

**ARTICLE 801.**

**PD 801.**

**SEC. 51P-801.101. LEGISLATIVE HISTORY.**

PD 801 was established by Ordinance No. 27474, passed by the Dallas City Council on December 10, 2008. (Ord. 27474)

**SEC. 51P-801.102. PROPERTY LOCATION AND SIZE.**

PD 801 is established on property located on both sides of Bahama Drive, north of Plymouth Road. The size of PD 801 is approximately 27.72 acres. (Ord. 27474)

**SEC. 51P-801.103. DEFINITIONS AND INTERPRETATIONS.**

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

(1) **ARCADE SIGN** means a sign that is mounted under a canopy or awning and is perpendicular to the building to which the canopy or awning is attached. This sign is intended to be read from the pedestrian walkway that the canopy or awning covers.

(2) **AWNING SIGN** means a sign attached to, painted on, or otherwise applied to an awning.

(3) **GREENBELT** means a linear park or open space that retains the natural environment.

(4) **INTEGRATED RENEWABLE ENERGY SOURCE** means an accessory electrical power system for on-site generation and consumption that is attached to the roof or within the main structure.

(5) **INTERIOR SIDE YARD** means a side yard that is not adjacent to a street.

(6) **LIVE/WORK UNIT** means a residential use that combines a dwelling unit and work space floor area that is used only by the dwelling unit resident.

(7) **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.

(8) STOOP means a small porch leading to the entrance of a residential structure.

(9) 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.

(10) WIND TURBINE means a wind-driven turbine for generating electricity.

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

(c) This district is considered to be a residential zoning district. (Ord. 27474)

**SEC. 51P-801.104. EXHIBIT.**

The following exhibit is incorporated into this article: Exhibit 801A: conceptual plan. (Ord. 27474)

**SEC. 51P-801.105. CONCEPTUAL PLAN.**

(a) Development and use of the Property must comply with the conceptual plan (Exhibit 801A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

(b) This district is divided into three subareas: Subareas 1, 2, and 3 as shown on the conceptual plan. (Ord. 27474)

**SEC. 51P-801.106. DEVELOPMENT PLAN.**

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between a development plan and the conceptual plan, the development plan controls. If there is a conflict between the text of this article and the development plan, the text of this article controls. (Ord. 27474)

**SEC. 51P-801.107. MAIN USES PERMITTED.**

(a) In general. Except as provided in this section, the only main uses permitted are those main uses permitted in the MF-2(A) Multifamily District, subject to the same conditions applicable in the MF-2(A) Multifamily District, as set out in Chapter 51A. For example, a use permitted in the MF-2(A) Multifamily District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MF-2(A) Multifamily District is subject to DIR in this district; etc.

(b) Additional uses in all subareas. The following additional uses are permitted by right:

- Live/work unit.
- Private recreation center, club, or area.

(c) Additional uses in Subarea 2. The following additional uses are permitted by right in Subarea 2 at street level within 150 feet of the abutting right-of-way when part of a vertical mix of uses. Each use is limited to a maximum floor area of 2,000 square feet. The total maximum floor area of all additional uses in Subarea 2 is 50,000 square feet.

- Dry cleaning or laundry store.
- General merchandise or food store 3,500 square feet or less.
- Office.
- Personal service uses. *[Massage establishment and tattoo or body piercing studio are prohibited.]*
- Restaurant without drive-in or drive-through service. *[Outdoor dining floor area may not exceed 50 percent of the indoor dining floor area.]*

(Ord. 27474)

#### **SEC. 51P-801.108. ACCESSORY USES.**

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

(b) The following additional accessory use is permitted:

- Wind turbine *[Limited to Subareas 1 and 2.]*

(c) The following accessory uses are not permitted:

- Accessory outside sales.
- Accessory pathological waste incinerator.

(Ord. 27474)

#### **SEC. 51P-801.109. 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) Front yard.

(1) Except as provided in this subsection, no front yard is required. Minimum front yard along the perimeter of the Property is 10 feet.

(2) Building elements listed in Section 51P-801.110 may project up to three feet into the front yard.

(b) Side and rear yard.

(1) Except as provided in this subsection, minimum side yard is five feet and minimum rear yard is 10 feet.

(2) In a shared access development, no minimum interior side yard is required.

(3) Minimum side and rear yard along the perimeter of the Property is 10 feet. The greenbelt area shown on the conceptual plan may count toward the required side or rear yard.

(c) Density.

(1) Maximum number of dwelling units, including live/work units, is 1,700.

(2) Maximum dwelling unit density in Subarea 1 is 80 units per acre.

(3) Maximum dwelling unit density in Subarea 2 is 85 units per acre.

(4) Maximum dwelling unit density in Subarea 3 is 55 units per acre.

(d) Height.

(1) Except as provided in this subsection, maximum structure height in:

(A) Subarea 1 is 180 feet.

(B) Subarea 2 is 85 feet except that the maximum height in the smaller area shown on the conceptual plan is 180 feet. The maximum floor plate area for any building over 85 feet in height is 25,000 square feet.

(C) Subarea 3 is 75 feet.

(2) The following structures may project no more than 12 feet above the maximum structure height:

(A) Elevator penthouse or bulkhead.

(B) Mechanical equipment room.

(C) Cooling tower.

(D) Tank designed to hold liquids.

(E) Ornamental cupola or dome.

(F) Skylights.

(G) Clerestory.

(H) Visual screens that surround roof-mounted mechanical equipment.

(I) Chimney and vent stacks.

- (J) Amateur communications tower.
- (K) Parapet wall limited to four feet in height.
- (L) Accessory wind turbine.
- (M) Integrated renewable energy system.

(3) Roof-mounted mechanical equipment must be screened or set back so that it is not visible from the property line. Screening materials must match the main building facade materials.

(4) Except as provided in this subsection, any portion of a structure over 45 feet in height may not be located above a residential proximity slope. The residential proximity slope is a plane projected upward and outward at a one-to-two rise over run from private property in a single family district. Structures listed in Paragraph (2) may project through the residential proximity slope to a height not to exceed the maximum structure height or 12 feet above the residential proximity slope, whichever is less.

(A) In Subarea 1 residential proximity slope terminates at a horizontal distance of 200 feet from a private property line in a single family district.

(B) In Subarea 2 the residential proximity slope terminates at a horizontal distance 100 feet from the right-of-way line of North Plymouth Road

(C) In Subarea 3, the residential proximity slope extends infinitely.

(e) Lot coverage.

(1) Except as provided in this subsection, total lot coverage may not exceed 60 percent in any subarea.

(2) Maximum lot coverage for single family, multifamily, or street-level non-residential uses is 80 percent. For all other uses, maximum lot coverage is 60 percent.

(3) For a shared access development, the shared access area may be used to satisfy minimum lot area requirements or determine lot coverage.

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

(f) Lot size. Minimum lot size is 1,000 square feet.

(g) Stories. No maximum number of stories. (Ord. 27474)

**SEC. 51P-801.110. BUILDING ELEMENTS.**

(a) Awnings. Street-level awnings must be a minimum of 10 feet in height above the sidewalk and must have a minimum depth of six feet.

(b) Balconies. Balconies that face and are within 100 feet of the greenbelt may not project beyond the building facade.

(c) Stoops.

(1) Stoops may not exceed five feet in depth, excluding steps, and six feet in width.

(2) Stoops may have a roof, but may not be wholly enclosed. Partial walls and railings may not exceed three-and-one-half feet in height.

(d) Front porches.

(1) Front porches must be a minimum of six feet deep, excluding steps.

(2) Front porches may have a roof, but may not be wholly enclosed. Partial walls and railings may not exceed three-and-one-half feet in height. (Ord. 27474)

**SEC. 51P-801.111. OFF-STREET PARKING, CIRCULATION, AND LOADING.**

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

(b) Accessory community center (private) use. One off-street parking space per 500 square feet of floor area is required.

(c) Live/work unit use. The minimum off-street parking space requirement is determined by the non-residential use of the live/work unit, not by the residential use of the live/work unit. Consult the use regulations in Division 51A-4.200 for the specific off-street parking requirements.

(d) Single family uses. A minimum of two off-street parking spaces are required.

(e) Multifamily uses.

(1) A minimum of one off-street parking space per bedroom is required with a maximum of one-and-one-half off-street parking spaces required per dwelling unit.

(2) For multifamily uses in Subarea 3, one off-street parking space for each dwelling unit must be located on the same building site. Additional required off-street parking spaces must be located within a parking structure that is a maximum walking distance of 600 feet from the parking structure to the nearest entrance to the multifamily use.

(f) Restaurant uses. The outdoor, uncovered dining area of a restaurant use is not counted toward the off-street parking requirements.

(g) Parking reduction. If a minimum of two of the following pedestrian amenities are provided on a building site, the off-street parking requirements may be reduced by five percent:

(1) Galleries, arcades, or awnings that have a minimum length of 25 feet.

(2) A mid-block pedestrian path that is a minimum of six feet wide and extends from one street to another.

(3) A minimum of 85 percent of a building facade, excluding windows and doors, must be masonry materials including stone, cementitious simulated stone, brick, Portland cement stucco,

and cementitious siding or a combination thereof; and no more than 15 percent of a building facade may have the following accent materials:

- (A) pre-cast masonry (may be used only for trim and cornice elements);
  - (B) glass fiber, reinforced fiber concrete, and fiberglass reinforced plastic (may be used only for trim elements);
  - (C) metal (may be used only for beams, lintels, trim elements and ornamentation);
  - (D) split-faced concrete masonry unit (may be used only for piers and foundation walls), glass block (no closer than 30 inches to building corners); and
  - (E) fabric for awnings.
- (4) One free standing or wall-mounted pedestrian lighting per 75 feet of street frontage.
- (5) Providing electric transmission lines underground for the length of the building site.

(h) Parking structures. Parking structures must be located underground or have a facade that is similar in materials, architecture, and appearance to the main structure facade or the adjacent main structure facade, except that breaks in the exterior parking structure facade not exceeding 40 feet in width are permitted at driveway and entryway locations. Openings in a parking structure facade may not exceed 60 percent of the total parking structure facade area.

(i) Surface parking.

- (1) For non-residential uses, surface parking is permitted within the required front yard but is limited to a maximum depth of 50 feet from the Property line or the depth for one parking row and one driveway aisle, whichever is less.
- (2) For all uses, surface parking spaces may not exceed 125 percent of all required off-street parking on a building site.

(j) Screening. Surface parking lots must be screened from the abutting street by:

- (1) fencing and screening walls that must be brick, stone, concrete masonry, stucco, or concrete, have a minimum height of 30 inches, and have no more than ten square inches of open area for each square foot of surface area; or
- (2) a planting strip that is a minimum of five feet in width and extends the entire length of the parking lot planted with landscaping materials that will form a continuous evergreen hedge at least 30 inches in height within two years.

(k) Garage doors. If any part of a residential use is within 100 feet of Bahama Street or Plymouth Drive, the garage door may not face the street. (Ord. 27474)

**SEC. 51P-801.112.**

**ENVIRONMENTAL PERFORMANCE STANDARDS.**

(a) In general. Except as provided in this section, see Article VI for environmental performance standards.

(b) Outdoor lighting. Outdoor light sources and fixtures must comply with the following requirements:

(1) Light sources.

(A) Only incandescent, fluorescent, metal halide, LED, or color corrected high-pressure sodium may be used.

(B) Light sources must be indirect, diffused, and covered by fixtures that prevent spillover light onto abutting lots.

(C) Light sources may not be visible from the abutting right-of-way or abutting properties.

(2) Light fixtures.

(A) Except as provided in this paragraph, Section 51A-4.301(e) applies to light fixtures used in off-street parking areas. Light fixtures in off-street parking areas may not exceed 30 feet in height.

(B) Along sidewalks in pedestrian areas, light fixtures must be a minimum of nine feet in height and a maximum of 15 feet in height.

(C) Light fixtures attached to buildings may not project light above the roof line and must be shielded.

(D) Entrances to nonresidential or multifamily uses must be lighted beginning at dusk and continuing until dawn. (Ord. 27474)

**SEC. 51P-801.113.**

**LANDSCAPING.**

(a) In general.

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

(2) Article X design standards may be provided in the parkway.

(3) Large trees must be planted a minimum of 10 feet from a building facade.

(b) Greenbelt area.

(1) Purpose. Greenbelt requirements are intended to provide relief from a dense urban environment, assist with pedestrian movement, conserve existing mature tree canopies and landscaping, and protect existing natural drainage areas and creeks.

(2) Requirements.

plan. (A) Greenbelt area must be provided in the location shown on the conceptual

sky. (B) Except as provided in this subsection, greenbelt area must be open to the

(C) Improvements in the greenbelt area are limited to fencing, paved walkways, trails, benches, and trash receptacles. Improvements must be approved by the director of development services and the director of public works and transportation to ensure that the improvements will not impede the 100-year frequency flood discharge.

(D) Tree preservation, removal, and replacement regulations in Division 51A-10.130 apply to the greenbelt area.

(c) Parkway trees.

(1) Location. Parkway trees are large trees that must:

(A) be planted in an area parallel to and between two-and-one-half and 15 feet from the back of the projected curbs; and

(B) have at least 36 square feet of planting area.

(2) Number. The number of parkway trees is determined by the street adjacency. Fractions are rounded to the nearest whole number with .5 being rounded up to the next higher whole number.

(A) Bahama Street. One parkway tree must be provided for each 50 feet of street frontage.

(B) Plymouth Drive. One parkway tree must be provided for each 30 feet of street frontage.

(3) Type. Parkway trees must be recommended for local area use by the building official.

(4) Size. Parkway trees must have a minimum caliper of at least of three-and-one-half inches measured at a point 12 inches above the root ball and must have a minimum height of 14 feet at the time of installation.

(5) Spacing. Parkway trees must be spaced as uniformly as practicable. The trunk of a parkway tree must be within 50 feet of the trunk of another required tree.

(6) Credit. Parkway trees may be counted toward meeting the street tree requirements in Article X.

(d) Sidewalk.

(1) A minimum six-foot-wide sidewalk with a minimum of four feet of unobstructed width must be provided along Bahama Street and Plymouth Drive. Tree grates may not be counted towards the minimum unobstructed sidewalk width.

(2) The sidewalk must be located in an area parallel to and within two-and-one-half feet to fifteen feet of the back of the projected street curb.

(3) If the sidewalk is located in the front yard, the property owner must dedicate a sidewalk easement to the city to assure its availability to the public as a permanent pedestrian way. All sidewalk locations must be approved by the director of public works and transportation. (Ord. 27474)

**SEC. 51P-801.114. PRIVATE LICENSE.**

(a) 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.

(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, 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. 27474)

**SEC. 51P-801.115. SIGNS.**

(a) In general.

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

(2) For purposes of the sign regulations, the Property is considered one premise.

(b) Detached signs.

(1) Detached signs are limited to monument signs. "Monument sign" means a detached sign applied directly onto a grade-level support structure (instead of a pole support) with no separation between the sign and the grade.

(2) The maximum effective area of a monument sign is 100 square feet.

(3) The minimum setback of a monument sign is five feet and must comply with visibility triangle regulations.

(4) Except as provided in this paragraph, the maximum height of a monument sign is four feet. One monument sign may be between four feet and eight feet in height in Subarea 1 and one

monument sign may be between four feet and eight feet in height in Subarea 2. These two monument signs should be located nearest to the intersection of Bahama Drive and North Plymouth Drive.

(5) Monument signs adjacent to either Bahama Drive or North Plymouth Drive may only be located within 25 feet of the ingress and egress points shown on the attached conceptual plan.

(6) Monument signs adjacent to private drives or streets other than Bahama Drive and North Plymouth Drive must comply with Article VII.

(c) Attached signs.

(1) Arcade signs. Arcade signs may not exceed 10 square feet in effective area. The minimum linear distance between any two arcade signs is 15 feet. Arcade signs may not be lower than 10 feet above the sidewalk. Arcade signs may not project above the arcade, gallery, or awning to which they are attached. Arcade signs may only identify the premise or occupant and address.

(2) Awning signs. Awning signs may not exceed 20 square feet in effective area. The maximum combined effective area permitted for all awning signs on a building facade is 200 square feet. No signs are permitted on awnings above the second story. (Ord. 27474)

**SEC. 51P-801.116. 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.

(c) The occupant of a live/work unit may:

(1) not employ more than one person on the premises for more than forty hours in any given week;

(2) only have customers on the premises between 7 a.m. and 9 p.m.;

(3) only have material deliveries and pick-ups twice a week or less;

(4) not conduct work-related activities outside of the live/work unit;

(5) not have outdoor displays;

(6) not generate loud and raucous noise that renders enjoyment of life or property uncomfortable or interferes with public peace and comfort;

(7) sell products on the premises; and

(8) not have signs that advertise the business, services, or products of the live/work unit. (Ord. 27474)

**SEC. 51P-801.117.**

**COMPLIANCE WITH CONDITIONS.**

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

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 27474)

**SEC. 51P-801.118.**

**ZONING MAP.**

PD 801 is located on Zoning Map Nos. K-5, K-6, and L-6. (Ord. 27474)