6-22-20

ORDINANCE NO. 31580

An ordinance changing the zoning classification on the following property:

BEING all of all of Lots 1A and 1B within City Block 524 located at the west corner of Woodall Rodgers Freeway and Harwood Street; fronting approximately 379.09 feet along the northwest line of Woodall Rodgers Freeway; and containing approximately 1.724 acre,

from an HC Heavy Commercial Subdistrict within Planned Development District No. 193 (Oak Lawn Special Purpose District) to Planned Development Subdistrict No. 155 within Planned Development District No. 193; amending Part II, "PD Subdistrict Regulations," of Article 193, "PD 193," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Division S-155; establishing use regulations and development standards for this planned development subdistrict; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the property described in this ordinance; and

WHEREAS, the city council finds that it is in the public interest to establish this planned development subdistrict; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the zoning classification is changed from an HC Heavy Commercial Subdistrict within Planned Development District No. 193 to Planned Development Subdistrict No. 155 within Planned Development District No. 193 on the property described in Exhibit A, which is attached to and made a part of this ordinance ("the Property").

SECTION 2. That Part II, "PD Subdistrict Regulations," of Article 193, "PD 193," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Division S-155 to read as follows:

#### "Division S-155. PD Subdistrict 155.

#### SEC. S-155.101. LEGISLATIVE HISTORY.

PD Subdistrict 155 was established by Ordinance No. \_\_\_\_\_, passed by the Dallas City Council on June 24, 2020.

#### SEC. S-155.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 155 is established on property located at the west corner of Woodall Rodgers Freeway and Harwood Street. The size of PD Subdistrict 155 is approximately 1.724 acre.

#### SEC. S-155.103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.
  - (b) In this division,
- (1) MIXED USE DEVELOPMENT (MUD) means a development containing more than one main use on the Property, where the parking for those uses are contained within a single, contiguous parking area or garage.
  - (2) SUBDISTRICT means a subdistrict of PD 193.
- (c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) The subdistrict is considered to be a nonresidential zoning districts.

#### **SEC. S-155.104. EXHIBITS.**

The following exhibits are incorporated into this division:

- (1) Exhibit S-155A: development plan.
- (2) Exhibit S-155B: landscape plan.
- (3) Exhibit S-155C: mixed use development parking chart.

#### SEC. S-155.105. CREATION OF SUBAREAS.

This subdistrict is divided into two subareas: Subareas I and II.

#### SEC. S-155.106. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit S-155A). If there is a conflict between the text of this division and the development plan, the text of this division controls.

#### SEC. S-155.107. MAIN USES PERMITTED.

- (a) Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the HC Heavy Commercial Subdistrict, subject to the same conditions applicable in the HC Heavy Commercial Subdistrict, as set out in Part I of this article. For example, a use permitted in the HC Heavy Commercial Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the HC Heavy Commercial Subdistrict is subject to DIR in this subdistrict; etc.
  - (b) The following additional main use is permitted by right:
    - Bank or savings and loan office. [DIR; drive-in or drive-through window service is permitted only when located entirely within a building.]
- (c) A minimum of 5,000 square feet in Subarea I and a minimum of 4,000 square feet in Subarea II of ground floor enclosed, occupiable space is reserved for any combination of retail; bar and restaurant; professional, personal service, custom crafts; and educational uses. Ground floor enclosed, occupiable space must have direct access from the sidewalk and may include areas for outdoor dining or gathering.

(d) In Subarea I, multiple-family use is prohibited.

#### SEC. S-155.108.

#### ACCESSORY USES.

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

#### SEC. S-155.109. 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 Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

#### (a) Front yard.

- (1) <u>Woodall Rodgers Freeway</u>. For portions of a building 20 feet in height or less, minimum front yard is 10 feet, except a maximum five-foot encroachment is allowed for up to 40 percent of the frontage. No minimum front yard for portions of a building above 20 feet in height.
- (2) <u>Harwood Street</u>. For portions of a building 20 feet in height or less, minimum front yard is five feet. No minimum front yard for portions of a building above 20 feet in height.
- (3) <u>Saint Paul Street</u>. For portions of a building 20 feet in height or less, minimum front yard is 10 feet. No minimum front yard for portions of a building above 20 feet in height.

#### (4) Encroachments.

- (A) When less than four feet in height above average grade, bollards, stairs, hand rails, ramps, utility equipment, retaining or landscape walls, bicycle racks, guardrails, fountains, raised patio or seating areas, fixed raised planters, and seat walls are permitted in a front yard.
- (B) Benches, tables, chairs, and patio furniture are permitted in a front yard.
- (b) <u>Side and rear yards</u>. Minimum side and rear yard is 10 feet in the locations shown on the development plan. No required side or rear yard in other cases.

- (c) <u>Density</u>. No maximum number of dwelling units.
- (d) Floor area ratio. Maximum floor area ratio is 12.5:1.
- (e) Height.
- (1) <u>In general</u>. Except as provided in this subsection, maximum structure height is 450 feet.

### (2) Subarea II.

- (A) Except as provided in this paragraph, maximum structure height for buildings containing a multiple-family use is 370 feet.
- (B) When a multiple-family use complies with the requirements in Sections S-155.114 and S-155.115, the maximum structure height is increased to 450 feet if five percent of the units are available to households earning between 81 and 100 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices.

#### (f) <u>Lot coverage</u>.

- (1) For a portion of a building up to 20 feet in height, maximum lot coverage is 85 percent.
- (2) For a portion of a building greater than 20 feet in height but no more than 175 feet in height, maximum lot coverage is 100 percent.
- (3) Except as provided in this paragraph, for a portion of a building greater than 175 feet in height but no more than 350 feet in height, maximum lot coverage is 80 percent. In Subarea II, when a multifamily use complies with the requirements in Sections S-155.114 and S-155.115, maximum lot coverage for a portion of a building greater than 175 feet in height and less than 350 feet in height is increased to 85 percent if:
- (A) five percent of the units are available to households earning between 51 and 60 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices, and
- (B) five percent of the units are available to households earning between 61 and 80 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices.
- (4) For a portion of a building 350 feet and above, maximum lot coverage is 60 percent.

- (5) Aboveground parking structures are included in the lot coverage calculations; surface parking lots, underground structures, and structures that are permitted in the open space are not.
  - (g) Lot size. No minimum lot size.

#### (h) Stories.

- (1) <u>In general</u>. Except as provided in this subsection, no maximum number of stories.
- (2) <u>Aboveground parking garages</u>. Except as provided in this paragraph, maximum number of stories above grade is six.
- (A) If at least five levels of below-grade parking are constructed, the maximum number of stories of above-grade is increased to seven.
- (B) If at least six levels of below-grade parking are constructed, the maximum number of stories of above-grade is increased to eight.
- (C) If at least seven levels of below-grade parking are constructed, the maximum number of stories of above-grade is increased to ten.

### Tower separation.

- (1) For portions of buildings between 175 feet in height and up to 350 feet in height, buildings must be separated by a minimum of 30 feet.
- (2) For portions of buildings greater than 350 feet in height, buildings must be separated by a minimum of 37 feet.

### SEC. S-155.110. OFF-STREET PARKING AND LOADING.

#### (a) In general.

- (1) Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.
- (2) The Property is considered one lot for purposes of required off-street parking and loading.
- (3) For hotel and motel uses with 250 or fewer guest rooms, 3/4 off-street parking space for each guest room is required. For hotel and motel uses with more than 250 guest rooms, 1/2 space for each guest room is required. No parking is required for meeting rooms associated with the hotel and motel use.

- (4) For office uses, one off-street parking space for each 500 square feet of floor area is required. Parking for office uses may be available for the general public from 7:00 p.m. to 5:00 a.m. (the next day), Monday through Friday, and all day on Saturday and Sunday.
- (5) Bicycle parking for office and multiple-family uses must be provided inside an aboveground or below-grade parking structure.

#### (b) Mixed use development parking reduction.

#### (1) In general.

- (A) The off-street parking requirement for a mixed use development may be reduced in accordance with the mixed use development parking chart (Exhibit S-155C).
- (B) The off-street parking reduction may be used in combination with other parking reductions, except that the required parking for a mixed use development may not be reduced by more than 30 percent.
- (2) <u>Calculation of adjusted standard off-street parking requirement</u>. The adjusted off-street parking requirement for a mixed use development is calculated as follows:
- (A) First, the standard parking requirements for each of the uses in the mixed use development is calculated.
- (B) Next, the parking demand for each use is determined for each of the five times of day shown in the MUD parking chart by multiplying the standard off-street parking requirement for each use by the percentage in the chart assigned to the category of use. If a use in the development does not fall within one of the categories shown in the MUD parking chart, the percentage assigned to that use is 100 percent for all five times of day.
- (C) Finally, the "time of day" columns are totaled to produce sums that represent the aggregate parking demand for the development at each time of day. The largest of these five sums is the adjusted off-street parking requirement for the development.
- (3) <u>Minimum parking requirement</u>. If one or more of the main uses in a mixed use development is a retail or personal service use, the minimum parking requirement for the mixed use development cannot be reduced to a number of spaces that is less than the sum of the standard parking spaces required for each of the retail and personal service uses in the mixed use development.

#### SEC. S-155.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI

#### SEC. S-155.112. LANDSCAPING.

- (a) Except as provided in this section, landscaping must be provided as shown on the landscape plan (Exhibit S-155B).
- (b) The building official may approve minor deviations in tree planting locations at time of building permit due to utility or driveway conflicts.
  - (c) Plant materials must be maintained in a healthy, growing condition.

#### SEC. S-155.113. SIGNS.

Signs must comply with the provisions for business zoning districts in accordance with Article VII.

#### SEC. S-155.114. DESIGN STANDARDS.

#### (a) Public realm design.

#### (1) Sidewalks.

- (A) Along Woodall Rodgers Freeway, a minimum sidewalk width of 15 feet that is unobstructed by any structure or planting is required.
- (B) Along Harwood Street and Saint Paul Street, a minimum sidewalk width of eight feet that is unobstructed by any structure or planting is required.
- (C) Landscape buffers are required for a minimum 25 percent of street frontage excluding openings for garage ingress and egress and must be comprised of a minimum five-foot-wide landscape buffer using tree grates, trees, raised planters, or a parkway area, between 18 inches from the back of curb and the sidewalk.
- (D) Sidewalks must be located in an area between zero feet and 30 feet of the back of the projected street curb.
  - (E) Sidewalks must be levelled across all driveways.
- (F) Sidewalks that cross vehicular driveways must be constructed with a material, pattern, or color that contrasts with the driveway.
- (G) If a portion of a sidewalk is located on private property, the property owner must dedicate a sidewalk easement to the city to assure its availability to the public as a permanent pedestrian way.

- (H) In each subarea, a minimum of two of each of any two of the following pedestrian amenities must be provided along Woodall Rodgers Freeway, and a minimum of two of the following pedestrian amenities must be provided along Harwood Street and Saint Paul Street:
  - (i) Benches.
  - (ii) Bicycle racks.
  - (iii) Trash receptacles.
- (2) Open space. A minimum of 3,000 square feet of contiguous publicly accessible open space must be provided on the Property at ground floor level.

#### (3) Street lighting.

- (A) Lights must be provided at regular intervals with a spacing of no greater than 100 feet along all street-facing facades, with the exception of visibility triangles and vehicular drives, in order to provide lighting on sidewalks, streets, walkways, and plazas to enhance pedestrian safety.
- (B) The foundation for street lighting must be located between two and three feet from the back of curb.
- (C) Unless provided by public funding, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.
  - (b) Design standards for architectural elements.
    - (1) <u>Definitions</u>. The following definitions apply to this subsection:
- (A) BLANK WALL means a ground floor portion of the exterior of a building that fronts on a street that does not include a material change, windows, doors, columns, pilaster, or other articulation greater than 12 inches in depth. Blank wall area is measured horizontally.
- (B) FACADE means the portion of a building facade under 20 feet in height that faces a public street, excluding facade openings for garage entrances and service area accesses.
- (C) GREEN WALL means a wall with vertical surfaces that are covered by plants and include walls or screens with climbing vines, trailing plants, or modular "green wall" planting or artificial planting systems.
- (D) LANDSCAPED TERRACE means an outdoor occupiable space lying upon a portion of the building's roof, accessible from interior space, and contains landscaping, vegetated pots, or plantings. The landscape terrace may contain decks, pavers, furniture, or fixtures.

- (E) TRANSPARENCY means the total area of window and door openings or other openings, expressed as a percentage of the total facade area by street frontage, excluding facade openings for garage entrances and service area accesses.
- (2) <u>Design standards for facades</u>. The following design standards apply to facades:
- (A) Transparency is required for a minimum of 50 percent of the total area of each facade.
  - (B) Variations in facade color and texture must be provided.
- (C) Variations in facade plane must be provided, which may include wall recesses and projections, bays, offsets, or reveals.
- (D) Building entries must be architecturally prominent and clearly visible from the street.
- (E) Green walls are permitted and may be used as screening for aboveground parking garage facades. In Subarea I, not less than 20 percent of the garage facade on the Woodall Rodgers Freeway frontage must be screened with green walls. If green walls are constructed in Subarea II, not less than 20 percent of the garage facade on the Woodall Rodgers Freeway frontage must be screened. Plant material must be maintained in a living condition at all times. Drainage over public property is not permitted.
- (F) A landscaped terrace must be provided for a minimum of 20 percent of a building's roof area.
  - (G) Blank walls longer than 30 feet in length are prohibited.

#### (c) Architectural elements for parking structures.

- (1) Aboveground parking structures must be constructed so as to screen vehicles from pedestrians on adjacent streets and diffuse vehicle headlights from shining onto adjacent properties.
- (2) All non-entry openings in aboveground parking structure facades must be screened, except for vehicle access. Screening may include architectural grillwork or other materials that provide ventilation.
- (3) Garage ramps that are expressed in the exterior facade must be concealed through facade screening.
  - (4) Gate arms must be provided at the exits to all vehicular parking garages.

#### (d) Service and loading.

- (1) Service entries and back-of-house functions must be located or recessed away from the Woodall Rodgers Freeway, Harwood Street, and Saint Paul Street facades.
- (2) Loading areas and docks and access driveways shall be a maximum of 30 feet wide.
  - (3) Rolldown doors are required at each loading dock entry and exit.

#### SEC. S-155.115. MIXED-INCOME HOUSING

- (a) Except as provided in this section, compliance with Division 51A-4.1100 is required to obtain development bonuses in Section S-155.109(e)(2) and S-155.109(f)(3).
  - (b) Compliance with Section 51A-4.1107 is not required.

#### SEC. S-155.116. ADDITIONAL PROVISIONS.

- (a) Each Subarea may be developed in a separate phase.
- (b) The Property must be properly maintained in a state of good repair and neat appearance.
- (c) 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.
  - (d) Development and use of the Property must comply with Part I of this article.

#### SEC. S-155.117. 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 city.
- (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 subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city."

SECTION 3. That, pursuant to Section 51A-4.701 of Chapter 51A of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the area to the centerline of all adjacent streets and alleys.

SECTION 4. That development of this subdistrict must comply with the full-scale versions of Exhibit S-155A (development plan) and Exhibit S-155B (landscape plan) attached to this ordinance. Reduced-sized versions of these plans shall be provided in Chapter 51P. Permits shall be issued based on information provided on the full-scale versions of the plans.

SECTION 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Division S-155 in Chapter 51P.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 7. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

Assistant City Attorney

Passed\_\_\_\_\_\_JUN 2 4 2020

#### **EXHIBIT A**

### **PERIMETER**

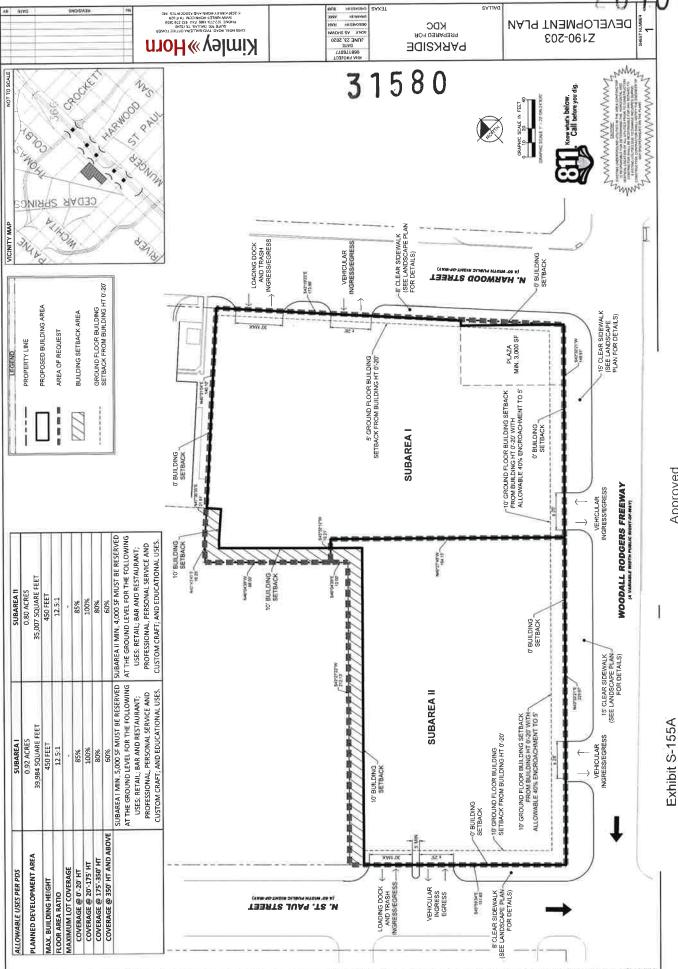
BEING all of Lot 1A and Lot 1B in City Block 524.

### SUBAREA 1

BEING all Lot 1B in City Block 524.

## **SUBAREA 2**

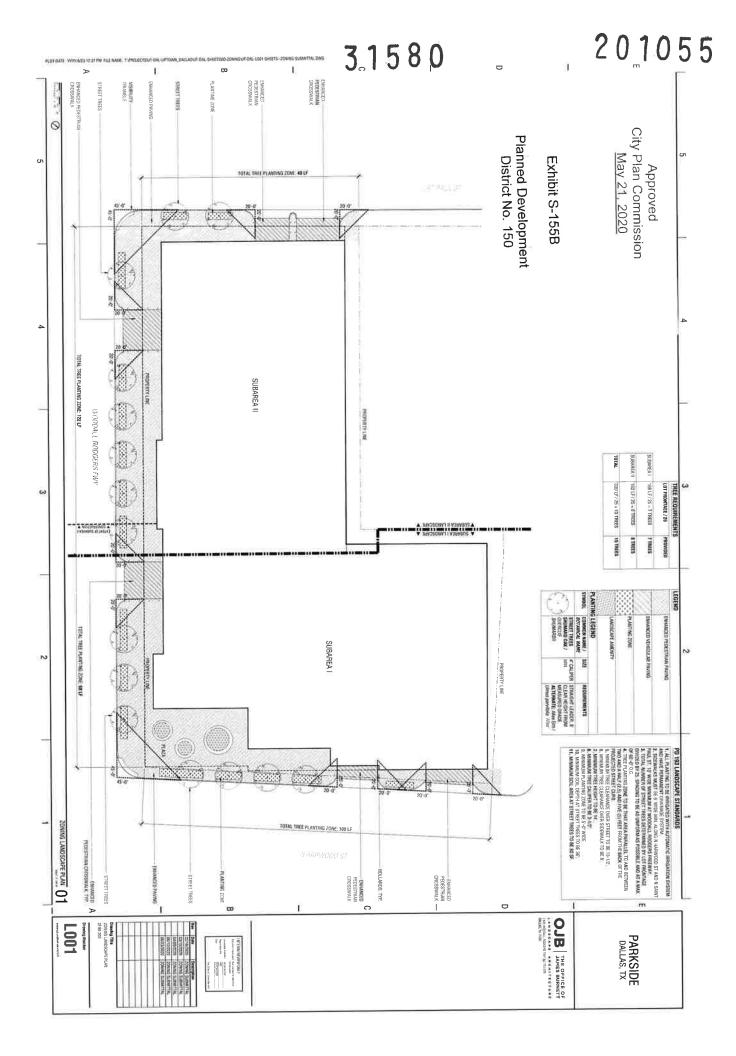
BEING all of Lot 1A in City Block 524.



Approved City Plan Commission May 21, 2020

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Planned Development District No. 150



Z190-203(AU) Exhibit C

#### EXHIBIT S- C

Mixed Use Development Parking Chart (for calculating standard parking requirement)

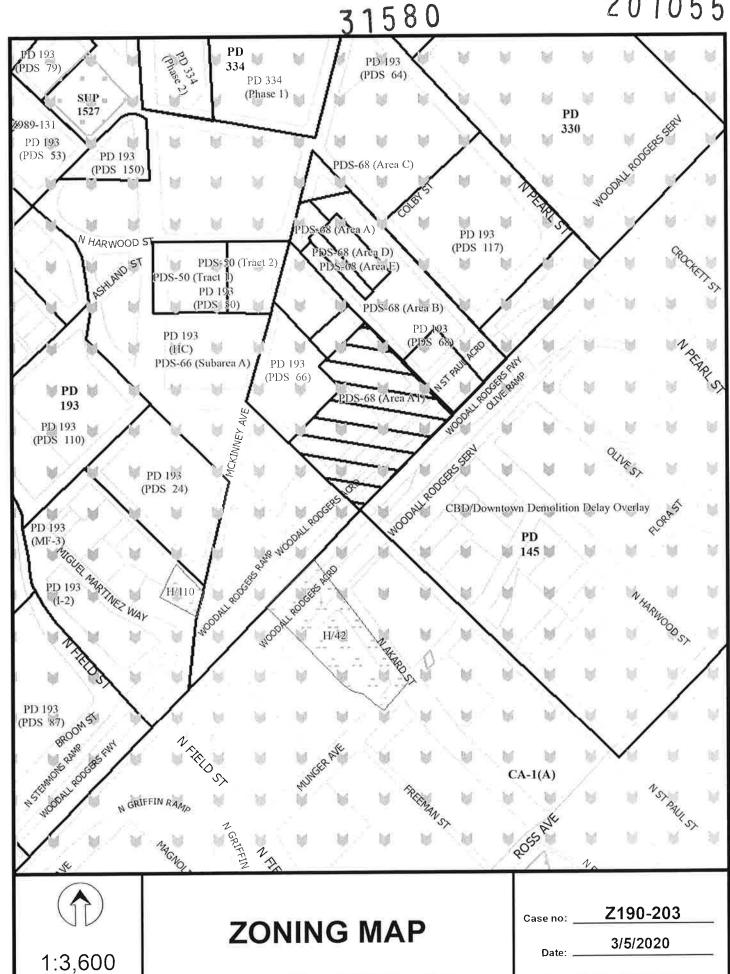
USE CATEGORIES	STANDARD PARKING REQUIREMENT		PARKING ADJUSTMENT THE TIME OF DAY (weekday)			
		Morning	Noon	After- noon	Late After Noon	Evening
Multifamily Uses	(1/500 sq. ft.)	80%	60%	60%	70%	100%
Office-related Uses	(1/500 sq. ft.)	100%	80%	100%	85%	35%
Retail & personal service uses	(1/220 sq. ft.)	60%	75%	70%	65%	70%
Bar & restaurant uses	(1/200 sq. ft.)	20%	100%	30%	30%	100%
Hotel and motel uses	(0.75/ room or 0.5/room)	60%	60%	60%	70%	100%
Any other use	Must be ascertained	100%	100%	100%	100%	100%

The adjusted standard off-street parking requirements for the development are the largest of the five "time of day" column sums.

Note: If the use does not fit into one of the first five categories listed above, 100 percent assignment must be used in each of the "time of day" columns. If one or more of the main uses in the development is a retail and personal service use, the minimum parking requirement for the development under this reduction option is the sum of the standard parking requirements for each of the retail and personal service uses in the development.

Exhibit S-155C

Planned Development District No. 150





## PROOF OF PUBLICATION - LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL	L JUN 2 4 2020			
ORDINANCE NUMBER	31580			
,				
DATE PUBLISHED	JUN 2 7 2020			

**ATTESTED BY:**