

**ARTICLE 732.**

**PD 732.**

**Villas at Dilbeck Court Special Purpose District Planned Development**

**SEC. 51P-732.101. LEGISLATIVE HISTORY.**

PD 732 was established by Ordinance No. 26104, passed by the Dallas City Council on September 14, 2005. (Ord. 26104)

**SEC. 51P-732.102. PROPERTY LOCATION AND SIZE.**

PD 732 is established on property located north of Fort Worth Avenue, fronting on the south line of Seale Street, west of Sylvan Avenue. The size of PD 732 is approximately 4.239 acres. (Ord. 26104)

**SEC. 51P-732.103. CREATION OF SUBDISTRICTS.**

(a) This district is divided into three subdistricts, the boundaries of which are described in Exhibit B of the ordinance creating PD 732.

(1) Subdistrict 1. This subdistrict is a mixed-use subdistrict that consists predominately of residential uses, but with some small retail and office uses. Because residential neighborhoods are adjacent to the subdistrict, the subdistrict should strive for a village atmosphere. New development should strengthen the existing residential neighborhoods and help to create a pedestrian-friendly environment. Pedestrian protections from traffic, such as on-street parking, street trees, and parkways are desired. Buildings should have minimum or no setbacks. Building heights are controlled to optimize medium density residential development, preserve downtown views, and be sensitive to the existing single family neighborhood to the north.

(2) Subdistrict 2. Subdistrict 2 is a shared access residential subdistrict designed to strengthen the existing adjacent single family residential neighborhood to the west. This shared access subdistrict borrows elements from CH Clustered Housing, CUD Community Unit Development, and R Single Family and TH Townhouse residential designations. The individual lots are intentionally smaller to provide larger green space available for use by all residents. Building heights are controlled to optimize and preserve downtown views and be sensitive to the existing single family neighborhood to the north and west.

(3) Subdistrict 3. Subdistrict 3 is a mixed-use subdistrict that consists predominately of residential uses, with some small retail and office uses. Because residential neighborhoods are adjacent to the subdistrict, the subdistrict should strive for a village atmosphere. New development should strengthen the existing residential neighborhoods and help to create a pedestrian-friendly environment. Pedestrian protections from traffic, such as on-street parking, street trees, and parkways are desired. Buildings should have minimum or no setbacks. Building heights are controlled to optimize medium density residential development, preserve downtown views, and be sensitive to the existing single family neighborhood to the north. Preserving historic buildings through adaptive re-use is a priority. (Ord. 26104)

**SEC. 51P-732.104.**

**DEFINITIONS.**

(a) Unless otherwise stated, the definitions in Chapter 51A apply to this article. In the event of a conflict between Chapter 51A and this article, this article controls.

(b) In this district:

(1) **BINGO PARLOR** means a facility licensed for the conducting of bingo pursuant to Texas Occupation Code Chapter 2001, as amended.

(2) **DISTRICT** means the entire planned development district (the West Commerce Street/Fort Worth Avenue Special Purpose District) created by this article.

(3) **FRONT FACADE** means the primary building elevation facing the front yard.

(4) **FULLY SIGHT-OBSCURING FENCE** means a fence that provides complete visual separation. Fully sight-obscuring fences must be six feet high and 100 percent sight-obscuring. Fences must be constructed of one or more of the following: brick, concrete masonry (split or polished face only; no unfinished units or cinder block), stone, stucco, or wood. Landscaping with a minimum height of three feet and a maximum height of six feet must be provided on the street side of the fence. Landscaping must consist of hedge-like evergreen plant materials recommended for local area use by the building official. Landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plants must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(5) **HIGH SCREEN** means a landscape treatment that provides physical and visual separation between uses. Shrubs must form a minimum six-foot-high screen that is 95 percent opaque year-round within three years of planting. Landscaping must consist of hedge-like evergreen plant materials recommended for local area use by the building official. Landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Plants must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years. Ground cover plants must cover the remainder of the landscaped area. If a wall or fence is also provided, it must be on the interior side of the high screen.

(6) **LOW SCREEN** means a landscape treatment that provides physical separation between uses. Shrubs must form a minimum three-foot-high and a maximum four-foot-high screen that is 95 percent opaque year-round within three years of planting. Landscaping must consist of hedge-like evergreen plant materials recommended for local area use by the building official. Landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Plants must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years. Ground cover plants must cover the remainder of the landscaped area. A three-foot-high masonry wall may be substituted, but ground cover plants are still required. A three-foot-high berm may be substituted. The berm must be planted with turf grass or groundcover recommended for local area use by the building official. The berm may not have a slope that exceeds one foot of height per three feet of width. If a wall or fence is provided in addition to shrubs or a berm, it must be on the interior side of the shrubs or berm.

(7) **MAJOR MODIFICATION** means reconstruction, alteration, or renovation of an original building that exceeds 50 percent of the value of the original building assessed by the Dallas

Central Appraisal District or any increase in floor area of an original building by 50 percent or more. With regard to streets and sidewalks, MAJOR MODIFICATION means reconstruction, alteration, or renovation that exceeds 50 percent of the surface area of that street or sidewalk segment.

(8) MASSAGE ESTABLISHMENT means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under the physician's direction. MASSAGE means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, massage by registered physical therapists who treat only patients recommended by a licensed physician and who operate only under the physician's direction, or massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

(9) MIXED-USE PROJECT means a development containing uses in two or more of the following categories, and with the combined floor areas of the uses in each category equaling or exceeding the following percentages of the total floor area of the project:

<u>Use category</u>	<u>Percentage of total floor area</u>
<b>Lodging</b>	<b>10%</b>
<b>Office</b>	<b>15%</b>
<b>Residential</b>	<b>10%</b>
<b>Retail and personal service</b>	<b>5%</b>

(10) NEW CONSTRUCTION means construction of a main structure that did not exist on September 14, 2005. With regard to streets and sidewalks, NEW CONSTRUCTION means construction of a street or sidewalk that did not exist on September 14, 2005.

(11) ORIGINAL BUILDING means a structure existing on September 14, 2005, but does not include a structure that has undergone a major modification.

(12) PARKING LOT TREE means any tree planted in a private or public designated vehicle parking lot.

(13) PARTIALLY SIGHT-OBSCURING FENCE means a fence that provides partial visual separation. Partially sight-obscuring fences must be six feet high and at least 50 percent sight-obscuring. Fences must be constructed of one or more of the following: brick, concrete masonry (split or polished face only; no unfinished units or cinder block), stone, stucco, wood, or wrought iron. Landscaping with a minimum height of three feet and a maximum height of six feet must be provided on the street side of the fence. Landscaping must consist of hedge-like evergreen plant materials recommended for local area use by the building official. Landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plants must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(14) 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.

(15) SITE TREE means all trees planted on a lot or in common areas that are not street trees.

(16) STREET TREE means any tree planted along or in a public street right-of-way.

(17) SUBDISTRICT means one of the subdistricts referred to in Section 51P-732.103 of this article.

(18) 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.

(19) VISIBILITY TRIANGLE means the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection. VISIBILITY TRIANGLE means the portion of any other lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and an adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on driveway or alley edge and the street curb line 20 feet from the intersection.

(20) WRECKER SERVICE means a facility for the parking or storage of vehicle tow trucks. (Ord. 26104)

#### **SEC. 51P-732.105. INTERPRETATIONS.**

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

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

(c) Subdistrict 1 and 3 are considered to be nonresidential zoning districts.

(d) Subdistrict 2 is considered to be a residential zoning district.

(e) If there is a conflict, the text of this article controls over any charts, exhibits, graphic displays, or maps. (Ord. 26104)

#### **SEC. 51P-732.106. DEVELOPMENT PLAN.**

Development and use of the Property must comply with the development plan (Exhibit 732A). In the event of a conflict between the text of this article and the development plan, the text of this article controls. (Ord. Nos. 26104; 27117)

#### **SEC. 51P-732.107. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 1.**

(a) Uses. The following listed uses are the only main uses permitted in this subdistrict:

- (1) Agricultural uses.
  - Crop production.
- (2) Commercial and business service uses.
  - Catering service.
  - Custom business services.
  - Custom woodworking, furniture construction, or repair.
  - Job or lithographic printing.
- (3) Industrial uses.
  - Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*
- (4) Institutional and community service uses.
  - Adult day care facility.
  - Cemetery or mausoleum. *[SUP]*
  - Child-care facility.
  - Church.
  - College, university, or seminary.
  - Community service center. *[SUP]*
  - Convalescent and nursing homes, hospice care, and related institutions. *[SUP]*
  - Convent or monastery. *[SUP]*
  - Library, art gallery, or museum.
  - Open-enrollment charter school. *[SUP]*
  - Private school. *[SUP]*
  - Public school. *[SUP]*
- (5) Lodging uses.
  - None permitted.
- (6) Miscellaneous uses.
  - Temporary construction or sales office.
- (7) Office uses.
  - Financial institution without drive-in window.
  - Financial institution with drive-in window. *[DIR]*
  - Medical clinic or ambulatory surgical center.
  - Office.
- (8) Recreation uses.
  - Country club with private membership. *[SUP]*
  - Private recreation center, club, or area. *[RAR]*
  - Public park, playground, or golf course.

(9) Residential uses.

- Handicapped group dwelling unit. *[SUP required if the spacing component of Section 51A-4.209(3.1) is not met, and permitted only in a structure that would be permitted if it was a single family use.]*
- Multifamily.
- Retirement housing. *[RAR]*
- Attached single family. *[A maximum of eight single family structures may be attached together with a minimum of 15 feet between each group of eight single family structures. Detached single family structures are prohibited.]*

(10) Retail and personal service uses.

- Animal shelter or clinic without outside runs. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- Household equipment and appliance repair.
- Motor vehicle fueling station. *[RAR]*
- Nursery, garden shop, or plant sales.
- Personal service uses. *[Massage establishment, piercing salon, and tattoo studio prohibited.]*
- Restaurant without drive-in or drive-through service.
- Temporary retail use.

(11) Transportation uses.

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

(12) Utility and public service uses.

- Electrical substation. *[SUP]*
- Local utilities. *[Utility services by right. Communication exchange facility by SUP only.]*
- Police or fire station.
- Post office. *[SUP]*
- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

- Mini-warehouse. *[SUP]*
- Recycling drop-off container. *[SUP required if the requirements of Section 51A-4.213(11.2)(E) are not met.]*
- Recycling drop-off for special occasion collection. *[SUP required if the requirements of Section 51A-4.213(11.2)(E) are not met.]*
- Wrecker service. *[Prohibited.]*

(b) Accessory uses.

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

(2) In this subdistrict, the following accessory uses are not permitted:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside storage.
- Accessory pathological waste incinerator.
- Amateur communication tower.
- General waste incinerator.
- Private stable.
- Pedestrian skybridges.

(c) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations in Division 51A-4.400, "Yard, Lot, and Space Regulations." In the event of a conflict between this subsection and Division 51A-4.400, this subsection controls.)

(1) Front yard.

- (A) No minimum front yard.
- (B) Maximum front yard is 10 feet.

(2) Side and rear yard.

(A) Minimum side and rear yard is:

(i) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district or a residential use (but not a mixed-use project with a residential component);

(ii) no minimum setback required where the residential adjacency occurs across a street right-of-way of 50 feet or more; and

(iii) no minimum in all other cases.

(B) An additional side and rear yard setback of one foot for each two feet in height above 50 feet is required for that portion of a structure above 50 feet in height, up to a total setback of 30 feet. No additional setback is required where the residential adjacency is across a street right-of-way of 50 feet or more.

(3) Density.

- (A) No maximum dwelling unit density.
- (B) Minimum dwelling unit size is 450 square feet.

(4) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a mixed-use project as follows:

[Note: The first column is the base FAR, which applies when there is no mixed-use project. The second column (MUP=2/no res.) is the FAR for a mixed-use project with a mix of two use categories when neither category is residential. The third column (MUP=2/with res.) is the FAR for a mixed-use project with a mix of residential plus one other use category. The fourth column (MUP=3/with res.) is the FAR for a mixed-use project with a mix of residential plus two or more other use categories.]

<u>Use category</u>	<u>Base (no MUP)</u>	<u>MUP=2 (no res.)</u>	<u>MUP=2 (with res.)</u>	<u>MUP=3 (with res.)</u>
<b>Lodging</b>	1.6	2.5	3.0	3.5
<b>Office</b>	1.6	2.5	3.0	3.5
<b>Residential</b>	1.6	--	3.0	3.5
<b><u>Retail and personal service</u></b>	<u>1.0</u>	<u>1.1</u>	<u>1.2</u>	<u>1.3</u>
<b>Total</b>	--	2.5	3.0	3.5

(5) Height.

(A) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(B) Residential proximity slope and street right-of-way. The residential proximity slope does not apply when a residential adjacency occurs across a street right-of-way of 50 feet or more.

(C) Residential proximity slope and open area. The residential proximity slope does not apply when a residential adjacency occurs across an open area such as a natural or landscaped buffer or a parking lot of 80 feet or more.

(D) Maximum height. Maximum structure height is 60 feet except as further restricted in this paragraph.

(6) Lot coverage.

(A) Maximum lot coverage is 80 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.

(A) Maximum number of stories above grade in is four.

(B) Parking garages are exempt from this paragraph, but must comply with the height regulations of Paragraph (5).

(d) Off-street parking and loading.

(1) Number of off-street parking and loading spaces generally. Except as modified 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) Dimensions and location of off-street parking and loading spaces generally. Except as modified in this section, consult the off-street parking and loading regulations in Divisions 51A-4.300 et seq. for information regarding off-street parking and loading generally.

(3) Remote parking. Remote parking is allowed if it is located within 600 feet and the requirements of Division 51A-4.320, “Special Parking Regulations,” are met.

(4) Residential. One off-street parking space per bedroom up to a maximum of two spaces per dwelling unit is required for a residential use.

(5) Restaurant.

(A) For a restaurant use, one off-street parking space per 125 square feet of floor area is required.

(B) Any outdoor dining area, whether or not covered, counts as floor area for calculation of the parking requirement. For purposes of this provision, “outdoor dining area” means a geometric area that includes all outdoor floor area encompassing tables, chairs, and wait-stations and circulation space.

(6) Above-grade off-street parking. Parking is permitted on any level of a building.

(7) Bicycle parking. If an institutional and community service use, mixed-use project, or retail and personal service use has a floor area of 4,000 square feet or more, it must provide a lockable rack for a minimum of two bicycles.

(8) Mixed-use shared parking reduction.

(A) Office and residential uses within a mixed-use project must share parking. Any shared parking must be on the same building site as the mixed-use project. The number of off-street parking spaces required for the mixed-use project is 100 percent of the parking requirement for the use requiring the greater number of spaces plus 25 percent of the parking requirements for the use requiring fewer spaces. For example, if the office component would separately require 100 spaces and the residential component would separately require 80 spaces, then the parking requirement for the mixed-use project is 120 spaces  $[(100 \times 1.00) + (80 \times .25) = 120]$ .

(B) Retail and residential uses within a mixed-use project must share parking. Any shared parking must be on the same building site as the mixed-use project. The number of off-street parking spaces required for the mixed-use project is 100 percent of the parking requirement for the use requiring the greater number of spaces plus 75 percent of the parking requirements for the use requiring fewer spaces. For example, if the retail component would separately require 100 spaces and the residential component would separately require 80 spaces, then the parking requirement for the mixed-use project is 160 spaces  $[(100 \times 1.00) + (80 \times .75) = 160]$ .

(C) If a mixed-use project has office, retail, and residential uses, the project must use the parking reduction that offers the greatest reduction, but may not use both. For example, if the office-residential reduction reduces the parking to 120 spaces and the retail-residential reduction reduces

the parking to 160 spaces, then the office-residential reduction must be used and the retail-residential reduction may not be used.

(9) Parking reduction for on-street parallel parking.

(A) Except as provided in this subsection, any on-street parallel parking spaces on West Commerce Street, Fort Worth Avenue, Seale Street, or a street that intersects Fort Worth Avenue or West Commerce Street may be counted toward the parking requirement of the use adjacent to the on-street parallel parking space.

(B) An on-street parallel parking space may not be used to reduce the required parking for more than one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(C) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ( $8 \div 24 = \text{one-third}$ ). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(10) Parking to the rear of the main structure. Most of the parking must be located to the rear of the structures. Only 25 percent of any parking for new construction located on the same building site as the main use, or one row of parking, whichever is fewer spaces, may be located in front of the main structure. In addition, only one drive aisle may be located in front of the main structure.

(e) Architectural design standards.

(1) Purpose.

(A) The architectural design standards of this subsection are intended to preserve the historical, cultural, and architectural importance and significance of the West Commerce Street/Fort Worth Avenue corridor. The corridor has historic and cultural importance as an early major east-west thoroughfare in the Dallas metroplex. The development patterns and architecture along the corridor reflect pioneer settlements; the Great Depression; mid-20th century Americana; and post-World War II automobile, nightclub, and restaurant culture. These architectural design standards are intended to preserve the character of the corridor while allowing compatible new construction and modifications that respect the corridor's historical, cultural, and architectural significance.

(B) The purpose of these architectural design standards is to:

(i) ensure that new development enhances the character of the corridor and complements adjacent neighborhoods;

(ii) ensure that increased density in established neighborhoods makes a positive contribution to the area's character;

(iii) ensure the integrity of historic buildings and the compatibility of new development; and

(iv) enhance the character and environment for pedestrians.

(2) Applicability. The architectural design standards of this section apply to:

(A) new construction and major modifications of buildings containing a nonresidential use; and

(B) buildings containing only residential uses.

(3) Plan review. The director shall review any plan submitted to determine whether it complies with the requirements of this section.

(4) Building orientation.

(A) The primary facade and primary entrance of new construction must be oriented to face the public right-of-way.

(B) Garage doors serving eight or fewer dwelling units may not face West Commerce Street or Fort Worth Avenue.

(5) Entrances.

(A) For new construction, all street-facing entrances must be architecturally prominent and clearly visible from the street.

(B) Primary customer entrances for retail and personal service uses must face the street. For corner lots, primary customer entrances for retail and personal service uses may be oriented toward the corner. Primary customer entrances for retail and personal service uses must be clearly visible through the use of two or more of the following architectural details:

(i) Arcade.

(ii) Arch.

(iii) Attached tower or turret.

(iv) Awning.

(v) Canopy.

(vi) Decorative elements such as tile work, molding, raised banding, or projected banding.

(vii) Display windows.

(viii) Integral planters or wing walls that incorporate landscaped areas or places for sitting.

(ix) Overhang.

(x) Peaked roof form.

(xi) Patio.

(xii) Porch.

(xiii) Portico.

- (xiv) Projection.
- (xv) Raised corniced parapet.
- (xvi) Recess.

(6) Facades.

(A) Street-facing facades on a single development tract must have similar architectural design.

(B) Street-facing facades exceeding 30 feet in length must have two of the following elements. Street-facing facades exceeding 100 feet in length must have four of the following elements.

(i) Change in plane, such as an offset, reveal, recess, or projection. Changes in plane must have a width of no less than 24 inches and a depth of at least eight inches and may include columns, planters, arches, and niches.

(ii) Architectural details such as raised bands and cornices.

(iii) Architecturally prominent public entrance.

(iv) Attached tower or turret.

(v) Awnings.

(vi) Change in color.

(vii) Change in material.

(viii) Change in texture.

(C) The ground floor of the primary facade of nonresidential uses or mixed-use projects with retail uses on the ground floor must have at least two of the following elements for at least 60 percent of the width of the facade:

(i) Arcades, canopies, or secondary roofs to provide shade.

(ii) Display windows.

(iii) Awnings associated with windows or doors.

(D) Street-facing facades of all buildings other than accessory buildings must be visually divided into a base, a middle, and a top. The base must be at least two feet above grade and distinguished from the middle by a change of materials, horizontal banding, change of color, or change of plane. The top must be distinguished from the middle by cornice treatments, roof overhangs with brackets, stepped parapets, corbeling, textured materials, or differently colored materials. Color bands are not acceptable as the only treatment for the top.

(E) Accessory structures must have the same architectural detail, design elements, materials, and roof design as the primary structure.

(F) Any parking structure for a residential use must be constructed of comparable materials and be of the same architectural treatment as the dwelling units.

(G) Additions and alterations must have the same architectural detail, design elements, materials, and roof design as the portion of the structure that is not being altered.

(H) That portion of the ground-level floor facing the street of any multi-floor parking facility must have a use other than parking.

(I) At least 20 percent, but no more than 80 percent, of street-facing facades of nonresidential uses must be windows and doors.

(J) If a building is two stories or less, 30 percent of the street-facing facade, excluding fenestration, must be masonry. If the building is more than two stories, 100 percent of the first-story street-facing facade, excluding fenestration, must be masonry.

(K) Facades may not consist of more than 80 percent glass. For purposes of this provision, glass block is not considered as glass.

(7) Fences and walls. To prevent visual monotony, at least 20 percent of the length of any fence or wall longer than 200 feet must be alternate materials, alternate textures, gates, offsets, or openings. The alternate materials, alternate textures, gates, offsets, or openings may spread out over the length of the fence or wall.

(8) Materials. Exterior building materials should be high quality and durable.

(A) Glass.

(i) Allowed. Glass is allowed.

(ii) Prohibited. The reflectance of glass used on the first two stories may not exceed 15 percent. The reflectance of glass used on stories above the first two stories may not exceed 27 percent. As used in this provision, “reflectance” is 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.

(B) Masonry.

(i) Allowed.

(aa) Brick.

(bb) Cement-based siding or panels.

(cc) Finished concrete masonry units such as split-faced concrete masonry units.

(dd) Tilt architectural pre-cast concrete with an applied masonry finish.

(ii) Prohibited.

(aa) Painted brick.

(bb) Simulated brick.

(cc) Unfinished concrete masonry units.

(C) Metal.

(i) Allowed. No more than 20 percent of a street-facing facade may be flat or corrugated metal panels.

(ii) Prohibited.

(aa) Aluminum siding.

(bb) Reflective metal panels.

(D) Plastic.

(i) Allowed. Fiberglass.

(ii) Prohibited. Plastic, including plastic siding and vinyl siding.

(E) Stone.

(i) Allowed.

(aa) Cast stone.

(bb) Materials that simulate natural stone.

(cc) Natural stone.

(ii) Prohibited. Painted stone.

(F) Stucco.

(i) Allowed. Stucco.

(ii) Prohibited. Simulated stucco.

(G) Tile. Terra cotta and tile are allowed.

(H) Wood.

(i) Allowed.

(aa) Natural wood.

(bb) No more than 20 percent of a street-facing facade may be shake shingles or plywood.

(ii) Prohibited. Flakeboard, particleboard, and medium density fiberboard.

(9) Roofs. Roofs must comply with the following:

(A) Sloped roofs must have a pitch of 4:12 or more, and must have overhanging eaves extending no less than six inches past the supporting walls. A secondary porch roof may have a slope of less than 4:12.

(B) Flat roofs and main roofs with a pitch of less than 4:12 must have a parapet that meets the following:

(i) The parapet must be articulated or detailed as an element distinct from other building facade elements.

(ii) Single-story buildings must have a parapet at least 18 inches high.

(iii) Multi-story buildings must have a parapet at least 24 inches high.

(C) Mechanical equipment, skylights, and solar panels on roofs must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

(10) Story dimensions.

(A) A minimum nine-foot floor-to-ceiling dimension is required for the ground floor of single-story and multi-story residential structures. The finished floor must be two feet above grade.

(B) A minimum 12-foot floor-to-ceiling dimension is required for the ground floor of single-story nonresidential structures and single-story mixed-use projects.

(C) A minimum 14-foot floor-to-ceiling dimension is required for the ground floor of multi-story nonresidential structures and multi-story mixed-use projects.

(11) Windows. Retail and personal service uses must provide windows or display cases in ground-level street-facing windows along sidewalks.

(f) Environmental performance standards. See Article VI.

(g) Landscape regulations. Except as modified in Section 51P-732.110, "Landscaping," see Article X. (Ord. Nos. 26104; 27117)

**SEC. 51P-732.108. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 2.**

(a) Purpose. To provide for the development and protection of areas of moderate density housing while including some flexibility to allow for common open space.

(b) Main uses permitted.

(1) Agricultural uses.

-- Crop production.

- (2) Commercial and business service uses.
  - None permitted.
- (3) Industrial uses.
  - Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*
- (4) Institutional and community service uses.
  - Church.
- (5) Lodging uses.
  - None permitted.
- (6) Miscellaneous uses.
  - Temporary construction or sales office.
- (7) Office uses.
  - None permitted.
- (8) Recreation uses.
  - Private recreation center, club, or area. *[RAR]*
  - Public park, playground, or golf course.
- (9) Residential uses.
  - Handicapped group dwelling unit. *[SUP required if the spacing component of Section 51A-4.209(3.1) is not met, and permitted only in a structure that would be permitted if it was a single family use.]*
  - Single family. *[Detached and attached single family structures are permitted. For attached single family structures, a maximum of eight structures may be attached.]*
- (10) Retail and personal service uses.
  - None permitted.
- (11) Transportation uses.
  - Private street or alley.
  - Transit passenger shelter.
- (12) Utility and public service uses.
  - Local utilities. *[Utility services by right. Communication exchange facility by SUP only.]*

(13) Wholesale, distribution, and storage uses.

-- None permitted.

(c) Accessory uses.

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

(2) The following accessory uses are not permitted:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside storage.
- Accessory pathological waste incinerator.
- Amateur communication tower.
- General waste incinerator.
- Private stable.
- Pedestrian skybridges.

(d) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations in Division 51A-4.400, "Yard, Lot, and Space Regulations." In the event of a conflict between this subsection and Division 51A-4.400, this subsection controls.)

(1) Front yard.

- (A) Minimum front yard on Malone Drive is four feet.
- (B) No minimum front yard on the secondary shared access drive, however, garage doors facing the secondary private drive must be setback a minimum of seven feet.
- (C) Minimum front yard on the main shared access drive is 10 feet.
- (D) Minimum front yard on Seale Street is 10 feet.

(2) Side and rear yard.

- (A) No minimum side and rear yard requirements for attached single family dwellings except as shown on the development plan.
- (B) For all other structures, no minimum rear yard, and no minimum side yard if the side yard is adjacent to a common area that is at least 10 feet wide.
- (C) Minimum side yard is five feet in all other cases.

(3) Density.

- (A) Maximum dwelling unit density is 14 dwelling units per acre.

(B) Minimum dwelling unit size is 800 square feet.

(4) Floor area ratio. No maximum floor area ratio.

(5) Height. Maximum structure height is 45 feet.

(6) Lot coverage.

(A) Maximum lot coverage is 50 percent for the overall development including lots and open space. All of Subdistrict 2 other than the main access drive and secondary access drive is considered to be one lot for the purpose of this calculation.

(B) No maximum lot coverage for an individual lot within the development.

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

(7) Lot size.

(A) No minimum lot size.

(B) Open space available for use by all residents must be provided such that the sum of the area of the individual lots and the area of the open space divided by the number of individual lots will be equal to or greater than 2500 square feet. Area used for vehicular access, roads, and parking may not count as open space.

(8) Stories. Maximum number of stories above grade is four.

(e) Off-street parking and loading.

(1) Except as modified 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) Except as modified in this section, consult the off-street parking and loading regulations in Divisions 51A-4.300 et seq. for information regarding off-street parking and loading generally.

(3) Each dwelling unit must provide a minimum of one garaged parking space. Overall, the development must provide assigned parking at 1.75 spaces per lot which may be in any combination of garage and surface spaces and .25 spaces per lot (other than a common area lot) for guest parking. For a shared access development, this paragraph supersedes shared access development guest parking requirements.

(4) No loading spaces required.

(f) Environmental performance standards. See Article VI.

(g) Landscape regulations. Except as modified in Section 51P-732.110, "Landscaping," see Article X.

(h) Shared access points. Three shared access points are permitted in a shared access development in Subdistrict 2, as shown in the development plan. (Ord. 26104)

**SEC. 51P-732.109.**

**USE REGULATIONS AND DEVELOPMENT STANDARDS IN  
SUBDISTRICT 3.**

- (a) Uses. The following listed uses are the only main uses permitted in this subdistrict:
- (1) Agricultural uses.
    - Crop production.
  - (2) Commercial and business service uses.
    - Catering service.
    - Custom business services.
    - Custom woodworking, furniture construction, or repair.
    - Job or lithographic printing.
  - (3) Industrial uses.
    - Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*
  - (4) Institutional and community service uses.
    - Adult day care facility.
    - Cemetery or mausoleum. *[SUP]*
    - Child-care facility.
    - Church.
    - College, university, or seminary.
    - Community service center. *[SUP]*
    - Convalescent and nursing homes, hospice care, and related institutions. *[SUP]*
    - Convent or monastery. *[SUP]*
    - Library, art gallery, or museum.
    - Open-enrollment charter school. *[SUP]*
    - Private school. *[SUP]*
    - Public school. *[SUP]*
  - (5) Lodging uses.
    - Extended stay hotel or motel. *[SUP]*
    - Hotel or motel. *[SUP]*
  - (6) Miscellaneous uses.
    - 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. [SUP]
- Private recreation center, club, or area. [RAR]
- Public park, playground, or golf course.

(9) Residential uses.

- Handicapped group dwelling unit. *[SUP required if the spacing component of Section 51A-4.209(3.1) is not met, and permitted only in a structure that would be permitted if it was a single family use.]*
- Multifamily. *[Only as a component of a mixed-use project.]*
- Retirement housing. [RAR]
- Attached single family. *[A maximum of eight single family structures may be attached together with a minimum of 15 feet between each group of eight single family structures. Detached single family structures are prohibited.]*

(10) Retail and personal service uses.

- Animal shelter or clinic without outside runs. [RAR]
- Animal shelter or clinic with outside runs. [SUP]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- Household equipment and appliance repair.
- Motor vehicle fueling station. [RAR]
- Nursery, garden shop, or plant sales.
- Personal service uses. *[Massage establishment, piercing salon, and tattoo studio prohibited.]*
- Restaurant without drive-in or drive-through service. [RAR]
- Temporary retail use.

(11) Transportation uses.

- Private street or alley. [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.

- Electrical substation. [SUP]
- Local utilities. *[Local utilities by right. Communication exchange facility by SUP only.]*
- Police or fire station.
- Post office. [SUP]
- Utility or government installation other than listed. [SUP]

(13) Wholesale, distribution, and storage uses.

- Mini-warehouse. [SUP]
- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*

- Recycling drop-off for special occasion collection. [*See Section 51A-4.213(11.3).*]
- Wrecker service. [*Prohibited.*]

(b) Accessory uses.

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

(2) In this subdistrict, the following accessory uses are not permitted:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside storage.
- Accessory pathological waste incinerator.
- Amateur communication tower.
- General waste incinerator.
- Private stable.
- Pedestrian skybridges.

(c) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations in Division 51A-4.400, "Yard, Lot, and Space Regulations." In the event of a conflict between this subsection and Division 51A-4.400, this subsection controls.)

(1) Front yard.

- (A) Minimum front yard is 15 feet.
- (B) Maximum front yard 20 feet.

(2) Side and rear yard.

(A) Minimum side and rear yard is:

(i) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district or a residential use (but not a mixed-use project with a residential component); and

(ii) no minimum in all other cases.

(B) An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet.

(3) Density.

- (A) No maximum dwelling unit density.
- (B) Minimum dwelling unit size is 450 square feet.

(4) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a mixed-use project as follows:

[Note: The first column is the base FAR, which applies when there is no mixed-use project. The second column (MUP=2/no res.) is the FAR for a mixed-use project with a mix of two use categories when neither category is residential. The third column (MUP=2/with res.) is the FAR for a mixed-use project with a mix of residential plus one other use category. The fourth column (MUP=3/with res.) is the FAR for a mixed-use project with a mix of residential plus two or more other use categories.]

<u>Use category</u>	<u>Base (no MUP)</u>	<u>MUP=2 (no res.)</u>	<u>MUP=2 (with res.)</u>	<u>MUP=3 (with res.)</u>
<b>Lodging</b>	1.6	2.5	3.0	3.5
<b>Office</b>	1.6	2.5	3.0	3.5
<b>Residential</b>	1.6	--	3.0	3.5
<b><u>Retail and personal service</u></b>	<u>1.0</u>	<u>1.1</u>	<u>1.2</u>	<u>1.3</u>
<b>Total</b>	--	2.5	3.0	3.5

(5) Height.

(A) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(B) Maximum height. Maximum structure height is 60 feet, except as further restricted in this paragraph.

(6) Lot coverage.

(A) Maximum lot coverage is 80 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.

(A) Maximum number of stories above grade is four.

(B) Parking garages are exempt from this paragraph, but must comply with the height regulations of Paragraph (5).

(d) Off-street parking and loading. The off-street parking and loading provisions for Subdistrict 1 apply in this subdistrict.

(e) Architectural design standards. The architectural design standards for Subdistrict 1 apply in this subdistrict.

(f) Environmental performance standards. See Article VI.

(g) Landscape regulations. Except as modified in Section 51P-732.110, “Landscaping,” see Article X. (Ord. 26104)

**SEC. 51P-732.110. LANDSCAPING.**

(a) In general.

(1) Except as modified in this section, the regulations in Article X, “Landscape and Tree Preservation Regulations,” apply to this district. In the event of a conflict between this section and Article X, this section controls.

(2) Landscaping of streets as shown in Exhibit 732B, “Street Diagram,” is required.

(3) A perimeter landscape buffer whose average width is four feet or greater is required between Subdistricts 1 and 2 and not required where the residential adjacency is across a street right-of-way 50 feet or greater.

(4) Required buffer plant materials may include medium canopy trees in lieu of large canopy trees. Small trees may be used only where the landscape buffer is less than six feet in width.

(5) Replacement trees may be selected from the list of approved site trees set forth in Subsection (c)(8).

(b) Street trees.

(1) One street tree must be provided per 30 feet of street frontage. Street tree requirements apply to public streets only.

(2) It is recommended that, to the extent possible, street trees be spaced 30 feet apart, but, where necessary, street trees may be spaced a minimum of 20 feet apart.

(3) Street trees must have a minimum caliper of three inches and must have a minimum height of eight feet when planted.

(4) Street trees must have a minimum planting area of 16 square feet of surface area and a minimum soil depth of 36 inches.

(5) Street trees may not be counted as site trees.

(6) Except as provided in this section, street trees must be provided from the following list of Texas native or adapted species:

<u>Scientific name</u>	<u>Common name</u>	<u>Tree type</u>
<i>Acer barbatum</i> var. “Caddo”	Caddo maple	Large canopy
<i>Acer buergerianum</i>	Trident maple	Large canopy
<i>Acer grandidentatum</i>	Bigtooth maple	Large canopy
<i>Diospyros virginiana</i> (male only)	Com. Persimmon	Medium canopy
<i>Fraxinus americana</i>	White ash	Large canopy
<i>Gymnocladus dioicus</i>	Kentucky coffee	Large canopy
<i>Liquidambar styraciflua</i>	Sweetgum	Large canopy
<i>Pistachia chinensis</i>	Chinese pistachio	Large canopy

<i>Quercus buckleyi</i>	Texas red oak	Large canopy
<i>Quercus durandii</i>	Durand oak	Large canopy
<i>Quercus fusiformis</i>	Escarpment live oak	Large canopy
<i>Quercus muhlenbergii</i>	Chinkapin oak	Large canopy
<i>Quercus shumardii</i>	Shumard oak	Large canopy
<i>Quercus virginiana</i>	Live oak	Large canopy
<i>Ulmus crassifolia</i>	Cedar elm	Large canopy
<i>Ulmus parviflora</i>	Lacebark elm	Large canopy

(c) Site trees.

(1) In Subdistricts 1 and 3, one site tree must be provided per 4,000 square feet of lot area or fraction thereof, with a minimum of four trees provided.

(2) In Subdistrict 2, for a shared access development, one site tree must be provided per 1200 square feet of single family lot area or fraction thereof. One tree must be located in the front yard of each lot and any remaining required lot site trees may be planted in any lot or common area of the shared access development. Only site trees listed as “Tree Type - Small” qualify for this requirement.

(3) In Subdistrict 2, additionally, site trees must be provided within the common areas at one tree per 4,000 square feet of common area not including any areas dedicated to vehicular access or parking.

(4) In Subdistrict 2, site trees required for lot site trees but planted in the common areas may not be counted towards required common area site trees.

(5) In Subdistrict 2, existing site trees that are determined by the building official to be healthy qualify towards the site tree requirement, in accordance with the tree credit chart below:

<u>Caliper of Retained Tree</u>	<u>Credit Given in Number of Trees</u>
<b>Less than 2 inches</b>	<b>0</b>
<b>From 2 to 8 inches</b>	<b>1</b>
<b>From 8+ to 14 inches</b>	<b>2</b>
<b>From 14+ to 20 inches</b>	<b>4</b>
<b>From 20+ to 26 inches</b>	<b>8</b>
<b>From 26+ to 32 inches</b>	<b>10</b>
<b>From 32+ to 38 inches</b>	<b>18</b>
<b>From 38+ inches or more</b>	<b>20</b>

(6) Site trees must have a minimum caliper of two inches. Multi-stem trees must have a diameter of two inches at six inches above grade.

(7) Site trees may not be counted as street trees.

(8) Site trees must be provided from the following list of Texas native or adapted species:

<u>Scientific name</u>	<u>Common name</u>	<u>Tree type</u>
<i>Acer barbatum</i> var. “Caddo”	Caddo maple	Large canopy
<i>Acer buergerianum</i>	Trident maple	Large canopy
<i>Acer grandidentatum</i>	Bigtooth maple	Large canopy
<i>Aesculus glaba</i> v. <i>arguta</i>	Texas buckeye	Small

<i>Aesculus pavia</i>	Red buckeye	Small
<i>Carya illinoensis</i>	Pecan	Large canopy
<i>Carya texana</i>	Black hickory	Large canopy
<i>Cercis canadensis</i>	Redbud	Small
<i>Chilopsis linearis</i>	Desert willow	Small
<i>Diospyros texana</i>	Texas persimmon	Small
<i>Diospyros virginiana (male only)</i>	Com. Persimmon	Large canopy
<i>Fraxinus americana</i>	White ash	Large canopy
<i>Gymnocladus dioicus</i>	Kentucky coffee	Large canopy
<i>Ilex decidua</i>	Deciduous holly or Possumhaw	Small
<i>Ilex vomitoria</i>	Yaupon holly	Small
<i>Juglans microcarpa</i>	Texas black walnut	Large canopy
<i>Juniperus ashei</i>	Ashe juniper	Small
<i>Juniperus virginiana</i>	Eastern red cedar	Large noncanopy
<i>Lagerstroemia indica</i>	Crepe myrtle	Small
<i>Liquidambar styraciflua</i>	Sweetgum	Large canopy
<i>Magnolia grandiflora</i>	Southern magnolia	Large noncanopy
<i>Pistachia chinensis</i>	Chinese pistachio	Large canopy
<i>Prosopis glandulosa</i>	Mesquite	Small
<i>Prunus mexicana</i>	Mexican plum	Small
<i>Quercus buckleyi</i>	Texas red oak	Large canopy
<i>Quercus durandii</i>	Durand oak	Large canopy
<i>Quercus fusiformis</i>	Escarpment live oak	Large canopy
<i>Quercus macrocarpa</i>	Bur oak	Large canopy
<i>Quercus muhlenbergii</i>	Chinkapin oak	Large canopy
<i>Quercus shumardii</i>	Shumard oak	Large canopy
<i>Quercus virginiana</i>	Live oak	Large canopy
<i>Rhamnus caroliniana</i>	Carolina buckthorn	Small
<i>Rhus lanceolata</i>	Flameleaf sumac	Small
<i>Rhus virens</i>	Evergreen sumac	Small
<i>Sophora affinis</i>	Eve's necklace	Small
<i>Taxodium ascendens</i>	Pond cypress	Large noncanopy
<i>Taxodium distichum</i>	Bald cypress	Large noncanopy
<i>Ulmus crassifolia</i>	Cedar elm	Large canopy
<i>Ulmus parviflora</i>	Lacebark elm	Large canopy
<i>Viburnum rufidulum</i>	Rusty blackhaw viburnum	Small
<i>Quercus polymorpha</i>	Monterrey Oak	Medium canopy
<i>Quercus pungens vaseyana</i>	Vasey Oak	Medium canopy
<i>Quercus laceyi (Q.glaucooides)</i>	Lacey Oak	Medium canopy
<i>Bulmelia celastrina</i>	Saffron Plum	Small
<i>Arbutus xalapensis</i>	Texas Madrone	Medium canopy
<i>Fraxinue cuspidate</i>	Fragrant Ash	Small
<i>Condalia hookeri</i>	Bluewood, Chaparral	Medium canopy
<i>Continus obovatus</i>	Amer. Smoke Tree	Small
<i>Acer Leucoderme</i>	Chalk Maple	Small

(d) Parking lot trees.

(1) Each required parking space within a designated parking lot must be within 75 feet of the trunk of a site tree. Large canopy trees must be used where possible.

- (2) Parking lot trees must have a minimum caliper of three inches.
- (3) The center line of parking lot trees may not be planted closer than two feet from a paved surface.
- (4) Parking lot trees may be counted as site trees, but may not be counted as street trees.
- (5) Parking lot trees must be provided from the following list of Texas native or adapted species:

<u>Scientific name</u>	<u>Common name</u>	<u>Tree type</u>
<i>Acer barbatum</i> var. "Caddo"	Caddo maple	Large canopy
<i>Acer buergerianum</i>	Trident maple	Large canopy
<i>Acer grandidentatum</i>	Bigtooth maple	Large canopy
<i>Aesculus glaba</i> v. <i>arguta</i>	Texas buckeye	Small
<i>Carya illinoensis</i>	Pecan	Large canopy
<i>Carya texana</i>	Black hickory	Large canopy
<i>Diospyros virginiana</i> (male only)	Com. Persimmon	Large canopy
<i>Fraxinus americana</i>	White ash	Large canopy
<i>Gymnocladus dioicus</i>	Kentucky coffee	Large canopy
<i>Juglans microcarpa</i>	Texas black walnut	Large canopy
<i>Juniperus ashei</i>	Ashe juniper	Small
<i>Juniperus virginiana</i>	Eastern red cedar	Large noncanopy
<i>Lagerstroemia indica</i>	Crepe myrtle	Small
<i>Liquidambar styraciflua</i>	Sweetgum	Large canopy
<i>Magnolia grandiflora</i>	Southern magnolia	Large noncanopy
<i>Pistachia chinensis</i>	Chinese pistachio	Large canopy
<i>Prosopis glandulosa</i>	Mesquite	Small
<i>Prunus mexicana</i>	Mexican plum	Small
<i>Quercus buckleyi</i>	Texas red oak	Large canopy
<i>Quercus durandii</i>	Durand oak	Large canopy
<i>Quercus fusiformis</i>	Escarpmt live oak	Large canopy
<i>Quercus macrocarpa</i>	Bur oak	Large canopy
<i>Quercus muhlenbergii</i>	Chinkapin oak	Large canopy
<i>Quercus shumardii</i>	Shumard oak	Large canopy
<i>Quercus virginiana</i>	Live oak	Large canopy
<i>Rhus lanceolata</i>	Flameleaf sumac	Small
<i>Rhus virens</i>	Evergreen sumac	Small
<i>Sophora affinis</i>	Eve's necklace	Small
<i>Taxodium ascendens</i>	Pond cypress	Large noncanopy
<i>Taxodium distichum</i>	Bald cypress	Large noncanopy
<i>Ulmus crassifolia</i>	Cedar elm	Large canopy
<i>Ulmus parviflora</i>	Lacebark elm	Large canopy
<i>Viburnum rufidulum</i>	Rusty blackhaw	
	viburnum	Medium canopy
<i>Quercus polymorpha</i>	Monterrey Oak	Medium canopy
<i>Quercus pungens vaseyana</i>	Vasey Oak	Medium canopy
<i>Quercus laceyi</i> ( <i>Q. glaucooides</i> )	Lacey Oak	Medium canopy
<i>Bulmelia celastrina</i>	Saffron Plum	Small
<i>Arbutus xalapensis</i>	Texas Madrone	Medium canopy
<i>Condalia hookeri</i>	Bluewood, Chaparral	Medium canopy

<i>Continus obovatus</i>	Amer. Smoke Tree	Small
<i>Acer Leucoderme</i>	Chalk Maple	Small

(e) Prohibited trees. The following trees may not be planted within this district:

<u>Scientific name</u>	<u>Common name</u>
<i>Pyrus calleryana</i>	Bradford pear
<i>Populus deltoides</i>	Cottonwood
<i>Albizia julbrissen</i>	Mimosa

(f) Open space fund.

(1) If a property owner cannot plant all of the required trees on the building site, the property owner shall make a payment into the West Commerce Street/Fort Worth Avenue Open Space Fund for no more than 50 percent of the required trees.

(2) The amount of the payment required per tree not planted is calculated by using the formula for appraising the value of a tree equal in caliper to the tree not planted, as derived from the most recent edition of the Guide for Establishing Values of Trees and Other Plants published by the Council of Tree and Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining the tree for two years as determined by the Park and Recreation Department.

(3) The department shall administer a city account to be known as the West Commerce Street/Fort Worth Avenue Open Space Fund. Funds from the West Commerce Street/Fort Worth Avenue Open Space Fund must be used only for acquiring and maintaining property for parks and open space within this district the district defined by PD 714 and for median landscape improvement on West Commerce Street or Fort Worth Avenue. The Fort Worth Avenue Development Group, its successor or a similar organization, should be consulted on uses of the fund.

(g) Landscaping in the public right-of-way.

(1) Landscaping may be located in the public right-of-way if a right-of-way landscape permit is obtained from the city.

(2) The city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this district for the exclusive purpose of authorizing compliance with the landscaping requirements of this district. 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 right-of-way landscape permit. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at 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 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.

(3) A property owner or tenant is not required to comply with any right-of-way landscaping requirement to the extent that compliance is made impossible due to the city council's

revocation of a right-of-way landscape permit or the revocation of the private license granted under this subsection.

(4) Upon the installation of landscaping in the public right-of-way, the owners or tenants 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.

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

(h) Plant requirements. Plants used to satisfy landscape requirements must comply with the following requirements:

(1) A large evergreen shrub must have the ability to grow to a minimum height of three feet within three years.

(2) Solid sod or hydro-mulch grass may be used.

(3) Artificial plant materials may not be used.

(4) Any required landscaping that dies must be replaced.

(5) Trees and shrubs must be planted at least eight feet from the centerline of any water or sewer main. Landscaping over water or sewer mains must be limited to ground cover.

(6) Trees must be trimmed to provide adequate clearance for pedestrians and vehicles so as not to create a safety hazard.

(7) Trees may not be located within 15 feet of light poles, signal lights, warning signs, or traffic control devices.

(8) Trees may not be planted within 90 feet of a school crossing or a railroad crossing.

(9) An adequate irrigation and drainage system must be provided for all landscaping. Drought tolerant plants must be used when an irrigation system is not provided. See Section 51A-10.106, "Irrigation Requirements."

(10) Plants other than trees within parkways must be maintained so that they do not overhang the curb.

(j) Landscape plan.

(1) This section becomes applicable to a building site when an application is made for a building permit for construction work that within a 24-month period:

- (A) increases the number of stories in a building on the site;
- (B) increases the combined floor area of all buildings on the site; or
- (C) increases the nonpermeable coverage on the site by 1,000 square feet or more.

(2) A landscape plan must include a schedule for maintenance of required landscaping.

(3) A landscape plan must earn at least 75 points (out of a total of 125 possible points). The points awarded for providing each feature is provided in parentheses. Existing landscaping qualifies for points. If the landscape plan earns at least 75 points, the design standards of Section 51A-10.126, "Design Standards," are not required.

(A) Lighting. (Total possible points = 30) Ten points each are awarded for providing tree lighting, building facade lighting, or landscape area lighting. Tree lighting must provide lighting in each tree in the front yard. Building facade lighting must illuminate the entire front facade. Landscape area lighting must illuminate a landscape feature such as a planting bed, fountain, sculpture, or water feature. The lighting must be at least 1.5 foot-candles in intensity.

(B) Foundation planting strip. (Total possible points = 30) Thirty points are awarded for a three-foot-wide foundation planting strip extending along at least 50 percent of the foundation facing the street. The foundation planting strip must have evergreen shrubs planted every three feet on center.

(C) Seasonal color landscaping. (Total possible points = 15) Points may be obtained for providing a landscape area for seasonal color in planting beds, raised planters, or pots. Five points are awarded for each 10 square feet of landscape area. The plants in the landscape area must be changed at least twice per year with appropriate seasonal color plants. The landscape area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season.

(D) Native or adapted xeriscape landscaping. (Total possible points = 30) Points may be obtained for using native plants or xeriscape plants for at least 80 percent of the landscape requirement. Native plants or xeriscape plants listed in Exhibit 732C must be used.

(E) Creation of open space. (Total possible points = 20) Five points are awarded for every 200 square feet of open space if the open space is a minimum of 500 feet from the building site but within this district. For purposes of this subparagraph, "open space" means a contiguous space containing primarily grass or vegetation and pedestrian amenities such as fountains, benches, paths, or shade structures. Open space must be available for use by the public. The open space must be maintained in a state of good repair and neat appearance at all times by the owner of the property, his successor, assigns, or designee, for which the building permit was issued. (Ord. 26104)

**SEC. 51P-732.111.**

**STREET AND SIDEWALK STANDARDS.**

(a) In general.

(1) The street and sidewalk standards of this section apply only to new construction or a major modification.

(2) Except as provided in this section, streets as shown in Exhibit 732B are required.

(3) Except as provided in this section, sidewalks along streets as shown in Exhibit 732B are required.

(b) Street standards. Except as provided in this section, streets in Subdistricts 1 and 3 must be constructed as shown in Exhibit 732B. In Subdistrict 2, required parking is allowed in designated spaces adjacent to the Raised Garden Terrace and in the Guest Parking lot.

(c) Sidewalk standards.

(1) In Subdistrict 2, a three-foot-wide footpath is required on both sides along the main access drive. No footpath is required on the perimeter of the Raised Garden Terrace.

(2) In Subdistrict 2, no foot path is required along the secondary access drive.

(3) See Exhibit 732B, "Street Diagram," for the required width of sidewalks in Subdistricts 1 and 3.

(4) The street curb may not be counted as part of the sidewalk width.

(5) In Subdistrict 2, for a shared access development, a homeowner's association is responsible for maintaining private sidewalks; in all other cases the adjacent property owners are responsible for public sidewalks. All are responsible for keeping sidewalks safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to maintain sidewalks or make repairs. (Ord. 26104)

**SEC. 51P-732.112.**

**SCREENING REGULATIONS.**

(a) In general. Except as modified in this section, the provisions of Section 51A-4.301(f), "Screening Provisions for Off-Street Parking," apply.

(b) Parking lots. Surface parking lots must be screened with a low screen. The screening requirement for surface parking lots applies only to new construction.

(c) Loading spaces. Off-street loading spaces must be screened with a fully sight-obscuring fence or a high screen.

(d) Dumpsters and garbage storage areas.

(1) All dumpsters and garbage storage areas must be screened on all four sides with a solid fence. One side may be a gate.

(2) Screening materials must match the main building.

(3) Screening must be at least as tall as the objects being screened, but in no case less than six feet in height.

(4) Each panel of the gate must have a pin that can be inserted in a sleeved hole in the ground to allow the gate to be held open during garbage collection.

(e) Maintenance.

(1) Each owner or tenant is responsible for maintaining screening at no expense to the city, and the city is absolutely exempt from any requirements to maintain screening or make repairs.

(2) Screening must be properly maintained so that:

(A) the screening is not out of vertical alignment more than one foot from the vertical, measured at the top of the screening; and

(B) any rotted, fire damaged, or broken slats or support posts; any broken or bent metal posts; any torn, cut, bent, or ripped metal screening; any loose or missing bricks, stones, rocks, mortar, or similar materials; and any dead or damaged landscaping materials are repaired or replaced. (Ord. 26104)

**SEC. 51P-732.113. SIGN REGULATIONS IN SUBDISTRICT 2.**

In Subdistrict 2, signs must comply with the sign regulations for non-business zoning districts in Article VII. (Ord. 26104)

**SEC. 51P-732.114. SIGN REGULATIONS IN SUBDISTRICTS 1 AND 3.**

(a) Application of section. In Subdistricts 1 and 3, the following sign regulations apply.

(b) Definitions. Unless otherwise stated, the definitions in Article VII, "Sign Regulations," apply to this section. In this section:

(1) ARCADE means any walkway that is attached to a building, not fully enclosed on all sides, and covered with a canopy or roof structure having the primary function of weather protection.

(2) ARCADE SIGN means an attached sign suspended below the roof of an arcade.

(3) AWNING means a projecting fabric or vinyl surface supported by a metal (or other similarly strong material) structure, which is applied to the face of a building.

(4) AWNING SIGN means an attached sign applied to an awning.

(5) BANNER means a sign applied to a strip of cloth or similar material.

(6) CANOPY means a permanent, non-fabric architectural element projecting from the face of a building.

(7) CHANGEABLE MESSAGE means LED/LCD elements, slide lettering, slated rotating surfaces, or other changeable message technology that displays different designs or messages.

(8) **DISTRICT IDENTIFICATION SIGN** means a detached sign that contains the logo or name of this district or welcomes people to this district.

(9) **DISTRICT PROMOTIONAL MESSAGE** means a message that identifies, promotes, or advertises a cultural activity, special event, event in an entertainment facility, or event that will benefit the city, and that will take place in this district. Benefit to the city is established by: use of city property in accordance with a contract, license, or permit; the receipt of city monies for the activity or event; or an ordinance or resolution of the city council that recognizes the activity or event as benefiting the city.

(10) **EFFECTIVE AREA** means:

(A) For a detached sign, other than outlined in Subparagraph (B) below, the area within a minimum imaginary rectangle of vertical and horizontal lines that fully contains all extremities of the sign, excluding its supports. This rectangle is calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for this projection that produces the largest rectangle must be used. If elements of the sign are moveable or flexible, such as a flag or a string of lights, the measurement is taken when the elements are fully extended and parallel to the plane of view.

(B) For signs placed on a fence, non-enclosing wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed as the entire area within a single continuous rectilinear perimeter of not more than eight straight lines enclosing the extreme limits of writing, representation, emblems, or figures together with all material, color, or lighting forming an integral part of the display or used to differentiate the sign background against which it is placed.

(C) For an attached sign, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of effective area.

(D) An awning or canopy is not included in the calculation of the effective area.

(11) **ENTERTAINMENT FACILITY** means a structure or building used for sports events or the performing arts, including indoor motion picture theaters, theaters for live musical or dramatic performances, indoor or outdoor concert halls, and exhibition halls.

(12) **FACADE** means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space, chimneys, roof-mounted equipment, mounted antennas, or water towers. Where separate faces are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as part of a single facade. A roof is not a facade or part of a facade. Multiple buildings on the same lot will each be deemed to have separate facades.

(13) **FLAT ATTACHED SIGN** means an attached sign that is parallel to the building facade.

(14) **GENERIC GRAPHICS** means any pattern of shapes, colors, or symbols that does not commercially advertise.

(15) HIGHWAY BEAUTIFICATION ACT (HBA) SIGN means a non-premise sign that is within 660 feet of an expressway or new expressway right-of-way and whose message is visible from the main traveled way.

(16) MARQUEE means a permanent canopy projecting over the main pedestrian entrance of a building. A marquee is considered to be part of the building.

(17) MARQUEE SIGN means an attached sign applied to a marquee, and consisting primarily of changeable panels, words, or characters.

(18) MONUMENT SIGN means a detached sign applied directly onto a grade-level support structure (instead of a pole support) with no separation between the sign and grade.

(19) PREMISE means a lot or unplatted tract that is reflected in the plat books of the building inspection division of the city. See Section 51A-7.208.

(20) PREMISE SIGN means any sign the content of which relates to the premise on which it is located and refers exclusively to:

(A) the name, trade name, or logo of the owner or occupant of the premise or the identification of the premises;

(B) accommodations, services, or activities offered or conducted on the premise; or

(C) the construction, lease, remodeling, or sale of the premise.

(21) PROJECTING SIGN means an attached sign projecting from a building.

(22) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure the sign to a building facade or pole.

(23) SPECIAL PURPOSE SIGN means an attached or detached sign temporarily supplementing the permanent signs on a premise.

(24) WINDOW SIGN means a sign applied to the internal or external surface of a window.

(25) WORD means any of the following:

(A) Any word in any language found in any standard unabridged dictionary or dictionary of slang.

(B) Any proper noun or any initial or series of initials.

(C) Any separate character, symbol, or abbreviation such as “&”, “\$”, “%”, and “Inc.”.

(D) Any telephone number or commonly used combination of numerals and symbols such as “\$5.00” or “50%”.

(E) Any internet website, network, protocol address, domain name, or universal record locator.

(F) Any symbol or logo that is a registered trademark but which itself contains no word or character.

(G) A street number is not considered to be a word.

(c) Sign permit requirements.

(1) No person may alter, expand, maintain, or place a sign in this district without first obtaining a sign permit from the city. No sign permit may be issued for a sign in this district unless the application has first been reviewed by the director and a certificate of appropriateness has been issued in accordance with the procedure outlined in this section.

(2) This section does not apply to government signs described in Section 51A-7.207.

(3) Upon receipt of an application for a permit to authorize a sign in this district, the building official shall refer the application to the director for review. The director shall issue a decision within 30 calendar days after a complete application is submitted to the building official. The director shall solicit the recommendation of appropriate staff before approving or disapproving a certificate of appropriateness.

(4) The director shall approve a certificate of appropriateness if the application complies with the requirements of this district and the director finds that the proposed sign is consistent with the character of this district and the West Commerce Street/Fort Worth Avenue Sign District. The director shall consider the proposed sign in terms of its appropriateness to these districts with particular attention to the effect of the proposed sign upon the economic structure of these districts and the effect of the proposed sign upon adjacent and surrounding premises without regard to the consideration of the message conveyed by the sign. The director shall give written notice of the director's decision to the applicant. Notice is given when mailed to the applicant.

(5) A decision to grant a certificate of appropriateness may not be appealed. A decision to deny a certificate of appropriateness may be appealed to the city plan commission only by the applicant. An appeal is made by filing a written request with the director within 10 calendar days after notice of the director's decision is given. In considering the appeal, the sole issue shall be whether the director erred, and in this connection, the city plan commission shall consider the same standard that was required to be considered by the director. Decisions of the city plan commission are final as to administrative remedies. If the city plan commission fails to make a decision on an appeal within 30 calendar days after the appeal is filed with the director, the application shall be considered approved, provided the sign otherwise complies with all applicable city codes, ordinances, rules, and regulations.

(d) Provisions applicable to all signs.

(1) Balloons and wind devices. All balloons, banners, flags, inflatable objects, pennants, streamers, and wind devices are considered to be signs and may not be used except as specifically allowed in this section.

(2) Changeable messages.

(A) A changeable message may not change more than every eight seconds.

(B) Only one sign with a changeable message is allowed per premise.

(C) The changeable message portion of any sign is limited to an effective area of 50 square feet.

(3) Fences. Except for special purpose signs, signs may not be attached to fences.

(4) Historic overlay districts. Within a historic overlay district, the landmark commission has the sole authority to determine every aspect of a sign, other than construction and maintenance standards, including effective area, height, location, number, size, and type, and to issue a certificate of appropriateness for that sign.

(5) Lighting.

(A) Except as otherwise provided in this division, signs may be illuminated by internal (back) lighting or indirect lighting.

(B) The use of neon or single incandescent bulbs is allowed.

(C) A light source external to a sign may illuminate a sign if the light does not cross into a public right-of-way, a residential zoning district line, or the property line of a residential use.

(D) Light used to illuminate a sign may not turn on or off, or change its brightness, more than twice a day.

(6) Message limitation. All signs must be district identification signs, district promotional message signs, premise signs, or convey a noncommercial message.

(7) Other applicable law.

(A) All signs must be erected and maintained in compliance with all applicable federal and state laws and with the building code, electrical code, and other applicable ordinances of the city. In the event of conflict between this section and other laws, the most restrictive standard applies.

(B) For purposes of applying the Federal and Texas Highway Beautification Acts, this district is considered to be a commercial zoning district. Signs within this district may not be HBA signs.

(C) The provisions of Division 51A-7.200, "Provisions for All Zoning Districts," applies in this district. In the event of a conflict, this section controls.

(8) Portable signs. Portable signs are prohibited.

(9) Signs over the right-of-way.

(A) Signs may be located in or project over the public right-of-way, including, but not limited to, sidewalks, subject to the licensing and franchise requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, as amended, the Dallas Building Code, and the requirements of all other applicable laws, codes, ordinances, rules, and regulations.

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

(C) No portion of a sign may be located less than two feet from a vertical plane extending upward from the back of a street curb.

(e) Attached signs.

(1) Provisions applicable to all attached signs.

(A) Attached signs must be securely attached.

(B) The maximum combined effective area of all attached signs on a facade may not exceed 20 percent of the total area of the facade.

(C) Attached signs may have a maximum of eight words, which contain any character of a height equal to or exceeding four inches. Words consisting of characters less than four inches high may be used without limit.

(D) Attached signs may not be painted onto the roof of a building.

(E) Attached signs are not permitted on the roof of a building.

(F) Banners used as attached signs may only be special purpose signs.

(2) Arcade signs.

(A) There is no limit to the number of arcade signs permitted on a premise.

(B) Arcade signs may not exceed eight square feet in effective area.

(C) The minimum linear distance between any two arcade signs is 15 feet.

(D) Arcade signs may not be lower than 10 feet above the sidewalk.

(E) Arcade signs may not project above the arcade to which they are attached.

(F) Arcade signs may only identify the premise or occupant and provide an address.

(3) Awning signs.

(A) There is no limit on the number of awning signs on a premise.

(B) A sign on the face of the awning may only have an effective area equal to 20 percent of the face of the awning. As used in this provision, "face" means the sloping or curved portion of an awning that provides shade over the sidewalk.

(C) Awning signs may not be lower than eight feet above the sidewalk.

(D) Awning signs may not project more than two inches from the surface of the awning.

(E) Awning signs may not be backlit.

(F) The valance of an awning may only have an address, occupant identification, or premise identification. As used in this provision, “valance” means that portion of an awning parallel to the street and perpendicular to the sidewalk.

(4) Flat attached signs.

(A) The maximum number of flat attached signs on any premise is one per public pedestrian entrance or one per first-floor tenant, whichever is greater.

(B) The total effective area of all flat attached signs per facade may not exceed 20 percent of the facade or 400 square feet, whichever is less.

(C) Flat attached signs may not project above the roofline.

(D) A flat attached sign may not project more than 12 inches from the facade to which it is attached.

(5) Marquee signs.

(A) The maximum number of marquee signs on any premise is one per street frontage.

(B) The horizontal dimension (length) of a marquee sign may not exceed two-thirds of the length of the facade to which it is attached. The vertical dimension (width) of a marquee sign may not exceed six feet.

(C) Marquee signs are allowed only on an entertainment facility.

(D) Marquee signs may have a changeable message.

(E) Marquee signs may incorporate moving patterns or bands of light, except that the use of illumination to produce apparent motion of a visual image, such as animation or similar effects, is prohibited.

(6) Projecting signs.

(A) The maximum number of projecting signs on any premise is one per facade.

(B) Projecting signs may not exceed 40 square feet in effective area.

(C) Projecting signs may not be lower than 10 feet above the sidewalk.

(D) No portion of a projecting sign may be located more than five feet from the facade to which it is attached.

(E) A projecting sign may not project higher than four feet above the edge of the wall to which it is attached.

(F) Projecting signs must be a minimum of five feet from another projecting sign.

(G) Projecting signs may have a message on both sides of the sign structure.

(7) Special purpose signs.

(A) Non-window special purpose signs.

(i) The maximum number of non-window special purpose signs on a facade at any time is two.

(ii) Non-window special purpose signs may not exceed 50 square feet in effective area.

(iii) Non-window special purpose signs may be displayed on a premise a maximum of four times each calendar year for a maximum of 30 consecutive days each time. Each new non-window special purpose sign must have a new message.

(iv) Banners used as attached signs may only be non-window special purpose signs.

(v) Non-window special purpose signs that relate exclusively to the construction, lease, remodeling, or sale of the premise are permitted without limit as to the number or length of time displayed.

(B) Window special purpose signs.

(i) There is no limit on the number of window special purpose signs.

(ii) No more than 25 percent of a window surface may be covered by either window signs or window special purpose signs, alone or in combination.

(iii) Window special purpose signs may not contain words with characters more than eight inches in height.

(iv) Window special purpose signs may be displayed on a premise a maximum of four times each calendar year for a maximum of 30 consecutive days each time. Each new window special purpose sign must have a new message.

(v) Window special purpose signs may contain a district promotional message.

(vi) Window special purpose signs that relate exclusively to the construction, lease, remodeling, or sale of the premises on which they are located are permitted without limit as to the number or length of time displayed.

(7) Window signs.

(A) There is no limit on the number of window signs.

(B) No more than 25 percent of a window surface may be covered by either window signs or window special purpose signs, alone or in combination.

(C) Window signs that use internal neon bulbs may not cover more than 15 percent of the window surface.

(D) Window signs may not contain words with characters more than eight inches in height.

(E) Window signs may not be taped to the window. Window signs must be professionally hand-painted, silk screened, or made of self-adhesive vinyl.

(f) Detached signs.

(1) Provisions applicable to all detached signs.

(A) Number. Only one detached sign may be erected on any premise, except that a premise that has more than 450 feet of frontage along a public right-of-way other than an alley may have no more than one additional detached sign for each additional 450 feet of frontage or fraction thereof.

(B) Height and effective area dependent upon setback.

(i) Detached signs must be set back a minimum of 10 feet.

(ii) A detached sign set back more than 10 feet but less than or equal to 20 feet may not exceed 20 feet in height or exceed 50 square feet in effective area.

(iii) A detached sign set back more than 20 feet but less than or equal to 30 feet may not exceed 30 feet in height or exceed 150 square feet in effective area.

(iv) A detached sign set back more than 30 feet may not exceed 30 feet in height or exceed 150 square feet in effective area.

(C) Other requirements.

(i) Except for special purpose signs, detached signs may not be placed on fences.

(ii) A pole-mounted detached sign must have either a pole cover that covers the entire pole and is made of masonry, metal, plastic, stucco, or wood or have a minimum three-foot-high masonry base.

(iii) Banners used as detached signs may only be street light banners.

(2) District identification signs.

(A) There is no limit on the number of district identification signs in the district.

(B) The maximum effective area of a district identification sign is 12 square feet.

(C) The maximum height of a district identification sign is 20 feet.

(D) District identification signs may not have a changeable message.

(3) Monument signs.

- (A) The maximum number of monument signs is one per premise.
- (B) Monument signs may not exceed 150 square feet in effective area.
- (C) Monument signs may not exceed 10 feet in height.
- (D) Monument signs must be set back a minimum of 15 feet.

(4) Special purpose signs.

(A) The maximum number of special purpose signs on a premise at any time is one per street frontage.

(B) Special purpose signs may not exceed 50 square feet in effective area.

(C) Special purpose signs may not exceed eight feet in height.

(D) A special purpose sign must be located at least 100 feet from any other detached special purpose sign on the same premise.

(E) Special purpose signs may be displayed on a premise a maximum of four times each calendar year for a maximum of 30 consecutive days each time. Each new special purpose sign must have a new message.

(F) Special purpose signs may be placed on fences.

(G) No special purpose sign may be mounted on rotating wheels.

(H) No special purpose sign may be mounted on a trailer.

(I) No special purpose sign may be a changeable message sign or have changeable copy.

(J) No special purpose sign may be illuminated.

(K) No special purpose sign may contain flashing or blinking lights.

(L) Special purpose signs that relate exclusively to the construction, lease, remodeling, or sale of the premises on which they are located are permitted without limit as to the length of time displayed.

(5) Street light banners.

(A) The maximum number of street light banners is two per pole, with each banner on opposite sides of the pole.

(B) Streetlight banners may not exceed 12 square feet in effective area.

(C) No streetlight banner may project more than three feet from the pole onto which it is mounted.

(D) Streetlight banners must be at least 12 feet above the sidewalk. A streetlight banner that overhangs a roadway must be at least 15 feet above the roadway.

(E) Streetlight banners and sign hardware must be made out of weather-resistant and rust-proof material.

(F) If a streetlight banner overhangs the public right-of-way, a license must be obtained in accordance with the requirements of the City Charter and the Dallas City Code.

(G) A streetlight banner must be a district identification sign, or display a district promotional message or generic graphics.

(H) A street light banner having a district promotional message may not be erected more than 60 days prior to the beginning of the advertised activity or event, and must be removed no later than 30 days after that activity or event has ended.

(I) The hardware for a streetlight banner may be left in place between displays of a banner. A streetlight banner and the sign hardware must be mounted on a streetlight pole and meet the sign construction and design standards in the Dallas Building Code.

(J) No sign permit is required to erect or remove a streetlight banner. (Ord. 26104)

**SEC. 51P-732.115. ADDITIONAL PROVISIONS.**

(a) In general. Property within this district must be properly maintained in a state of good repair and neat appearance.

(b) Development and use. Development and use of property within this district must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Visibility triangle special exception. A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is in a visibility triangle and between two and one-half feet and eight feet in height measured from the top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the portion of the street adjacent to the visibility triangle. The board of adjustment shall grant a special exception to the requirements of this subsection when, in the opinion of the board of adjustment, the item will not constitute a traffic hazard. (Ord. 26104)

**SEC. 51P-732.116. COMPLIANCE WITH CONDITIONS.**

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

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 26104)

**SEC. 51P-732.117. ZONING MAP.**

PD 732 is located on Zoning District Map No. K-6. (Ord. 26104)