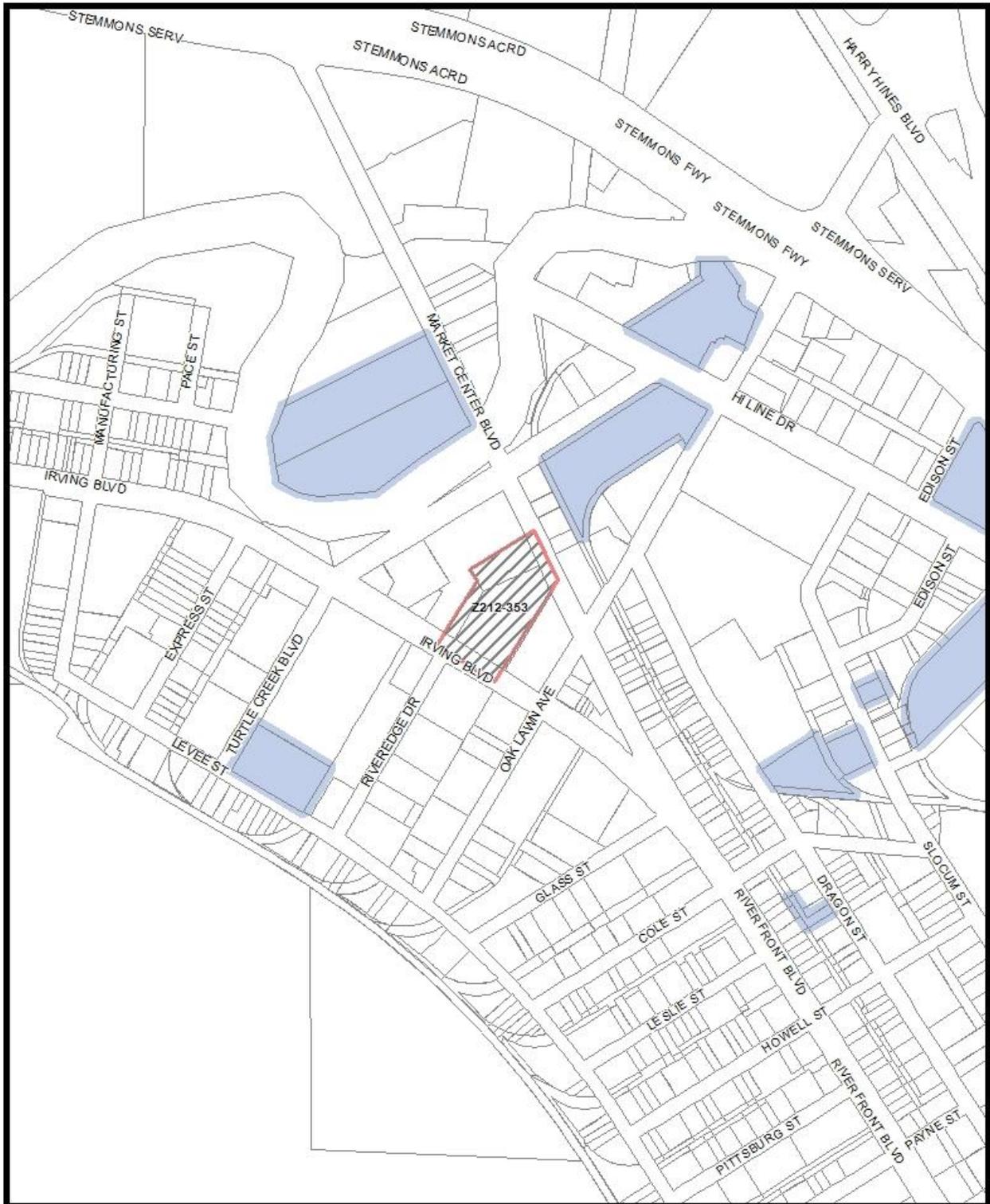
Case no:           Z212-353          

Date:           4/3/2023





 1:3,600	<h1>ZONING HISTORY</h1>	Case no: <u>      Z212-353      </u> Date: <u>      4/3/2023      </u>
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Market Value Analysis A B C D E F G H I NA

 1:7,200

# Market Value Analysis

Printed Date: 4/4/2023



04/03/2023

***Notification List of Property Owners******Z212-353******38 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1715 MARKET CENTER BLVD	PAI DAF LP
2	1444 OAK LAWN AVE	OAK LAWN DESIGN PARTNERS
3	1622 MARKET CENTER BLVD	ICP 1622 MARKET CENTER BLVD LP
4	1626 MARKET CENTER BLVD	1632 MARKET CENTER LLC
5	1634 MARKET CENTER BLVD	1634 MARKET CENTER LLC
6	1643 DRAGON ST	SKL AND ALCSL REVOCABLE TRUST
7	1633 DRAGON ST	NR YANG PROPERTIES LLC
8	1601 MARKET CENTER BLVD	CONSTANCE TRINITY TRIANGLE LTD
9	1617 MARKET CENTER BLVD	CONSTANCE TRINITY TRIANGLE LTD
10	180 OAK LAWN AVE	JLK LTD
11	155 OAK LAWN AVE	SUGAR INVESTMENT GROUP LLC
12	163 OAK LAWN AVE	SPJ GROUP LLC
13	1900 MARKET CENTER BLVD	CLAMS CASINO LLC
14	1401 TURTLE CREEK BLVD	Taxpayer at
15	1301 OAK LAWN AVE	1301 OAK LAWN AVE LLC
16	1804 MARKET CENTER BLVD	AD SALUTEM INC
17	1808 MARKET CENTER BLVD	AD SALUTEM INC
18	1810 MARKET CENTER BLVD	BRIGGS JOHN & DAWN LIVING TRUST
19	1330 TURTLE CREEK BLVD	NICENE PROPERTIES LLC
20	1551 OAK LAWN AVE	FUND DESIGN DISTRICT LLC
21	1505 OAK LAWN AVE	SKL INVESTMENTS CO LTD
22	1333 OAK LAWN AVE	1333 OAK LAWN DALLAS OWNER LP
23	1401 OAK LAWN AVE	1333 OAK LAWN DALLAS OWNER LP
24	1201 OAK LAWN AVE	Taxpayer at
25	1820 IRVING BLVD	PFIFNER STEVEN J
26	1838 IRVING BLVD	CLAMS CASINO LLC

Z212-353(JM)

04/03/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1212 TURTLE CREEK BLVD	TEXAS SECURITY BANK
28	175 FORDYCE ST	WKP1729 LLC
29	150 TURTLE CREEK BLVD	TURTLE CREEK OWNER LP
30	1201 TURTLE CREEK BLVD	Taxpayer at
31	1300 OAK LAWN AVE	1634 MARKET CENTER LLC
32	1611 DRAGON ST	ZUEGER SECOND FAMILY LP
33	171 OAK LAWN AVE	OAK LAWN DEVELOPMENT GROUP LLC
34	148 RIVEREDGE DR	SAFFAIRE INVESTMENTS INC
35	1300 TURTLE CREEK BLVD	Taxpayer at
36	1825 MARKET CENTER BLVD	1825 MARKET CENTER LP
37	155 RIVEREDGE DR	RIVEREDGE OWNER LP
38	175 OAK LAWN AVE	O & S REALTY LLC