

**FILE NUMBER:** Z212-321(JM)                      **DATE FILED:** August 7, 2022  
**LOCATION:** Northwest corner of Sunset Avenue and South Bishop Avenue  
**COUNCIL DISTRICT:** 1  
**SIZE OF REQUEST:** 0.438 acres                      **CENSUS TRACT:** 48113004700

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**OWNER/  
APPLICANT:** JDAL Properties, Inc.

**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates

**REQUEST:** An application for a new subarea on property zoned Subarea 4 within Planned Development District No. 316, the Jefferson Area Special Purpose District.

**SUMMARY:** The purpose of the request is to allow for modified development standards primarily related to permitted uses, setbacks, and dwelling unit density to permit a multifamily development.

**STAFF RECOMMENDATION:** Approval, subject to conditions.

**PD No. 316 Article and Exhibits:**

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=316>

**PRIOR CPC ACTION:** On April 20, 2023, the City Plan Commission held this case under advisement pending further consideration of the conditions proposed. At the time of this report, no conditions had been modified.

**BACKGROUND INFORMATION:**

- Planned Development District No. 316 was established on July 26, 1989 for mixed uses. The PD has been amended many times and currently contains nine subareas with a total of 176.41 acres of land. The subject site is located within Subarea 4, for medium density office and mixed uses.
- The current zoning permits a multifamily use. The site contains under half an acre at the northwest corner of Sunset Avenue and South Bishop Avenue.
- The application is made to adjust the setbacks, height, dwelling unit density, to match the adjacent property to the north which is zoned Subdistrict 3 within PD No. 830. This application also provides mixed-income housing with added urban design standards as a bonus for the added dwelling unit density and amended setbacks and reduced parking for a multifamily use.

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

1. **Z212-333:** On March 8, 2023, the City Council approved an application for a new subarea (3A) on property zoned Subarea 3 within Planned Development District No. 316, the Jefferson Area Special Purpose District, located on the northeast corner of South Zang Boulevard and West Twelfth Street.
2. **Z212-120:** On January 26, 2022, the City Council approved an application for the renewal of Specific Use Permit No. 2367 for an alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery on property zoned Subarea 4 within Planned Development District No. 316, the Jefferson Area Special Purpose District located on the south line of Sunset Avenue between South Bishop Avenue and South Madison Avenue.
3. **Z201-352** On March 9, 2022, the City Council approved an application authorizing SUP No. 2449 for an alcoholic beverage establishment limited to a private club-bar on property zoned Subdistrict 3B within Planned Development District No. 830, located on the southeast corner of North Madison Avenue and West 9th Street.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing/Proposed ROW
Bishop Avenue	Local Street	-
Sunset Avenue	Local Street	-

**Traffic:**

The Transportation Development Services Division of the Transportation Department has reviewed the current zoning request and does not anticipate that it will significantly impact the surrounding roadway system.

**COMPREHENSIVE PLAN:**

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

**LAND USE ELEMENT**

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

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

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

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

**ECONOMIC ELEMENT**

**GOAL 2.1** PROMOTE BALANCED GROWTH

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

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

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

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

**URBAN DESIGN ELEMENT**

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

**Policy 5.1.1** Promote pedestrian friendly streetscapes.

**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 5.2.1** Maintain neighborhood scale and character.

**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.

**NEIGHBORHOOD PLUS**

**GOAL 6.1** Raise the quality of rental property through better design standards, proactive and systematic code enforcement, and zero tolerance toward chronic offenders.

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

**Land Use:**

<b>Area</b>	<b>Zone</b>	<b>Uses</b>
<b>Site</b>	Subarea 4, PD No. 316	Undeveloped
<b>North</b>	Subdistrict 3 and 3A, PD No. 830	Multifamily, public library, and undeveloped
<b>East</b>	Subarea 4, PD No. 316	Single family and multifamily
<b>South</b>	Subarea 4, PD No. 316	Single family, duplex, surface parking, and church with surface parking
<b>West</b>	Subarea 4, PD No. 316	Single family, multifamily, and church with surface parking

**STAFF ANALYSIS:**

**Land Use Compatibility:**

The site is surrounded by a mix of residential and institutional uses including single family to the west, southwest, east, and southeast; a church with surface parking to the west and southeast; and a library to the northeast. Multifamily uses are found to the northeast, north, east, and west. A duplex use and other assorted multiplexes are found along Sunset Avenue and in surrounding areas.

The applicant is proposing to develop the site with up to 44 dwelling units. The land use is currently permitted and continues to be consistent with the neighborhood.

**Development Standards:**

REGULATION	EXISTING ZONING Site	PROPOSED Site	EXISTING ZONING Abutting north
Land Use	SD 4—Office/Mixed-Use Medium Density	SD 4A (new) Bishop/Sunset	PD 830 SD 3 East Garden District
Front Yard Setback	15' 20' urban form after 30' in height	15' w/MIH Min 0' Max 10' w/75% façade within this area	Min 0' Max 10' w/75% façade within this area
Side and Rear Yard Setback	0' OR 10' 20' w/res. adj. Tower spacing required after 30' in height	0' side Tower spacing required on western property line. 0' or 10' rear	0' side 0' or 10' rear
Dwelling Unit Density and/or FAR	Based on mix of uses: 2 use categories, 50 DU/acre 3 use categories, 60 DU/acre  FAR see chart	50 DU/acre w/MIH 100 DU/acre  FAR 1.25 w/MIH FAR 2.0	None and none
Height	90'	50' 75' along Bishop 4 stories above grade, 5 along Bishop	50' 75' along Bishop 4 stories above grade, 5 along Bishop
Residential Proximity Slope	Yes	No	No
Lot Coverage	80%	80%	100%
Off-Street Parking & Loading	51A + 316 MUP shared parking chart	51A + 316 MUP shared parking chart w/MIH, 1 space per DU.	51A + 830 Multifamily is 1 space per bedroom w/max 2 spaces per DU.
Landscaping	51A/X + 316	No changes requested. 51A/X + 316	51A/X
Signs	Business + 316	No changes requested. Business + 316	Nonbusiness + 830
Mixed-Income Housing	None	5% at 61-80 AMFI	None

*Setbacks.* PD No. 316 has a typical setback minimum which creates open areas at streets and usually allows for parking to be provided in front yards of residential neighborhoods.

PD No. 830 follows a form district approach of a minimum/maximum building setback zone to pull structures closer to the street, maximize building area, provide a better pedestrian experience, and increase density in neighborhoods. This application is to adopt the setback zone approach for this corner lot, which would typically have to provide two front yards based on the remainder of the block frontages.

Since the proposed new subdistrict would create the setback zone as a bonus if mixed-income housing is provided, the PD language would control and the block continuity standard in [Sec. 51A-4.401](#)(a)(6) and (8) would not apply to this property despite the remainder of the block fronting along Sunset Avenue maintaining the Subarea 4, PD No. 316 front yard requirement of 15 feet.

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PD No. 316 has a side yard setback requirement of 0 feet or 10 feet. An additional side and rear tower spacing requirement sets back structures one-foot for each additional two feet-in-height above 30 feet. PD No. 830 has no minimum side yard setback, which is similar to the existing requirement since either the 0 or 10-foot setback could be achieved with no minimum required.

The applicant has agreed to provide a tower spacing setback of one-foot for each two feet-in-height above 30 feet along the western property line. The abutting property would remain Subdistrict 4 in PD No. 316 with no side yard setback; however, tower spacing does apply.

*Dwelling Unit Density.* The dwelling unit density in Subarea 4 is based on the mix of uses provided. A straight multifamily product is not currently permitted. A minimum mix of two uses is required to obtain 50 dwelling units per acre. With three uses, the dwelling unit density per acre increases to 60. The subject site is 0.438 acres, which with a mix of uses would permit from 22 to a maximum of 26 dwelling units.

The adjacent zoning to the north is Subdistrict 3 in PD No. 830 which has no dwelling unit density and permits the use by right with no mixed-use project requirements.

This application finds a middle ground by permitting 50 dwelling units per acre with a bonus for mixed-income housing to increase the dwelling unit density to 100 dwelling units per acre. The site could have from 22 to 44 dwelling units. The maximum increase is 18 dwelling units.

*Floor Area Ratio.* Subarea 4 in PD No. 316 requires a mixed-use project MUP to (1) permit a multifamily use, (2) determine the FAR, and (3) determine the dwelling unit density as described above. The chart on the following page is found on [page 25](#) of the currently published PD No. 316. There seems to be a scrivener's error on the total development FAR for a mix of three uses with residential indicating 0.25 FAR where it should likely state 2.25 FAR. This is under review by staff and the CAO to determine the process for identifying the correction measures needed.

Ultimately, the table indicates the FAR range for the current Subarea 4 is between 1.0 and 2.25. The adjacent Subdistrict 3 in PD No. 830 has no FAR maximum and no MUP requirement.

**MAXIMUM FLOOR AREA RATIO**

<b><u>Use Categories</u></b>	<b><u>Base (no MUP)</u></b>	<b><u>MUP=2 (no Res)</u></b>	<b><u>MUP=2 (with Res)</u></b>	<b><u>MUP=3 (no Res)</u></b>	<b><u>MUP=3 (with Res)</u></b>
<b>Office</b>	<b>1.0</b>	<b>1.25</b>	<b>1.5</b>	<b>1.5</b>	<b>1.75</b>
<b>Residential</b>	---	---	<b>1.25</b>	---	<b>1.5</b>
<b>Retail and personal service</b>	<b>0.8</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>
<b>TOTAL DEVELOPMENT</b>	<b>1.0</b>	<b>1.7</b>	<b>2.0</b>	<b>2.0</b>	<b>.25</b>

The current request is to permit 1.25 FAR, keep the MUP chart as an option while no longer requiring multifamily as strictly a part of a MUP, and provide mixed-income housing for a FAR bonus creating a maximum of 2.0 FAR.

*Height and RPS.* Subarea 4 in PD No. 316 allows a maximum height of 90 feet; however, restricts portions of the structure above 36-feet-in-height to RPS. Subdistrict 3 in PD No. 830 has a maximum height of 50 feet except for properties along Bishop Avenue and Zang Boulevard being permitted to reach up to 75-feet-in-height.

The surrounding area is either Subarea 4 in PD No. 316 or Subdistrict 3 within PD No. 830. Neither of these qualify as origination sites for RPS based on [Sec.51A-4.412\(a\)\(3\)\(B\)](#) which notes that a PD for residential uses with heights not exceeding 36-feet-in-height would qualify as a site of origination for RPS. Therefore, the applicant's request to adopt the height found in Subdistrict 3 of PD No. 830 to be between 50 (Sunset Avenue) and 75 feet (Bishop Avenue) depending on the street frontage is an overall reduction in height from the currently permitted 90 feet in Subarea 4 of PD No. 316.

*Mixed-Income Housing.* The new Subarea 4A would integrate mixed-income housing for the benefit of the amended setbacks and increased dwelling unit density. The proposed request would allow the construction of 44 multifamily rental units, including five percent mixed-income units at 61 to 80 percent of AMFI. This equates to a maximum of three affordable housing units.

The applicant requests development rights to allow a reduction in setbacks and an increase in density, leveraging their proposal to provide design standards and ensure the development has an affordable housing component.

Staff uses the Market Value Analysis (MVA) categories to evaluate requests for PDs with mixed-income housing. The area of request is located in a "E" MVA area. In "D," "E," and "F" MVA areas, staff's standard recommendation is that five percent of the total units be reserved for households at 61 to 80 percent of AMFI. The applicant's proposal is in line with staff's standard recommendation.

### **Design Standards**

The applicant proposes that the design standards for mixed-income housing found in Sec. 51A-4.1107 are not required for the site and instead proposes alternative design standards. Alternative design standards for exterior facades, individual entries, lighting, and open space are integrated into the PD request.

The design standards relating to exterior facades, individual entries, sidewalks, lighting, and open space meet the minimum criteria set forth in the MIHDB design standards. It should be noted that the 10 percent open space is being met through the required landscaping areas, as permitted by the design standards.

The proposed design standards exceed the minimum provided in the MIHDB design standards by requiring articulation for areas exceeding 30-foot-in-length and 100-foot-in-length, two and four façade articulations are required, respectively. Finally, an improved pedestrian realm is supported with (1) a standard for improved pedestrian driveway crossings requiring that at each driveway and sidewalk intersection, driveways must be clearly marked by colored concrete, patterned, or stamped or brick pavers for pedestrian crossing; and (2) required pedestrian amenities including two benches, two trash cans, and a bicycle rack on one of the street frontages for the site.

Overall, the design standards not accepted from the MIHDB program include encroachments, front yard fences, and non-required fences.

Ultimately, staff finds these alternative design standards to meet the intent of those in Sec. 51A-4.1107.

### **Landscaping:**

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended.

### **Parking:**

The applicant proposes to meet standard parking requirements in Division 51A-4.200 for the multifamily use. If MIH is provided, the PD proposes a reduced parking ratio of one space per dwelling unit.

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

With typical base zoning and the MIHDB, the applicant has the option to use the mixed income housing parking ratio for multifamily in Division 51A-4.1100. This ratio requires a minimum one-half space per dwelling unit, which equates to a total of 22 spaces required



for the 44 multifamily dwelling units proposed. Under this ratio, at least 15 percent of the required parking must be available for guest parking. This would simply be the *minimum* number of required spaces – the applicant could still provide additional spaces in excess of the required minimum. This provision has been added as a bonus to the new subarea if mixed income housing is provided.

PD No. 316 has a shared parking table for mixed-use projects. If the developer decides to provide a mix of uses, the shared parking is still an option for meeting the parking needs.

### **Market Value Analysis**

Market Value Analysis (MVA) is a tool to aid residents and policymakers 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 target intervention strategies more precisely 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 categorized an “E” MVA cluster.

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**LIST OF OFFICERS**

**Property Owner and Applicant: JDAL Properties, Inc.**

Jeff Bosse

**PROPOSED AMENDING CONDITIONS**

**ARTICLE 316.**

**PD 316.**

**ARTICLE 316.**

**PD 316.**

**Jefferson Area Special Purpose District**

**SEC. 51P-316.101. LEGISLATIVE HISTORY.**

PD 316 was established by Ordinance No. 20389, passed by the Dallas City Council on July 26, 1989. Ordinance No. 20389 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Ordinance No. 20389 was amended by Ordinance No. 21319, passed by the Dallas City Council on June 10, 1992; Ordinance No. 22202, passed by the Dallas City Council on September 28, 1994; Ordinance No. 22705, passed by the Dallas City Council on March 13, 1996; Ordinance No. 22726, passed by the Dallas City Council on April 10, 1996; Ordinance No. 23772, passed by the Dallas City Council on January 27, 1999; and Ordinance No. 25026, passed by the Dallas City Council on September 11, 2002. (Ord. Nos. 10962; 19455; 20389; 21319; 22202; 22705; 22726; 23772; 25026; 25850; 29470)

**SEC. 51P-316.102. PROPERTY LOCATION AND SIZE.**

(a) PD 316 is established on property generally bounded by an alley between Tenth Street and Sunset Avenue on the north, Beckley Avenue on the east, an alley between Page Avenue and Twelfth Street on the south, an alley between Polk Street and Willomet Avenue on the west, and Tyler Street and Tyler Street Connection on the southwest corner. The size of PD 316 is approximately 176.41 acres.

(b) This district is divided into nine subareas: Subareas 1, 2, 3, 3A, 4, 4A, 5, 6, 7, and 8. (Ord. Nos. 20389; 22202; 25850; 28617; 29470)

**SEC. 51P-316.103. DEFINITIONS AND INTERPRETATIONS.**

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

(1) A-FRAME SIGN means a portable detached premise sign that is hinged at the top and is made of durable, rigid materials such as wood, plastic, or metal.

(2) ARTICULATION means any portion of the exterior of a structure, building facade, or facade that includes a material change, facade openings, columns, pilasters, or other architectural elements.

(3) ARTISAN AND SPECIALTY GOODS SHOP means a small scale business that manufactures artisan goods or specialty foods for sale on-premise or off-premise. This use does not include other uses that are specifically listed in 51A-4.200.

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- (4) ART OR CRAFT PRODUCTION FACILITY means a facility for the production of handcrafted art or craft products through processes such as kiln firing, glass blowing, welding, or woodworking, and for the sale of the products to the general public.
- (5) ARTWORK means any pictorial or image presentation or design.
- (6) AWNING SIGN means any sign that is attached to or applied to or painted on an awning.
- (7) BAIL BOND OFFICE means an office for the issuance, brokerage, or procurement of bail bond, whether as an accessory use or a main use.
- (8) BED AND BREAKFAST means a lodging use that has no more than five guest rooms; provides accommodations for periods not to exceed five nights; serves no meals other than breakfast; and is a member of, or certified by, a recognized bed and breakfast association such as the National Bed and Breakfast Association (NBBA) or Historic and Hospitality Accommodation of Texas.
- (9) BLADE SIGN means an attached premise sign that projects perpendicularly from a main building facade, is visible from both sides, and is made of rigid or soft fabric material.
- (10) BOUTIQUE HOTEL means a lodging facility with 30 or fewer guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days; provides food that is prepared on-site; and more than 50 percent of the guest rooms are internal-entry.
- (11) COMMERCIAL PARKING GARAGE means a multistory vehicle parking facility that is operated as a business enterprise by charging a fee for parking.
- (12) COMMERCIAL PARKING LOT means an at-grade vehicle parking facility that is operated as a business enterprise by charging a fee for parking.
- (13) CORNER LANDSCAPING AREA means the portion of a surface parking lot beginning at the point of intersection of two rights-of-way, measuring 12.5 percent of the length of each right-of-way to a point, then connecting all three points to form an area that can be any shape, not to exceed 225 square feet in area.
- (14) DOOR YARD means the area between the edge of the sidewalk farthest from the street and the front building facade.
- (15) ISLAND LANDSCAPING AREA means an area, excluding the corner landscaping area, that is located on a surface parking lot.
- (16) LIQUOR STORE 3,500 SQUARE FEET OR LESS means an establishment with a floor area of 3,500 square feet or less principally for the retail sale of alcoholic beverages for off- premise consumption, as defined in the Texas Alcoholic Beverage Code.
- (17) LIQUOR STORE GREATER THAN 3,500 SQUARE FEET means an establishment principally for the retail sale of alcoholic beverages for off-premise consumption, as defined in the Texas Alcoholic Beverage Code with a floor area greater than 3,500 square but less than 100,000 square feet.
- (18) LIQUOR STORE 100,000 SQUARE FEET OR MORE means an establishment with a floor area 100,000 square feet or more principally for the retail sale of alcoholic beverages for off-

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premise consumption, as defined in the Texas Alcoholic Beverage Code.

(19) LIVE/WORK UNIT means an interior space with street level access that combines residential with office or retail and personal service uses. A live/work unit is considered a nonresidential use.

(20) MARQUEE SIGN means a changeable message sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building.

(21) MUP means a mixed use project as defined in Section 51P-316.106 of this article.

(22) PAINTED APPLIED SIGN means a sign painted directly onto the exterior facade of a building, not including doors or windows.

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

(24) PERIMETER LANDSCAPING AREA means an area on a surface parking lot three feet in width, abutting the right-of-way, and extending the length of the street frontage of a surface parking lot, excluding the corner landscaping area and openings for pedestrian and vehicular access.

(25) PROJECTED STREET CURB means the future location of the street curb consistent with the city's thoroughfare plan, as determined by the director of street services.

(26) STREET FACADE means any facade that faces a lot line that abuts a public right-of-way.

(27) TRANSPARENCY means the total area of window and door openings filled with glass, expressed as a percentage of the total facade area by story.

(28) WINDOW SIGN means a sign painted or affixed to a window or hanging parallel within 24 inches of a window and visible from the outside.

(b) Interpretations.

(1) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(2) Except as provided in this article, 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.

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

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

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

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

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

(D) 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.)

(E) 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.)

(F) The symbol *[MUP]* appearing after a listed use means that the use is permitted only as part of a mixed use project. (For more information regarding mixed use projects generally, see Section 51P-316.106 of this article.) (Ord. Nos. 20389; 25850; 29470)

**SEC. 51P-316.104. EXHIBITS.**

The following exhibits are incorporated into this article:

(1) Exhibit 316A: subarea map.

(2) Exhibit 316B: perimeter property description. (Ord. Nos. 28617; 29470)

**SEC. 51P-316.105. NAME OF DISTRICT.**

PD 316 is to be known as the Jefferson Area Special Purpose District. (Ord. Nos. 20389; 25850; 29470)

**SEC. 51P-316.106. MIXED USE PROJECTS (MUP).**

(a) In general. Single or multiple uses may be developed on one site in this district; however, to encourage a mixture of uses and promote innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel, density bonuses are awarded to developments in Subareas 1, 2, 3, 4, 4A 6, and 8 that qualify as "mixed use projects" as defined in Subsection (b). If a development does not qualify as an MUP, it is limited to a "base" dwelling unit density and floor area ratio. When a development qualifies as an MUP, it earns a higher maximum dwelling unit density and floor area ratio. Additional FAR bonuses are incrementally awarded to encourage the inclusion of "residential" as part of an MUP. The exact increments of increase vary depending on the use categories mixed and the subarea that the MUP is in. For more information regarding the exact increments of increase, consult the yard, lot, and space regulations in this article governing the particular subarea of interest.

(b) Qualifying as a mixed use project. To qualify as an MUP, a development must contain uses in two or more of the following categories, and the combined floor areas of the uses in each category must equal or exceed the following percentages of the total floor area of the project:

**SUBAREAS 1, 2, and, 8**

<b><u>Use Category</u></b>	<b><u>Percent of Total Floor Area</u></b>
<b>Lodging</b>	<b>15 percent or 75 guest rooms, whichever is greater</b>
<b>Office</b>	<b>15 percent</b>
<b>Residential</b>	<b>15 percent or 20 dwelling units, whichever is greater</b>
<b>Retail and personal service</b>	<b>10 percent</b>

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**SUBAREA 3**

<b><u>Use Category</u></b>	<b><u>Percent of Total Floor Area</u></b>
<b>Lodging</b>	<b>15 percent or 75 guest rooms, whichever is greater</b>
<b>Office</b>	<b>15 percent</b>
<b>Residential</b>	<b>10 percent or 15 dwelling units, whichever is greater</b>
<b>Retail and personal service</b>	<b>5 percent</b>

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**SUBAREA 4 and 4A**

<b><u>Use Category</u></b>	<b><u>Percent of Total Floor Area</u></b>
<b>Office</b>	<b>15 percent</b>
<b>Residential</b>	<b>10 percent or 10 dwelling units, whichever is greater</b>
<b>Retail and personal service</b>	<b>5 percent</b>

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**SUBAREA 6**

<b><u>Use Category</u></b>	<b><u>Percent of Total Floor Area</u></b>
<b>Office, or retail and personal service, or both</b>	<b>20 percent</b>
<b>Residential</b>	<b>20 percent</b>

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(c) Mixed use project (MUP) regulations.

(1) If an MUP is proposed, a project plan that complies with this article must be submitted to and approved by the building official.

(2) An MUP without residential uses must have a minimum combined floor area of 20,000 square feet.

(3) If an MUP is constructed in phases:

(A) the first phase must independently qualify as an MUP under Subsection (b); and

(B) each subsequent phase combined with all previous phases already completed or under construction must also qualify as an MUP under Subsection (b).

(4) An MUP may consist of two or more building sites if they are developed under a unified development plan. The plan must be:

(A) signed by or on behalf of all of the property owners involved;

(B) approved by the building official; and

(C) filed in the deed records of the county where the property is located.

(5) When an MUP consists of multiple building sites, its development standards and off-street parking and loading requirements are calculated by treating the multiple building sites as one building site. (Ord. Nos. 20389; 25850; 29470)

**SEC. 51P-316.107. ADDITIONAL PROVISIONS APPLICABLE TO CERTAIN USES.**

The "additional provisions" in Division 51A-4.200 apply to all uses in this district. The following additional provisions supplement and are cumulative of the additional provisions in that division for the specific main and accessory uses listed below:

(1) Accessory outside display of merchandise. This use may not:



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- (A) extend more than four feet from the main structure; or
- (B) reduce the unobstructed width of a sidewalk to less than six feet.

(2) Accessory outside sales. This use may not:

- (A) extend more than four feet from the main structure;
- (B) reduce the unobstructed width of a sidewalk to less than six feet; or
- (C) occur more than six days during any given month.

(3) Surface parking use.

(A) Site plan.

(i) A site plan must be submitted to and approved by the building official in accordance with this subparagraph before a building permit may be issued. Development of the property must comply with the site plan.

(ii) The site plan must include the following:

(aa) The number of existing and proposed parking spaces on the property.

(bb) The location and dimensions of the property.

(cc) The location and dimensions of all existing and proposed off-street parking and loading areas, parking bays, aisles, driveways, pedestrian access openings, and attendant booths.

(dd) The location and type of all existing and proposed landscaping, fencing, trash receptacles, lighting, and signs.

(ee) Any other information that the building official deems necessary for site plan review.

(B) Construction.

(i) The entire surface of a surface parking use may not deviate more than seven degrees from the horizontal plane. No portion of the surface may deviate more than 12 degrees from the horizontal plane.

(ii) No more than one two-way driveway or two one-way driveways are allowed for each 300 feet, or fraction thereof, of street frontage of the surface parking use.

(iii) The use of pervious materials is encouraged.

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(C) Lighting.

(i) A surface parking use must be lighted between one-half hour after sunset and 2:30 a.m. and between 6:00 a.m. and one-half hour before sunrise.

(ii) The intensity of required lighting on the surface where vehicles are parked must be:

(aa) an average of at least two footcandles, initial measurement, and at least one footcandle on a maintained basis; and

(bb) a minimum at any point of at least 0.6 footcandle initial, and at least 0.3 footcandle maintained or one-third of the average footcandle measurement for the lighted area, whichever is greater.

(iii) Light sources must be indirect, diffused, or shielded-type fixtures, installed to reduce glare and interference with boundary streets. Bare bulbs or strings of lamps are prohibited.

Fixtures must be attached to buildings or mounted on permanent poles.

(iv) (v) Fixtures must be at least 20 feet above the parking surface.

(vi) If there is a conflict between the text of this subparagraph and Section 51A-4.301(e), the text of this subparagraph controls.

(D) Access openings.

(i) Access openings may not exceed:

(aa) 30 feet in width for a two-way drive; and

(bb) 20 feet in width for a one-way drive.

(ii) At least one pedestrian access opening must be provided for every 30 feet of frontage on a public right-of-way. The pedestrian access opening must be eight feet in width.

(E) Fencing. Fencing is not required. If fencing is provided it:

(i) may not exceed six feet in height;

(ii) must be located behind a corner landscaping area; and

(iii) must be made of wrought iron, bollards, post-and-cable fencing; or other fencing material that is in keeping with the intent of this subparagraph, as determined by the director.

(F) Landscaping.

(i) Corner landscaping area.

(aa) Corner landscaping areas must be planted with a combination of ground cover, shrubs, and trees.

(bb) One tree or shrub per 25 square feet of corner landscaping area is required, with a minimum of two provided.

(ii) Perimeter landscaping area.

(aa) Perimeter landscaping areas must be planted with a combination of ground cover, shrubs, and trees at an average density of one group for each 30 linear feet of the perimeter area. If parking spaces are perpendicular to the perimeter landscaping area, the width of the perimeter landscaping area must be increased by a minimum of five feet. Car bumpers may overhang the perimeter landscaping area. If six-inch curbs are not provided, wheel stops must be provided.

(bb) The combination of ground cover, shrubs, and trees must include a minimum of one large canopy tree, three shrubs, and groundcover.

(iii) Island landscaping area.

(aa) One 160 square foot island landscaping area is required for surface parking uses containing 10,000 square feet of land area or more.

(bb) For each additional 2,000 square feet in surface parking area above 10,000 square feet, a minimum of 160 square feet of island landscaping area must be provided.

(cc) Island landscaping areas may be contiguous.

(dd) Island landscaping areas must include a minimum of one large canopy tree, five shrubs, and groundcover.

(iv) Alternative landscape plan. The director may approve an alternative landscape plan only if compliance with this subparagraph is not possible, the inability to comply is not self-created, and the alternative landscape plan is in keeping with the intent of this subparagraph. An alternative landscape plan may include placement of landscaping in alternative locations. An alternative landscape plan may reduce the square footage of landscape area if additional trees or shrubs are provided.

(v) Trees. All trees provided must be recommended for local area use and approved by the director. Each tree planted must have a caliper of at least two and one-half inches.

(vi) Shrubs and groundcovers. All shrubs and groundcovers provided must be recommended for local area use and be approved by the director.

(vii) Minimum tree clearance. All portions of a tree canopy above street pavement must be at least eight feet in height.

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(viii) Tree grates. Tree grates must be of a size adequate to permit healthy tree growth must be provided for all trees planted within a public sidewalk.

(G) Maintenance.

(i) Improvements must be properly maintained in a state of good repair and neat appearance at all times.

(ii) Plant materials must be maintained in a healthy, growing condition at all times.

(iii) The use of Water Wise landscaping is encouraged.

(H) Special exception.

(i) In general. Except as provided in this subparagraph, the board of adjustment may grant a special exception to any requirement of this paragraph if the board finds, after a public hearing, the special exception will not adversely affect the other properties within the subarea and strict compliance with the requirement would result in unnecessary hardship. If the board grants a special exception, it must specify the length of time the special exception is effective.

(ii) Lighting. The board shall not grant a special exception to a lighting requirement unless the board also finds, after a public hearing, that the special exception will not compromise the safety of persons using the parking lot. In determining whether to grant this special exception, the board shall consider:

(aa) the extent to which the parking will be used after dark;

(bb) the crime statistics for the area;

(cc) the extent to which adequate lighting may be provided by light sources located on adjacent property; and

(dd) the extent to which the surface parking lot will be secured by fences, gates, and chains.

(I) Off-street parking regulations. See Section 51P-316.111 for additional regulations for off-street parking.

(4) Tower/antenna for cellular communication use. This use is limited to mounted cellular antenna as defined in Section 51A-4.212(10.1)(A)(i).

(5) Vehicle display, sales, and service. This use must be contained entirely within a building. (Ord. Nos. 20389; 25850; 29470)

**SEC. 51P-316.108. USE REGULATIONS AND DEVELOPMENT STANDARDS.**

(a) Subareas 1, 2 and 8 (Central Area).

*Omitted for brevity.*

(b) Subarea 3 (Office/Mixed Use [High Density]).

*Omitted for brevity.*

(c) Subarea 4 (Office/Mixed Use [Medium Density]).

(1) Purpose. To provide for the development of medium density office, multifamily residential, commercial and business service uses, and limited retail uses in combination on single or contiguous building sites; to encourage innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Art or craft production facility. *[Maximum floor area is 5,000 square feet. A maximum of two deliveries and pick-ups of materials are allowed per week. The art or craft production facility may not operate between 7:00 p.m. and 7:00 a.m.]*

-- Catering service.

-- Custom business services.

-- Electronics service center.

-- Medical or scientific laboratory.

(C) Industrial uses.

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

(D) Institutional and community service uses.

-- Adult day care facility.

-- Child-care facility.

-- Church.

-- College, university, or seminary. *[SUP]*

-- Community service center.

-- Convalescent and nursing homes and related institutions.

-- Hospital. *[SUP]*

-- Library, art gallery, or museum.

-- Public or private school. *[SUP]*

(E) Lodging uses.

-- Bed and breakfast.

- Boutique hotel.
- (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. *[Bail bond office is prohibited.]*
- (H) Recreation uses.
  - Private recreation center, club, or area.
  - Public park, playground, or golf course.
- (I) Residential uses.
  - Duplex. *[MUP]*
  - Handicapped group dwelling unit. *[MUP]*
  - Live/work unit.
  - Multifamily. *[MUP]*
  - Retirement housing.
  - Single family. *[MUP]*
- (J) Retail and personal service uses.
  - Alcoholic beverage establishments. *[SUP]*
  - Artisan and specialty goods shop.
  - Business school. *[MUP]*
  - Commercial amusement (inside). *[By right with a floor area less than 2,500 square feet; by SUP with a floor area of 2,500 square feet or more.]*
  - Commercial parking garage.
  - Dry cleaning or laundry store.
  - Furniture store 3,500 square feet or less (limited to 20 percent of the building floor area). *[MUP]*
  - General merchandise or food store 3,500 square feet or less (limited to 20 percent of the building floor area). *[MUP]*
  - Household equipment and appliance repair. *[MUP]*
  - Liquor store 3,500 square feet or less (limited to 20 percent of the building floor area). *[MUP]*
  - Nursery, garden shop, or plant sales. *[MUP]*
  - Personal service uses. *[MUP]*
  - Restaurant without drive-in or drive-through service. *[MUP]*
  - Surface parking.
  - Temporary retail use.
  - Theater. *[MUP]*
- (K) Transportation uses.
  - Transit passenger shelter.

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(L) Utility and public service uses.

- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communications. [See Section 51P.316.107, "Additional Provisions Applicable to Certain Uses."]
- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

None permitted.

(3) Accessory uses.

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

(B) The following accessory uses are not permitted:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory outside storage.
- Accessory pathological waste incinerator.
- Amateur communication tower.
- Private stable.

(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 in Division 51A-4.400. If there is a conflict between this paragraph and Division 51A-4.400, this paragraph controls.)

(A) Front yard.

- (i) Minimum front yard is 15 feet.
- (ii) An additional 20-foot "urban form" front yard setback is required for that portion of a structure above 30 feet in height.

(B) Side and rear yard.

- (i) Minimum side and rear yard is:
  - (aa) 20 feet where adjacent to or directly across an alley from a residential district; and

(bb) no side and rear yard required in all other cases; however, if a side or rear yard is provided, it must be a minimum of 10 feet.

(ii) An additional side and rear yard "tower spacing" setback of one foot for each two feet in height above 30 feet is required for that portion of a structure above 30 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density. Maximum dwelling unit ("DU") density varies depending on the type of MUP as follows:

<b>MAXIMUM DU MUP TYPE</b>	<b>DENSITY (du/acre)</b>
Mix of 2 categories	50
Mix of 3 categories	60

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is an MUP as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]

**MAXIMUM FLOOR AREA RATIO**

<b>Use Categories</b>	<b>Base (no MUP)</b>	<b>MUP=2 (no Res)</b>	<b>MUP=2 (with Res)</b>	<b>MUP=3 (no Res)</b>	<b>MUP=3 (with Res)</b>
Office	1.0	1.25	1.5	1.5	1.75
Residential	---	---	1.25	---	1.5
Retail and personal service	0.8	1.0	1.0	1.0	1.0
<b>TOTAL DEVELOPMENT</b>	<b>1.0</b>	<b>1.7</b>	<b>2.0</b>	<b>2.0</b>	<b>.25</b>

(E) Height. Except as provided in this subparagraph, maximum structure height is 90 feet. If any portion of a structure is over 36 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.



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(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. No maximum number of stories.

(5) Landscape regulations.

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

(B) Street trees. Street trees must be provided within 30 feet from the projected street curb. The trees must be large trees having a caliper of at least two and one-half inches. The number of trees required is one for each 25 feet of lot frontage. 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-316.109.

(C) Screening of off-street parking. All off-street parking and loading areas, excluding driveways used for ingress or egress, must be screened from the street. For more information regarding this requirement, see Section 51A-4.301.

(6) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(d) Subarea 4A (Bishop/Sunset)

(1) Uses. The following uses are the only main uses permitted:

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses. *[Permitted only on lots fronting on Bishop Avenue.]*

-- Catering service.

-- Custom business services.

(C) Industrial uses.

None permitted.

(D) Institutional and community service uses.

- Child-care facility.
- Church.

(E) Lodging uses. *[Permitted only on lots fronting on Bishop Avenue or Zang Boulevard.]*

- Bed and breakfast.
- Boutique hotel. *[SUP]*

(F) Miscellaneous uses.

- Temporary construction or sales office.

(G) Office uses. *[Permitted only on lots fronting on Bishop Avenue.]*

- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Private recreation center, club, or area. *[SUP]*
- Public park, playground, or golf course.

(I) Residential uses.

- Duplex.
- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*
- Multifamily.
- Retirement housing.
- Single family.

(J) Retail and personal service uses. *[Permitted only on lots fronting on Bishop Avenue.]*

- Alcoholic beverage establishments. *[SUP]*
- Antique shop.
- Art gallery.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store. *[By right if 5,000 square feet of floor area or less; otherwise by SUP.]*
- Nursery, garden shop, or plant sales.
- Personal service uses. *[Body piercing studios, massage establishments, and tattoo studios are prohibited.]*
- Restaurant without drive-in or drive-through service. *[RAR]*
- Remote surface parking lot.
- Theater. *[SUP]*

(K) Transportation uses.

-- Transit passenger shelter.

(L) Utility and public service uses.

-- Local utilities.

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [SUP required if the requirements of Section 51A-4.213(11.2)(E) are not satisfied.]

-- Recycling drop-off for special occasion collection. [SUP required if the requirements of Section 51A-4.213(11.3)(E) are not satisfied.]

(N) Drive-in and drive-through uses. Drive-in and drive-through lanes, windows, or services are not permitted.

(2) Accessory uses.

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

(B) The following accessory use is permitted by SUP only:

-- Accessory community center (private).

(C) The following accessory uses are not permitted:

-- Accessory helistop.

-- Accessory medical/infectious waste incinerator.

-- Accessory pathological waste incinerator.

(3) Yard, lot, and space regulations.

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

(A) Front yard. Minimum front yard is 15 feet. If compliant with subsection K below, minimum front yard is 0 feet and maximum front yard is 10 feet. A minimum of 75 percent of the street-facing facade must be located within the area between the minimum and maximum front yard setback. The remaining street-facing facade (25 percent) is not required to comply with the maximum front yard setback.

(B) Side yard.

(i) No minimum side yard.

(ii) An additional side yard along the western property line "tower spacing" setback of one foot for each two feet in height above 30 feet is required for that portion of a structure above 30 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side yard setback greater than 30 feet.

(C) Rear yard. Except as provided in this paragraph, no minimum rear yard. Minimum rear yard is 10 feet if the rear yard abuts or is across an alley from a rear yard in a residential district.

(D) Density. The maximum dwelling unit density is 50 dwelling units per acre. If compliant with subsection K below, the maximum density is 100 dwelling units per acre.

(E) Floor area ratio. The maximum floor area ratio is 1.25. If compliant with Subsection K below, the maximum floor area ratio is 2.

(F) Height.

(1) Except as provided in this paragraph, maximum structure height is 50 feet.

(2) For lots fronting on Bishop Avenue, maximum structure height is 75 feet.

(G) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(H) Lot size. No minimum lot size.

(I) Lot width. No minimum or maximum lot width.

(J) Stories.

(1) Except as provided in this paragraph, maximum number of stories above grade is four.

(2) For lots fronting on Bishop Avenue, maximum number of stories above grade is five.

(K) Development bonuses for mixed income housing.

(1) In general. The development bonuses identified in the Yard, Lot and Space and Parking section of this Article apply if a minimum of five percent of the total number of units are available to households earning between 61 and 80 percent of AMFI and are in compliance with Ch. 51A-4.1100, as amended, except as provided.

(2) Design standards. Compliance with 51A-4.1107 is not required.

(L) Design standards.

(a) Applicability. The following design standards apply to new construction.

(1) Exterior facades enclosing floor area.

(A) Frontages. All street-fronting facades and open-space fronting facades must have at least one window and at least one common primary entrance facing the street or open space at street level and at least 60 percent of street facing dwelling units must have individual entrances facing the street. The entrance(s) must access the street or open space with an improved path connecting to the sidewalk.

(B) Blank wall. A transparent surface is required for every 25 linear feet of continuous street-fronting and open-space-fronting facade.

(C) Individual entries. Except as provided in this paragraph, a minimum of 60 percent of the street level dwelling units adjacent to a street in each building must have individual entries that access the street with an improved path connecting to the sidewalk. For at-grade open space, a minimum of 60 percent of the open-space fronting dwelling units in each building must have individual entries that access the open space. EXCEPTION. This paragraph does not apply to retirement housing.

(2) Façade articulation. Street-facing facades and open space-fronting facades exceeding 30 feet in length must have two of the following elements. Street-facing facades and open-space-fronting facades exceeding 100 feet in length must have four of the following elements.

(A) Change in plane, such as an offset, reveal, recess, or projection. Changes in plane must have a width of no less than 24 inches and a depth of at least eight inches and may include columns, planters, arches, and niches.

(B) Architectural details such as raised bands and cornices.

(C) Architecturally prominent entrance.

(D) Attached tower or turret.

(E) Awnings.

(F) Change in color.

(G) Change in material.

(H) Change in texture.

(3) Sidewalks.

(A) A sidewalk with a minimum average width of six feet must be provided along all street frontages.

(i) Except as provided in this subsection, all sidewalks must be clear and unobstructed for a minimum of five feet in width.

(ii) Tree grates do not count toward the minimum unobstructed sidewalk width.

(iii) If the building official determines that the location of a local utility or protected tree, as defined in Article X, would prevent a five-foot minimum width, the sidewalk may be reduced to four feet in width in that location.

(B) Sidewalks must be located in an area parallel to and between two feet and 15 feet of the back of the projected street curb.

(4) Lighting.

(A) Special lighting requirement. Exterior lighting sources, if used, must be oriented onto the property they light and generally away from adjacent residential properties.

(B) Pedestrian scale lighting. Pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 foot candles must be provided along public sidewalks and adjacent to public streets. The design and placement of both the standards and fixtures must be approved by the director of transportation. Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(5) Pedestrian driveway crossings. At each driveway and sidewalk intersection, driveways must be clearly marked by colored concrete, patterned, or stamped or brick pavers for pedestrian crossing.

(6) Pedestrian amenities. The following pedestrian amenities are required along one street frontage. Required pedestrian amenities may be located within a right-of-way with a license.

(A) Two benches.

(B) Two trash cans.

(C) Bicycle rack for at least five bicycles. This bicycle rack may count towards the minimum bicycle parking requirements.

(f) Open space requirements.

(1) At least 10 percent of the building site must be reserved as open space for activity such as active or passive recreation, playground activity, or landscaping.

(A) No structures except for architectural elements; playground equipment; structures that are not fully enclosed such as colonnades, pergolas, and gazebos; and ordinary projections of window sills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed; otherwise, open space must be open to the sky.

(B) Open space may contain primarily grass, vegetation, or open water; be primarily used as a; or contain pedestrian amenities such as fountains, benches, paths, or shade structures.

(C) Open space may also be provided at or below grade or aboveground by an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.

(D) Private balconies, sidewalks, parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.

(E) Operation or parking of vehicles within on-site open space is prohibited. Emergency and grounds maintenance vehicles are exempt.

(F) Open spaces must be properly maintained in a state of good repair and neat appearance, and plant materials must be maintained in a healthy, growing condition.

(2) Landscape areas that fulfil the requirements of Article X may also fulfil these requirements if all conditions of this section and Article X are met.

(e) Subarea 5 (Residential/Office).

*Omitted for brevity.*

(f) Subarea 6 (Office/Mixed Use Medium Density).

*Omitted for brevity.*

(g) Subarea 7 (Retail/Neighborhood Service).

*Omitted for brevity.*

**SEC. 51P-316.109. LANDSCAPING IN THE PARKWAY.**

(a) Private license granted. The city council hereby grants a private license to the owners 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 Subsection (b) of this section. This private license shall not terminate at the end of any specific time period, however, the city council retains the right to terminate this license whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or whenever the purpose or use of this license is likely to become a nuisance.

(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 in the parkway. An application for a parkway landscape permit, if required, 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 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 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 authorization 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 in the public right-of-way. (Ord. Nos. 20389; 25850; 29470)

**SEC. 51P-316.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. 29470)

**SEC. 51P-316.111. OFF-STREET PARKING AND LOADING.**



(a) Off-street parking and loading.

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

(2) Artisan and specialty goods shop. One off-street parking space per 366 square feet of floor area is required.

(3) Art or craft production facility. One off-street parking space per 1,000 square feet of floor area is required.

(4) Bed and breakfast. Two off-street parking spaces, and one off-street parking space for each guest room or suite is required. No required off street loading.

(5) Boutique hotel. Two off-street parking spaces, and one off-street parking space for each guest room or suite is required. No required off street loading.

(6) Live/work unit. The floor area for the residential portion of a live/work unit use is not counted towards required off-street parking.

**(6.1) Multifamily. In Subarea 4A, if compliant with Section 51P-XXX.xxx(MIH), parking may be provided at one space per dwelling unit.**

(7) Office uses. One off-street parking space per 366 square feet of floor area is required.

(8) Retail and personal service uses. Except as provided in this paragraph, one off-street parking space per 220 square feet of floor area is required.

(A) Liquor store.

(i) Liquor store 3,500 square feet or less.

(aa) Required off-street parking: One space per 200 square feet of floor area.

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

(ii) Liquor store greater than 3,500 square feet.

(aa) Required off-street parking: One space per 200 square feet of floor area if less than 10,000 square feet. One space per 220 square feet of floor area if 10,000 square feet or greater, but less than 40,000 square feet. One space per 250 square feet of floor area if 40,000 square feet or greater, but less than 100,000 square feet.

(bb) Required off-street loading:

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

(iii) Liquor store 100,000 square feet or more.

(aa) Required off-street parking: One space per 300 square feet of floor area.

(bb) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
100,000 to 150,000	3
Each additional 50,000 or fraction thereof	1 additional

(B) Parking per Chapter 51A-4.200.

-- Alcohol beverage establishments.

-- Business school.

-- Commercial amusement (inside).

(C) Restaurant. One off-street parking space per 125 square feet of floor area is required. If an outdoor dining area, whether covered or not, is within 20 feet of, and has direct access to a street, sidewalk, or publically accessible open space, the outdoor dining area is not included in the parking requirement calculations for up to 25 percent of the size of the indoor floor area. Any portion of the outdoor dining area in excess of 25 percent of the size of the indoor floor area must be parked as a restaurant.

(b) Subareas 1 and 8.

(1) If a use is within a structure that existed on or before July 26, 1989 and any site plan or other documentation shows required off-street parking, only that off-street parking must be provided or retained. No additional off-street parking is required. If a use is within a structure that existed on or before July 26, 1989, and no site plan or other documentation shows required off-street parking, no off-street parking is required. If the structure that existed on or before July 26, 1989 has been expanded after July 26, 1989 and the floor area has been increase by 200 square feet or more, the expanded floor area must comply with the required off-street parking for that use.

(2) Except as provided in this paragraph, any on-street parking spaces may be counted as a reduction of the parking requirement of the use adjacent to the on-street parking space.

(A) An on-street parking space may not be used to reduce the required parking for more than one use, except that an on-street parking space may be used to reduced the

combined total parking requirement of a mixed-use project.

(B) 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 ( $8 \div 24 =$  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.

(c) **Subareas 1, 2, 3, 4, 4A, 6, 7, and 8: MUP shared parking.** Shared parking is required for all nonresidential uses that are part of an MUP. The following table provides the basis for calculating the required shared parking spaces. The adjusted standard off-street parking requirement for a MUP is the largest of the five "time-of-day" column sums.

**Shared Parking Table**  
(for calculating adjusted standard parking requirement)

Use Category	Morning	Noon	Afternoon	Late Afternoon	Evening
Residential uses	80%	60%	60%	70%	100%
Office uses	100%	80%	100%	85%	35%
Retail and personal service uses	60%	75%	70%	65%	70%
Alcoholic beverage establishments and restaurant uses	20%	100%	30%	30%	100%
All other uses	100%	100%	100%	100%	100%

(d) Remote parking for all subareas except 5.

(1) Except as provided in this paragraph, for nonresidential uses and mixed use projects, remote parking is permitted if the requirements of Division 51A-4.320, "Special Parking Regulations," are met, including the landscape requirements.

(2) An agreement authorizing a nonresidential use or an MUP to use remote parking for nonresidential uses may be based on a lease for the remote parking space in lieu of the remote parking agreement required in Section 51A-4.328. The lease must:

- (A) be in writing on a form obtained from the building official;
- (B) contain legal descriptions of the properties affected;
- (C) specify the special parking being provided and the hours of operation of any use involved;
- (D) be governed by the laws of the state of Texas;
- (E) be signed by all lien holders, other than taxing entities, that have an

interest in or an improvement on the properties;

(F) be for a minimum term of three years; and

(G) provide that both the owner of the lot occupied by the nonresidential use or nonresidential MUP use and the owner of the remote parking lot shall notify the building official in writing if any provision of the lease is breached or if the lease is modified or terminated.

(3) Except as provided in this paragraph, remote parking may be within a walking distance of 1,000 feet from the use served. The building official may extend the distance for remote parking to no more than 1,500 feet if a shuttle from the remote parking to the use is provided. A special parking license is required in accordance with Section 51A-4.329 for an extension of the distance beyond 1,500 feet. (Ord. 29470)

**SEC. 51P-316.112. PARKING REDUCTIONS.**

(a) In general. Except as provided in this section, consult Division 51A-4.310, “Off-Street Parking Reductions.”

(b) Proximity to trolley stops and DART stations. In all subareas except 5, for uses located within one-fourth of a mile of a trolley stop or DART light-rail station, the off-street parking requirements may be reduced by 10 percent if enhanced pedestrian amenities are provided.

(c) Enhanced pedestrian amenities.

(1) In general.

(A) The enhanced pedestrian amenities must be located within the door yard, but may not be located within the unobstructed sidewalk width.

(B) Enhanced pedestrian amenities must be located at least seven feet away from a trolley stop or DART light rail station.

(C) Canopies, awning, and street lamps must have a minimum clearance above a sidewalk of eight feet.

(D) Light fixtures may not exceed 14 feet in height. Light fixtures must be cut-off type luminaries that direct lighting downward.

(2) Required off-street parking may be reduced by one space for every three of the following enhanced pedestrian amenities provided on a building site:

(A) At least one bench per 100 feet of street frontage; minimum two per building site.

(B) At least one trash receptacle per 100 feet of street frontage; minimum two per building site.

(C) At least one free-standing or wall-mounted street lamp as specified in Article XIII, “Form Districts,” per 50 feet of frontage.

(D) Awnings or canopies with a minimum overhang of four feet and a minimum length of 25 feet per 100 feet of building facade along the street frontage.

(E) Enhanced sidewalk with stamped concrete or brick pavers within the door yard and along the entire building site street frontage for the entire width and length of the sidewalk.

(F) Fountain or water feature.

(G) Three bicycle racks per 100 feet for no fewer than six bicycles. (See Division 51A-4.330, "Bicycle Parking Regulations," for bicycle rack regulations. If provided adjacent to the building site, the number of bicycle spaces provided may be counted towards required bicycle parking). (Ord. 29470)

**SEC. 51P-316.113. SIGNS.**

*Omitted for brevity.*

**SEC. 51P-316.114. NONRESIDENTIAL USE TRANSPARENCY.**

(a) In general. Except as provided in this section, transparency must be maintained in all nonresidential street-level uses.

(1) An unobstructed line of sight that allows a clear view through all windows and public entrance and exit doors on the street level must be maintained at all times. The unobstructed line of sight must, at a minimum, extend from three feet above the ground to at least six feet above the ground.

(2) Store windows and doors must be clear of items that would obstruct a clear view, including: signage, advertisements, shelving, merchandise, and interior and exterior window coverings.

(3) Except fire escapes, all nonresidential use public entrance and exit doors must be made of glass or another transparent material.

(b) Window and door coverings. Security bars, guards, blinds, shutters, or curtains are prohibited during the hours of operation of a use. Security bars, guards, blind, shutters, or curtains are allowed during non-business hours.

(c) Subareas 1, 2, and 8: reflective glass. Reflective glass may not be used on the first story of a facade facing Jefferson Boulevard. The reflectance of glass used on the second story may not exceed 15 percent. The reflectance of glass used on stories above the second story may not exceed 27 percent. For purposes of this subsection, REFLECTANCE is the percentage of available light energy reflected away from the exterior surface of the glass. The higher the reflectance percentage, the more mirror-like the surface will appear. (Ord. 29470)

**SEC. 51P-316.115. STREET AND SIDEWALK STANDARDS.**

(a) Jefferson Boulevard.

(1) Except as provided in this subsection, a minimum 10-foot-wide sidewalk, with a minimum six-foot-wide unobstructed sidewalk must be provided.

(2) Outdoor dining areas must have a minimum depth of four feet and a minimum three-foot-high railing around the perimeter. Outdoor dining area depth is the horizontal distance between the perimeter railing and the facade of the adjacent building. A minimum six feet of open sidewalk must be maintained between an outdoor dining area and the curb.

(3) Where the existing right-of-way width does not allow for the required sidewalk width, an additional sidewalk easement must be provided at the time of platting to achieve a 10-foot-wide sidewalk.

(b) All other streets. A minimum six-foot-wide unobstructed sidewalk must be provided. (Ord. 29470).

**SEC. 51P-316.116. ADDITIONAL PROVISIONS.**

(a) In general.

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

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

(b) Site plan exceptions.

(1) The city plan commission, whether or not a specific use permit is required, may approve a site plan that does not comply with the requirements of Sections 51P-316.108(a)(4)(A)(i)(ii), 51P-316.108(a)(4)(B)(i), 51P-316.108(a)(6)(C), 51P-316.108(b)(4)(A)(i), 51P-316.108(b)(4)(B)(i), 51P-316.108(c)(4)(A)(i), 51P-316.108(c)(4)(B)(i), 51P-316.108(d)(4)(A)(B), 51P-316.108(e)(4)(A)(B), or 51P-316.108(f)(4)(A)(B), provided that:

(A) strict compliance with the listed regulations are impractical due to site constraints or would result in substantial hardship;

(B) the site plan complies with the spirit and intent of the listed regulations;

(C) the site plan furthers the stated purpose of the listed regulations; and

(D) the exception from the listed regulations will not adversely affect surrounding properties.

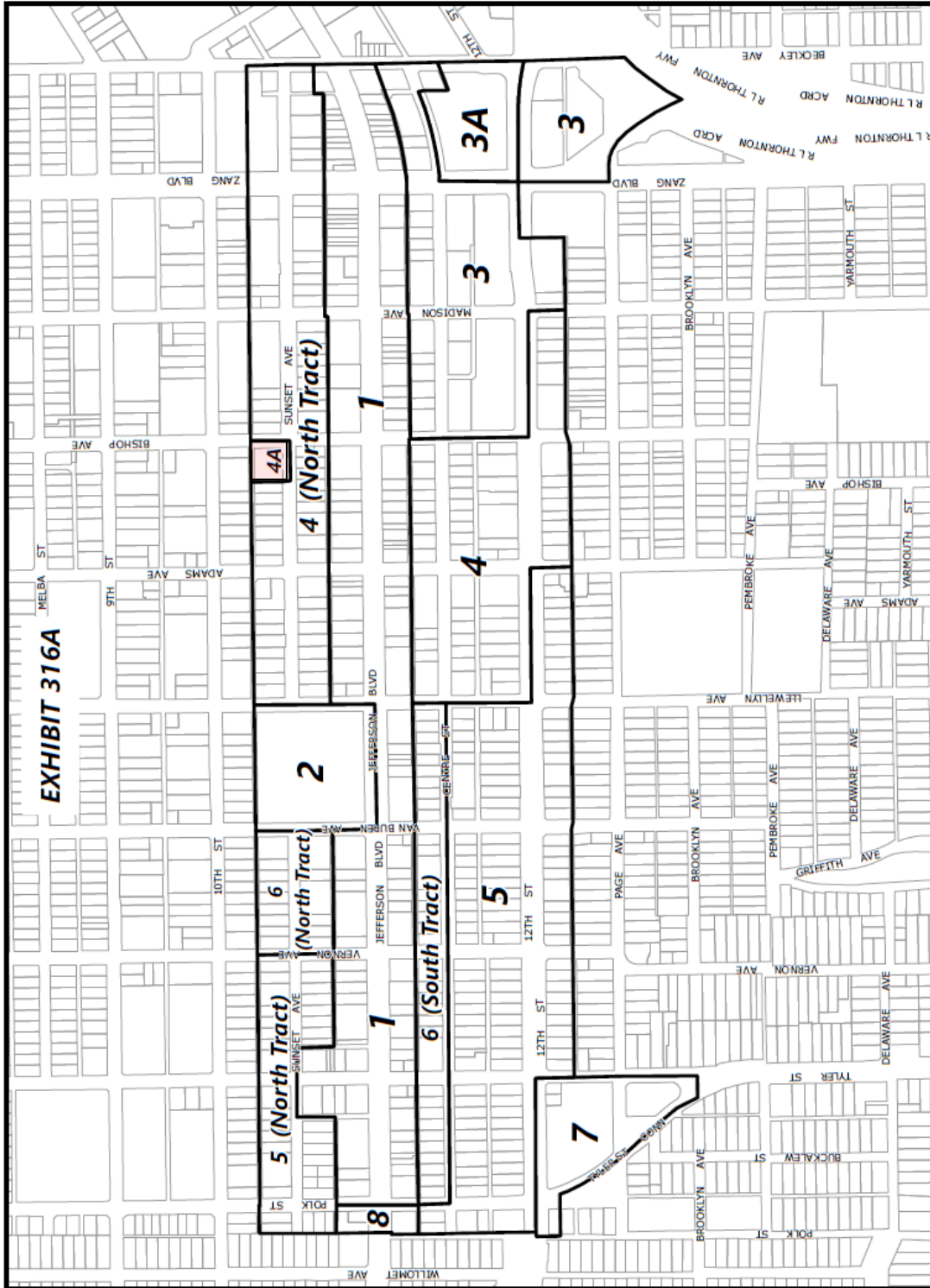
(2) The city plan commission must follow the same procedure used for approval of minor amendments to development plans and the fee for a minor amendment shall apply. (Ord. 29470)

**SEC. 51P-316.117. COMPLIANCE WITH CONDITIONS.**

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

(b) The building official shall not issue a building permit or certificate of occupancy for a use on this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 22202; 25850; 29470)

**Proposed Subarea Map**  
**Exhibit 316A**  
*(prepared by GIS)*



Z212-321(JM)\_SA 4-North Tract(s) to new Subarea 4A

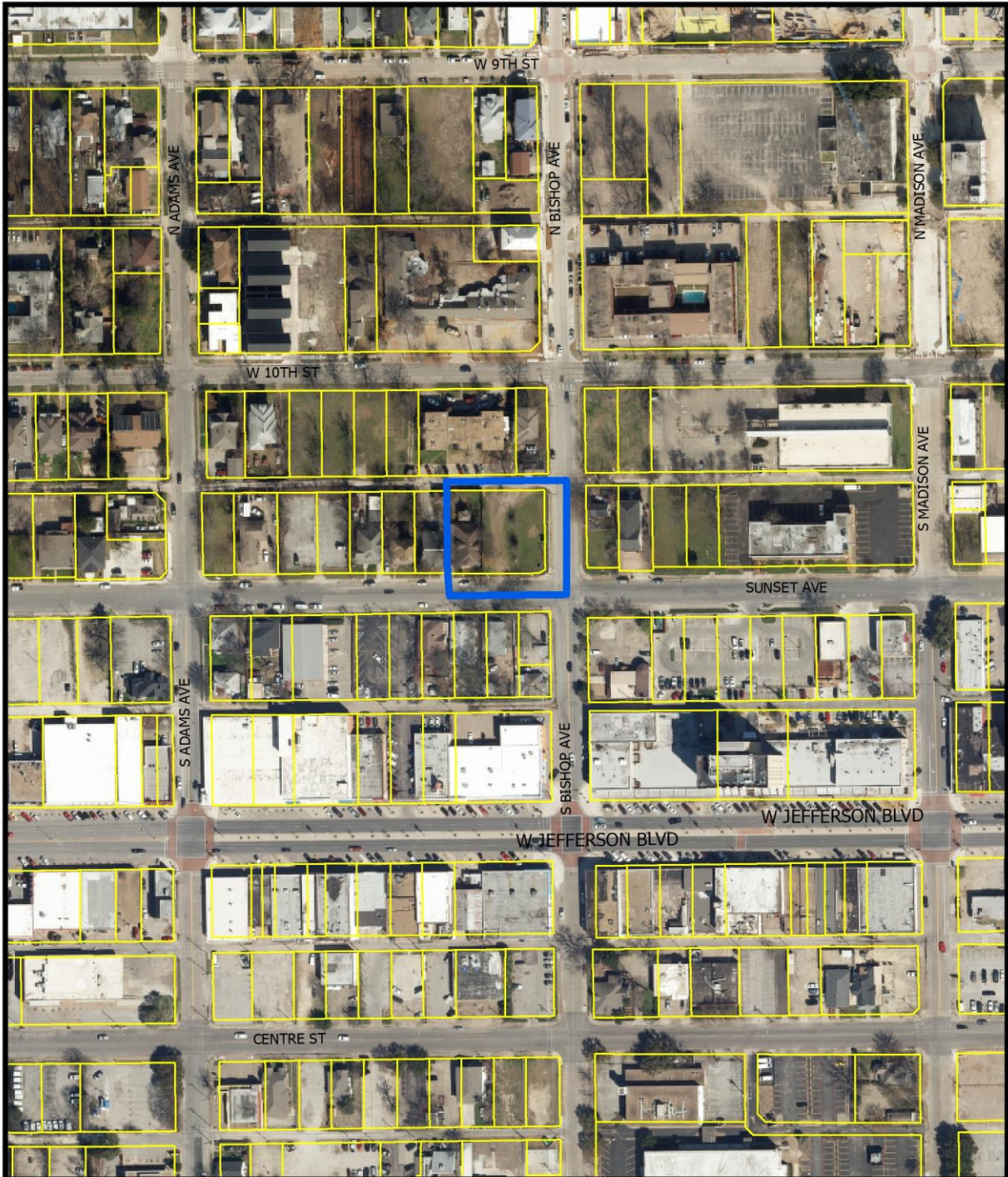
**Tract Map for PD 316 - Jefferson Special Study Area**  
**Subareas: 1, 2, 3, 3A with Subareas 4, 5 and 6 each having (North and South Tracts), 4A, 7 and 8**

**1:6,500**  
Printed Date: 3/28/2023







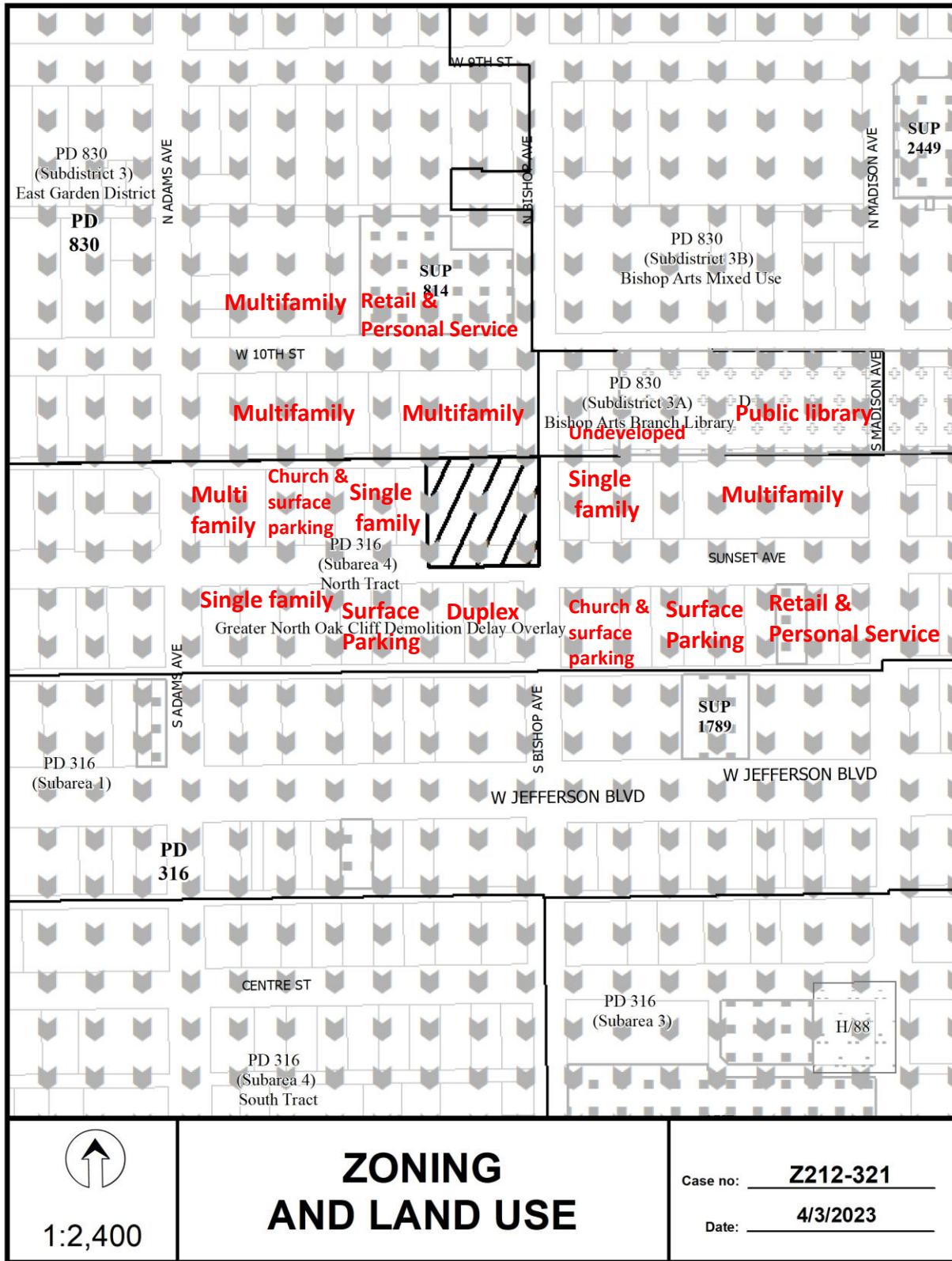


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# AERIAL MAP

Case no: Z212-321

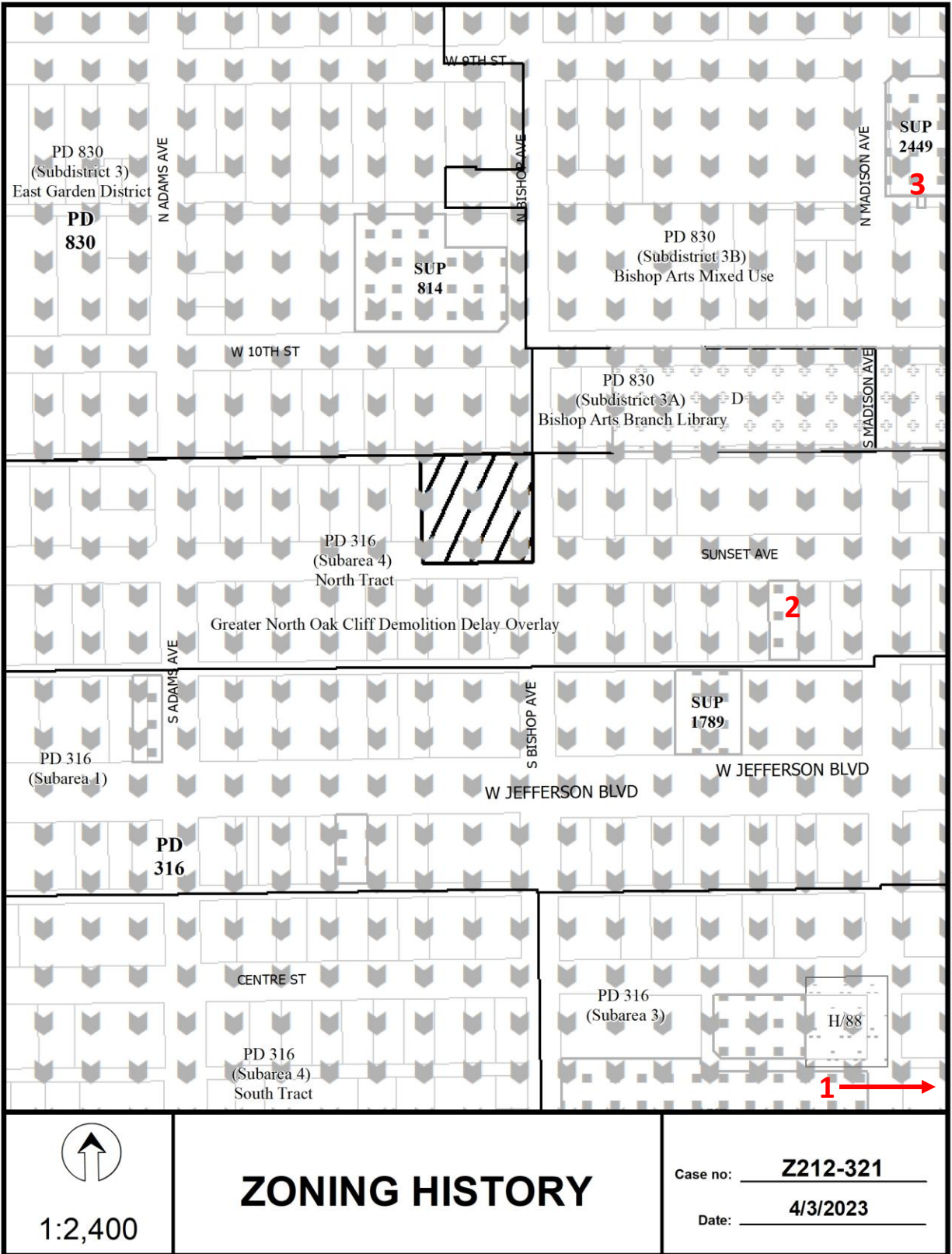
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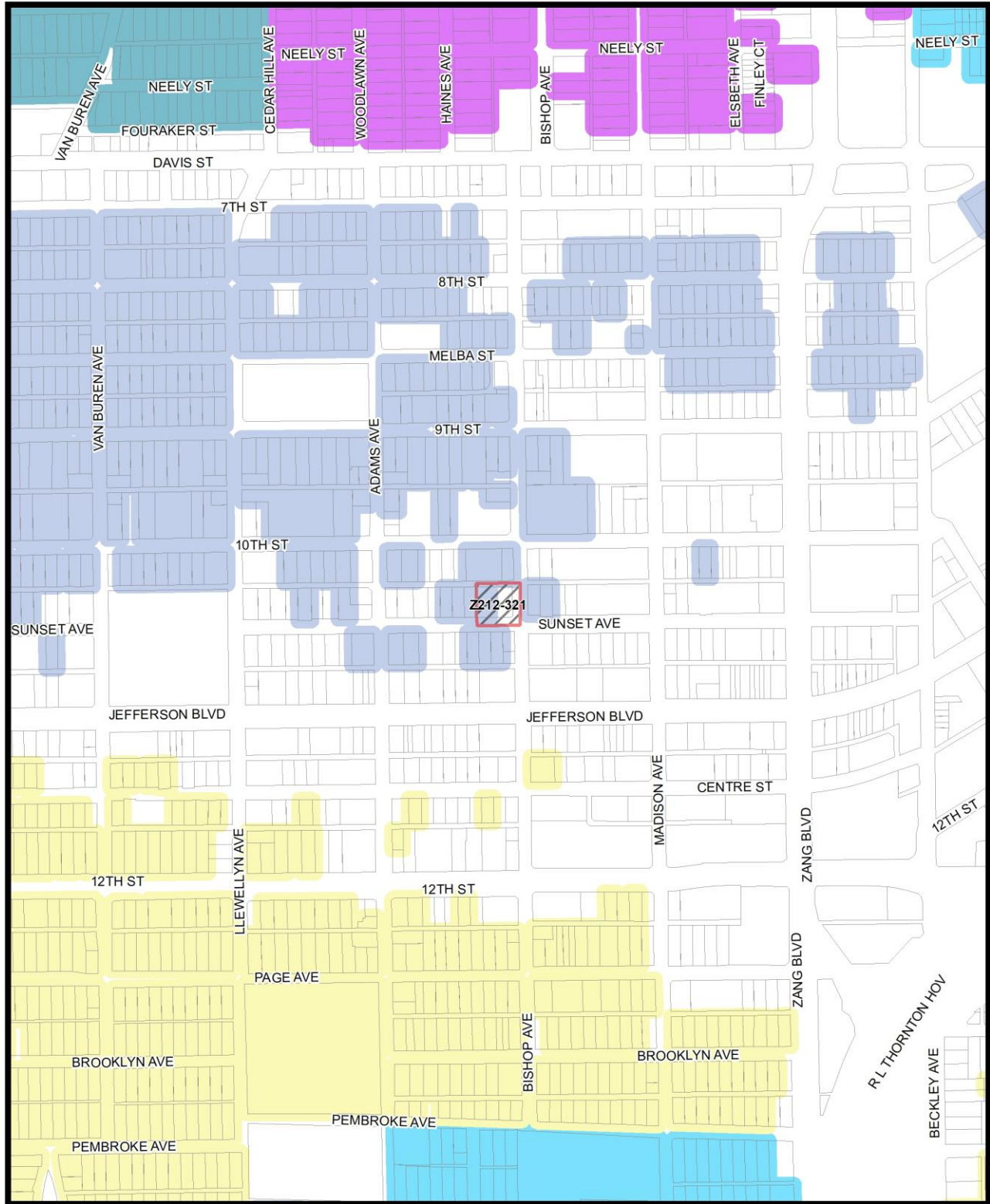
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# ZONING AND LAND USE

Case no: Z212-321  
 Date: 4/3/2023



Z212-321(JM)

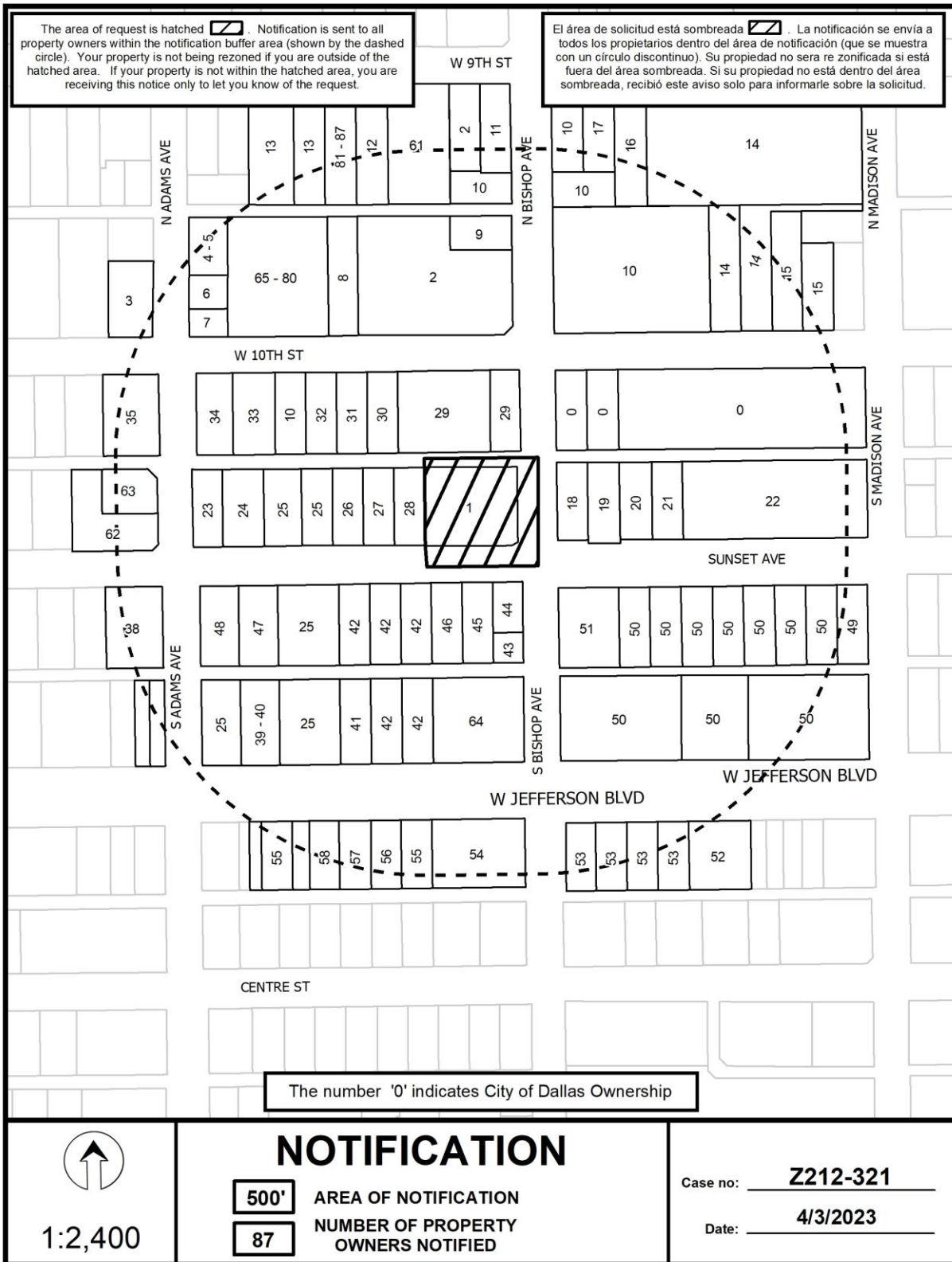


Market Value Analysis A B C D E F G H I NA

1:6,000

# Market Value Analysis

Printed Date: 4/3/2023



04/03/2023

***Notification List of Property Owners******Z212-321******87 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	409 SUNSET AVE	JDAL PROPERTIES INC
2	407 W 10TH ST	BISHOP ARTS LLC
3	501 W 10TH ST	12TH STREET CLS LLC
4	110 N ADAMS AVE	ZENBU PROPERTIES LLC
5	112 N ADAMS AVE	LEPPERT KENNETH DALE JR
6	104 N ADAMS AVE	RATNER LAUREN & GARRETT
7	435 W 10TH ST	RATNER IAN & CLAUDIA
8	419 W 10TH ST	Taxpayer at
9	111 N BISHOP AVE	BISHOP ARTS VILLAGE LLC
10	121 N BISHOP AVE	BISHOP ARTS VILLAGE LLC
11	400 W 9TH ST	MOJICA IGNACIO T & MARTHA
12	416 W 9TH ST	THIEUR JOSEPHINE M
13	424 W 9TH ST	COG DALLAS HOMES II LLC
14	317 W 10TH ST	BISHOP ARTS VILLAGE LLC
15	311 W 10TH ST	KENSINGTON RIVERFALL LLC
16	330 W 9TH ST	BISHOP ARTS HOLDINGS LLC
17	334 W 9TH ST	BISHOP ARTS HOLDINGS LLC
18	110 S BISHOP AVE	CAMPOS JUAN MANUAL &
19	333 SUNSET AVE	SANTOS GERONIMO
20	329 SUNSET AVE	SANTOS GERONIMO &
21	325 SUNSET AVE	SUNSET I PPTIES LLC
22	315 SUNSET AVE	Taxpayer at
23	437 SUNSET AVE	HERNANDEZ EDELMIRO CERVAN
24	433 SUNSET AVE	EQUITY TRUST CO FBO
25	429 SUNSET AVE	BLUMENFELD TERRY REVOC TRUST &
26	419 SUNSET AVE	SALVAGGIO FAMILY LIMITED

04/03/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	415 SUNSET AVE	TORRES ANDRES
28	411 SUNSET AVE	MARQUEZ JAVIER
29	400 W 10TH ST	UG MELBA V LLC
30	416 W 10TH ST	GAYTAN ANTONIA CALDERON
31	418 W 10TH ST	CALDERON JUAN CARLOS
32	426 W 10TH ST	JEFFUS WAYNE
33	430 W 10TH ST	JEFFUS WAYNE K
34	438 W 10TH ST	TRIPLE L PLACE LLC
35	502 W 10TH ST	LILY ENTERPRISES INC
36	501 W JEFFERSON BLVD	501 W JEFFERSON BLVD LLC
37	503 W JEFFERSON BLVD	BAUTISTA MAYOLO
38	211 S ADAMS AVE	LLEWELYN PPTIES LLC SERIES C
39	437 W JEFFERSON BLVD	WELLBORNE S INC
40	433 W JEFFERSON BLVD	BLUMENFELD TERRY REVOC TRUST &
41	421 W JEFFERSON BLVD	JEFFERSON STREET VENTURE LLC
42	419 W JEFFERSON BLVD	CORDOVA NICK M
43	211 S BISHOP AVE	Taxpayer at
44	400 SUNSET AVE	NAYEB FAMILY LP
45	404 SUNSET AVE	CORKY PROPERTIES LTD
46	410 SUNSET AVE	RODRIGUEZ JOSE L &
47	432 SUNSET AVE	RANGEL JOSE M &
48	436 SUNSET AVE	VALERO JESSE & DIANE
49	201 S MADISON AVE	EFFECTIVE TIME MGMT INC
50	304 SUNSET AVE	JEFFERSON MONUMENT LLC
51	334 SUNSET AVE	Taxpayer at
52	322 W JEFFERSON BLVD	CENTRO DE ADORACION
53	324 W JEFFERSON BLVD	JEFFERSON BISHOP PARTNERS LLC
54	400 W JEFFERSON BLVD	400 JEFFERSON LTD PS
55	412 W JEFFERSON BLVD	MEYER ABE PARTNERSHIP
56	416 W JEFFERSON BLVD	BISHOP ARTS MANAGEMENT
57	420 W JEFFERSON BLVD	Taxpayer at



04/03/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	424 W JEFFERSON BLVD	GARCIA ELOISA &
59	426 W JEFFERSON BLVD	BLANCO CARLOS I &
60	434 W JEFFERSON BLVD	MORRISON FAMILY LTD PS
61	410 W 9TH ST	TWO LITTLE GIRLS LLC
62	509 SUNSET AVE	CRUZ ENGUEL
63	115 S ADAMS AVE	CRUZ ENGUEL & MARIA
64	407 W JEFFERSON BLVD	Taxpayer at
65	427 W 10TH ST	ATLURI YAMINI
66	427 W 10TH ST	UDOMSRI NATHAN
67	427 W 10TH ST	ADORNATODEIR REVOCABLE
68	427 W 10TH ST	ADORNATODIER REVOCABLE
69	427 W 10TH ST	E&V CUSTOM HOMES BUILDERS INC
70	427 W 10TH ST	E & V CUSTOM HOME BUILDERS INC
71	427 W 10TH ST	BURDICK ANDREW &
72	427 W 10TH ST	JOHN LESTER ANDRE
73	427 W 10TH ST	GUTIERREZ ALEXANDRIA LEXIE
74	427 W 10TH ST	JOHN LESTER ANDRE
75	427 W 10TH ST	SCHULTE PETER A
76	427 W 10TH ST	SZK DEVELOPMENT LLC
77	427 W 10TH ST	LAI HANH NGOC &
78	427 W 10TH ST	DONG JUNCHI
79	427 W 10TH ST	WHITTET KAITLIN D LANI
80	427 W 10TH ST	FLANAGIN SPENCER HALE
81	422 W 9TH ST	HOLMESSPANN SUZANNE &
82	422 W 9TH ST	ESTEFES OLGA M
83	422 W 9TH ST	PERAMANKI SAISHREYA
84	422 W 9TH ST	LOPEZ JESSE ANTONIO
85	422 W 9TH ST	MCBEAN RYAN ONIEL &
86	422 W 9TH ST	TYER KATHERINE
87	422 W 9TH ST	RHIMA MICHAEL JONATHAN