

FILE NUMBER: Z189-297(AU)

DATE FILED: June 28, 2019

LOCATION: East line of Cesar Chavez Boulevard, west line of Good Latimer Expressway, north of Corinth Street and south of Dawson Street

COUNCIL DISTRICT: 2

MAPSCO: 45 R

SIZE OF REQUEST: +/- 11.34 Acres

CENSUS TRACT: 204.00

OWNER/APPLICANT: Cedars East Phase I LLC

REPRESENTATIVE: William S Dahlstrom/Jackson Walker LLP

REQUEST: An application for a new subdistrict for mixed uses on property zoned Tract 2 in Subdistrict 4 - Warehouse/Residential Transition and Subdistrict 5 - Industrial within Planned Development District No. 317, the Cedars Special Purpose District.

SUMMARY: The applicant proposes to develop the site with an urban mixed-use development, including retail, single-family attached, multifamily, and hotel uses. The applicant requests to create a new subdistrict that includes additional allowable uses, increases lot coverage, floor to area ratio, and height, and provides a mixed-used development parking chart.

CPC RECOMMENDATION: Approval, subject to a conceptual plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a conceptual plan and staff's recommended conditions.

BACKGROUND INFORMATION:

- On July 26, 1989, City Council approved Planned Development District No. 317, Cedars Special Purpose District. The PD is comprised of 13 subdistricts. PD 317 was subsequently amended 11 times in 1990, 1994, 1997, 1998, 1999, 2000, and 200.
- The request site is located within the Subdistrict 4 (Warehouse / Residential Transition) and Subdistrict 5 (Industrial). Subdistrict 4 is intended to accommodate warehouse and distribution, commercial and business service, retail, and multifamily residential uses, and to encourage transition to a loft-style mixed residential and commercial environment. Subdistrict 5 is intended to consolidate and concentrate industrial, warehouse, distribution, and commercial business service land uses in a contiguous area.
- The request site is currently developed with warehouses and office buildings that are vacant. The former uses were a chicken plant, storage and warehouse, office, and mini warehouse.
- The applicant proposes to redevelop the site with a mixed-use development including retail, single family attached, multifamily, and hotel uses, into a walkable medium density area that will include both new construction as well as the renovation and adaptive reuse of a few of the existing buildings
- The applicant requests to create a new subdistrict within PD No. 317. The proposed standards will deviate from the district regulations for subdistrict 2 as follows:
 - 1) introduce more allowable uses,
 - 2) increase the floor area ratio (FAR) from 2 to 6, with the possibility of a bonus for up to 10 FAR in exchange for providing mixed-income housing units,
 - 3) increase minimum allowable height from 90 feet to 200 feet and from 54 feet to 90 feet,
 - 4) increase lot coverage from 80% to 100%, with the possibility of a bonus for up to 85% in exchange for providing mixed-income housing units, and
 - 5) add new parking requirements, reduction options and remote parking.
- The City Plan Commission authorized a public hearing on May 18, 2017 to consider appropriate zoning for the area. The authorized hearing was initiated

to review the zoning to accelerate the redevelopment in the area and reduce the negative impact of industrial uses and utilize the Trinity Corridor as an opportunity for development. The staff’s recommendation for this zoning request is based on the staff’s recommendation for the PD No. 317 authorized hearing.

Zoning History:

There has been one zoning case requested in the area in the past five years.

- 1. Z178-247:** On August 22, 2018, City Council approved Specific Use Permit No. 2304 for a bar, lounge, or tavern for a two-year period, for a property zoned Subdistrict 2 within Planned Development District No. 317 (Cedars Special Purpose District), located on the northeast line of Harwood Street, southeast of Hickory Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Good Latimer Expressway	Principal Arterial	100 feet Keep existing
Cesar Chavez Boulevard	Principal Arterial	100 feet to 105 feet Keep existing
Lincoln Street	Local Street	50 feet
Bluebell Street	Local Street	27 feet
Hickory Street	Local Street	50 feet
Corinth Street	Local Street	50 feet

Traffic:

The applicant submitted a Traffic Impact Analysis that identifies traffic generation characteristics and potential traffic related impacts on the local street system.

The analysis took into consideration a mixed-use development containing multifamily, hotel, retail, restaurant, office, and townhomes, to be developed in three phases. The analysis concluded that the proposed multi-use development will have minimal impact on the local roadway system.

The TIA analyzed the following peak hour periods required by the City, which are considered the most critical conditions on the public roadway system related to the proposed project:

- Weekday: AM peak hour of adjacent street traffic (7:00 AM – 8:00 AM)
- Weekday: PM peak hour of adjacent street traffic (5:15 PM – 6:15 PM)

The traffic analysis concluded that in 2024, with background traffic plus site with the three phases, will have the existing 2018 volumes grown at 3% per year for six (6) years, and that in 2029, at buildout, the site will generate the existing 2018 volumes grown at 3% per year for six (6) years and 1% per year after 2024.

The TIA finds all intersections will operate at appropriate vehicular levels of service. However, the report does not take into account conditions of intersections needing upgrades such as vehicular detection, pedestrian push buttons and ADA ramps. Staff recommends a developer report in accordance with Sec. 51A 1.109 to analyze the conditions of existing infrastructure before completion of the proposed phase I.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies that can serve as a framework for assisting in evaluating the applicant's request. The applicant's request is consistent with the following goals and policies of the comprehensive plan.

Land Use Element

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.3 Build a dynamic and expanded Downtown.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

Economic Element

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

Urban Design Element

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes. Designing pedestrian-friendly streetscapes and encouraging new.

Policy 5.1.2 Define urban character in Downtown and urban cores.

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

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

Policy 5.3.2 Direct pedestrian routes to home, school or work.

Area Plans:

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 bounded by a two-and-a-half-mile radius centered on the intersection of Main Street and Akard Street.

The Plan recognizes the Cedars area as one of the Surrounding Districts for its proximity to Downtown, affordable vacant land, and many historic homes or commercial structures, the Cedars is evolving into a diverse, eclectic neighborhood. The Cedars is envisioned to accommodate new workforce housing that can take advantage of Downtown views and accessibility near I-30. Affordable housing and other live-work and adaptive re-use opportunities exist along South Harwood and in surrounding blocks. The Plan's key recommendations include a mix of townhouses, lofts and single-family homes further south, encouraging affordable and workforce housing south of Corinth, and to allow cottage industry, creative, and artistic uses in flexible live-work developments and encourage development of a small business incubator and vocational center to foster neighborhood-oriented job growth.

The applicant's request is consistent with the goals and policies of the *Dallas 360* Area Plan.

STAFF ANALYSIS

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 317 Subdistrict 5 – Industrial Subdistrict 4 – Transition	Former industrial area currently vacant
North	PD No. 317 Subdistrict 5 – Industrial	Former industrial area currently vacant
Northeast East Southeast	PD No. 317 Subdistrict 5 – Industrial	Warehouse, office, distribution, retail showroom
South	PD No. 317 Subdistrict 5 – Industrial With SUP No. 697	Warehouse, distribution
Southwest West	PD No. 317 Subdistrict 4 – Transition	Warehouse, distribution, retail
Northwest	PD No. 317 Subdistrict 4 – Transition	Faith-based mission

Land Use Compatibility:

The 11.34-acre request site is comprised of fourteen parcels, divided into two different subdistricts within Planned Development District No. 317, and is bordered by Good Latimer Expressway, Hickory Street, Lincoln Street, Bluebell Street, Cesar Chavez Boulevard, and Corinth Street. The site is located in the southwest pocket of E R L Thornton Freeway/I-30, and I 345, south of Downtown Dallas.

The parcels on the south corner of Hickory Street and Good Latimer Expressway, the former Pilgrim’s Pride food company, contain former industrial buildings, currently vacant. The parcels on the northwest corner of Hickory Street and Cesar Chavez Boulevard, also contain two vacant buildings. The rest of the request site is currently undeveloped.

The request area is surrounded by light industrial uses, showroom and retail, with most of the surrounding buildings being vacant.

The applicant is proposing to create a new subdistrict within PD. No. 317. The applicant is proposing to maintain the existing buildings and reuse them for the mixed-use development. On the northeast line of Bluebell Street there is a DART railroad, currently unused, that continues through the area of request as a private industrial rail. The applicant is proposing to develop the entire railroad right-of-way, through an agreement with DART, and create a walkable publicly accessible open space with pedestrian amenities.

The proposed uses within the proposed subdistrict are as follows:

P indicates permitted by right.

SUP indicates permitted with a Specific Use Permit.

RAR indicates permitted, but subject to Residential Adjacency Review.

LMTD indicates permitted, but subject to limitations or special approval.

	EXISTING		PROPOSED	
	Subdistrict 4	Subdistrict 5	Subdistrict 2	Subdistrict
Agricultural Uses				
Crop production				P
Commercial and business service uses				
Building repair and maintenance	P	P	RAR	
Bus or rail transit vehicle maintenance or storage facility	P	P		
Catering service	P	P	RAR	
Custom business service	P	P	RAR	
Commercial engraving/etching facility			In 2A only	
Custom woodwork, furniture construction, or repair	P	P	RAR	
Electronics service center	P	P	P	
Job or lithographic printing	P	P	RAR	
Labor hall		P		
Machine or welding shop	P	P		
Machinery, heavy equipment, or truck sales and service	P	P		
Medical or scientific laboratory	P	P	RAR	
Technical school	P	P	RAR	
Tool or equipment rental	P	P		
Vehicle or engine repair or maintenance	P	P		
Industrial Uses				
Alcoholic beverage manufacturing			In 2B by SUP	P
Art or craft production facility	P	P	P	
Industrial (inside)		SUP (if potentially incompatible)		
Industrial (inside) light manufacturing	P	P		
	EXISTING		PROPOSED	
	Subdistrict 4	Subdistrict 5	Subdistrict 2	Subdistrict
Metal salvage facility		SUP		

Temporary concrete or asphalt batching plant	P	LMTD	LMTD
Institutional and community service uses			
Cemetery or mausoleum	P	SUP	P
Child-care facility	P	P	P
Church	P	P	P
Convent or monastery	P		
College, university, or seminary			P
Community service center			P
Convalescent and nursing homes and related institutions			SUP
Foster home			P
Hospital	P	P	
Institution for special education			P
Library, art gallery, or museum			P
Public or private school	P	P	P
Lodging uses			
Hotel or motel	P	P	P
Lodging or boarding house	P	P	P
Miscellaneous uses			
Carnival or circus (temporary)	LMTD	LMTD	LMTD
Temporary construction or sales office	P	P	P
Office uses			
Financial institutions without drive-in window	P	P	P
Financial institutions with drive-in window	LMTD	P	LMTD
Medical clinic or ambulatory surgical center	P	P	P
Office	P	P	P
Recreation uses			
Country club with private membership	P	P	
Private recreation center, club, or area	P	P	P
Public park, playground, or golf course	P	P	P
Residential uses			
Duplex			P
Handicapped group dwelling			P
Multifamily	P		P
Single family			P
Retail and personal uses			
Ambulance service	P		RAR
Animal shelter or clinic without outside run	P		RAR
Auto service center	P	P	RAR
Bar, lounge, or tavern	P	P	SUP
Business school	P	P	P
Car wash	P	P	RAR
	EXISTING		PROPOSED
	Subdistrict 4	Subdistrict 5	Subdistrict 2
			Subdistrict
Commercial amusement (inside)	P	P	SUP may be required

Commercial parking lot or garage	P		RAR	
Dry cleaning or laundry store	P	P	P	
Furniture store	P	P	P	
General merchandise or food store 3,500 square feet or less	P	P	RAR	
General merchandise or food store greater than 3,500 square feet	P	P	RAR	
Home improvement center, lumber, brick, or building materials sales yard	P	P		
Household equipment and appliance repair	P	P	P	
Liquor store	P	P		
Microbrewery, microdistillery, and winery			in 2B only	P
Mortuary, funeral home, or commercial wedding chapel	P	P		
Motor vehicle fueling station	P	P	RAR	
Nursery, garden shop, or plant sales	P	P	P	
Personal service uses	P	P	P	
Restaurant with drive-in or drive- through services	LMTD	P	LMTD, SUP in 2C when on a roof	
Restaurant without drive-in or drive- through services	P	P	LMTD, SUP in 2C when on a roof	
Taxidermist		P		
Temporary retail use	P	P	P	
Theater	P	P	RAR	
Vehicle display, sales, and service	P	P		
Transportation uses				
Commercial bus station and terminal	P	P		
Heliport	P	P		
Helistop	SUP			SUP
Transit passenger shelter	P	P	P	
Utility and public service uses				
Commercial radio or television transmitting station	P	P		
Electrical substation	P	P	SUP	
Local utilities	SUP or RAR	SUR or RAR	SUP or RAR	
Police or fire station	P	P	RAR	
Post office	P	P	RAR	
Radio, television, or microwave tower	P	P		
Utility or government installation other than listed	P	P	SUP	
Utility or government service center	SUP	P	LMTD	
Wholesale, distribution, and storage uses				
Auto auction	SUP	SUP		
Contractor's maintenance yard	P	P		
Freight terminal		P		
Mini-warehouse	P	P	RAR	
Office showroom/warehouse	P	P	RAR	
Outside storage (with visual screening)	P	P		
	EXISTING			PROPOSED
	Subdistrict 4	Subdistrict 5	Subdistrict 2	Subdistrict
Petroleum product storage and		SUP		

wholesale			
Recycling collection center	SUP	P	
Recycling drop-off container			P
Recycling drop-off for special occasion collection	P		P
Trade center		P	
Warehouse	P		RAR

The applicant is requesting a new subdistrict that will generally default to subdistrict 2, because this allows residential uses, compared to the existing zoning, subdistricts 4 and 5. The proposed list of uses for subdistrict slightly differs from the uses allowed in subdistrict 2, including crop production, helistop and alcohol-manufacturing and serving uses.

Considering the overall proposal for adaptive reuse and redevelopment of a former industrial area that is currently vacant, and the fact that this will be the first development in the Cedars area with the potential to activate this area of the city, and considering the proposed mix of uses that will transform this area into a walkable mixed-use area, staff supports the proposal and the addition of the uses.

Development Standards:

	EXISTING		Subdistrict 2	PROPOSED
	Subdistrict 4	Subdistrict 5		Subdistrict
Front setback (min)	None	15'	None	CPC recommended: For Good Latimer Expy and Cesar Chavez - min 0' and max 10' for min 50% of building, 20' the rest No max for legacy building Other streets: min 0', max 5' for min 50% of building, 15' the rest Staff: For Good Latimer Expy and Cesar Chavez - min 0' and max 10' No max for legacy building Other streets: min 0', max 5'
Side setback (min)	None If provided it has to be 10'	None If provided it has to be 10'	None; If provided it has to be 10'	10' for MF 36' or less in height, no min in other
Rear setback (min)	None If provided it has to be 10'	None If provided it has to be 10'	None; If provided it has to be 10'	15' for MF 36' or less in height, no min in other
FAR (max)	1:1	1:1	2.5:1 in a structure with 50% or more residential + 50% or more first floor retail or services 2:1 in other cases	CPC recommendation: 6:1 in other cases + bonus for mixed income units (increase up to 10) Staff: 6:1 + different than CPC

				recommended bonus for mixed-income units (increase up to 9:1)
Height (max)	70'	70'	90' in a structure with 50% or more residential + 50% or more first floor retail or services 54' in other cases	200' in a structure with 50% or more residential + 50% or more first floor retail or services 90' in other cases
Lot coverage (max)	80%	80%	80%	CPC recommendation: 80% + bonus for mixed-income units (increase up to 85%) Staff: 80% + different than CPC recommended bonus for mixed-income units (increase up to 85%)

The applicant is proposing standards to enable a denser development compared to existing subdistricts 4 and 5, and the base subdistrict 2. Staff's recommendations for development standards are based on the staff's research and recommendations for the PD No. 317 authorized hearing.

Mixed-income housing:

Furthermore, considering the opportunity for mixed-income housing in this area of the city, staff is proposing additional bonuses for lot coverage and FAR per the chart below. Staff's recommendation is to provide a percentage of the total number of units as mixed-income housing units based on the Adjusted Median Family Income for a 15-year period. The Adjusted Median Family Income range and percentage was selected by staff based on the Mixed-Income Housing Development Bonuses chart. Staff appreciates that the additional lot density and height will result in a more diverse urban form, while limiting the concentration of high-rise buildings.

	Base	CPC recommended bonus			Staff's proposed with bonus		
Percentage of units reserved at percentage of median income		2.5% at 51-60%	2.5% at 51%-60% & 2.5% at 61-80%	2.5% at 51%-60% & 2.5% at 61-80% & 12% at 81-100%	5% at 51-60%	5% at 51%-60% & 5% at 61-80%	5% at 51%-60% & 5% at 61-80% & 5% at 81-100%
Lot Coverage	80%	85%	85%	85%	85%	85%	85%
FAR	6:1	7:1	8:1	10:1	7:1	8:1	9:1

Parking:

The proposed subdistrict is including parking regulations to support and enable the proposed walkable and contiguous mixed-use development. Therefore, the proposed parking standards apply to the entire subdistrict as one lot and include reduction and allowances for rideshare parking, shared parking, a mixed-use development parking chart, and remote parking.

The proposed conditions also specify that 90 percent of the required parking is required to be provided in a parking structure, with the remainder being allowed only as temporary surface parking and include the requirement for pedestrian activating uses for first floor of parking garages along Good Latimer Expressway, Hickory Street and Cesar Chavez Boulevard.

After reviewing the proposed parking reduction options correlated with the overall mix of uses, and different times of day for operation of some of the uses and considering the traffic impact analysis submitted by the applicant, the Engineering Division supports the proposed parking reductions.

Landscaping:

Planned Development District No. 317 specifies that landscaping will be in accordance with Article X of Dallas Development Code, but also includes few exceptions for street trees, site trees, and screening. This request does not include any changes to PD No. 317 landscape standards.

For the PD No. 317 staff recommends that landscaping will be in accordance with Article X of Dallas Development Code. If this recommendation for PD No. 317 will be approved, it will apply to the proposed subdistrict as well.

Signs:

PD No. 317 includes the standards for signs as per Article VII, the business rules. This request does not include any changes to PD No. 317 signs standards.

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. The subject site is uncategorized. Properties located in the general area surrounding the area of request are also within Category C, to the northwest, Category E to the east and west, and Category H to the southeast.

CPC Action
September 19, 2019

Motion: It was moved to recommend **approval** of a new subdistrict for mixed uses, subject to a conceptual plan and staff's recommended revised conditions; as briefed, with following changes: 1) SEC. 51P-317.105.2.(c), to read as "Subdistrict 2D. A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this zone. If there is a conflict between the text of this article and the development plan, the text of this article controls. Open spaces and associated amenities must be shown on the development plan."; 2) SEC. 51P-317.111.(b)(H)(ii), to read as "A five percent parking reduction not to exceed a discretionary maximum 20 parking spaces may be applied when a minimum of three off-street parking spaces are designated as rideshare parking. Signs must be prominently displayed at each rideshare space. Each rideshare sign must..."; 3) SEC. 51P-317.111.(b)(4)(A)(ii) to read as "For Subdistrict 2D: (a) Front yards facing Good Latimer Expressway and Cesar Chavez Boulevard, must have a minimum of zero feet and a maximum of ten feet for no less than 50% of the façade along such streets and a maximum of twenty feet for the remaining facade; (b) For legacy building, if a front yard is provided, no maximum setback is required; (c) All other streets must have a minimum setback of zero feet and a maximum setback of ten feet for no less than 50% of the façade along such streets and a maximum of fifteen feet for the remaining facade."; 4) Floor area ratios: (i) to obtain a maximum FAR bonus of 7.0:1 must make available 2.5% of the units to households earning between 51% and 60% of AMFI; (ii) to obtain maximum FAR bonus of 8.0:1 must make available 2.5% of the units to households earning between 51% and 60% of AMFI and must make available 2.5% of the units to households earning between 60% and 81% of AMFI; and, (iii) to obtain a maximum FAR bonus of 10.0:1 must make available 2.5% of the units to households earning between 51% and 60% of AMFI, must make available 2.5% of the units to households earning between 61% and 80% of AMFI and must make available 12% of the units to households earning between 81% and 100% of AMFI; and (5) Lot coverage: to obtain maximum lot coverage of 85% must make available 2.5% of the units to households earning between 51% and 60% of AMFI on property zoned Subdistrict 4 - Warehouse/Residential Transition and Subdistrict 5 - Industrial within Planned Development District No. 317, the Cedars Special Purpose District, on the east line of Cesar Chavez Boulevard, west line of Good Latimer Expressway, north of Corinth Street and south of Dawson Street.

Maker: Schulte
Second: Ridley
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Johnson, Shidid,
Carpenter, Brinson, Jung, Housewright,
Schultz, Murphy, Ridley

Against: 0
Absent: 2 - Criss, Tarpley
Vacancy: 2 - District 8, District 12

Notices: Area: 500 Mailed: 70
Replies: For: 3 Against: 0

Speakers: For: Arthur Santa-Maria, 1200 Main St., Dallas, TX, 75202
Matt Jacobs, 1717 Main St., Dallas, TX, 75202
Bill Dahlstrom, 2323 Ross Ave., Dallas, TX, 75201
Brian Jennings, 2310 N. Henderson Ave., Dallas, TX,
75206
Peter Benanti, 1526 S. Good Latimer Expy., Dallas, TX,
75226
Against: None
Staff: Pam Thompson, Manager, Housing and Neighborhood
Revitalization

LIST OF PARTNERS

Cedar East Phase I LLC

FAQ Capital, LLC – Manager

FAQ Capital, LLC, FAQ Holding, Inc. - Members

Kristine M. Davis – Manager

Sardar M. Hoque – Manager

Esther J.Khan and Ahmad R. Khan – Owners

**PD AMENDMENT
CPC RECOMMENDED**

ARTICLE 317.

PD 317.

Cedars Area Special Purpose District

SEC. 51P-317.101. LEGISLATIVE HISTORY.

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

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

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

SEC. 51P-317.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless the context clearly indicates otherwise, in this article:

(1) AREA means one of the areas referred to in Section 51P-317.105 of this article.

(1.1) CHANGEABLE MESSAGE means the portion of a sign composed of Light Emitting Diode (LED)/Liquid Crystal Display (LCD) elements, "Diamond Vision"

technology, slide lettering, slated rotation surfaces, or other changeable message technology that displays designs or messages.

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

(2.1) ENHANCED PEDESTRIAN AMENITIES means improvements located in the enhanced pedestrian amenities area that are designed to encourage pedestrian traffic, and that meet all of the standards set forth in Section 51P-317.112.1(c).

(2.2) ENHANCED PEDESTRIAN AMENITIES AREA means an area used by pedestrians adjacent to a street, and that meets all of the standards set forth in Section 51P-317.112.1(c).

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

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

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

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

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

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

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

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

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

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

(9) SECTION means a section of this article.

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

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

(12) SUP means specific use permit.

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

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

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

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

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

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

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

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

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

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

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

(g) For purposes of determining the applicability of regulations in this article and in

Chapter 51A triggered by adjacency or proximity to another zoning district, and for purposes of interpreting the DIR and RAR requirements of Division 51A-4.800:

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

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

SEC. 51P-317.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 317A: property descriptions of the district and subdistricts.

(2) Exhibit 317B: subdistrict map.

(3) Exhibit 317C: site and landscape plan for the shelter property in Subdistrict 3.

(4) Exhibit 317D: land use and development standards chart.

(5) Exhibit 317E: conceptual plan for Subdistrict 3B.

(6) Exhibit 317F: development/landscape plan for Tract 1 in Subdistrict 3B.

(7) Exhibit 317G: development plan for Tract 2 in Subdistrict 3B.

(8) Exhibit 317H: typical street section for Subdistrict 3B.

(9) Exhibit 317I: conceptual plan for Subdistrict 2D. (Ord. Nos. 29197; 30276; 30295)

SEC. 51P-317.104. ZONING CLASSIFICATION CHANGE AND DISTRICT IDENTIFICATION.

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

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

This district is divided into 14 subdistricts: 1, 2, 2A, 2B, 2C, 2D, 3, 3A, 3B, 3C, 4, 4A, 5,

and 6. The boundaries of all subdistricts are verbally described in Exhibit 317A. A map showing the boundaries of the subdistricts is labeled Exhibit 317B. If there is a conflict, the verbal descriptions in Exhibit 317A control over the graphic description in Exhibit 317B. (Ord. Nos. 24503; 24826; 24872; 25160; 27194; 27402; 29197; 30058; 30276; 30295; 30951)

SEC. 51P-317.105.1. CONCEPTUAL PLAN.

(a) Development and use of the Property in Subdistrict 3B must comply with the conceptual plan for Subdistrict 3B (Exhibit 317E). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

(b) Development and use of the Property in Subdistrict 2D must comply with the conceptual plan for Subdistrict 2D (Exhibit 317I). If there is a conflict between the text of this article and the conceptual plan for Subdistrict 2D, the text of this article controls. (Ord. 30276)

SEC. 51P-317.105.2. DEVELOPMENT PLAN.

(a) Development and use of the Property for Tract 1 in Subdistrict 3B must comply with the development/landscape plan for Tract 1 in Subdistrict 3B (Exhibit 317F). If there is a conflict between the text of this article and the development/landscape plan for Tract 1 in Subdistrict 3B, the text of this article controls.

(b) Development and use of the Property for Tract 2 in Subdistrict 3B must comply with the development plan for Tract 2 in Subdistrict 3B (Exhibit 317G). If there is a conflict between the text of this article and the development plan for Tract 2 in Subdistrict 3B, the text of this article controls. (Ord. 30276)

(c) Subdistrict 2D. A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this zone. If there is a conflict between the text of this article and the development plan, the text of this article controls. Open spaces and associated amenities must be shown on the development plan.

SEC. 51P-317.106. PRESERVATION INCENTIVES.

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

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

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

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

(d) The ability to transfer development rights does not authorize a setback violation on the building site to which the rights are transferred. The maximum floor area ratio of a building site may be increased by no more than 20 percent through the transfer of development rights, and the maximum structure height may not be increased. (Ord. Nos. 20395; 24826; 25160; 27402; 30058; 30951)

SEC. 51P-317.107. ADDITIONAL PROVISIONS.

The "additional provisions" in Division 51A-4.200 apply to all uses in this district. In addition, the following "additional provision" supplements and is cumulative of the "additional provisions" in that division applicable to the "Commercial radio or television transmitting station" use: A structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum must not be visible from the street. (Ord. Nos. 20395; 24826)

SEC. 51P-317.108. UTILITY OR GOVERNMENT SERVICE CENTER.

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

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

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

SQUARE FEET OF FLOOR AREA IN STRUCTURE		TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	to	1
50,000		100,000

**2 Each additional 100,000
or fraction thereof**

1 additional

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

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

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

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

SEC. 51P-317.109. GROUP HOME OR SHELTER PERMITTED, SUBJECT TO RESTRICTIONS, IN SUBDISTRICT 3.

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

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

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

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

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

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

Thence N 45°14' E along the southeast line of Cadiz Street, a distance of 182.87 feet to the

PLACE OF BEGINNING; and containing 53,776 square feet of land.

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

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

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

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

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

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

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

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

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

(8) Use of the Shelter Property must comply with all applicable federal and

state laws and regulations, and with all applicable ordinances, rules, and regulations of the city. At least once every two years, the city staff shall:

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

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

SEC. 51P-317.110. SEAFOOD PROCESSING FACILITY.

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

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

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

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

(Ord. Nos. 22003; 24826)

SEC. 51P-317.110.1. ART OR CRAFT PRODUCTION FACILITY.

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

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

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

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

SEC. 51P-317.110.2. COMMERCIAL ENGRAVING/ETCHING FACILITY.

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

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

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

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

SEC. 51P-317.110.3. RECYCLING CENTER.

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

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

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

(d) Additional provisions:

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

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

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

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

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

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

(7) An SUP for this use may not be granted for more than a two-year period. (Ord. 29197)

SEC. 51P-317.111. USE REGULATIONS AND DEVELOPMENT STANDARDS.

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

(a) Subdistrict 1 (Moderate Density Residential)

Omitted for brevity

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

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

historic value.

(2) Main uses permitted.

(A) Agricultural uses.

-- None permitted.

Crop production. [Only in Subdistrict 2D]

(B) Commercial and business service uses.

-- Building repair and maintenance shop. [RAR]

-- Catering service. [RAR]

-- Custom business services. [RAR]

-- Commercial engraving/etching facility. [Only in Subdistrict

2A by SUP. See Section 51P-317.110.2.]

-- Custom woodworking, furniture construction, or repair.

[RAR]

-- Electronics service center.

-- Job or lithographic printing. [RAR]

-- Medical or scientific laboratory. [RAR]

-- Technical school. [RAR]

(C) Industrial uses.

-- Alcoholic beverage manufacturing. [Only in Subdistricts
2B and 2D by SUP].

-- Art or craft production facility.

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

(D) Institutional and community service uses.

-- Child-care facility.

-- Church.

-- College, university, or seminary.

-- Community service center.

-- Convalescent and nursing homes and related institutions.

[SUP]

-- Convent or monastery.

-- Foster home.

-- Institution for special education.

-- Library, art gallery, or museum.

-- Public or private school.

(E) Lodging uses.

- Hotel or motel.
- Lodging or boarding house.

(F) Miscellaneous uses.

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

(G) Office uses.

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

(H) Recreation uses.

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

(I) Residential uses.

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

(J) Retail and personal service uses.

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

square feet. [RAR]

- Household equipment and appliance repair.
- Microbrewery, microdistillery, and winery. [Only in Subdistricts 2B and 2D by SUP.]
- Motor vehicle fueling station. [RAR]
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through services. [DIR. SUP in Subdistrict 2C when operated on a roof.]
- Restaurant without drive-in or drive-through service. [RAR. SUP in Subdistrict 2C when operated on a roof.]
- Temporary retail use.
- Theater. [RAR]

(K) Transportation uses.

- Helistop. [SUP; Only in Subdistrict 2D]
- Transit passenger shelter.

(L) Utility and public service uses.

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

(M) Wholesale, distribution, and storage uses.

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

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

For more information regarding accessory uses, consult Section 51A-4.217.

(A) Except as provided, the following accessory uses are not permitted in this subdistrict:

- Accessory helistop [permitted in Subdistrict 2D only].
- Accessory medical/infectious waste incinerator.
- Accessory outside display of merchandise [permitted in Subdistrict 2D only].
- Accessory outside sales [permitted in Subdistrict 2D only].
- Accessory outside storage.
- Accessory pathological waste incinerator.
- Day home.
- General waste incinerator.
- Private stable.

(B) In this subdistrict, the following accessory use is permitted by SUP only:

- Pedestrian skybridges.

(4) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.

- (i) No minimum front yard.

CPC recommended

<p><u>(ii) For Subdistrict 2D:</u></p> <ul style="list-style-type: none"><u>(a) Front yards facing Good Latimer Expressway and Cesar Chavez Boulevard, must have a minimum of zero feet and a maximum of ten feet for no less than 50% of the façade along such streets and a maximum of twenty feet for the remaining facade;</u><u>(b) For legacy building, if a front yard is provided, no maximum setback is required;</u><u>(c) All other streets must have a minimum setback of zero feet and a maximum setback of ten feet for no less than 50% of the façade along such streets and a maximum of fifteen feet for the remaining facade.</u>

Staff's recommendation

- (ii) For Subdistrict 2D:
 - (a) Front yards facing Good Latimer Expressway and Cesar Chavez Boulevard, must have a minimum of zero feet and a maximum of ten feet;
 - (b) For legacy building, if a front yard is provided, no maximum setback is required;
 - (c) All other streets must have a minimum setback of zero feet and a maximum setback of five feet.

(iii) If a structure is located on a lot having frontage on Akard Street, an additional 15-foot "urban form" front yard setback is required for that portion of the structure above 54 feet in height.

(B) Side and rear yard.

(i) For Subdistrict 2D:

(a) Minimum side yard is:

- a. 10 feet for multifamily structures 36 feet or less in height; and
- b. No minimum in all other cases

(b) Minimum rear yard is:

- c. 15 feet for multifamily structures 36 feet or less in height; and
- d. No minimum in all other cases

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

(D) Floor area ratio.

(i) ~~Maximum~~ Except as otherwise provided, maximum floor area ratio is:

(aa) 2.5 in a structure with 50 percent or more of its total floor area restricted to residential use and 50 percent or more of its ground floor area restricted to retail and personal services uses; and

(bb) 2.0 in all other cases, ~~maximum floor area ratio is~~ 2.0.

(ii) Subdistrict 2D.

(a) For purposes of calculating floor area ratio, the entire Subdistrict is considered one lot.

(b) Maximum floor area ratio is 6.0:1.

CPC recommendation:

(c) When a multifamily use complies with the requirements in Section 51P-...., the proposed maximum floor area ratio may be increased to a maximum of 7.0:1 if two and a half 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.

(d) When a multifamily use complies with the requirements in Section 51P-...., the proposed maximum floor area ratio may be increased to a maximum of 8.0:1 if:

(1) two and a half percent of the units are available to households earning between 51 and 60 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices, and

(2) two and a half percent of the units are available to households earning between 60 and 81 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices.

(e) When a multifamily use complies with the requirements in Section 51P-...., the proposed maximum floor area ratio may be increased to a maximum of 10.0:1 if:

(1) two and a half percent of the units are available to households earning between 51 and 60 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices, and

(2) two and a half 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, and

(3) 12 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.

Staff's recommendation:

(c) When a multifamily use complies with the requirements in Section 51P-...., the proposed maximum floor area ratio may be increased to a maximum of 7.0:1 if 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.

(d) When a multifamily use complies with the requirements in Section 51P-..., the proposed maximum floor area ratio may be increased to a maximum of 8.0:1 if:

(1) five percent of the units are available to households earning between 51 and 60 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices, and

(2) five percent of the units are available to households earning between 60 and 81 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices.

(e) When a multifamily use complies with the requirements in Section 51P-..., the proposed maximum floor area ratio may be increased to a maximum of 9.0:1 if:

(1) five percent of the units are available to households earning between 51 and 60 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices, and

(2) 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, and

(3) 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.

(E) Height.

is:

(i) Except as otherwise provided, ~~M~~ maximum structure height

(a) 90 feet for a structure with at least 50 percent of its total floor area restricted to residential uses and 50 percent or more of its ground floor area restricted to retail and personal services uses; and

(b) 54 feet for all other structures.

(ii) Subdistrict 2D. Maximum structure height is:

(a) 200 feet for a structure with at least 50 percent of its total floor area restricted to residential uses and 50 percent or more of its ground floor area restricted to nonresidential uses; and

(b) 90 feet for all other structures.

(F) Lot coverage.

(i) Except as otherwise provided, ~~M~~maximum lot coverage is 80 percent.

(ii) Except as otherwise provided, ~~A~~aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(iii) Subdistrict 2D.

(a) Maximum lot coverage is 80 percent.

CPC recommendation:

(b) When a multifamily use complies with the requirements in Section 51P-...., the proposed lot coverage may be increased to a maximum of 85 percent if two and a half 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.

Staff's recommendation:

(b) When a multifamily use complies with the requirements in Section 51P-...., the proposed lot coverage may be increased to a maximum of 85 percent if 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.

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

(d) For purposes of calculating lot coverage, the entire Subdistrict is considered one lot.

(G) Lot size. No minimum lot size.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading.

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

(B) Tandem parking. For single family, duplex, and multifamily uses,

tandem parking is permitted.

(C) Multifamily.

(i) Except as otherwise provided, ~~One~~ off-street parking space per bedroom per dwelling unit is required; not less than one space nor more than two spaces are required for each dwelling unit.

(i) In Subdistrict 2D, one off-street parking space per dwelling unit is required.

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

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

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

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

(E) Pedestrian amenities parking reduction.

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

(ii) To qualify,

(aa) the enhanced pedestrian amenities must be located within the pedestrian amenities area on the lot or on the parkway abutting the lot receiving the reduction, and

(bb) the enhanced sidewalk must provide the shortest

walking pathway to the DART light rail station.

(iii) See Section 51P-317.112.1(c) for enhanced pedestrian amenities regulations.

(F) Subdistrict 2B.

(i) The off-street parking requirements for a lot with a legacy building may be reduced by 20 percent if the following standards are met:

(aa) Additional landscaping, including site trees, street trees, and other plantings are provided that meet the spirit and intent of the landscaping regulations of Section 51P-317.111(b)(7);

(bb) Except as provided in this subparagraph, each street facing facade that is within 15 feet of a right-of-way or a future right-of-way has a minimum of 30 percent transparency for the first 15 feet above the adjacent ground surface. If an existing legacy building facade has less than 30 percent transparency, a minimum of 50 percent of the facade may be enhanced with murals, sculptures, or other art work; and

(cc) The site with the legacy building or the legacy building is located within 1,500 feet of a Dallas Area Rapid Transit (DART) light rail station.

(ii) This provision may not be combined with the pedestrian amenities parking reduction of Subparagraph (E).

(iii) For purposes of this this subparagraph, TRANSPARENCY means the total area of window and door opening filled with glass, expressed as a percentage of the total facade area by story.

(G) Subdistrict 2C.

(i) For parking purposes, Subdistrict 2C is considered one lot.

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

(aa) illustrate or describe the rideshare space and location of the main use;

(bb) be constructed of weather resistant material;

(cc) be less than 30 inches wide and 24 inches long; and

(dd) contain clearly legible letters in a color that

contrasts with the background material of the sign.

(iii) The off-street parking requirements for a lot with a legacy building may be reduced by 50 percent if the following standards are met:

(aa) Additional landscaping, including site trees, street trees, and other plantings are provided that meet the spirit and intent of the landscaping regulations of Section 51P-317.111(b)(7); and

(bb) Except as provided in this subparagraph, each street-facing facade that is within 15 feet of a right-of-way or a future right-of-way has a minimum of 30 percent transparency for the first 15 feet above the adjacent ground surface. If an existing legacy building facade has less than 30 percent transparency, a minimum of 50 percent of the facade may be enhanced with murals, sculptures, or other art work. For purposes of this this subparagraph, TRANSPARENCY means the total area of window and door opening filled with glass, expressed as a percentage of the total facade area by story.

(iv) Except as provided in this paragraph, remote parking is permitted if the requirements of Division 51A-4.320, "Special Parking Regulations," are met. An agreement authorizing remote parking may be based on a lease of the remote parking spaces in lieu of a remote parking agreement only if the lease:

(aa) is in writing;

(bb) contains legal descriptions of the properties affected;

(cc) specifies the special parking being provided and the hours of operation of any use involved;

(dd) is governed by the laws of the state of Texas;

(ee) is signed by all owners of the properties affected;

(ff) is for a minimum term of three years; and

(gg) provides both the owner of the lot occupied by the main use and the owner of the remote parking lot shall notify the building official in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.

(v) An agreement authorizing remote parking based on a lease is not required to be filed in the deed records.

(H) Subdistrict 2D.

(i) For parking purposes, Subdistrict 2D is considered one lot.

(ii) A five percent parking reduction not to exceed 20 parking spaces, may be applied when a minimum of three off-street parking spaces are designated as rideshare parking. Signs must be prominently displayed at each rideshare space. Each rideshare sign must:

(aa) illustrate or describe the rideshare space and location of the main use;

(bb) be constructed of weather resistant material;

(cc) be less than 12 inches wide and 18 inches long; and

(dd) contain clearly legible letters in a color that contrasts with the background material of the sign.

(iii) Mixed use development option for Subdistrict 2D.

(aa) In general, A property owner may reduce the standard off-street parking requirement for a mixed use development by using the mixed use development (MUD) parking chart (Exhibit _____), to calculate an "adjusted" standard off-street parking requirement for the development. This reduction option may be used in combination with any other reduction options available under this planned development and the Dallas Development Code. In no event may the standard requirement for a mixed use development be reduced by more than 30 percent.

(bb) Calculation of adjusted standard off-street parking requirement. An adjusted standard off-street parking requirement for a mixed use development is calculated as follows:

[I] First, the standard parking requirements for each of the uses in the mixed use development must be ascertained.

[II] Next, the parking demand for each use is determined for each of the five times of day shown in the MUD parking chart by multiplying the standard off-street parking requirement for each use by the percentage in the chart assigned to that category of use. If a use in the development does not fall within one of the categories shown in the MUD parking chart, the percentage assigned to that use is 100 percent for all five times of day.

[III] Finally, the "time of day" columns are totaled to produce sums that represent the aggregate parking demand for the development at each time of day. The largest of these five sums is the adjusted standard off-street parking requirement for the development.

(cc) Minimum parking requirement. If one or more of the main uses in a mixed use development is a retail-related use, the minimum parking requirement for the development under this reduction option is the sum of the standard parking requirements for each of the retail-related uses in the development.

(dd) Visitor parking required. If a property owner uses the mixed use development reduction option, a number of parking spaces equal to or greater than the difference between the aggregate standard and aggregate adjusted standard off-street parking requirement for the development must be available for use by visitors.

(iv) The off-street parking requirements for a lot with a legacy building may be reduced by 50 percent if the following standards are met:

(aa) Additional landscaping, including site trees, street trees, and other plantings are provided that meet the spirit and intent of the landscaping regulations of Section 51P-317.111(b)(7); and

(bb) Except as provided in this subparagraph, each street-facing facade that is within 15 feet of a right-of-way or a future right-of-way has a minimum of 30 percent transparency for the first 15 feet above the adjacent ground surface. If an existing legacy building facade has less than 30 percent transparency, a minimum of 50 percent of the facade may be enhanced with murals, sculptures, or other art work. For purposes of this this subparagraph, TRANSPARENCY means the total area of window and door opening filled with glass, expressed as a percentage of the total facade area by story.

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

(aa) is in writing;

(bb) contains legal descriptions of the properties affected;

(cc) specifies the special parking being provided and the hours of operation of any use involved;

(dd) is governed by the laws of the state of Texas;

(ee) is signed by all owners of the properties affected;

(ff) is for a minimum term of three years; and

(gg) provides both the owner of the lot occupied by the main use and the owner of the remote

parking lot shall notify the building official in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.

(vii) In Subdistrict 2D, a minimum of 90 percent of the required parking must be structured parking. Temporary surface parking is permitted during construction of parking structures.

(viii) Parking garages along Good Latimer Expressway, Hickory Street, and Cesar Chavez Boulevard shall contain commercial uses (retail/restaurant/office/lobby space) on no less than 70% of the 1st floor. The remaining facades of a garage facing Good Latimer Expressway, Hickory Street, and Cesar Chavez Boulevard, other than vehicular access, shall be screened. Vehicular access to a parking garage is permitted from Good Latimer Expressway, Hickory Street, and Cesar Chavez Boulevard.

(6) A developer report in accordance with Sec. 51A 1.109 to analyze the conditions of existing infrastructure shall be approved by the Director before completion of proposed phase I.

(7) Environmental performance standards. See Article VI.

(8) Landscape regulations.

(A) In general. This subdistrict is exempt from compliance with Article X of Chapter 51A, except that Article X requirements for street trees, site trees, parking lot trees, parking lot screening, garbage storage screening, and off-street loading screening, apply in this subdistrict, as modified in this paragraph.

(B) Street trees. The city arborist recommends the list of trees set forth in the street tree subparagraph of the landscaping regulations for Subdistrict 1 as being most suitable for planting in this subdistrict, and the city strongly encourages the use of these trees as street trees. It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating street trees in the parkway. For more information regarding the parkway landscape permit requirement, consult Section 51P-317.112 of this article.

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

(D) Site trees.

(i) Alternate methods of compliance. The site tree requirements of Division 51A-10.125, "Mandatory Provisions," of Article X apply with the following additional provisions. If a property owner in this subdistrict cannot plant all of the required site trees on the lot, the property owner may comply with one of the following two requirements for up to a maximum of 50 percent of the required site trees:

(aa) Plant the trees in the parkway along the frontage of

the lot, in addition to required street trees, with the written permission of the building official.

(bb) Make a payment into the Cedars Open Space Fund.

(ii) Cedars open space fund. The department of development services shall administer a city account to be known as the Cedars Open Space Fund. Funds from the Cedars Open Space Fund must be used only for acquiring park and open-space property, and for the purchase, planting, and maintenance of landscaping on public property in Subdistrict 3A. The amount of the payment required for each site tree not planted is calculated by using the formula for appraising the value of a two-inch 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 & 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.

(E) Subdistrict 2C. For legacy buildings, the following improvements may count as a design standard:

(i) A minimum of 30 percent transparency.

(ii) A minimum of 50 percent of the structure façade is enhanced with murals, sculptures, or other art work.

(F) Subdistrict 2D. For legacy buildings, the following improvements may count as a design standard. A minimum of 30 percent transparency on the ground floor adjacent to public streets.

(8) Additional provisions.

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

(B) Minimum sidewalk width. All lots must have a sidewalk along the street frontage with a minimum unobstructed width of six feet.

(C) Outside amplification in Subdistrict 2B. Outside amplification is limited to the hours of 8:00 a.m. and 10:00 p.m., Monday through Sunday.

(D) Hours of operation of commercial amusement (inside) in Subdistrict 2C. A commercial amusement (inside) use may only be open to the public between the hours of 6:00 a.m. and 12:00 p.m. (midnight), Monday through Saturday.

(9) Signs in Subdistrict 2C. Except as provided in this paragraph, signs must comply with the provisions for business zoning districts in Article VII. When located on a legacy building, the following modifications to attached signs apply:

(i) No single face of a marquee sign may exceed 75 square feet in

effective area.

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

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

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

(10) Signs in Subdistrict 2D. Signs must comply with the provisions for business zoning districts in Article VII.

(11) Open Space for Subdistrict 2D.

(A) For purposes of open space requirements for Subdistrict 2D, all of Subdistrict 2D is considered one lot.

(B) A minimum of 5% of Subdistrict 2D shall be open space.

At least two of the following amenities shall be provided in open space areas:

- (i) Benches, tables, other misc. furniture;
- (ii) Pedestrian pathways
- (iii) Bioswales;
- (iv) Planters;
- (v) Pedestrian bridges;
- (vi) Urban playgrounds;
- (vii) Pocket parks;
- (viii) Lawn areas;
- (ix) Paved and/or decked plazas;
- (x) Covered and/or uncovered event spaces;
- (xi) Shading devices;
- (xii) Monumental stairs/ bleachers;
- (xiii) Sculptural elements;
- (xiv) Murals and artwork;
- (xv) Dark-Sky friendly site lighting;
- (xvi) Similar amenities approved by the Director of the Parks Department or his designee.

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

Omitted for brevity

- (d) Subdistrict 3A, 3B, and 3C (Transit-oriented High Density Mixed Use)

Omitted for brevity

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

Omitted for brevity

- (f) Subdistrict 5 (Industrial).

Omitted for brevity

- (g) Subdistrict 6 (Old City Park Institutional).

Omitted for brevity

SEC. 51P-317.112. LANDSCAPING IN THE PARKWAY.

- (a) Private license granted.

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

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

(3) Upon the installation of landscaping in the public rights-of-way, the property owner shall procure, pay for and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of

Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, \$2,000,000 annual aggregate. Coverage under this liability policy shall be on an "occurrence" basis and the city shall be named as additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent same are covered by this liability insurance policy.

(i) Each property owner shall be responsible for maintaining the landscaping in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the landscaping. The granting of a license for landscaping under this section does not release the property owner from liability in the installation or maintenance of trees or landscaping in the public right-of-way.

(b) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees or other amenities in the parkway. An application for a parkway landscape permit must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a parkway landscape permit to the property owner; otherwise, the director shall deny the permit.

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

(4) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or

maintenance of trees or other amenities in the public right-of-way. (Ord. Nos. 20395; 24826; 24872; 25160)

SEC. 51P-317.112.1. PEDESTRIAN AMENITIES IN THE PARKWAY.

(a) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owners, to the tenants ("property owner") of all parkway property in Subdistrict 1, 2, 2D, 3, 3A, 3C, and 4 (the "premises") for the exclusive purpose of authorizing compliance with the enhanced pedestrian amenities provisions of this article. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway amenities permit in accordance with the Dallas Building Code, or Subsection (b) of this section. This private license shall not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city of the necessity for such termination shall be final and binding and the city shall become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the director of mobility and street services.

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

(3) Upon the installation of enhanced pedestrian amenities in the parkway, the property owner shall procure, pay for and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, with a \$2,000,000 annual aggregate. Coverage under this liability policy shall be on an "occurrence" basis and the city shall be named as additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marina, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the office of risk management of cancellation, expiration, non-renewal or material change in coverage. All subrogation rights for loss or damage against the city are waived to the extent same are covered by the liability insurance policy.

(4) Each property owner shall be responsible for maintaining the enhanced pedestrian amenities in good repair and condition and to keep the premises safe and from

deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the enhanced pedestrian amenities. The granting of a license for enhanced pedestrian amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and enhanced pedestrian amenities in the parkway.

(b) Parkway pedestrian amenities permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway pedestrian amenity permit before locating trees or other amenities in the parkway. An application for a parkway pedestrian amenities permit must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a parkway pedestrian amenity permit to the property owner; otherwise, the director shall deny the permit.

(3) A parkway pedestrian amenities permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way.

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

(5) The issuance of a parkway pedestrian amenities permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or other amenities in the public right-of-way.

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

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

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

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

(A) Street trees. A minimum of one tree per 25 feet of frontage in the pedestrian amenities area.

(B) Enhanced sidewalks.

(i) Enhanced sidewalks must be located within the pedestrian amenities area. (See Section 51P-317.111 for minimum unobstructed sidewalk requirements for each subdistrict.)

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

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

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

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

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

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

(4) The following optional amenities are encouraged and may be provided in addition to the minimum requirements specified above. These optional amenities are considered to be enhanced pedestrian amenities for the purpose of Subsections 51P-317.112.1(a) and (b), and are subject to the conditions in Paragraph 51P-317.112.1(c)(4):

(A) Flag poles.

(B) Public art.

(C) Tree or shrub planters.

(D) Water fountains.

(E) Newspaper racks.

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

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

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

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

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

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

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

(6) For a legacy building in Subdistrict 3C, the following enhanced pedestrian amenities are the only pedestrian amenities that must be provided in order to qualify for 100 percent lot coverage under Section 51P-317.111(d)(4)(F), the 40 percent parking reduction under Section 51P-317.111(d)(5)(H), and the 1,300 foot extension of the walking distance for remote parking under Section 51P-317.111(d)(5)(I):

(A) Planter boxes must be installed and maintained along the Lamar Street curb having a minimum width of 12 inches and a minimum soil depth of 14 inches and planted with evergreen and seasonal plantings. The linear distance of the adjacent street frontage occupied by planter boxes must be between 40 percent and 50 percent of the street frontage length. Planter boxes must be constructed of fiberglass, concrete, or metal and not exceed 24 inches in height.

(B) Screening meeting the requirements of Section 51A-4.602 must be provided for the length of the loading dock area along Austin Street, except for visibility triangles.

(C) Windows must be provided within the Austin Street facade.

(D) The sidewalk along Austin Street to the northwest of the property must be extended along the Austin Street side of the property, and a pedestrian scaled light

fixture must be installed adjacent to the sidewalk, if permitted by the director of mobility and street services.

(E) Trash receptacles must be provided along the Lamar Street and Austin Street sidewalk areas. (Ord. Nos. 24872; 25160; 27133; 27322; 30295)

SEC 51P- 317.11 ... MIXED-INCOME HOUSING

(a) Except as provided in this section, compliance with Division 51A-4.1100 is required to obtain the lot coverage and height development bonus in Section 51P-317.111.

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

(c) Income bands. An owner shall ensure that reserved dwelling units are only leased to and occupied by eligible households in accordance with the development bonus restrictive covenant. For the mixed-income housing program, units must be reserved for families with adjusted annual incomes within the required income bands, except that voucher holders may be selected to occupy any reserved dwelling unit. Eligible households making less than the minimum AMFI for a particular income band may be counted as a higher income band provided that they are charged an affordable rent.

SEC. 51P-317.113. NONCONFORMING USES AND STRUCTURES.

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

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

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

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

(e) If, based on evidence presented at the public hearing, the board finds that additional time is needed to recoup the owner's actual investment in the use before the use became nonconforming, the board shall grant the request for extension and establish a new

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compliance deadline consistent with its determination of a reasonable amortization period; otherwise, the board shall deny the request. If the board denies the request, the right to operate the nonconforming use shall automatically terminate on the deadline in Subsection (b), or 30 days after the date of the board's decision to deny, whichever is later. (Ord. Nos. 20395; 24826; 24872; 25160)

SEC. 51P-317.114. CERTIFICATE OF OCCUPANCY CONDITIONED ON COMPLIANCE.

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

EXHIBIT

MIXED USE DEVELOPMENT PARKING CHART
 (for calculating adjusted standard parking requirement)

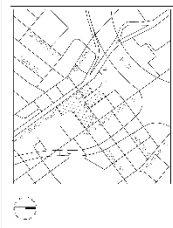
USE CATEGORIES	PARKING ADJUSTMENT PERCENTAGES BY TIME OF DAY (weekday)				
	Morning	Noon	Afternoon	Late Afternoon	Evening
Multifamily Residential uses	80%	60%	60%	70%	100%
Hotel or motel uses	100%	30%	35%	60%	100%
Office uses	100%	80%	100%	85%	35%
Retail and personal service uses	60%	75%	70%	65%	70%
Alcoholic Beverage establishments	20%	100%	30%	30%	100%
Bar & restaurant uses	20%	100%	30%	30%	100%
Any other use	100%	100%	100%	100%	100%

The adjusted standard off-street parking requirement for the development is the largest of the five “time of day” column times.

Note: If a use does not fit into one of the first six categories listed above, percent assignments must be used in each of the “time of day” columns. If one or more of the main uses in the development is a retail-related use, the minimum parking requirement for the development under this reduction option is the sum of the standard parking requirement for each of the retail-related uses in the development.

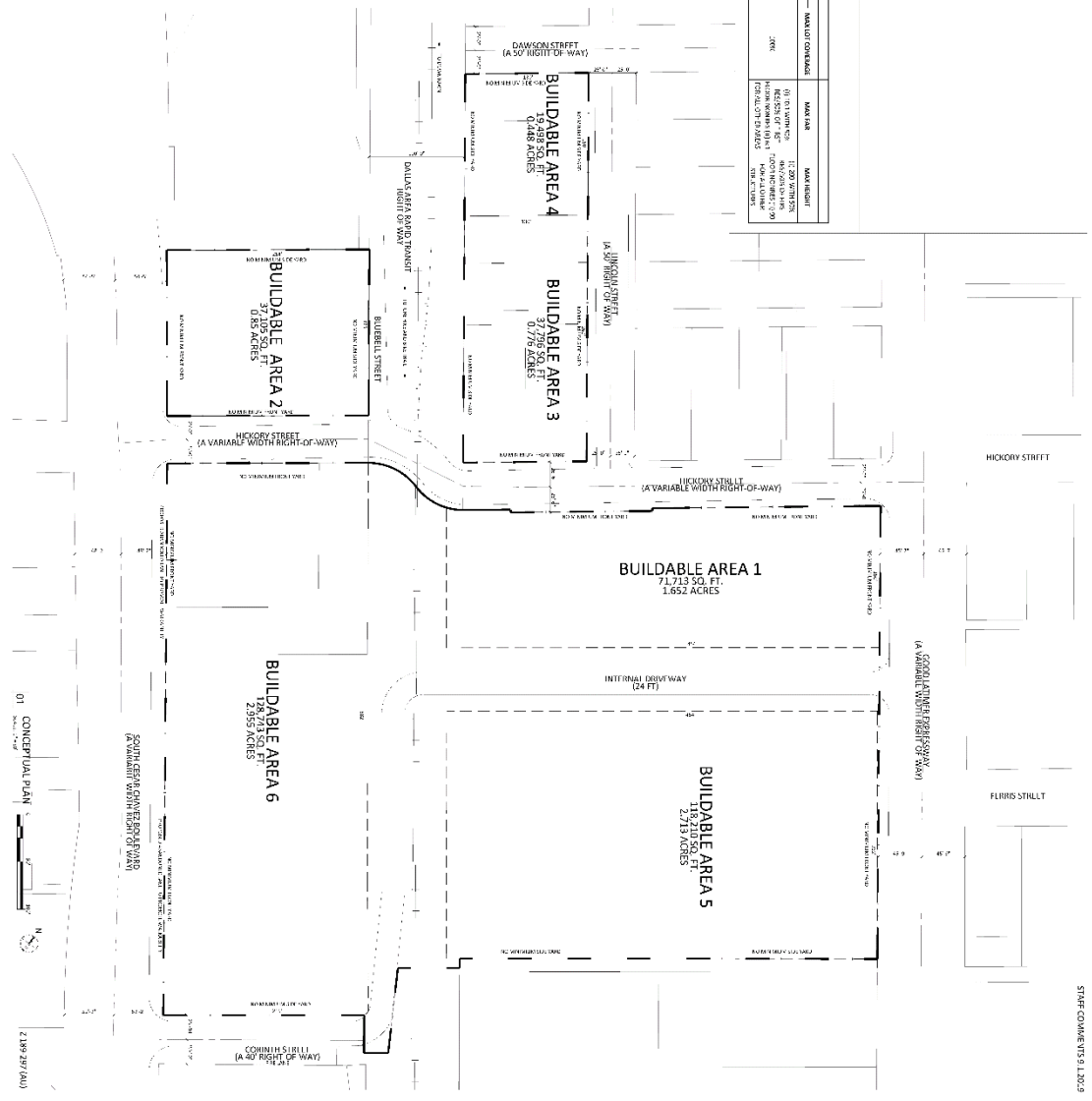
CPC RECOMMENDED CONCEPTUAL PLAN

CONCEPTUAL PLAN
VICINITY MAP



MATRIX

CONCEPTUAL PLAN MATRIX	LAND AREA	50 FT	LAND AREA	LAND USE	MAXIMUM HEIGHT	MAXIMUM NUMBER OF UNITS	MAXIMUM NUMBER OF STORIES
20	PERMITTED	492,000	1131	200'	12,000 UNITS	60,000 UNITS	10

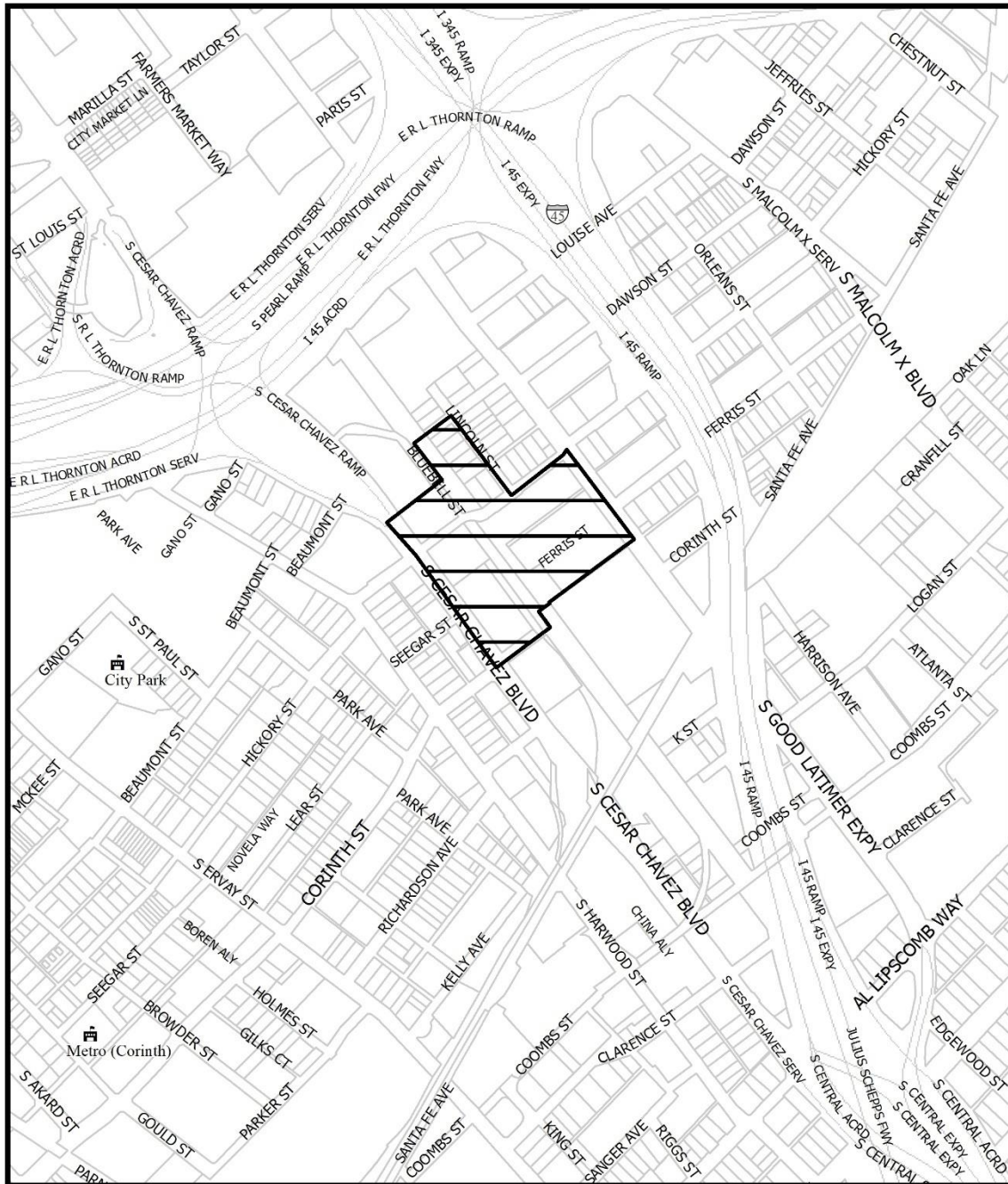


SOGOOD DISTRICT
1900 S. CESAR CHAVEZ BLVD
DALLAS, TX. 75215

18403
A001
CONCEPTUAL PLAN

DATE: 01/11/2023
DRAWN BY: [Name]
CHECKED BY: [Name]

PROJECT: SOGOOD DISTRICT
1900 S. CESAR CHAVEZ BLVD
DALLAS, TX. 75215
DATE: 01/11/2023
DRAWN BY: [Name]
CHECKED BY: [Name]

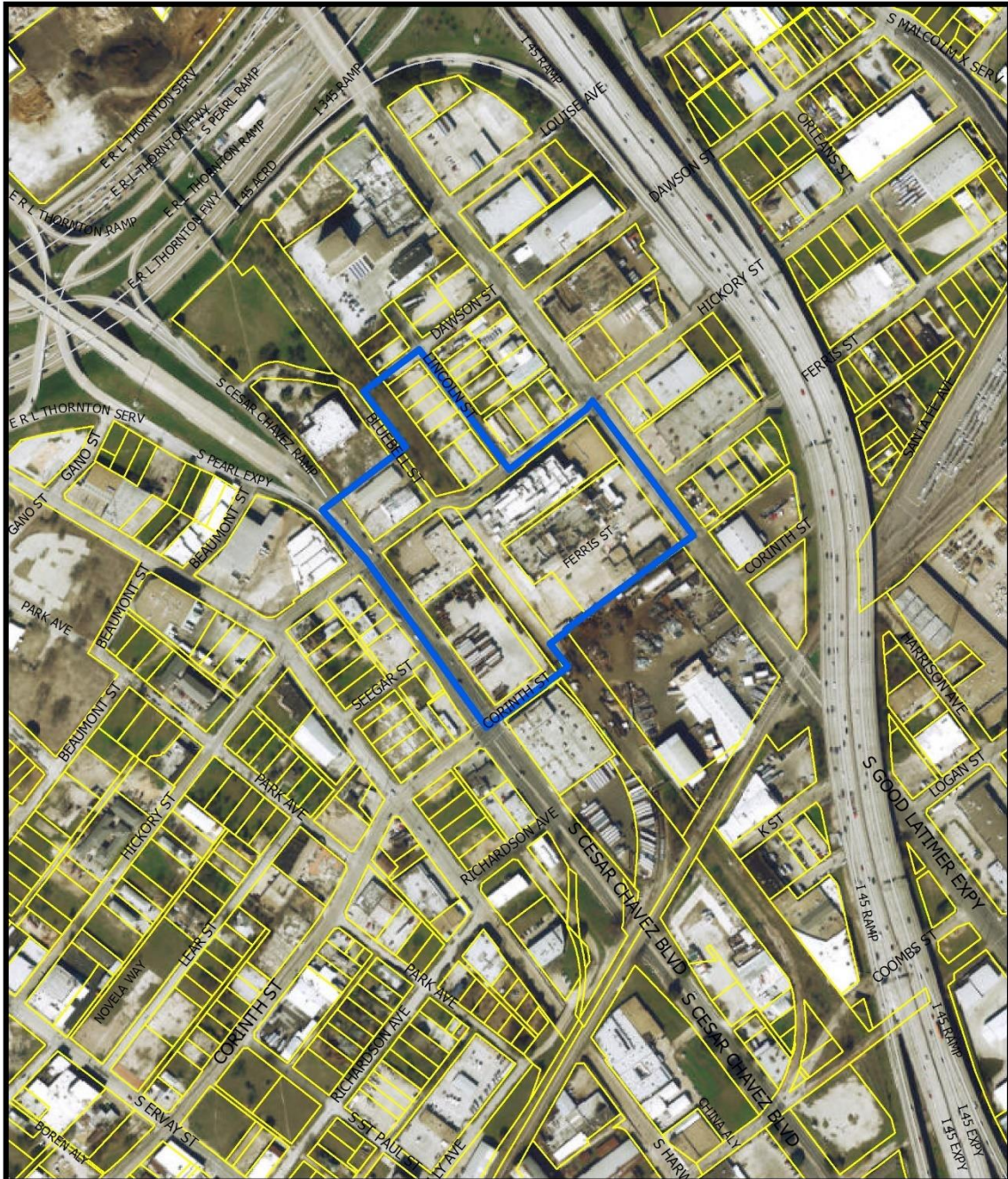


1:7,200

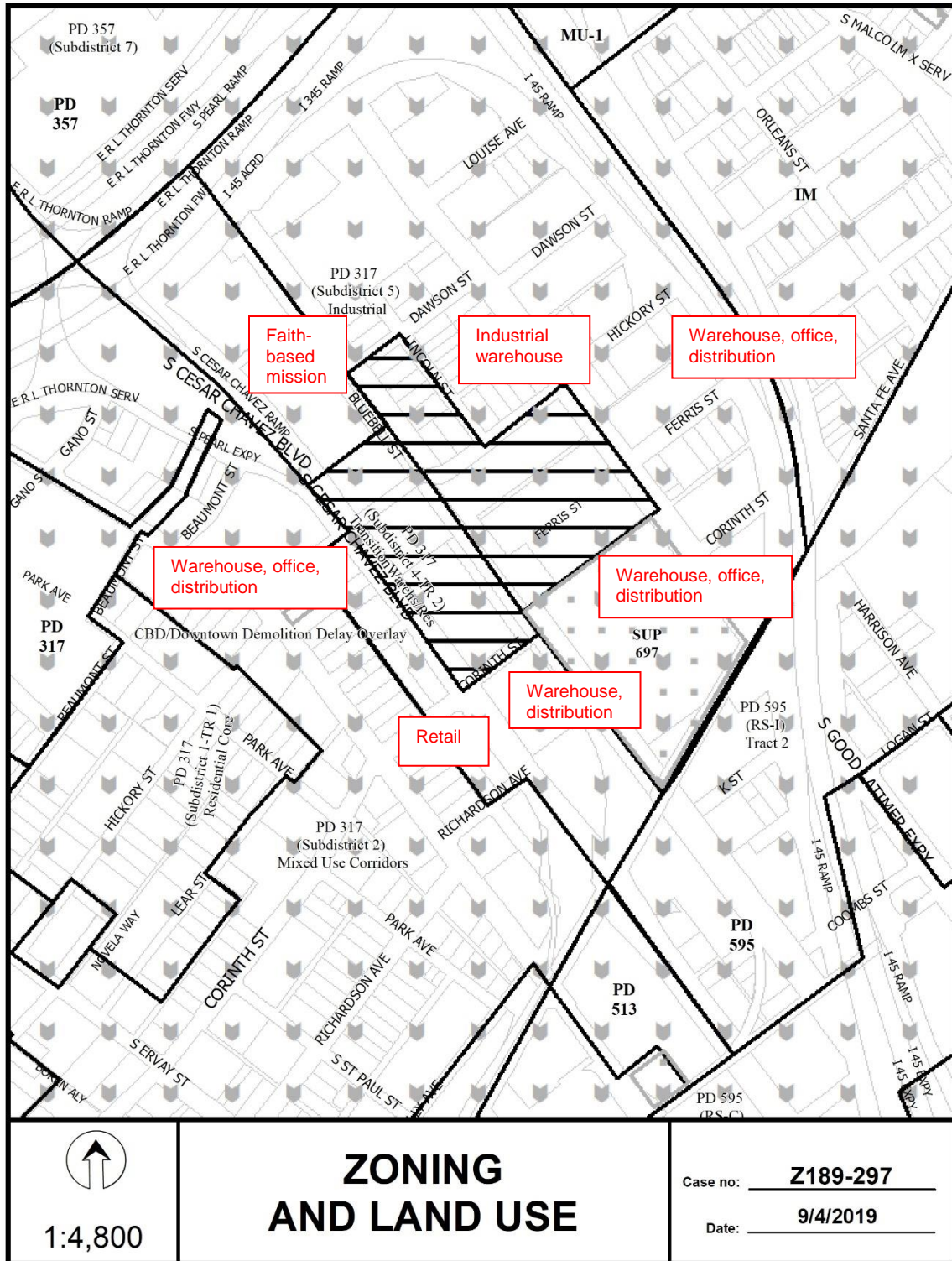
VICINITY MAP

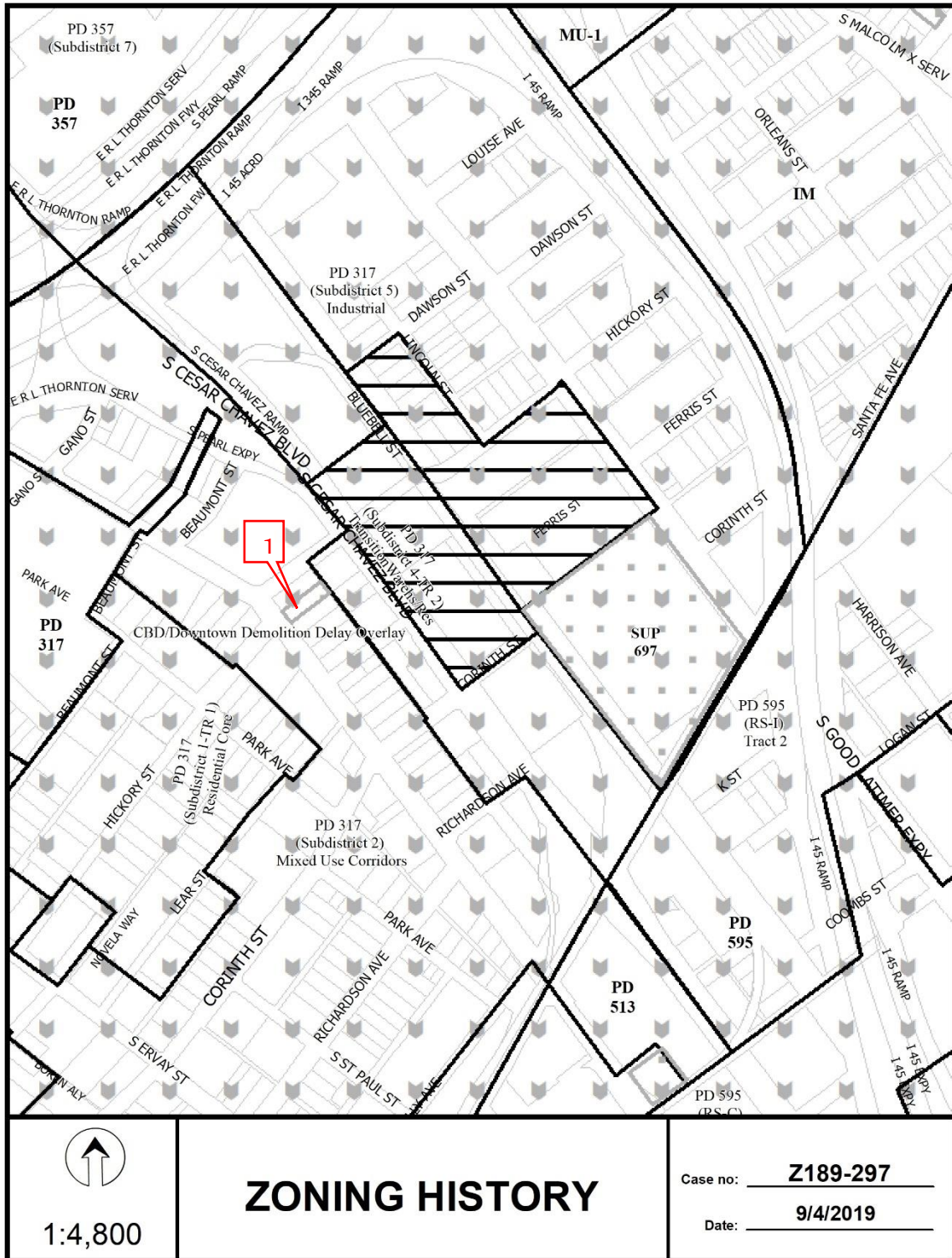
Case no: Z189-297

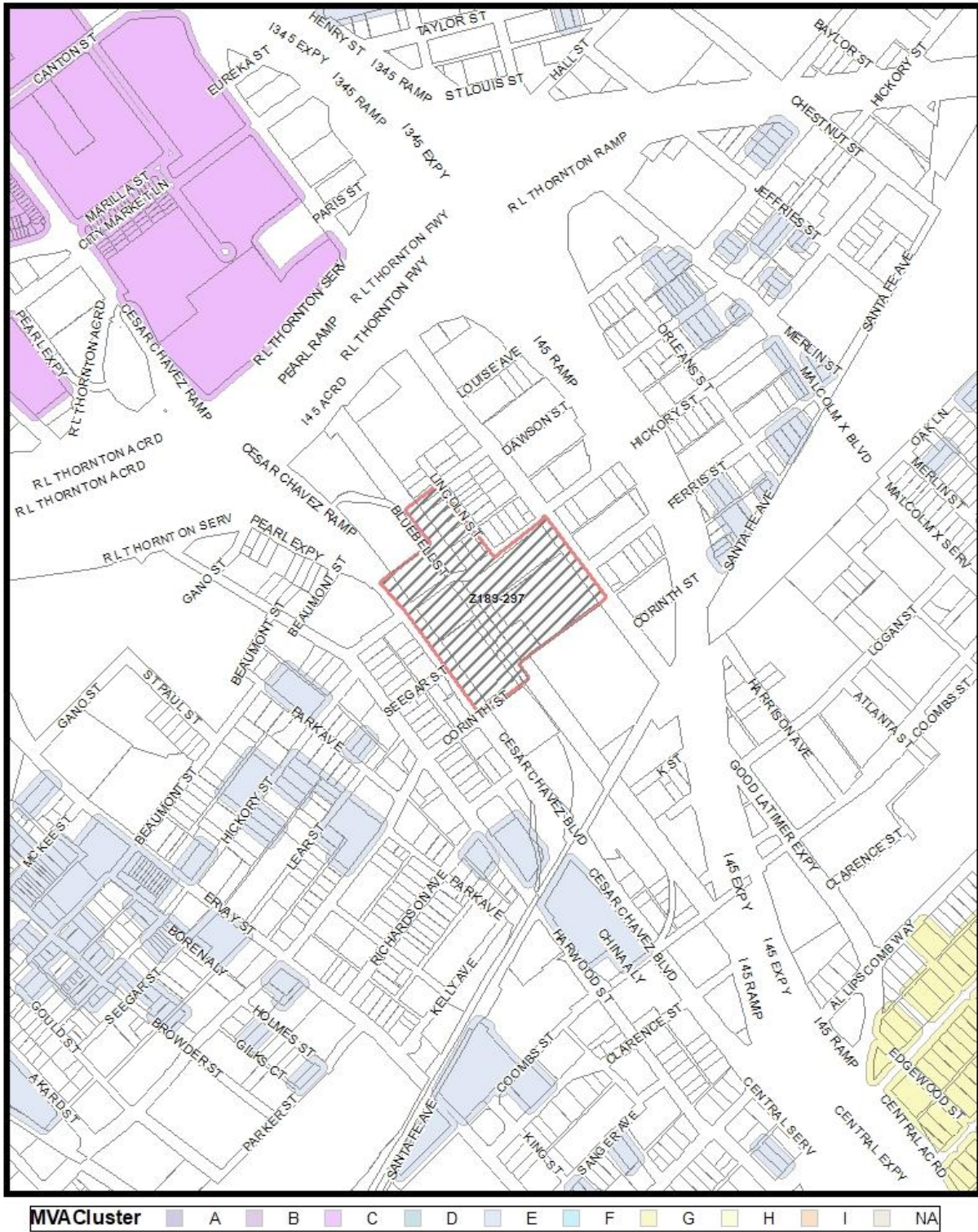
Date: 9/4/2019



<p>↑</p> <p>1:4,800</p>	<p>AERIAL MAP</p>	<p>Case no: <u>Z189-297</u></p> <p>Date: <u>9/4/2019</u></p>
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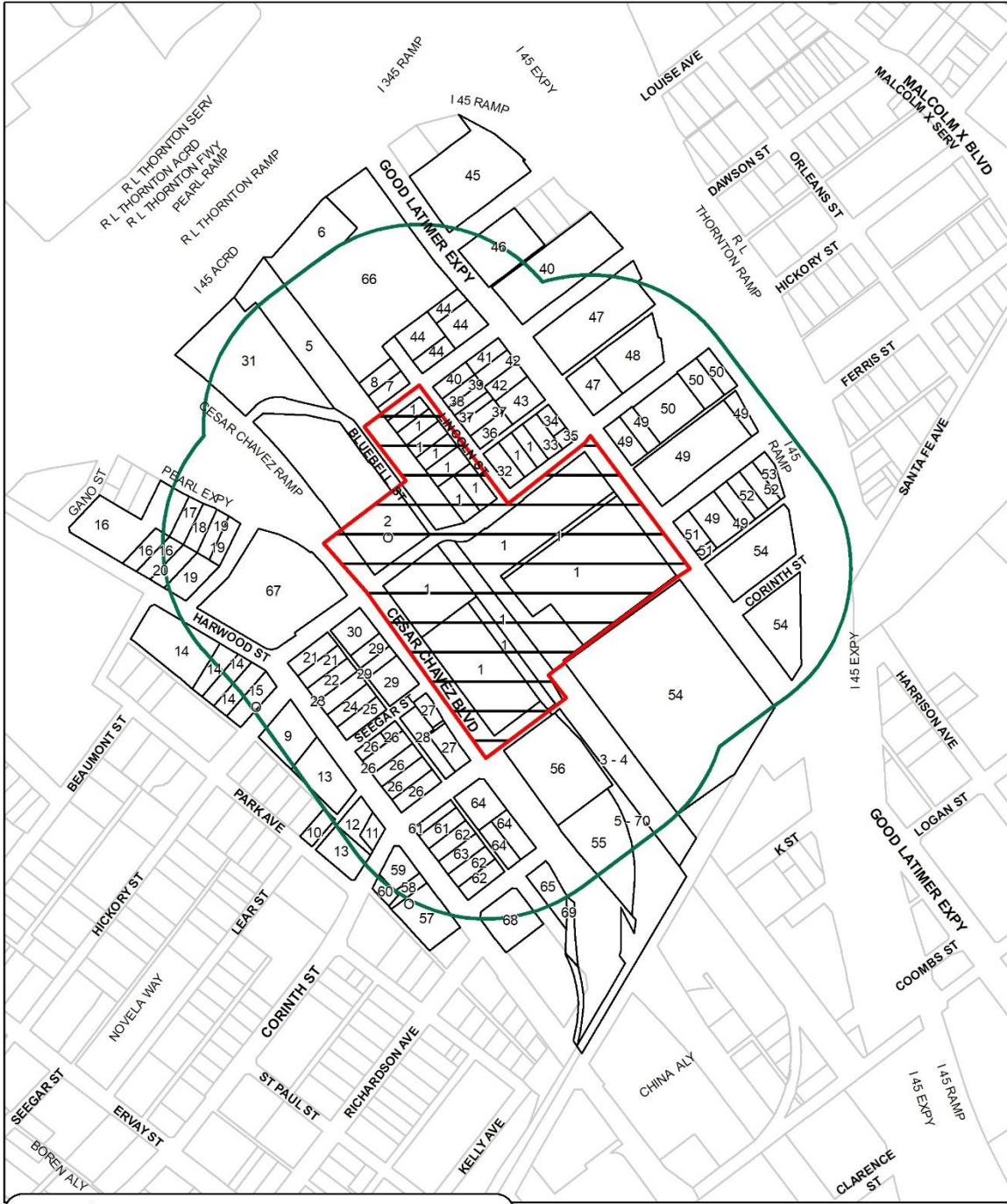






Market Value Analysis

CPC RESPONSES



70	Property Owners Notified (126 parcels)
3	Replies in Favor (3 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
9/19/2019	Date

Z189-297
CPC



1:4,800

09/18/2019

Reply List of Property Owners***Z189-297******70 Property Owners Notified 3 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2301 HICKORY ST	CEDAR EAST PHASE I LLC
O	2	1836 S CESAR CHAVEZ BLVD	KHAN ESTHER J &
	3	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	4	9999 NO NAME ST	UNION PACIFIC RR CO
	5	401 S BUCKNER BLVD	DART
	6	2424 E R L THORNTON FWY	1889 ACQUISITIONS LLC
	7	1747 LINCOLN ST	NCWPCS MPL 28
	8	1747 LINCOLN ST	NCWPCS MPL 28
	9	1901 S HARWOOD ST	GANO15 LLC
	10	1924 PARK AVE	PARK CDR LLC
	11	2009 S HARWOOD ST	MCNEELY JAMES T &
	12	2001 S HARWOOD ST	MCNEELY JAMES THOMAS &
	13	1905 CORINTH ST	G5 RE HOLDINGS LLC
	14	1821 S HARWOOD ST	KAOLIN RE HOLDINGS CORPORATION
O	15	1835 S HARWOOD ST	TOMAINO PPTIES LP
	16	1702 S HARWOOD ST	PRICE HARRY H & SON INC
	17	1705 S PEARL EXPY	PRICE HARRY H & SO INC
	18	1709 S PEARL EXPY	HARRY H PRICE & SON INC
	19	1715 S PEARL EXPY	ROSIE APARTMENTS LTD
	20	1710 S HARWOOD ST	ECHOLS JULIAN B
	21	1900 S HARWOOD ST	HARWOOD AT HICKORY LP
	22	1910 S HARWOOD ST	1910 HARWOOD LLC
	23	1912 S HARWOOD ST	1910 HARWOOD LLC
	24	1916 S HARWOOD ST	BOUCHER DANIEL D
	25	1920 S HARWOOD ST	HICKORY CDR EAST LLC
	26	2010 SEEGAR ST	2000 HARWOOD LLC

09/18/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2025 CORINTH ST	TITANINIS LLC
	28	2015 CORINTH ST	SOLIS JONATHAN
	29	2019 S CESAR CHAVEZ BLVD	HOPKINS CESAR CHAVEZ LTD
	30	1907 S CESAR CHAVEZ BLVD	CHAVEZ HOPKINS CESAR LTD
	31	1600 S CESAR CHAVEZ BLVD	CEDAR EAST PHASE I LLC
	32	2401 HICKORY ST	WELLS B B
	33	2415 HICKORY ST	PARK PLACE REALTY & PROPERTY MANAGEMENT
	34	1825 S GOOD LATIMER EXPY	PARK PLACE REALTY & PPTY MGMT LLC
	35	1829 S GOOD LATIMER EXPY	PARK PLACE REALTY & PROPERTY MANAGEMENT &
	36	1816 LINCOLN ST	GAY LOUIS
	37	1812 LINCOLN ST	PILGRIMS PRIDE CORP
	38	1806 LINCOLN ST	PILGRIMS PRIDE CORP
	39	1804 LINCOLN ST	SLOAN STEVEN R
	40	1800 LINCOLN ST	DUARTE ALFREDO & JESSE MENDOZA PT
	41	1801 S GOOD LATIMER EXPY	DUARTE ALFREDO &
	42	1805 S GOOD LATIMER EXPY	EVELYN JO ANN GROUP LP
	43	1815 S GOOD LATIMER EXPY	EVELYN JO ANN GROUP LP &
	44	1732 LINCOLN ST	ENNA JOELLA &
	45	2525 LOUISE AVE	BRIDGFORD DISTRIBUTING CO
	46	2506 LOUISE AVE	DUARTE ALFREDO &
	47	2503 HICKORY ST	1808 PARTNERS LP
	48	2511 HICKORY ST	STEGER T P JR ETAL
	49	2500 HICKORY ST	CHILDRESS FURNITURE &
	50	2526 HICKORY ST	HICKORY STREET PROP LLC
	51	2010 S GOOD LATIMER EXPY	COMMERCIAL METALS
	52	2520 FERRIS ST	COMMERCIAL METALS COMPANY
	53	2528 FERRIS ST	SMITH MIKE
	54	2116 S GOOD LATIMER EXPY	COMMERCIAL METALS CO
	55	2200 S CESAR CHAVEZ BLVD	COMMERCIAL METALS CO
	56	2102 S CESAR CHAVEZ BLVD	RININI LLC
	57	2121 S HARWOOD ST	2131 SOUTH HARWOOD LLC

Z189-297(AU)

09/18/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	58	2111 S HARWOOD ST	2111 HARWOOD LAND TRUST
	59	2107 S HARWOOD ST	D REALTY INVESTMENT INC
	60	1916 CORINTH ST	PREFER REALTY ADVISORS INC
	61	2102 S HARWOOD ST	JAMES THOMAS MCNEELY
	62	2108 S HARWOOD ST	LENOVITZ J MARSHALL
	63	2112 S HARWOOD ST	LENOVITZ MARSHALL
	64	2013 RICHARDSON AVE	GUERRA MARIA
	65	2223 S CESAR CHAVEZ BLVD	CHARALAMBOPOULOS GEORGE
	66	1601 S GOOD LATIMER EXPY	BRIDGFORD FOODS CORP
	67	1814 S HARWOOD ST	POLA LTD
	68	2206 S HARWOOD ST	FRESH REALTY INVESTMENTS
	69	2300 AL LIPSCOMB WAY	BNSF RAILWAY
	70	401 S BUCKNER BLVD	DART