

**ARTICLE 799.**

**PD 799.**

**SEC. 51P-799.101. LEGISLATIVE HISTORY.**

PD 799 was established by Ordinance No. 27357, passed by the Dallas City Council on September 24, 2008. (Ord. 27357)

**SEC. 51P-799.102. PROPERTY LOCATION AND SIZE.**

PD 799 is established on property generally bounded by Matilda Avenue, Lovers Lane, Amesbury Drive, and Milton Street. The size of PD 799 is approximately 12.85 acres. (Ord. 27357)

**SEC. 51P-799.103. DEFINITIONS AND INTERPRETATIONS.**

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

(1) **TANDEM PARKING** means one parking space in front of another parking space, making it necessary to pass through one parking space to gain vehicular access to the other parking space from a street, alley, or driveway.

(2) **BAIL BOND OFFICE** means an office for the issuance, brokerage, or procurement of bail bonds, whether as an accessory use or a main use.

(3) **BLADE SIGN** means a sign projecting perpendicularly from a main building facade, visible from both sides, and made of rigid or soft materials.

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

(5) **TATTOO OR BODY PIERCING STUDIO** means a business in which tattooing or body piercing is performed. **TATTOOING** means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. **BODY PIERCING** means the piercing of body parts, other than ears, for purposes of allowing the insertion of jewelry.

(6) **STOOP** means a small porch leading to the entrance of a residence.

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

(c) This district is considered to be a nonresidential zoning district. (Ord. 27357)

**SEC. 51P-799.104. CREATION OF SUBAREAS.**

This district is divided into three Subareas: Subarea I, Subarea II, and Subarea III. (Ord. 27357)

**SEC. 51P-799.105. EXHIBIT.**

The following exhibit is incorporated into this article: Exhibit 799A: development plan. (Ord. 27357)

**SEC. 51P-799.106. DEVELOPMENT PLAN.**

Development and use of the Property must comply with the development plan (Exhibit 799A). If there is a conflict between the text of this article and the development plan, the text of this article controls. (Ord. 27357)

**SEC. 51P-799.107. MAIN USES PERMITTED.**

(a) Subarea I. The following uses are the only main uses permitted:

(1) Agricultural uses.

None permitted.

(2) Commercial and business service uses.

- Catering service.
- Custom business services.
- Electronics service center.

(3) Industrial uses.

None permitted.

(4) Institutional and community service uses.

- Church.
- Library, art gallery, or museum.

(5) Lodging uses.

None permitted.

(6) Miscellaneous uses.

- Temporary construction or sales office.

(7) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[Limited to a maximum of two drive-through lanes.]*
- Medical clinic or ambulatory surgical center.
- Office. *[Bail bond office is prohibited.]*

(8) Recreation uses.

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

(9) Residential uses.

None permitted.

(10) Retail and personal service uses.

- Animal shelter or clinic without outside runs. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Personal service uses. *[Massage establishment and tattoo or body piercing studio uses are prohibited.]*
- Restaurant without drive-in or drive-through service.
- Temporary retail use.

(11) Transportation uses.

- Private street or alley.
- Transit passenger shelter.
- Transit passenger station or transfer center. *[By SUP or city council resolution. See Section 51A-4.211(10).]*

(12) Utility and public service uses.

- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4). Treat as if in MU-1 Mixed Use Zoning District.]*
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[Must be roof-mounted.]*
- Tower/antenna for cellular communication. *[Must be attached to a building or parking structure.]*

(13) 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. Treat is if in MU-1 Mixed Use Zoning District.]*
- Recycling drop-off for special occasion collection. *[SUP required if the requirements of Section 51A-4.213(11.3)(E) are not satisfied. Treat is if in MU-1 Mixed Use Zoning District.]*

(b) Subarea II. The following uses are the only main uses permitted:

- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*
- Local utilities.
- Multifamily.
- Private recreation center, club, or area. *[SUP]*
- Private street or alley.
- Public park, playground, or golf course.
- Radio, television, or microwave tower. *[Must be mounted to the roof of a building or parking structure.]*
- Retirement housing.
- Tower/antenna for cellular communication. *[Must be mounted to the roof of a building or parking structure.]*

(c) Subarea III. The following uses are the only main uses permitted:

- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*
- Local utilities.
- Multifamily.
- Private recreation center, club, or area. *[SUP]*
- Private street or alley.
- Public park, playground, or golf course.
- Radio, television, or microwave tower. *[Must be mounted on the roof of a building or parking structure.]*
- Retirement housing.
- Single family.
- Tower/antenna for cellular communication. *[Must be mounted on the roof of a building or parking structure.]*

(Ord. 27357)

**SEC. 51P-799.108. ACCESSORY USES.**

(a) In general. 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) Subarea I. The following accessory uses are not permitted:

- Accessory helistop.
- Accessory pathological waste incinerator.

- Amateur communication tower.
- Bail bond office.
- Day home.
- General waste incinerator.

(c) Subarea II. The following accessory uses are not permitted:

- Accessory helistop.
- Accessory pathological waste incinerator.
- Amateur communication tower.
- Day home.
- General waste incinerator.

(d) Subarea III. The following accessory uses are not permitted:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside display or sale of merchandise.
- Accessory pathological waste incinerator.
- Amateur communication tower.
- Day home.
- General waste incinerator.
- Private stable.
- Pedestrian skybridges.

(Ord. 27357)

## **SEC. 51P-799.109. YARD, LOT, AND SPACE REGULATIONS.**

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

(a) In general. The following regulations apply to all subareas:

(1) Setbacks. The setbacks apply to the perimeter of the Property only. Setbacks are not required between subareas or lots.

(2) Lot size. No minimum lot size.

(3) Residential proximity slope. The residential proximity slope regulations in Section 51A-4.412 apply only to the perimeter of the Property.

(b) Subarea I.

(1) Front, side, or rear yard.

(A) Except awnings and stoops, minimum setback from the north Property line along Lovers Lane is 75 feet, as shown on the development plan.

(B) Except awnings and stoops, minimum setback from the west Property line along Matilda Street is 75 feet, as shown on the development plan.

(2) Floor area. Maximum floor area is 74,750 square feet, excluding the mechanical equipment room.

(3) Height. The maximum structure height is 50 feet, seven inches.

(4) Lot coverage. Maximum lot coverage is 40 percent. Subarea I is considered one lot for calculating lot coverage. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(5) Stories. Maximum number of stories above grade is two.

(c) Subarea II.

(1) Front, side, or rear yard.

(A) Minimum setback from the north Property line along Lovers Lane is 65 feet as shown on the development plan.

(B) Minimum setback from the east Property line along Amesbury drive is 17 feet as shown on the development plan.

(C) Minimum setback from the south Property line along Milton Street is 13 feet as shown on the development plan.

(2) Density. Maximum number of dwelling units is 375.

(3) Height.

(A) Maximum structure height is:

(i) In Zone A, shown on the development plan, 50 feet, seven inches.

(ii) In Zone B, shown on the development plan, 36 feet, eight inches.

(iii) In Zone C, shown on the development plan, 53 feet, eight inches.

(iv) In Zone D, shown on the development plan, 56 feet, eight inches.

(B) Mechanical equipment, skylights, and solar panels on roofs must be integrated into the building design, screened, or setback so that they are not visible from a point five feet, six inches above grade at the Property line.

(4) Lot coverage. Maximum lot coverage is 70 percent. Subarea II is considered one lot for calculating lot coverage. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(5) Stories.

(A) In Zones A, C, and D, shown on the development plan, maximum number of stories above grade is four for all structures except parking garages. No maximum number of stories for parking structures, but parking structures must comply with the height requirements in Paragraph (3).

(B) In Zone B, shown on the development plan, maximum number of stories above grade is three.

(d) Subarea III.

(1) Front or rear yard. Minimum setback from the west and south Property lines along Matilda Street and Milton Street are as shown on the development plan.

(2) Side yard. No minimum side yard setback.

(3) Density. Maximum number of dwelling units is 23.

(4) Height. Except as provided in this paragraph, maximum structure height is 36 feet, eight inches. Architectural features, mechanical equipment screening, and rooftop access may project a maximum of 10 feet above the maximum structure height.

(5) Lot coverage. Maximum lot coverage is 60 percent. Subarea II is considered one lot for calculating lot coverage. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(6) Stories. Maximum number of stories above grade is three. (Ord. 27357)

**SEC. 51P-799.110. OFF-STREET PARKING AND LOADING.**

(a) In general.

(1) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(2) A maximum of 25 percent of the required off-street parking spaces may be compact.

(b) Subarea I.

(1) Parking reduction.

(A) If more than three pedestrian amenities listed in Subparagraph (D) are provided in Subarea I, a use within Subarea I may be granted a five percent reduction in required off-street parking. An additional five percent reduction of required off-street parking reduction may be granted for each additional amenity provided up to a maximum of 20 percent.

(B) Bicycle parking is a required amenity if a use is seeking a parking reduction.

(C) Pedestrian amenities must be provided within the curb-to-building area, within a plaza, or along private streets, drives, or pedestrian ways and must be placed far enough from the street curb to not create a physical barrier.

(D) The following pedestrian amenities may count toward a parking reduction:

(i) Bicycle parking at one five-bicycle unit per 300 feet of frontage.

(ii) Awning/canopies with a minimum overhang of four feet and a minimum length of 25 feet per 100 feet of building facade along the frontage; or a combination of street trees and evergreen shrubs with a minimum of one small tree per 25 feet of frontage and a minimum of one shrub per five feet of frontage.

(iii) Benches at one per 200 feet of frontage.

(iv) Trash receptacles at one per 200 feet of frontage.

(v) Free-standing or wall-mounted pedestrian street lamps at one per 200 feet of frontage.

(vi) Enhanced sidewalk with stamped concrete or brick pavers for the full width of the sidewalk along the entire frontage.

(vii) Public art or water features costing no less than \$2,500, at one per subarea.

(viii) Drinking fountains at one per 800 feet of sidewalk.

(ix) Electric car recharging location.

(2) Parking rows. No more than two rows of parking are permitted in front of a structure.

(c) Subarea III.

(1) A minimum of two off-street parking spaces per dwelling unit is required.

(2) Tandem parking is permitted.

(3) A minimum of four guest parking spaces must be provided for each residential use. Tandem parking may not be used to provide guest parking. (Ord. 27357)

#### **SEC. 51P-799.111. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. 27357)

#### **SEC. 51P-799.112. LANDSCAPING AND SIDEWALKS.**

(a) In general.

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

(2) Plant materials must be maintained in a healthy, growing condition.

(3) For each lot, landscaping must be installed within six months after the issuance of a certificate of occupancy.

(4) Site trees must be provided at a ratio of one per 6,000 square feet.

(5) Yaupon holly, *Ilex Vomitoria*, is not considered a protected tree for mitigation purposes. Relocation of hollies is encouraged.

(6) Street trees must have a minimum caliper of four inches.

(7) The following minimum number of trees must be provided between the building facade and the curb and may count toward site, parking lot, and street tree requirements:

(A) Along Lovers Lane in Subarea I, 15 trees; in Subarea II, 33 trees.

(B) Along Matilda in Subarea I, 18 trees.

(C) Along Amesbury in Subarea II, nine trees.

(D) Along Matilda in Subarea II, 10 trees; in Subarea III, 12 trees.

(b) Sidewalks.

(1) Sidewalks must be provided in the locations shown on the development plan.

(2) In Subarea I, sidewalks may be located adjacent to retail uses.

(3) Tree wells may be provided in sidewalks and are not considered an obstruction.

(4) The following minimum sidewalk widths must be provided as follows:

(A) Along Lovers Lane in Subarea I, 15 feet; and in Subarea II, 10 feet.

(B) Along Matilda in Subarea I, 15 feet.

(C) Along Amesbury in Subarea II, eight feet.

(D) Along Milton in Subareas II and III, eight feet.

(c) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. "Parkway" means the portion of a street right-of-way between the street curb and the lot line. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the 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 council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(2) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this subsection.

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

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

(d) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or related amenities in the parkway. An application for a parkway landscape permit must be made to the building official. The application must be in writing on a form approved by the building official 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 building official 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 building official determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the building official shall issue a parkway landscape permit to the property owner; otherwise, the building official 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 building official's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official 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 building official's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way. (Ord. 27357)

**SEC. 51P-799.113. SIGNS.**

(a) Subarea I.

(1) Except as provided in this subsection, signs must comply with the provisions for business zoning districts.

(2) Non-monument signs are permitted.

(3) A buffer setback from a non-business zoning district is not required.

(4) Two additional blade signs are permitted. Blade signs must be attached to a main structure and may not exceed 50 square feet in effective area.

(b) Subareas II and III. Signs must comply with the provisions for non-business zoning districts. (Ord. 27357)

**SEC. 51P-799.114. ADDITIONAL PROVISIONS.**

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

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

(c) Exterior parking structure facades must be concealed with a facade that is similar in materials, architecture, and appearance to the facade of the main structure or the adjacent structure, except that breaks in the exterior parking structure facade not exceeding 40 feet in width are permitted at driveway and entryway locations. Openings in the exterior parking structure facade may not exceed 50 percent of the total parking structure facade area. Except garage entrances and exits, openings in parking structure facades that are visible from a public right-of-way may not exceed 45 percent of the total parking structure.

(d) To ensure compatibility with the surrounding land uses, facades facing rights-of-way must be 85 percent masonry excluding windows, trim, and doors. Masonry includes stone, brick, concrete, hollow clay tile, cementitious fiber siding, decorative concrete blocks or tile, glass block, other similar building materials, or a combination of those materials. For purposes of this provision, stucco is considered masonry but Exterior Finish Insulations System (EFIS) materials are not.

(e) In Subarea II, garbage storage areas must be located within a parking structure and may not be visible from the right-of-way.

(f) In Subarea II, garbage pick-up areas are limited to the west entrance of the parking garage. (Ord. 27357)

**SEC. 51P-799.115.**

**COMPLIANCE WITH CONDITIONS.**

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

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, 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. 27357)

**SEC. 51P-799.116.**

**ZONING MAP.**

PD 799 is located on Zoning Map No. G-8. (Ord. 27357)