

ARTICLE 808.

PD 808.

SEC. 51P-808.101. LEGISLATIVE HISTORY.

PD 808 was established by Ordinance No. 27575, passed by the Dallas City Council on June 24, 2009. (Ord. 27575)

SEC. 51P-808.102. PROPERTY LOCATION AND SIZE.

PD 808 is established on property located on the west corner of the intersection of Gaston Avenue and East Grande Avenue. The size of PD 808 is approximately 5.12 acres. (Ord. 27575)

SEC. 51P-808.103. DEFINITIONS AND INTERPRETATIONS.

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

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

(1) **AWNING SIGN** means any sign on the sides or top of an awning (excluding awnings over gas pumps).

(2) **BLADE SIGN** means a sign projecting perpendicularly from the building facade or, if at a building corner, at an angle of 135 degrees, visible from both sides, and made of rigid or soft materials.

(3) **BLANK WALL AREA** means any portion of the exterior of a building that does not include a material change; windows or doors; or columns, pilasters, or other articulation greater than 12 inches in depth. Blank wall area is measured horizontally on each story.

(4) **DOOR YARD** means the area between the sidewalk zone and the street-level story of the front building facade.

(5) **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 non-residential use.

(6) **MASONRY** means stone, brick, concrete, stucco, hollow clay tile, decorative concrete block or tile, glass block, other similar building units or materials, or combination of those materials laid up unit by unit and set in mortar. EFIS materials are not considered masonry.

(7) **MIXED-USE DEVELOPMENT** means a combination of uses that includes a multifamily use and is within a single structure or on a single lot.

(8) PLANTING ZONE means a three-foot-wide planting area located immediately adjacent to the curb that may contain parkway trees, turf, grass, flowers, and/or ground cover vegetation.

(9) REFLECTANCE means 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.

(10) ROOF COURTYARD means a recreational area located on the roof of a structure that is open to the sky and includes landscaping and other amenities.

(9) SIDEWALK ZONE means a minimum 10-foot wide area located immediately adjacent to the planting zone that contains a minimum 10-foot wide unobstructed sidewalk.

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

(c) This district is considered to be a nonresidential zoning district. (Ord. 27575)

SEC. 51P-808.104. EXHIBITS.

The following exhibit is incorporated into this article: Exhibit 808A: conceptual plan. (Ord. 27575)

SEC. 51P-808.105. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 808A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls. (Ord. 27575)

SEC. 51P-808.106. DEVELOPMENT PLAN.

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize additions to a structure existing on June 24, 2009 or to authorize any new construction. If there is a conflict between the text of this article and the approved development plan, the text of this article controls. (Ord. 27575)

SEC. 51P-808.107. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. For example, a use permitted in the CR Community Retail 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 CR Community Retail District is subject to DIR in this district; etc.

(b) The following additional uses are permitted by right:

- Duplex.
- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*
- Live-work unit. *[Limited to 1,000 square feet. Restaurant and alcoholic beverage establishment uses are prohibited as a component.]*
- Multifamily.
- Retirement housing.
- Single family.

(Ord. 27575)

SEC. 51P-808.108. 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 accessory uses are not permitted:

- Accessory medical/infectious waste incinerator.
- Accessory outside sales.
- Accessory outside storage.
- Accessory pathological waste incinerator.
- Private stable.

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

- Accessory helistop.

(Ord. 27575)

SEC. 51P-808.109. 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. Except as provided in this section, the yard, lot, and space regulations for the CR Community Retail District apply.

(b) Residential use or mixed-use development.

(1) Front yard.

(A) Except as provided in this paragraph, minimum front yard is as shown on the conceptual plan.

(B) Minimum setback for the street-level story of the front building facade is 23 feet from the back of the curb. Stories located above the street-level story and any support columns for the same may be located in the door yard.

(C) Cantilevered roof eaves and balconies may project up to five feet into the required front yard.

(D) Stoops and stairs not exceeding eight feet in width and four feet in height, measured from grade to the top of the landing or from grade to the top of the stairs, may extend up to five feet into a required front yard.

(2) Side and rear yard. Except as provided in this paragraph, no minimum side or rear yard is required. Minimum side and rear yard adjacent to or directly across an alley from a residential district is 20 feet.

(3) Density. Except as provided in this paragraph, maximum number of dwelling units is 250. For a mixed-use development, maximum number of dwelling units is 400.

(4) Floor area.

(A) For a mixed-use development, a minimum of 20,000 square feet of floor area must be nonresidential uses. For purposes of this provision, the entire district is considered as one lot.

(B) Maximum floor area ratio is 2.0.

(5) Height.

(A) If any portion of a structure is over 26 feet in height, that portion may not be located above the residential proximity slope. See Section 51A-4.412.

(B) Unless restricted in Subparagraph (A), maximum structure height is 85 feet.

(C) Along Gaston Avenue, the minimum street-level story height is 15 feet for a minimum depth of 50 feet, measured from the building facade.

(6) Lot coverage. Maximum lot coverage is 85 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots, underground parking structures, and roof courtyards are not.

(7) Lot size. Minimum lot size is 1,000 square feet. (Ord. 27575)

SEC. 51P-808.110.

BUILDING ELEMENTS AND DESIGN STANDARDS.

(a) Applicability. Building elements and design standards only apply to a residential use or a mixed-use development.

(b) Purpose. Building elements and design standards are intended to:

(1) ensure adequate on-site vehicular, pedestrian, and bicycle circulation using interior drives, parking areas, pathways, and sidewalks designed to safely buffer pedestrian and bicycle traffic from vehicular traffic;

(2) ensure that new development enhances and is compatible with surrounding neighborhoods;

(3) enhance the environment for pedestrians.

(c) Building elements and facade.

(1) Street-level transparency. (Measured between 0 and 10 feet above the adjacent sidewalk)

(A) Gaston Avenue facade: Minimum 40 percent.

(B) East Grand Avenue facade: Minimum 20 percent.

(2) Street-level shopfront windows. Along Gaston Avenue, a minimum of 60 percent of the street-fronting street-level window pane surface area must allow views into the street-level use for a depth of at least four feet. Windows must be clear or unpainted, or, if treated, must be translucent. Spandrel glass or backpainted glass does not comply with this provision.

(3) Upper-story transparency. (Measured from floor to floor) Gaston Avenue and East Grand Avenue facade: Minimum 40 percent.

(4) Pedestrian entrances.

(A) Gaston Avenue: Required.

(B) Entrance spacing (maximum linear feet):100.

(C) East Grand Avenue: Allowed.

(D) Tucker Street: Allowed.

(5) Blank wall area. Gaston Avenue, East Grand Avenue, and Tucker Street (maximum linear feet): 20 feet.

(6) Facade features. One of the three following facade features must be provided on each separate facade along Gaston Avenue:

(A) Arcades. See Section 51A-13.305(a) for an illustration of an arcade.

(i) An arcade must have a clear depth from the support columns to the building's facade of at least eight feet and a clear height above the sidewalk of at least 10 feet.

(ii) An arcade must be contiguous and extend over at least 50 percent of the width of the building facade.

(iii) No arcade may encroach into the right-of-way.

(B) Galleries. See Section 51A-13.305(b) for an illustration of a gallery.

(i) A gallery must have a clear depth from the support columns to the building's facade of at least eight feet and a clear height above the sidewalk of at least 10 feet.

(ii) A gallery must be contiguous and extend over at least 50 percent of the width of the building facade from which it projects.

(iii) A gallery may encroach into the door yard. No gallery may encroach into the right-of-way without a license for the use of the right-of-way.

(C) Awnings. See Section 51A-13.305(c) for an illustration of an awning.

(i) A street-level awning must have a minimum clearance of 10 feet above the sidewalk and must have a minimum depth of four feet.

(ii) An awning may encroach into the door yard. No awning may encroach into the right-of-way without a license for the use of the right-of-way.

(7) Prohibited materials. The following facade materials are not permitted:

(A) Painted brick.

(B) Simulated brick.

(C) Unfinished concrete masonry units.

(D) Aluminum siding.

(E) Reflective metal panels.

(F) Plastic, including plastic and vinyl siding.

(G) Painted stone.

(H) Simulated stucco.

(I) Flakeboard.

(Ord. 27575)

SEC. 51P-808.111.

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) For a multifamily use, a minimum of one off-street parking space is required for each efficiency dwelling unit, a minimum of one-and-two-tenths off-street parking spaces are required for each one bedroom dwelling unit, and a minimum of two off-street parking spaces are required for each two or more bedroom dwelling units.

(3) For a live-work unit, a minimum of one-and-one-half off-street parking spaces are required for each live-work unit that has an office use; a minimum of two off-street parking spaces are required for each live-work unit that has a retail or personal service use.

(b) Shared parking.

(1) Parking for a mixed-use development may be adjusted based on the following table. The adjusted standard off-street parking requirement is the largest of the five “time-of-day” column sums.

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

<u>Use Category</u>	<u>Morning</u>	<u>Noon</u>	<u>Afternoon</u>	<u>Late Afternoon</u>	<u>Evening</u>
Residential	80%	60%	60%	70%	100%
Office related	100%	80%	100%	85%	35%
Retail related	60%	75%	70%	65%	70%
Bar & restaurant	20%	100%	30%	30%	100%
Other	100%	100%	100%	100%	100%

(2) For purposes of off-street parking and loading, the entire district is considered as one lot.

(c) Screening of off-street loading spaces and service areas.

(1) Off-street loading spaces and service areas must be:

(A) screened from all public streets and from all adjoining property whether abutting or directly across a street or alley, or

(B) located within a parking structure and not visible from public streets and adjoining property outside of this district.

(2) The screening must be at least six feet in height and may be provided by any of the methods described in Paragraph 51A-4.602(b)(3) of the Dallas Development Code, as amended, except that screening around service areas for trash collection must be screened by a masonry wall.

(d) Surface parking. The following surface parking requirements apply only to a multifamily use or a mixed-use development.

(1) Surface parking lots having more than four rows of parking across the width of the lot must have a pedestrian pathway system distinguished from the parking and

driving surface by landscape barriers or a change in surface materials such as pavers or patterned concrete. Pedestrian pathways may not be distinguished by paint alone. Pedestrian pathways must be a minimum of four feet wide.

(2) For all uses combined, surface parking spaces may not exceed 125 percent of the required off-street parking.

(3) Except along Gaston Avenue and Grand Avenue, surface parking must be setback a minimum of 30 feet.

(4) Along Gaston Avenue, surface parking between a building facade and Gaston Avenue is limited to a single parking row.

(5) Except vehicular and pedestrian ingress and egress points, surface parking areas must be screened from adjacent streets and adjacent residential uses with landscape materials that are a minimum of three feet in height and are capable of forming a solid screen within three years. (Ord. 27575)

SEC. 51P-808.112. ENVIRONMENTAL PERFORMANCE STANDARDS.

(a) In general. Except as provided in this section, Article VI applies.

(b) Pedestrian scale lighting. For a residential use or a mixed-use development, 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. In this subsection, “pedestrian scale lighting” means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or an equivalent pedestrian light fixture approved by the director of public works and transportation. The design and placement of both the standards and fixtures must be approved by the director of public works and transportation. Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting. (Ord. 27575)

SEC. 51P-808.113. PEDESTRIAN AMENITIES.

(a) Bench and trash cans must be provided at one per 100 feet of street frontage.

(b) Bicycle racks must be provided to accommodate one bicycle for every 20 required nonresidential off-street parking spaces.

(c) Pedestrian amenities must be placed between the building facade and the property line. Pedestrian amenities may not obstruct the minimum sidewalk width.

(d) Pedestrian amenities must be maintained in a state of good repair and neat appearance. (Ord. 27575)

SEC. 51P-808.114. LANDSCAPING.

(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.

(b) Residential uses and mixed-use developments.

(1) In general. A planting zone and sidewalk zone must be provided.

(2) Parkway trees.

(A) Location. Parkway trees must be planted in the planting zone. Any ADA-approved tree grates for parkway trees shall not be considered a sidewalk obstruction:

(B) 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.

(i) Gaston Avenue and East Grand Avenue. One parkway tree must be provided for each 20 feet of street frontage.

(ii) Tucker Street. One parkway tree must be provided for each 40 feet of street frontage along Tucker Street.

(C) Type. Parkway trees must be of a type recommended for local area use by the building official.

(D) Size.

(i) Except as provided in this subparagraph, parkway trees must be large trees and have a 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.

(ii) To promote a variety of trees planted and compatibility of tree canopy growth with adjacent vehicle lanes, up to fifty percent of parkway trees may be small trees. Small trees must have a caliper of at least two inches measured at a point 12 inches above the root ball. Continuous planting of small trees is limited to groups of 50 linear feet.

(E) Spacing. Parkway trees must be spaced as uniformly as practicable, with spacing to be approved by the city arborist.

(F) Credit. Parkway trees may be counted toward meeting the street tree and site tree requirements in Article X, regardless of being a small or large tree.

(G) Public improvement. If any public improvement disturbs a landscaped area in the right-of-way, the property owner shall make every reasonable effort to preserve the required parkway trees and return them to their prior location, or an alternate location approved by the city arborist, within six months after the completion of the public

improvement. If, nonetheless, some required parkway trees die, it is the obligation of the property owner to replace the required parkway trees.

(3) Irrigation. The building official may approve an alternate irrigation system that will provide for all plants to be maintained in a healthy, growing condition. (Ord. 27575)

SEC. 51P-808.115. 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 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 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 article 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 right-of-way. (Ord. 27575)

SEC. 51P-808.116. SIGNS.

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

(b) For any residential use or a mixed-use development, the following signs are permitted in addition to the signs permitted in Subsection (a).

(1) Blade signs.

(A) Blade signs may not exceed 60 square feet in effective area per side.

(B) Blade signs may project up to four feet from the surface of the building, but may not project above the roof of the facade to which it is attached.

- (C) Blade signs must be at least 10 feet above grade.
 - (D) Blade signs may be illuminated up to 200 foot lamberts.
 - (E) One blade sign is permitted to be attached to the Grand Avenue facing facade of a building.
 - (F) Two blade signs are permitted to be attached to the Gaston Avenue facing facade of a building.
 - (G) One blade sign is permitted to be attached to the Tucker Street facing facade of a building.
- (2) Awning signs. The maximum size of each awning sign is 20 square feet. No signs are permitted on awnings above the second story.
- (c) For purposes of signs the entire Property is to be considered as one lot. (Ord. 27575)

SEC. 51P-808.117. 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. (Ord. 27575)

SEC. 51P-808.118. COMPLIANCE WITH CONDITIONS.

- (a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.
- (b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, 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. 27575)

SEC. 51P-808.119. ZONING MAP.

PD 808 is located on Zoning Map No. I-9. (Ord. 27575)