

ARTICLE 761.

PD 761.

The Dallas Logistics Port Special Purpose District

SEC. 51P-761.101. LEGISLATIVE HISTORY.

PD 761 was established by Ordinance No. 26872, passed by the Dallas City Council on June 27, 2007. (Ord. 26872)

SEC. 51P-761.102. PROPERTY LOCATION AND SIZE.

PD 761 is established on property bounded by Interstate Highway 20, J. J. Lemmon Road, Wintergreen Road, and Bonnie View Road. The size of PD 761 is approximately 1,319 acres. (Ord. 26872)

SEC. 51P-761.103. CREATION OF SUBDISTRICTS.

This special purpose district is divided into the Logistics Industrial (LI) and Logistics Retail (LR) Subdistricts. Exhibit 761A shows the boundaries of each subdistrict. (Ord. 26872)

SEC. 51P-761.104. DEFINITIONS AND INTERPRETATIONS.

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

(1) **INTERMODAL RAILROAD FACILITY** means a facility for the loading, unloading, storage (inside and outside), distribution, and transfer of cargo containers from railroads.

(2) **DISTRICT IDENTIFICATION SIGNS** means a sign that identifies the Logistics Port Special Purpose District.

(3) **MOVEMENT CONTROL SIGN** means a sign that directs vehicular and pedestrian movement within this special purpose district.

(4) **PIERCING SALON** means a facility in which body piercing is performed. **BODY PIERCING** means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(5) **STREET-YARD** means that portion of a lot between a building facade facing a street and the property line.

(6) **TATTOO STUDIO** means an establishment in which tattooing 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.

(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 special purpose district is considered to be a nonresidential zoning district.

(d) In this special purpose district, a single family, duplex, or multifamily use creates a residential adjacency as defined in Chapter 51A.

(e) A planned development subdistrict may be established as a subdistrict of this special purpose district in accordance with Section 51A-4.702. If there is a conflict between an ordinance establishing or amending a planned development subdistrict and this article, the ordinance that established or amended the subdistrict controls. (Ord. 26872)

SEC. 51P-761.105. CONCEPTUAL PLAN.

A conceptual plan is not required for this special purpose district. (Ord. 26872)

SEC. 51P-761.106. DEVELOPMENT PLAN.

No development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, and development schedule do not apply. (Ord. 26872)

SEC. 51P-761.107. MAIN USES PERMITTED.

(a) Logistics Industrial (LI) Subdistrict.

(1) Agricultural uses.

-- Crop production.

(2) Commercial and business service uses.

-- Building repair and maintenance shop. [RAR]

-- Bus or rail transit vehicle maintenance or storage facility. [RAR]

-- Catering service.

-- Custom business services.

-- Custom woodworking, furniture construction, or repair.

-- Electronics service center.

-- Machine or welding shop. [Inside only. RAR]

-- Machinery, heavy equipment, or truck sales and services. [RAR]

-- Medical or scientific laboratory.

-- Technical school.

-- Tool or equipment rental.

-- Vehicle or engine repair or maintenance. [RAR]

(3) Industrial uses.

- Industrial (inside). *[SUP required if the use is potentially incompatible; otherwise with RAR. See Section 51A 4.203(a).]*
- Industrial (inside) for light manufacturing.
- Industrial (outside). *[RAR]*
- Mining. *[Limited to oil and gas exploration and production; by SUP only; and must be spaced a minimum of 1,000 feet from single family, duplex, or multifamily uses.]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(4) Institutional and community service uses.

- None permitted.

(5) Lodging uses.

- Extended stay hotel or motel. *[SUP]*
- Hotel or motel. *[By SUP for a hotel or motel with fewer than 80 rooms; otherwise with RAR.]*
- Lodging or boarding house. *[SUP]*

(6) Miscellaneous uses.

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

(7) Office uses.

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

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

- None permitted.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4). Treat as if in an industrial district.]*
- Commercial amusement (inside). *[SUP required if required in an industrial district. See Section 51A-4.210(b)(7). Gun range and dance hall uses are not permitted.]*
- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential use.]*
- Commercial parking lot or garage. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- Home improvement center, lumber, brick, or building materials sales yard. *[RAR]*
- Household equipment and appliance repair.
- Motor vehicle fueling station.
- Personal service uses. *[Tattoo studios and piercing salons are not permitted.]*
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Temporary retail use.
- Theater.
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[RAR]*

(11) Transportation uses.

- Airport or landing field. *[SUP]*
- Commercial bus station and terminal. *[RAR]*
- Heliport. *[RAR]*
- Helistop. *[RAR]*
- Intermodal railroad facility.
- Railroad passenger station. *[SUP]*
- Railroad yard, roundhouse, or shops. *[RAR]*
- STOL (short take off or landing) port. *[SUP]*
- 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.

- Commercial radio or television transmitting station.
- Electrical generating plant. *[SUP]*

- Electrical substation.
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[RAR]*
- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1). Treat as if in an industrial district.]*
- Utility or government installation other than listed. *[SUP]*
- Water treatment plant. *[RAR]*

(13) Wholesale, distribution, and storage uses.

- Building mover's temporary storage yard. *[SUP]*
- Contractor's maintenance yard. *[RAR]*
- Freight terminal.
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage (with visual screening). *[See Section 51P-761.110.]*
- Outside storage (without visual screening). *[See Section 51P-761.110.]*
- Petroleum product storage and wholesale. *[RAR]*
- Recycling buy-back center. *[See Section 51A-4.213(11). Treat as if in an industrial district.]*
- Recycling collection center. *[See Section 51A-4.213(11.1). Treat as if in an industrial district.]*
- Recycling drop-off container. *[See Section 51A-4.213 (11.2). Treat as if in an industrial district.]*
- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3). Treat as if in an industrial district.]*
- Sand, gravel, or earth sales and storage. *[RAR]*
- Trade center.
- Vehicle storage lot.
- Warehouse. *[RAR]*

(b) Logistics Retail (LR) Subdistrict.

(1) Agricultural uses.

- None permitted.

(2) Commercial and business service uses.

- Building repair and maintenance shop. *[RAR]*
- Catering service.
- Custom business services.
- Electronics service center.

- Machinery, heavy equipment, or truck sales and services. *[RAR]*
- Medical or scientific laboratory. *[SUP]*
- Tool or equipment rental.
- Vehicle or engine repair or maintenance. *[RAR]*

(3) Industrial uses.

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

(4) Institutional and community service uses.

- None permitted.

(5) Lodging uses.

- Extended stay hotel or motel. *[SUP]*
- Hotel or motel. *[By SUP for a hotel or motel with fewer than 80 rooms; otherwise with RAR.]*
- Lodging or boarding house.
- Overnight general purpose shelter. *[See Section 51A-4.205(2.1). Treat as if in an industrial district.]*

(6) Miscellaneous uses.

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

(7) Office uses.

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

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

- None permitted.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4). Treat as if in an industrial district.]*
- Ambulance service. *[RAR]*
- Business school.

- Commercial amusement (inside). *[SUP required if required in an industrial district. See Section 51A-4.210(b)(7). Gun range and dance hall uses are not permitted.]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage. *[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.
- General merchandise or food store 100,000 square feet or more. *[Subject to the design standards in Section 51A-4.605(a) rather than the design guidelines in Section 51P-761.117.]*
- Home improvement center, lumber, brick, or building materials sales yard. *[RAR]*
- Household equipment and appliance repair.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses. *[Tattoo studios and piercing salons are not permitted.]*
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Temporary retail use.
- Theater.

(11) Transportation uses.

- Heliport. *[SUP]*
- Helistop. *[SUP]*
- Intermodal railroad facility.
- Railroad passenger station. *[SUP]*
- 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.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[SUP]*
- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1). Treat as if in an industrial district.]*
- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

- Mini-warehouse. *[SUP]*

SEC. 51P-761.108.

ACCESSORY USES.

(a) In general. 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) Logistics Industrial (LI) Subdistrict. The following accessory uses are not permitted in this subdistrict:

- Accessory community center (private).
- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Home occupation.
- Private stable.

(c) Logistics Retail (LR) Subdistrict. The following accessory uses are not permitted in this subdistrict:

- Accessory community center (private).
- Home occupation.
- Private stable.

(Ord. 26872)

SEC. 51P-761.109.

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) Logistics Industrial (LI) Subdistrict.

(1) Front yard.

(A) Except as provided in this paragraph, minimum front yard is 50 feet.

(B) Minimum front yard may be reduced to 25 feet if the adjacent right-of-way is less than 72 feet wide, measured from back-of-curb to back-of-curb.

(2) Side yard.

(A) Except as provided in this paragraph, minimum side yard is 25 feet.

(B) Minimum side yard for lots abutting single family, duplex, or multifamily uses is 100 feet.

(C) No minimum side yard for lots abutting railroad rights-of-way or rail spurs.

(3) Rear yard.

(A) Except as provided in this paragraph, minimum rear yard is 25 feet.

(B) Minimum rear yard for lots abutting single family, duplex, or multifamily uses is 100 feet.

(C) No minimum rear yard for lots abutting railroad rights-of-way or rail spurs.

(4) Floor area.

(A) Except as provided in this paragraph, maximum floor area for all uses combined is 2.0.

(B) No maximum floor area for industrial (inside), industrial (inside) for light manufacturing, or office showroom/warehouse uses.

(5) Height.

(A) Unless further restricted in Subparagraph (B), maximum structure height is 200 feet.

(B) Except as provided in this subparagraph, if any portion of a structure is over 26 feet in height, that portion may not be located above a 1-to-3 residential proximity slope. For purposes of this subparagraph, the site of origination is any single family, duplex, or multifamily use.

(i) Except for chimneys, structures listed in Section 51A-4.408(a)(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.

(ii) Chimneys may project through the residential proximity slope to a height not to exceed 12 feet above the maximum structure height or 12 feet above the residential proximity slope, whichever is less.

(iii) Cranes located within an intermodal railroad facility use are exempt from the residential proximity slope.

(6) Lot coverage.

(A) Maximum lot coverage is 55 percent.

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

(7) Lot size. No minimum lot size.

(8) Stories. Maximum number of stories above grade is 17. Parking garages are exempt from this requirement, but must comply with the height regulations in Section 51P-761.109(a)(5).

(b) Logistics Retail (LR) Subdistrict.

(1) Front yard. Minimum front yard is 25 feet.

(2) Side yard.

(A) Except as provided in this paragraph, minimum side yard is 15 feet.

(B) Minimum side yard for lots abutting single family, duplex, or multifamily uses is 40 feet.

(3) Rear yard.

(A) Except as provided in this paragraph, minimum rear yard is 25 feet.

(B) If a lot abutting a single family use has a structure that exceeds one story or 20 feet in height, the minimum rear yard is 50 feet.

(C) If a lot abutting a single family use has a structure that exceeds two stories or 45 feet in height, the minimum rear yard is 100 feet.

(4) Floor area. Maximum floor area ratio is:

(A) 0.5 for office uses; and

(B) 1.5 for all uses combined.

(5) Height.

(A) Unless further restricted in Subparagraph (B), maximum structure height is 55 feet.

(B) Except as provided in this subparagraph, if any portion of a structure is over 26 feet in height, that portion may not be located above a 1-to-3 residential proximity slope. For purposes of this subparagraph, the site of origination is any single family, duplex, or multifamily use.

(i) Except for chimneys, structures listed in Section 51A-4.408(a)(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.

(ii) Chimneys may project through the residential proximity slope to a height not to exceed 12 feet above the maximum structure height or 12 feet above the residential proximity slope, whichever is less.

(6) Lot coverage.

(A) Maximum lot coverage is 50 percent.

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

(7) Lot size. No minimum lot size.

(8) Stories. Maximum number of stories above grade is five. Parking garages are exempt from this requirement, but must comply with the height regulations in Section 51P-761.109(b)(5). (Ord. 26872)

SEC. 51P-761.110.

SCREENING AND HEIGHT OF OUTSIDE STORAGE.

(a) Intermodal railroad facility uses.

(1) Screening. Screening of outside storage is not required.

(2) Height. No maximum height for outside storage.

(b) Other uses.

(1) Screening. If an outside storage area is visible from a public right-of-way, visible from a single family, duplex, or multifamily use, or visible from and within 100 feet of an adjoining property with a use other than a residential or an intermodal railroad facility use, screening of outside storage must be constructed and maintained as follows:

(A) Screening must be constructed of:

(i) brick, stone, or concrete masonry;

(ii) earthen berm planted with turf grass or ground cover recommended for local area use by the city arborist;

(iii) evergreen plant materials recommended for local area use by the city arborist; or

(iv) any combination of the above.

(B) Screening must be a minimum of nine feet in height and must be provided before the issuance of a certificate of occupancy for the use.

(C) A required screening wall or fence may not have more than 10 square inches of openings in any give square foot of surface.

(D) The berm may not have a slope that exceeds one foot of height for each two feet of width.

(E) Plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density. Plant materials must be capable of providing a solid appearance and must provide a visual barrier of the required height within three years of their initial planting.

(2) Height.

(A) Except as provided in this paragraph, maximum stacking height of outside storage is 30 feet.

(B) Maximum stacking height of outside storage within 40 feet of screening is eight feet. (Ord. 26872)

SEC. 51P-761.111. OFF-STREET PARKING AND LOADING.

(a) 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) Consult Divisions 51A-4.300 for information regarding off-street parking and loading generally.

(c) For an intermodal railroad facility use, minimum required off-street parking is one space for each 1,000 square feet of floor area.

(d) For intermodal railroad facility, freight terminal, office showroom/warehouse, and warehouse uses, minimum required off-street loading is follows:

Floor area	Loading spaces required
0-10,000 sq.ft	none
more than 10,000 to 50,000 sq.ft.	1 space
more than 50,000 to 100,000 sq.ft.	2 spaces
more than 100,000 sq.ft.	2 spaces plus one additional space per 100,000 square feet of floor area

(Ord. 26872)

SEC. 51P-761.112. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 26872)

SEC. 51P-761.113. LANDSCAPING

(a) Site trees.

(1) Intermodal railway facility use.

(A) One tree having a caliper of at least two inches must be provided for each 20,000 square feet of lot area, or fraction thereof, with a minimum of four trees being provided.

(B) If the building official determines that, due to inhospitable soil conditions or inadequate space, it would be impracticable or imprudent for the site trees to be planted within the intermodal railway facility use, site trees may be planted within 1,000 feet of the intermodal railroad facility use on public property or on other properties within this special purpose district, subject to a maintenance agreement with the owner of the property. Site trees planted on a property subject to a maintenance agreement may not be counted toward the site tree requirements on that property.

(2) Freight terminal, office showroom/warehouse, and warehouse uses.

(A) One tree having a caliper of at least two inches must be provided for each 6,000 square feet of lot area, or fraction thereof, with a minimum of four trees being provided.

(B) If a use is located between an intermodal railroad facility use and Bonnie View Road and abuts an intermodal railroad facility use buffer, then the building official shall grant that use a credit against the site trees requirement for trees planted in the abutting intermodal railroad facility buffer at a tree-for-tree ratio.

(3) Other permitted uses.

(A) One tree having at least two caliper inches must be provided for each 4,000 square feet of lot area, or fraction thereof, with a minimum of four trees being provided.

(B) If a use is located between an intermodal railroad facility use and Bonnie View Road and abuts an intermodal railroad facility use buffer, then the building official shall grant that use a credit against the site trees requirement for trees planted in the abutting intermodal railroad facility buffer at a tree-for-tree ratio.

(4) Credit for existing trees. Existing trees may be used to satisfy the site tree requirement pursuant to Section 51A-10.125(b)(3)(B).

(b) Street-yard landscaping.

(1) In addition to any buffer landscaping required under Subsection (c), at least 15 percent of the area of the street-yard must be landscaped.

(2) One tree must be provided within the street-yard for every 50 feet of street frontage.

(3) Trees required in the street-yard also qualify for site trees under Subsection (a) but do not qualify as buffer trees under Subsection (c).

(4) Street-yard landscaping must be provided before the issuance of a certificate of occupancy.

(c) Buffers.

(1) Intermodal railroad facility use buffer.

(A) Where an intermodal railroad facility use abuts Bonnie View Road, a single family, duplex, or multifamily use, or a street, a minimum 60-foot-wide buffer must be provided. On all other perimeters of an intermodal railroad facility use, a minimum 15-foot-wide buffer must be provided.

(B) One tree having a caliper of at least two inches must be provided for every 20,000 square feet of buffer, or fraction thereof, with a minimum of four trees being provided.

(2) Perimeter buffer. Except as provided in paragraph (1), a minimum 20-foot-wide perimeter landscape buffer must be provided along a lot abutting a single family use. One large canopy tree must be provided for every 50 feet of landscape buffer.

(3) Parking lot buffer.

(A) Except as provided in paragraph (1), a 20-foot-wide landscape buffer must be provided between a parking lot and an adjacent divided thoroughfare.

(B) Except as provided in paragraph (1), a ten-foot-wide landscape buffer must be provided between a parking lot and an adjacent undivided street.

(C) A parking lot landscape buffer must consist of large shrubs placed a maximum of 36 inches on center over the entire length of the buffer. The large shrubs must be maintained at a minimum height of three feet and must be capable of providing a solid appearance within three years.

(D) The parking lot buffer may be within the street-yard.

(E) Trees required for street-yard landscaping may be provided within a parking lot buffer if the parking lot buffer is located within a street-yard.

(d) Parking lot landscaping.

(1) Parking lot landscaping must comply with the following standards:

(A) Every required parking space must be within 100 feet of a landscape island.

(B) Twenty square feet of landscape area within a landscape island must be provided for every required parking space.

(C) Landscape islands must be a minimum of eight feet in width measured from inside-of-curb to inside-of-curb.

(D) Each landscape island must have a minimum of one canopy tree. Trees in landscape islands qualify as site trees under Subsection (a), but do not qualify as buffer tree under Subsection (c).

(E) Section 51A-10.104, "Planting Area Requirements," applies to the parking lot landscape areas.

(2) Parking lot landscape requirements apply only to passenger car parking lots, not parking lots used exclusively for trucks.

(e) Dumpster screening. Dumpsters visible from a public street must be screened on three sides with a minimum six-foot-high opaque screening material (not chain link or wooden fences). The fourth side must be a metal gate.

(f) Artificial lot.

(1) Section 51A-10.122, "Artificial Lot Delineation," applies to this special purpose district.

(2) An artificial lot within this special purpose district is not required to have street frontage.

(g) Irrigation.

(1) Except as provided in this subsection, all required plant materials must be irrigated by an automatic irrigation system installed to comply with industry standards.

(2) A facility that is landscaped to comply with the LEED NC credit system, LEED certification, or equivalent rating system, including Texas Smartscape, may provide an alternative landscape maintenance program certified as appropriate by a licensed landscape architect or licensed irrigator.

(3) A water maintenance program must be specified on a landscape plan approved by the building official that identifies water sources and the areas where alternative irrigation measures will be used.

(4) If irrigation is provided by an optional collection system, it should be noted on the landscape plan.

(h) Landscape maintenance. Plant materials must be maintained in a healthy growing condition. (Ord. 26872)

SEC. 51P-761.114. TREE PRESERVATION.

(a) In general. Except as provided in this section, the tree preservation regulations in Article X apply.

(b) Applicability. Tree preservation regulations do not apply to the following:

(1) Lots smaller than two acres in size that contain single family or duplex uses.

(2) A tree that endangers the public health, welfare, or safety and that must be immediately removed because of poor structural integrity.

(3) Trees planted and growing on the premises of a licensed plant or tree nursery that are planted and growing for the sale to the general public.

(4) A tree that is diseased or infected, damaged beyond the point of recovery, or in danger of falling.

(5) A tree located within designated rights-of-way.

(6) A tree within a designated building foundation area.

(7) Any tree less than 18 caliper inches in size within an intermodal railroad facility use or within a railroad yard, roundhouse, or shops use.

(8) A tree within an existing or designated public utility easement area or public drainage easement area.

(9) Trees with a caliper of 12 inches or less.

(10) Cedar (juniper) trees.

(c) Tree removal permit. In lieu of a tree survey, an applicant for a tree removal permit may provide an estimate of caliper inches to be removed based on a sampling of trees within the lot or tract to be developed. The sampling must be a minimum of 10 percent of the lot or tract from which the trees are to be removed.

(d) Alternative methods of compliance.

(1) In addition to the alternative methods of compliance with tree replacement requirements in Section 51A-10.135, an applicant for tree replacement may:

(A) donate land within the city limits to the city for tree preservation purposes using the same standards and procedures as in Section 51A-10.135(a)(4) and (d) (but in fee simple rather than as an easement);

(B) plant replacement trees on other property within the special purpose district; or

(C) plant replacement trees on property that is within one mile of the tree removal property but still within the city limits.

(2) Trees planted in public property, including public right-of-way, may be used to mitigate trees removed.

(e) Tree replacement credits.

(1) A credit against replacement trees is available for protected trees with a caliper greater than 12 inches preserved within tree preservation areas at a ratio of four caliper inches of credit for each one caliper inch preserved in the tree preservation area. Tree preservation areas must be shown on a landscape plan. The amount of credit for a tree preservation area is determined by:

(A) For tree preservation areas with more than five acres, a sampling of trees in 10 percent of the area to be preserved.

(B) For tree preservation areas five acres or less, a tree survey of preserved trees.

(2) For any platted lot abutting a designated floodplain, a credit against replacement trees is available for protected trees greater than 18 inches preserved in floodplain areas at a ratio of one caliper inch of credit for each one caliper inch preserved. Floodplain areas receiving tree replacement credits must be shown on a landscape plan. If a credit is given for trees preserved in a floodplain area, the floodplain area is not eligible for reclamation under Article V.

(3) Credit against replacement trees is available for meeting the most recent version of the LEED Reference Guide for New Construction and Major Renovations, (the "LEED Guide"). Each LEED credit under the Sustainable Sites or Water Efficiency categories counts as two credits for the purposes of this paragraph.

(A) Sites with 5 credits qualify for a five percent reduction in the total caliper inches of trees required to be mitigated.

(B) Sites with between 6 and 10 credits qualify for a 10 percent reduction in the total caliper inches of trees required to be mitigated.

(C) Sites with between 11 and 15 credits qualify for a 20 percent reduction in the total caliper inches of trees required to be mitigated.

(D) Sites with between 16 and 20 credits qualify for a 30 percent reduction in the total caliper inches of trees required to be mitigated.

(E) Sites with between 21 and 25 credits qualify for a 40 reduction in the total caliper inches of trees required to be mitigated.

(F) Sites with more than 25 credits qualify for a 50 percent reduction in the total caliper inches of trees required to be mitigated.

(4) No credit may be given for tree preservation that is outside the city.

(f) Location of replacement trees.

(1) Replacement trees may be planted in a parkway provided that they are at least 10 feet from any underground utility and at least 20 feet from overhead utility lines.

(2) Replacement trees may not be planted outside of the city.

(g) Timing for tree planting. Replacement trees must be planted within 18 months after issuance of a tree removal permit.

(h) 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 special purpose district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. 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.

(i) 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 director. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

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

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

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

(5) The issuance of a parkway landscape permit under this 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. 26872)

SEC. 51P-761.115. TRAFFIC IMPACT ANALYSIS.

(a) A traffic impact analysis must be conducted by a traffic engineer and submitted to the director of public works and transportation before the issuance of a building permit for construction that will cause the total floor area within this special purpose district to exceed:

- (1) five million square feet; and
- (2) 10 million square feet.

(b) Based on the traffic impact analysis, the traffic improvements that the director of public works determines are necessary must be made before any further building permits may be issued. (Ord. 26872)

SEC. 51P-761.116. SIGNS.

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

(b) District identification signs.

(1) For purposes of this subsection, the premise is the entire special purpose district.

(2) A district identification sign may:

(A) be located within 500 feet of an interstate highway or designated thoroughfare;

(B) not contain more than 200 square feet of effective area;

(C) not exceed 40 feet in height; and

(D) be externally illuminated.

(3) No more than one district identification sign is permitted for every 2,000 feet of street frontage, or portion thereof, if located within 500 feet of an interstate highway or designated thoroughfare.

(4) HBA signs are not permitted.

(c) Movement control signs.

(1) Movement control signs must direct vehicular or pedestrian movement within the special purpose district and may include the name, address, logo, and directional symbol of any use located within the special purpose district.

(2) Movement control signs may be externally or internally illuminated.

(3) A movement control sign must be located at least 1,000 feet from another movement control sign.

(4) Movement control signs may:

(A) be attached or detached signs;

(B) not exceed 60 square feet in effective area;

(C) not exceed 15 feet in height;

(D) be erected anywhere within the subdistrict without limit as to number.

(5) A movement control sign may be located in a public right-of-way subject to the franchise requirements of Chapter XIV of the City Charter; Article VI of Chapter 43 of the Dallas City Code; Chapter 45 of the Dallas Building Code; and the requirements of all other applicable laws, codes, ordinances, rules, and regulations.

(6) The director of public works and transportation must review the location of any sign located in the public right-of-way to ensure that the sign will not pose a traffic hazard or visibility obstruction.

(7) A movement control sign located outside the public right-of-way must have a minimum setback of 15 feet from the property line. No sign may be located in the visibility triangle.

(8) HBA signs are not permitted. (Ord. 26872)

SEC. 51P-761.117. DESIGN GUIDELINES.

(a) Introduction. The purpose of these design guidelines is to encourage quality development that will contribute to the overall aesthetics of the special purpose district as a unique place by enhancing the built environment. These guidelines are intended to ensure that new development and redevelopment will be compatible with and enhance the overall appearance of the special purpose district.

(b) Applicability. The design guidelines apply to uses built after June 27, 2007.

(c) Materials.

(1) The surface of each exterior wall (excluding doors and windows) facing a public street, residential use, or public open space must consist of stone, brick, glass block, tile, cast metal, cast or cultured stone, concrete, or a combination of these materials.

(2) Other cement products (such as stucco, Hardy Plank, or other similar materials) are limited to 50 percent of the buildings' exterior finishes.

(3) When used, stucco must be located at least eight feet above grade on a facade visible from a public right-of-way or a public area.

(d) Facades.

(1) Horizontal articulation. Walls facing a public right-of-way or a residential use may not extend for a horizontal length greater than four times the wall's height without having an off-set plane of 10 percent of the wall's height (with a maximum off-set of five feet). The off-set plane must extend for a horizontal length equal to a minimum of 20 percent of the wall's total length. See Figure 1.

(2) Vertical articulation. Walls facing a public right-of-way or a residential use may not extend for a horizontal length greater than four times the height of the wall without changing height by a minimum of 10 percent of the wall's height (with a maximum change in height of five feet). The changed height must extend for a horizontal length equal to a minimum of 20 percent of the wall's total length. See Figure 1.

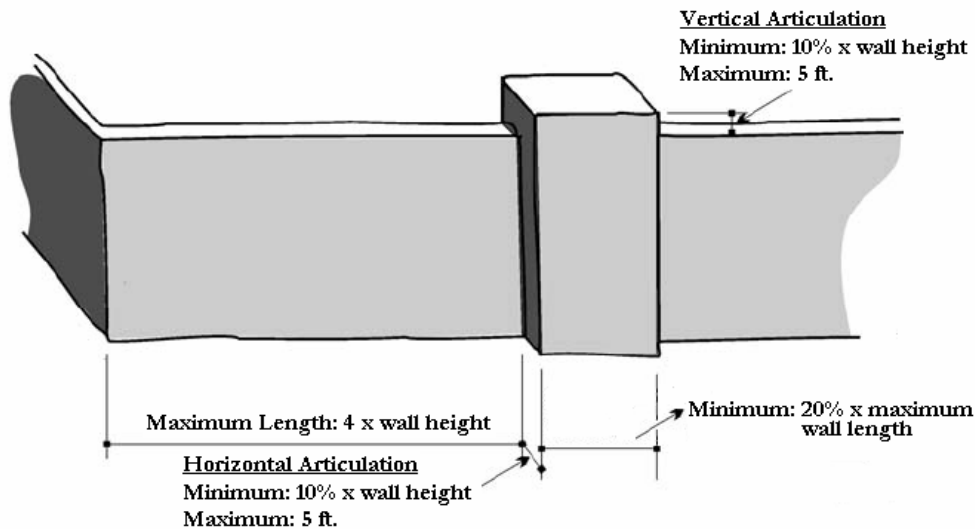


Figure 1: Horizontal and Vertical Articulation

(3) Roofs. Roof-mounted mechanical equipment, skylights, and solar panels must be screened or set back so that they not visible from a point five feet, six inches above grade at the property line. Screening materials must match the materials and colors used on the main building. Chain link fence may not be used as a screening material.

(e) Exceptions and variations.

(1) The city plan commission may approve a site plan that does not comply with the design standards in this section if:

- (A) strict compliance with these design standards are impractical due to site constraints or would result in substantial hardship;
- (B) the site plan complies with the spirit and intent of these design standards;
- (C) the site plan furthers the stated purpose of these design standards; and
- (D) the variation or exception from these design standards 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 plan amendments applies. (Ord. 26872)

SEC. 51P-761.118 LIGHTING.

(a) In general. All lighting must be designed in accordance with Illuminating Engineering Society of North America (IESNA) practices.

(b) Lighting plan review. A lighting plan that complies with the requirements of this section must be approved by the building official with the application for a building permit for work on the building site. Photometric plans must graphically depict illumination layout and foot candle values within the area being lighted and at the property lines. All photometric plans and pertinent illumination design

information (including fixtures, electrical design data, and IESNA data for luminaries) must be signed and sealed by a licensed engineer in the state of Texas.

(c) General design. Except as provided in this section, all lighting must provide proper site illumination while directing illumination away from any adjacent property.

(1) Street lighting. Street lighting must conform at a minimum to the Texas Department of Transportation Highway Illumination Manual.

(2) Site lighting. Uses that operate between sunset and sunrise must provide illumination not to exceed a maintained average of two-and-one-half foot-candles at ground level, and must not distribute more than one-quarter of one foot-candle of light on adjacent residential property.

(3) Parking lot lighting.

(A) Parking lot lighting must provide no more than a maintained average of one-and-a-half foot-candles at ground level, and must not distribute more than one quarter of one foot-candle of light on adjacent residential property.

(B) A minimum average of the greater of either one foot candle (maintained) or that required by applicable IESNA practice must be maintained.

(4) Sign lighting. All sign lighting must be designed to minimize uplift. Floodlight use to illuminate signs must be done in a manner that eliminates glare along adjacent roadways and properties.

(d) Light trespass control measures.

(1) Fixture design and location. Any fixture whose distance from a lot line is less than three times its height must be shielded so that all direct light cast in the direction of streets or abutting residential lots is cut off at an angle of no more than 70 degrees measured from a vertical line directly below the fixture. The cut-off may be accomplished either by the fixture photometric properties or by a supplementary external shield.

(2) Lighting shield design. Shields that are installed to control light trespass and glare must be designed so that the parts of the shields that are exposed to the direct light of the fixture and visible from streets or abutting residential lots shall have a flat-black, low reflectivity finish. (Ord. 26872)

SEC. 51P-761.119. 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. 26872)

SEC. 51P-761.120. 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 special purpose 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. 26872)

SEC. 51P-761.121. ZONING MAP.

PD 761 is located on Zoning Map Nos. P-8, P-9, Q-8, Q-9, R-8, and R-9. (Ord. 26872)