

ARTICLE 357.

PD 357.

Farmers Market Special Purpose District

SEC. 51P-357.101. LEGISLATIVE HISTORY.

PD 357 was established by Ordinance No. 22097, passed by the Dallas City Council on June 22, 1994. Ordinance No. 22097 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. (Ord. Nos. 19455; 22097; 25850; 28341)

SEC. 51P-357.102. PROPERTY LOCATION AND SIZE.

PD 357 is established on property generally bounded by the center lines of East R.L. Thornton Freeway (I-30), St. Paul Street, Young Street, Park Avenue, Wood Street, Harwood Street, Commerce Street, and I-345. The size of PD 357 is approximately 172.5 acres. (Ord. Nos. 22097; 25850; 28341)

SEC. 51P-357.103. PURPOSE.

This article provides standards specifically tailored to meet the needs of the Farmers Market area of the city, which is hereby designated as an area of cultural importance and significance to the citizens of the city. The general objectives of these standards are to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and, in part, to achieve the following:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment by encouraging the development of structures along entire blockfaces with continuous activities.
- (3) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.
- (4) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.
- (5) To encourage and protect the quantity and quality of residential uses.
- (6) To promote landscape/streetscape quality and appearance.
- (7) To aid the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and storm water runoff retardation, while at the same time aiding in noise, glare, and heat abatement.

- (8) To provide visual buffering and enhance the beautification of the city.
- (9) To safeguard and enhance property values and to protect public and private investment.
- (10) To conserve energy.
- (11) To discourage changes that fail to comply with the overall objectives of the Farmers Market concept approved by the Dallas City Council on August 14, 1991. (Ord. Nos. 22097; 25850; 28341)

SEC. 51P-357.104. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions.

- (1) Unless otherwise stated, the definitions contained in Chapter 51A apply to this article.
- (2) Unless the context clearly indicates otherwise, in this article:
 - (A) CANOPY TREE means a species of tree that normally bears crown foliage no lower than six feet above ground level upon maturity.
 - (B) COLORED CONCRETE means concrete with one or more pigments added to it.
 - (C) DISTRICT means the property defined in Section 5 of Ordinance No. 22097.
 - (D) MAJOR MODIFICATION means modifications to an original building within a one-year period where the value of the modifications as stated on applications for building permits exceeds 50 percent of the building's assessed value as determined by the Dallas Central Appraisal District.
 - (E) NEW CONSTRUCTION means construction of a structure that is not an original building.
 - (F) OPENING means a door, window, passageway, or any other feature through which light or solid objects may pass.
 - (G) ORIGINAL BUILDING means a building constructed on or before June 22, 1994.
 - (H) PARKWAY means the portion of a right-of-way located between the street curb and the property line of an adjoining lot.
 - (I) REFLECTIVE GLASS means glass with exterior visible reflectance percentages in excess of 27 percent. Visible reflectance is the percentage of available visible light

energy reflected away from the exterior surface of the glass. (The higher the percentage, the more visible light reflected and the more mirror-like the surface will appear.)

(J) RETAIL USE means any use listed in Section 51P-357.108(b)(8) of this article.

(K) SCREENING means a visual barrier provided by using one of the following methods:

(i) Brick, stone, or concrete masonry, stucco, concrete, or wood that is at least three feet in height.

(ii) Earthen berm at least three feet in height planted with turf grass or ground cover recommended for local area use by the director of park and recreation. The berm may not have a slope that exceeds one foot of height for each two feet in width.

(iii) Evergreen plant materials recommended for local area use by the director of park and recreation. The plant materials 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 and being at least three feet in height within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years.

(iv) An ornamental steel or iron fence that is at least five feet in height.

(L) STOOP means a small porch that leads to the entrance of a residence.

(M) UTILITY AREAS means the areas occupied by loading docks, trash storage, air conditioning, heating, and ventilating equipment, and all other similar utility equipment. For the purposes of this article, utility poles are not "utility areas."

(b) Interpretations.

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

(2) The following rules apply in interpreting the use regulations in this article.

(A) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(B) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(C) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803.

("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800.)

(D) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. ("RAR" means "residential adjacency review." For more information regarding residential adjacency review generally, see Division 51A-4.800.)

(3) Unless the context clearly indicates otherwise, this district is considered to be a central area district for purposes of interpreting Chapter 51A.

(4) Except for Section 24 of Ordinance No. 22097, that ordinance is incorporated by reference into Chapter 51A. (Ord. Nos. 22097; 25850; 28341)

SEC. 51P-357.104.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 357A: subdistrict boundary map.
- (2) Exhibit 357B: list of approved plant materials.
- (3) Exhibit 357C: conceptual plan for Subdistrict 10. (Ord. 28341)

SEC. 51P-357.105. ZONING CLASSIFICATION CHANGE.

Chapter 51A is amended by changing the zoning classification from CA-1(A) Central Area District to PD 357, to be known as the Farmers Market Special Purpose District ("the Farmers Market SPD"), on the property described in Ordinance No. 22097. (Ord. Nos. 22097; 25850; 28341)

SEC. 51P-357.106. ESTABLISHMENT OF SUBDISTRICTS.

A map (Exhibit 357A) shows the boundaries of the district and the 14 subdistricts (Subdistricts 1, 1A, 2, 2A, 3, 4, 4A, 5, 5A, 6, 7, 8, 9, 10). Property descriptions of the subdistricts are attached to Ordinance No. 22097 as Exhibit B. The subdistricts are hereby established for purposes of this article. If there is a conflict between the map and the text of this article, the text controls. (Ord. Nos. 22097; 25850; 26370; 28341; 29201; 29695; 30576)

SEC. 51P-357.107. GENERAL DEVELOPMENT STANDARDS.

The provisions of Section 51A-4.702, "Planned Development (PD) District Regulations," relating to the PD pre-application conference, site plan procedure, site analysis, conceptual plan,

development plan, development schedule, and amendments to the development plan do not apply to this district. (Ord. Nos. 22097; 25850; 28341)

SEC. 51P-357.107.1. SUBDISTRICT 10 CONCEPTUAL PLAN.

In Subdistrict 10, development and use of the Property must comply with the conceptual plan (Exhibit 357C). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls. (Ord. 28341)

SEC. 51P-357.108. MAIN USES PERMITTED.

(a) Additional uses created. The uses listed under Paragraph (1) are created for purposes of this article.

(1) Definitions. In this article:

(A) FARMERS MARKET means a publicly owned or operated area for the sale and exchange of agricultural produce, food, and general merchandise by vendors.

(B) FLEA MARKET means a privately owned and operated area for the sale and exchange of food and general merchandise by vendors.

(C) FOOD PROCESSING means a facility for the manufacturing, processing, packaging, and sorting of foodstuffs from agricultural produce. This use does not include the slaughtering of animals, fish, or poultry.

(D) HOMELESS ASSISTANCE CENTER means a facility that is owned, operated, or contracted for by the city to provide services to the homeless including some or all of the following: outpatient health, medical, dental, and optical services; medical referrals; counseling services and referrals; educational and vocational services and referrals; habilitation or rehabilitation services and referrals; information resources; sanitary facilities; laundry facilities; facilities or areas for food service; and emergency shelter.

(E) STADIUM, ARENA, OR SPORTS COMPLEX means an indoor or outdoor facility with seating where spectators view events, including musical and athletic performances.

(2) Parking and loading. Consult Section 51P-357.110 of this article for the off-street parking and loading regulations for these uses.

(b) Main uses permitted in Subdistricts 1 through 9.

(1) Commercial and business service uses.

- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair.

- Electronics service center.
- Food processing. *[SUP if floor area exceeds 7,500 square feet.]*
(Permitted only in Subdistricts 1 and 2.)
- Job or lithographic printing.
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.

(2) Institutional and community service uses.

- Adult day care facility. *[SUP] (Permitted only in Subdistricts 2, 8, and 9.)*
- Child-care facility. *[SUP]*
- Church.
- College, university, or seminary.
- Convent or monastery. *[SUP]*
- Foster home. *[SUP] (Permitted only in Subdistricts 2, 8, and 9.)*
- Homeless assistance center. *(Permitted only in Subdistrict 2A.)*
- Library, art gallery, or museum.
- Public or private school.

(3) Lodging uses.

- Hotel or motel.
- Lodging or boarding house. *[SUP]*
- Residential hotel.

(4) Miscellaneous uses.

- Temporary construction or sales office.

(5) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR required in Subdistrict 1.]*
- Medical clinic or ambulatory surgical center.
- Office.

(6) Recreation uses.

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

(7) Residential uses.

- Duplex.
- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*

- Multifamily.
- Retirement housing.
- Single family.

(8) Retail and personal service uses.

- Ambulance service.
- Auto service center.
- Bar, lounge, or tavern.
- Business school.
- Car wash. *[DIR]*
- Commercial amusement (inside).
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Farmers market. *[By right in Subdistricts 1 and 1A; By SUP only in all other subdistricts.]*
- Flea market. *[SUP]*
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard. *[DIR]*
- Household equipment and appliance repair.
- Liquor store. *[SUP]*
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Outside sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service. *[DIR]*
- Stadium, arena, or sports complex.
- Temporary retail use.
- Theater.

(9) Transportation uses.

- Heliport. *[SUP]*
- Helistop. *[SUP]*
- STOL (short takeoff or landing) port. *[SUP]*
- Transit passenger shelter.
- Transit passenger station or transfer center.

(10) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities.

- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[SUP]*
- Utility or government installation other than listed. *[SUP]*

(11) Wholesale, distribution, and storage uses.

- Freight terminal. *[DIR]*
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage (with visual screening).
- Recycling collection center.
- Trade center.
- Warehouse.

(c) Main uses permitted in Subdistrict 10.

- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*
- Local utilities.
- Single family.
- Temporary construction or sales office. (Ord. Nos. 22097; 25850; 26370;

28341; 29201)

SEC 51P-357.108.1. ACCESSORY USES.

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

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

- Accessory helistop.

(c) The following accessory uses are not permitted:

- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Day home. (Ord. 28341)

SEC. 51P-357.109. YARD, LOT, AND SPACE REGULATIONS FOR SUBDISTRICTS 1 THROUGH 9.

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

- (a) Front yard. No minimum front yard.
- (b) Side and rear yard.
 - (1) Minimum side yard is:
 - (A) five feet for duplex structures; and
 - (B) no minimum in all other areas.
 - (2) Minimum rear yard is:
 - (A) 10 feet for duplex structures; and
 - (B) no minimum in all other cases.
- (c) Dwelling unit density. No maximum dwelling unit density.
- (d) Floor area ratio. Maximum floor area ratio is 20.0.
- (e) Height. Maximum structure height is any legal height.
- (f) Lot coverage.
 - (1) Except as provided in this subsection, maximum lot coverage is 85 percent.”
 - (2) Subdistrict 1A is considered a single building site for the purposes of this subsection.
 - (3) An atrium is not counted as coverage if it exists at grade and is open to the public.
 - (4) In Subdistrict 1A, covered athletic courts or fields are not counted as lot coverage if they exist at grade and are open to the public.
 - (5) In Subdistrict 4A, maximum lot coverage is 100 percent when a development contains uses in two or more of the following categories, and the combined floor areas of the uses in each category equals or exceeds the following percentages of the total floor area of the project:

<u>Use Category</u>	<u>% of Total Floor Area</u>
Lodging	15%
Office	15%
Residential	15%
Retail and personal service	10%”

- (g) Lot size. No minimum lot size.
- (h) Stories. No maximum number of stories.
- (i) Right-of-way encroachments. In Subdistrict 1A, balconies, awnings, signs, and other structures attached to a building are allowed to encroach over a right-of-way line to the extent permitted by the Dallas City Code. This provision does not preclude encroachments in other subdistricts to the extent they are permitted. (Ord. Nos. 22097; 25850; 28341; 29201; 30576)

SEC. 51P-357.109.1. YARD, LOT, AND SPACE REGULATIONS FOR SUBDISTRICT 10.

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

- (a) Front yard. No minimum front yard.
- (b) Side and rear yard. No minimum side or rear yard.
- (c) Dwelling unit density. Maximum dwelling unit density is 108 units.
- (d) Floor area ratio. Maximum floor area ratio is 4.0.
- (e) Height. Maximum structure height is 46 feet to the mid-point of the roof and 50 feet to the highest point of the roof. Rooftop projections, trellis projections, and other architectural features may exceed the height by 12 feet.
- (f) Lot coverage. Maximum lot coverage is 90 percent. For purposes of lot coverage, Subdistrict 10 shall be treated as one lot.
- (g) Lot size. No minimum lot size.
- (h) Plat requirements. In this subdistrict, a minimum of 10 feet must be provided by plat between each group of no more than eight single family structures.
- (i) Platted lots. Each dwelling unit must be located on a separately platted lot. Platted lots may have frontage on two opposite sides.
- (j) Projections. Window sills, belt courses, cornices, or other architectural features may project no more than 12 inches into the right-of-way with a City of Dallas license for use of the public right-of-way. Cantilevered roof eaves, steps, stoops, and balconies may project no more than three feet into the right-of-way with a City of Dallas license for use of the public right-of-way.

(k) Shared access development. A shared access development is treated as one lot for purposes of compliance with the front, side, and rear yard regulations and applicable landscape regulations.

(l) Steps and stoops. Steps and stoops must comply with the requirements of the Mill Creek Flood Zone Study. (Ord. 28341)

SEC. 51P-357.110. OFF-STREET PARKING AND LOADING FOR SUBDISTRICTS 1 THROUGH 9.

(a) In general. Except as provided in this section, the off-street parking and loading regulations contained in Divisions 51A-4.300 et seq. apply to this district.

(b) Off-street parking requirements.

(1) Except as provided in this subsection, off-street parking is required for a new building or an addition to an existing building at a ratio of one parking space for each 2,000 square feet of floor area.

(2) In Subdistrict 5A, a minimum of six spaces are required for a mini-warehouse.

(c) Cash in lieu of required parking.

(1) A property owner may make a one-time cash payment in lieu of providing required off-street parking spaces for a use in accordance with this subsection. The amount of the payment required is calculated by taking three-fourths of the cost of constructing a parking garage space and multiplying that cost by the number of parking spaces that will not be required by reason of the cash payment.

(2) The cost of a parking garage space is calculated by using the following formula:

$$\text{National Median Cost/Sq. Ft.} \times 350 \text{ square feet} \times \text{Dallas Cost Index} = \text{Cost of a Parking Garage Space}$$

For purposes of the formula, "National Median Cost/Sq. Ft." means the national median cost per square foot of a parking space in a parking garage. Both the National Median Cost/Sq. Ft. and the Dallas Cost Index must be derived from the most recent issue of Building Construction Cost Data, published by the Robert Snow Means Company, Inc., of Kingston, Massachusetts, unless another comparable publication is designated by the director.

(3) Payments in lieu of required parking shall be paid to a special parking account and used to finance the construction of parking garages or other parking improvements to serve uses in the district, pursuant to the requirements of all applicable rules, regulations, and ordinances of the city.

(d) Commercial parking lots and garages.

(1) Definitions. In this subsection:

(A) **EXISTING USE** means a commercial parking lot or garage that was in operation on June 22, 1994, regardless of whether the use had a certificate of occupancy on that date. This definition does not mean that an illegal use on that date is now a conforming or legal use.

(B) **NEW USE** means a commercial parking lot or garage that is not an existing use.

(C) **PARKWAY** means the portion of a right-of-way located between the street curb and the property line of an adjoining lot.

(D) **SELF-PARK SPACE** means a parking space where a customer parks his vehicle and it remains there until a customer drives it away. It does not include a space where an attendant parks a customer vehicle.

(E) **WROUGHT IRON** includes metal that resembles wrought iron in appearance.

(2) Site plan.

(A) When required. When establishing a new use or enlarging an existing use by more than 40 percent, a site plan must be submitted and approved in accordance with this paragraph before a certificate of occupancy may be issued.

(B) Requisites. The site plan must include the following information:

(i) The number of existing and proposed parking spaces on the property.

(ii) The location and dimensions of the property.

(iii) The location and dimensions of all existing and proposed off-street parking and loading areas, parking bays, aisles, driveways, and attendant booths.

(iv) The location and type of all existing and proposed landscaping, screening, trash receptacles, lighting, and signs.

(v) Any other reasonable and pertinent information that the building official determines to be necessary for site plan review.

(C) Review by the building official. The building official shall deny an application unless it meets all the applicable standards of this subsection.

(D) Decision of the building official.

take one of two forms:

- (i) Form of decision. The decision of the building official must

- (aa) Approval.

- (bb) Denial.

- (ii) Statement of reasons. If the building official denies an application, he shall state in writing the specific reasons for denial.

- (iii) Approval. If there are no grounds for denial under this subsection, the building official shall approve the application with no conditions.

- (E) Notice. The building official shall give written notice to the applicant of his decision regarding the application within 14 days of its receipt. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice must be sent to the address shown on the application.

- (F) Development. If a site plan is approved by the building official, development of the property must be in accordance with the site plan.

(3) Construction.

- (A) Slope. The entire surface of a surface parking lot may not deviate more than seven degrees from the horizontal plane. No portion of the surface may deviate more than 12 degrees from the horizontal plane.

- (B) Driveways. No more than one two-way driveway or two one-way driveways may be maintained for each 300 feet, or fraction thereof, of frontage of a surface parking lot.

(4) Striping. All self-park spaces must be clearly and permanently identified by stripes. All self-park spaces for compact cars must be at least 7.5-foot-wide stalls and must be clearly and permanently marked "compact car only." All other self-park spaces must be at least eight-foot-wide stalls. Except as specified in this provision, these spaces must be provided and striped in accordance with Section 51A-4.301(d)(1).

(5) Lighting.

- (A) Requirement. The following must be lighted between one-half hour after sunset and 2:30 a.m. and between 6:00 a.m. and one-half hour before sunrise:

- (i) A surface parking lot.

- (ii) The first story of a parking garage above grade.

- (iii) All other portions of a parking garage that are accessible to pedestrians or vehicles during the hours of darkness.

For purposes of this paragraph, "hours of darkness" means the time between one-half hour after sunset and one-half hour before sunrise.

(B) Intensity. The intensity of required lighting on the parking surface must be:

(i) an average of at least two footcandles, initial measurement, and at least one footcandle on a maintained basis; and

(ii) a minimum at any point of at least 0.6 footcandle initial, and at least 0.3 footcandle maintained or one-third of the average footcandle measurement for the lighted area, whichever is greater.

(C) Type of fixtures. Light sources for surface parking lots must be indirect, diffused, or shielded-type fixtures, installed to reduce glare and the consequent interference with boundary streets. Bare bulbs or strings of lamps are prohibited.

(D) Location of fixtures. Fixtures must be attached to buildings or mounted on permanent poles. Fixtures may be located on adjoining property.

(E) Height of fixtures. Fixtures on surface parking lots must be at least 20 feet above the lot surface. This requirement does not apply to parking garages.

(F) Reconciliation. This paragraph controls over Section 51A-4.301(e)(1).

(6) Trash receptacles. A trash receptacle at each vehicle entrance is encouraged, but not required. No trash receptacle may have a fluorescent color.

(7) Attendant booths. An attendant booth may not be constructed of flammable materials or have a fluorescent color.

(8) Access openings.

(A) Access openings for surface parking lots may not exceed:

(i) Thirty feet in width for a two-way drive.

(ii) Twenty feet in width for a one-way drive.

(iii) Five feet in width for pedestrian access.

(B) At least one opening for pedestrian access must be provided for frontage of a surface parking lot. These openings are limited, however, to one for each 30 feet of frontage screened with bollards or a wrought iron fence, or three for each frontage landscaped with a combination of planters and either bollards or a wrought iron fence.

(9) Screening and landscaping.

(A) Where. Screening and landscaping must be provided along an abutting street right-of-way, excluding openings for pedestrian and vehicular access, of:

- (i) a surface parking lot; and
- (ii) a parking garage having any openings in the first story above grade, excluding openings for pedestrian and vehicular access.

(B) Screening.

(i) Surface parking lots in the middle of a block with buildings on both adjoining lots and less than 100 feet of frontage and all parking garages must have screening consisting of a wrought iron fence.

(ii) All other surface parking lots must have screening consisting of:

- (aa) a wrought iron fence;
- (bb) metal or concrete bollards; or
- (cc) a combination of planters and either bollards or a wrought iron fence.

(iii) If a wrought iron fence is provided:

- (aa) it must be at least 42 inches in height;
- (bb) its vertical bars must be spaced no more than eight inches apart and welded or brazed to horizontal bars at or near the top and bottom of the fence;
- (cc) it may have a foundation that does not exceed 12 inches in height; and
- (dd) the columns extending into the ground or foundation must be spaced no more than 10 feet apart.

(iv) If bollards are provided, each bollard must be:

- (aa) at least 18 inches in length;
- (bb) at least nine inches in width;
- (cc) at least 30 inches in height; and
- (dd) no more than seven feet from another bollard, unless connected by an iron chain, in which case they may be no more than 12 feet from another bollard.

(v) If planters are provided:

(aa) each planter must be between six and 18 inches in height; and

(bb) the length of the planter area may not exceed one-fifth of the lot frontage.

(C) Landscaping.

(i) Requirement. Unless a parkway landscape permit is denied or revoked in accordance with Subparagraph (C)(vii), one tree or shrub must be provided in the adjoining parkway for each 30 feet along the required landscaping area. All trees and shrubs provided must be recommended for local area use by the director of park and recreation.

(ii) Trees. Each tree planted must have a caliper of at least two and one-half inches.

(iii) Shrubs. Each shrub provided must be at least 30 inches in height and planted in a planter or a metal or concrete pot.

(iv) Minimum tree clearance. All portions of a tree above street pavement must be at least thirteen and one-half feet in height.

(v) Tree grates. Tree grates conforming to state and federal standards and specifications adopted to eliminate, insofar as possible, architectural barriers encountered by aged, handicapped, or disabled persons, and of a size adequate to permit healthy tree growth must be provided for all trees planted within a public sidewalk.

(vi) Private license granted. The city council hereby grants a private license to the owners of all commercial parking lots and garages in this district for the exclusive purpose of authorizing compliance with the landscaping requirements. A property owner is not required to pay an initial or annual fee for this license. This private license shall not terminate at the end of any specific time period, however, the city council retains the right to terminate this license whenever in its judgment the purpose or use of this license is inconsistent with public use of the right-of-way or whenever the purpose or use of this license is likely to become a nuisance. A property owner is not required to comply with any landscaping requirement of this paragraph if compliance is made impossible due to the termination of this license. This provision controls over Article VI of Chapter 43 of the Dallas City Code.

(vii) Parkway landscape permit. A parkway landscape permit must be obtained from the director of public works and transportation for all landscaping in the parkway.

(aa) An application for a parkway landscape permit must be in writing on a form approved by the director of public works and transportation and accompanied by plans or drawings showing the area of the parkway affected and the planting proposed.

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

(cc) A parkway landscape permit issued by the director of public works and transportation is subject to immediate revocation upon written notice if at any time he determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way.

(dd) The issuance of a parkway landscape permit under this paragraph does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or shrubs in the public right-of-way.

(10) Existing use exemption. Existing uses are encouraged, but not required, to comply with the trash receptacle, attendant booth, access openings, and screening and landscaping requirements.

(11) Compliance reports. An owner of an existing use in this district must submit a report by January 26, 1995, to the director of development services describing compliance with the lighting requirement. A report describing compliance with the striping and construction requirements must be submitted to the director of development services by January 26, 1997. A report describing voluntary compliance with the trash receptacle, attendant booth, access openings, and screening and landscaping requirements must be submitted to the director of development services by January 26, 1999.

(12) Conformance. All existing uses in this district must fully comply with the lighting requirements before January 26, 1995, and with the construction and striping requirements before January 26, 1997.

(13) Special exception.

(A) In general. The board of adjustment may grant a special exception to any requirement contained in Subsection (d) if the board finds, after a public hearing, the special exception will not adversely affect the other properties within the district and strict compliance with the requirement would result in unnecessary hardship. If the board grants a special exception, it must specify the length of time the special exception is effective.

(B) Lighting. The board shall not grant a special exception to a lighting requirement unless the board also finds, after a public hearing, that the special exception will not compromise the safety of persons using the parking. In determining whether to grant this special exception, the board shall consider:

- (i) the extent to which the parking will be used after dark;
- (ii) the crime statistics for the area;
- (iii) the extent to which adequate lighting may be provided by light sources located on adjacent property; and
- (iv) the extent to which the lot will be secured by fences, gates, and chains.

(C) Sign. The board shall not grant a special exception eliminating lighting requirements for all or a portion of a parking lot or garage without requiring that a sign be posted advising the public of the extent to which there will be no illumination during hours of darkness. The sign must be posted in a conspicuous place and be reasonably calculated to adequately inform those persons who might park in the area that is the subject of the special exception.

(e) Special off-street loading provisions.

(1) Off-street loading spaces must be provided in accordance with Section 51A-4.303(a) only for new structures or additions to an existing structure.

(2) Once the required off-street loading has been provided for a structure, no additional off-street loading is required if the use of the structure changes.

(3) Once an off-street loading space has been provided, the off-street loading space may not be reduced, eliminated, or made unusable in any manner during the life of the structure.

(4) On-street loading spaces may satisfy the off-street loading space requirement subject to the following standards:

(A) Any on-street loading spaces must be approved by the traffic engineer.

(B) Required off-street loading spaces furnished on-street must be provided at curbside contiguous to the building site.

(C) If no adjacent curb space is available due to traffic or transit needs, indented curb space may be provided if the required sidewalk width is maintained.

(D) All required medium and large loading spaces must be provided off-street.

(E) Structures meeting Subparagraphs (A) through (D) above and requiring seven or more off-street loading spaces may satisfy the off-street loading requirement as follows:

<u>REQUIRED SPACES</u>	<u>MINIMUM OFF-STREET</u>	<u>NUMBER ON-STREET</u>
7	6	1
8	6	2
9	6	3
10 or more	60%	40%

(f) Subdistrict 1A. Subdistrict 1A is considered a single building site for the purposes of this section. (Ord. Nos. 22097; 25850; 28341; 29201; 29695)

SEC. 51P-357.110.1. PARKING AND LOADING FOR SUBDISTRICT 10.

(a) Off-street parking. Except as provided in this section, the off-street parking and loading regulations contained in Divisions 51A-4.300 et seq. apply to this district. For single family uses, two off-street parking spaces are required for each dwelling unit.

(b) Guest parking. For single family uses, 34 on-street parking spaces must be provided on Marilla Street, Pearl Expressway, and the center private drive as shown on the conceptual plan. These spaces may be counted as guest parking and may cross lot lines.

(c) Parking space dimensions. Except for on-street parking spaces along the center private driveway, off-street parking spaces must be a minimum of eighteen feet long by eight feet wide.

(d) Accessory community center (private). Off-street parking is not required for an accessory community center (private) use.

(e) On-street parking shown on the conceptual plan may be parallel or head-in. (Ord. 28341)

SEC. 51P-357.110.2. SHARED ACCESS PAVEMENT WIDTHS FOR SUBDISTRICT 10.

(a) The shared access area must be provided as shown on the conceptual plan.

(b) The shared access area must have a minimum width of 20 feet, and a minimum pavement width of 20 feet. Pavement widths are measured perpendicularly from the edge of the pavement to the opposite edge of pavement.

(c) Minimum 20 foot visibility triangles are required at all intersections of driveways with public streets. At all other driveway intersections, visibility triangles must be a minimum of 10 feet. Visibility triangles are not required at the exterior corners of the subdistrict. (Ord. 28341)

SEC. 51P-357.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 22097; 25850; 28341)

SEC. 51P-357.112. SIGNS.

Signs must comply with the provisions for the Farmers Market Special Provision Sign District contained in Division 51A-7.1300. (Ord. Nos. 22097; 25850; 28341)

SEC. 51P-357.113. SINGLE FAMILY STRUCTURE SPACING.

Except as provided in Section 51P-357.109.1(h), in this district, a minimum of 15 feet between each group of eight single family or handicapped group dwelling unit structures must be provided by plat. (Ord. Nos. 22097; 25850; 28341)

SEC. 51P-357.114. SIDEWALK REGULATIONS FOR SUBDISTRICTS 1 THROUGH 9.

(a) A sidewalk must be provided between the back of the street curb and the face of a building at grade in accordance with this section. The face of a building is behind the columns for a building with exterior columns.

(b) Sidewalks must be constructed and maintained in accordance with the following regulations:

(1) A building with a floor area ratio of more than 15 to one is subject to the requirements of the CA-1(A)-CP district in Section 51A-4.124(a)(8)(C)(ii).

(2) A building with a floor area ratio of 10 to one through 15 to one must have an average sidewalk width of 15 feet and a minimum sidewalk width of nine feet that is unobstructed by any structure. For purposes of this paragraph:

(A) Average sidewalk width equals the total sidewalk surface area divided by the linear feet of frontage.

(B) Each frontage on each block must contain the required average sidewalk width.

(C) The area occupied by structural walls or columns is excluded when computing average sidewalk width.

(D) The surface area at a corner is counted only once when computing average sidewalk width.

(3) All other buildings must provide a minimum sidewalk width of 10 feet with seven feet unobstructed by any structure or planting. (Ord. Nos. 22097; 25850; 28341)

SEC. 51P-357.114.1. SIDEWALK REGULATIONS FOR SUBDISTRICT 10.

(a) A minimum sidewalk width of 12 feet, with 7.5 feet unobstructed by any structure or planting, must be provided adjacent to Cesar Chavez Boulevard, Marilla Street, and Pearl Expressway.

(b) A minimum sidewalk width of 10 feet, with 7.5 feet unobstructed by any structure or planting, must be provided adjacent to Canton Street.

(c) Sidewalks are required on both sides of the center interior drive. Sidewalks elsewhere in the interior of the subdistrict are allowed but not required. Interior sidewalks must be a minimum of three feet wide. (Ord. 28341)

SEC. 51P-357.115. DEVELOPMENT PLAN REVIEW.

(a) Pre-application conference. A person desiring to develop in the district should consult with the director to discuss whether the project is consistent with the requirements of this article.

(b) Review of project. Upon receipt of an application for a building permit for new construction or a major modification of a structure in the district and a landscape plan, the building official shall refer the application and plans to the director for review to determine whether the application complies with all requirements of this article. The director shall complete the review within 30 days from the date of submission of the completed application to the building official, or the application shall be deemed to be approved.

(c) Return of application to the building official. Once the director makes his determination, he shall refer the permit application, plans, all other relevant information, and his recommendation to the building official. If the director determines that sufficient points have been accumulated under the design and landscape tests and all mandatory provisions of this article have been met, he shall recommend approval. Otherwise, he shall recommend denial. If the recommendation is for denial, the director shall state the grounds for denial in writing to the applicant, and the building official shall not issue the permit unless the director's recommendation is overturned upon appeal to the board. If the recommendation is for approval and the building official determines that all requirements of the construction codes and all other applicable ordinances have been met, the building official shall issue the permit. (Ord. Nos. 22097; 25850; 28341)

SEC. 51P-357.116. DESIGN TEST AND REQUIREMENTS FOR SUBDISTRICTS 1 THROUGH 9.

(a) In general. All applications referred to the director for review in accordance with Section 51P-357.115 of this article must be evaluated against the tests and prohibitions in this section. Plans for new construction or a major modification of a structure must earn at least 65 points (out of a total of 120 possible points) and comply with all mandatory requirements of this section. The points awarded for providing a feature, as well as the maximum number of points allowed in any category, are provided in parenthesis.

(b) Highly reflective glass prohibited. Reflective glass may not be used as an exterior building material on any building or structure in the district.

(c) Building offset requirement. A building facade that faces a public right-of-way must contain an offset of at least 100 square feet in area for the first five stories if the facade is for:

(1) a residential structure that extends 50 or more feet along the right-of-way;
or

(2) a nonresidential structure that extends 75 or more feet along the right-of-way.

For purposes of this section, an offset is an area within one or more angles in a building's footprint other than the four 90-degree corners of the building.

(d) Design points. Design points are awarded in accordance with the following criteria:

(1) Building facades. (Total possible points = 20). Points may be earned as follows:

(A) Retail uses. Ten points are awarded if each side of a building's ground floor that fronts a right-of-way (excluding halls, restrooms, utility areas, and other public spaces) is allocated to retail uses.

(B) Lower story articulation. Ten points are awarded if each of the first three stories of a building is articulated differently from the stories above and below it.

(C) Non-horizontal roofs. Ten points are awarded if the building's roof is capped by complex parapets, central or corner spires, pitched or stair-stepped roof forms, horizontal projected soffits, parapet walls consisting of decorative coping (for buildings having less than four stories), or other vertical offsets in the roof.

(D) Facade treatments. Ten points are awarded if the building's facade is given texture and complexity by the inclusion of ground level entries more than 14 feet in height, porticos, indented entries, belt coursing or other horizontal banding, grid coursing or other articulation of window openings, corner pilasters, rustication of the first floor, changes of color, or ornamental irons.

(E) Large public areas. Ten points are awarded if a sidewalk or plaza area not required by this article is provided for pedestrian activities.

(2) Awnings and arcades. (Total possible points = 10) To qualify for points under this paragraph, an arcade must have a minimum depth of six feet, a minimum height of seven feet, and a maximum height of 20 feet. An awning must have a minimum depth of three and one-half feet, a minimum height of seven feet, and a maximum height of 14 feet. For the purpose of this paragraph, awning and arcade height is the vertical distance between the ground or pavement directly beneath the awning or arcade and the lowest point of the awning or arcade. One point is awarded for each 10 percent of front lot line linear footage of awning or arcade width. When

arcades extend over public rights-of-way, the minimum depth requirement of the arcade may be reduced from six feet to the maximum depth permitted under the necessary agreement with the city.

(3) Building materials. (Total possible points = 20) One point is awarded for each three percent increment greater than 40 percent of total building facade area, excluding openings, incorporating stone, brick, or a combination of those materials as facade materials.

(4) Front facade openings. (Total possible points = 20) Twenty points are awarded if the percentage of a front facade containing openings is between 40 and 60 percent. For purposes of this paragraph, "front facade" means any facade facing a street. For buildings with more than one story, only the front facade of the first and second stories is used when calculating the percentage of openings.

(5) Public art. (Total possible points = 10) One point is awarded for each one percent of the value of improvement stated in the building permit application that is allocated to public art up to a maximum of 10 points. In order to qualify for public art points, the public art must be visible from a public right-of-way at all times. Examples of public art could include art in an atrium or lobby that is visible from a public right-of-way, art incorporated into the sidewalk or building facade, or freestanding art.

(6) Water features. (Total possible points = 10) One point is awarded for each one percent of the value of improvements stated in the building permit application that is allocated to a water feature, such as a fountain, stream, pond, pool, waterfall, mechanical water jet, or other similar water device, up to a maximum of 10 points. In order to qualify for water feature points, the water feature must be visible from a public right-of-way at all times.

(7) Flags and banners. (Total possible points = 10) Flags and banners may be hung from street light poles or suspended from private buildings or poles. One point is awarded for each one percent of building facade area that has an equivalent area of either flags or banners up to a maximum of 10 points. If the flags or banners are signs, they must comply with the sign regulations for this district.

(8) Ground floor light fixtures. (Total possible points = 10) Ten points are awarded if decorative light fixtures that are greater than three feet vertically frame a ground floor entry or create a repeating motif along the facade of the ground floor.

(9) Pedestrian seating. (Total possible points = 10) One point is awarded for each five feet of pedestrian seating. (Ord. Nos. 22097; 25850; 28341)

SEC. 51P-357.116.1. DESIGN STANDARDS FOR SUBDISTRICT 10.

(a) Highly reflective glass prohibited. Reflective glass may not be used as an exterior building material on any building or structure.

(b) Building materials. A minimum of 40 percent of total building facade area, excluding openings, must incorporate stone, brick or a combination of those materials. Hardi-board may be used on the facade containing the garage.

(c) Drive-through porte-cocheres. Drive-through porte-cocheres must have a minimum height of 13.5 feet and may be located across shared drives.

(d) Pedestrian seating. A minimum of 20 benches must be provided along the perimeter of the subdistrict and may be located within the public right-of-way with a City of Dallas license.

(e) Trash receptacles. A minimum of 20 trash receptacles must be provided along the perimeter of the subdistrict and may be located within the public right-of-way with a City of Dallas license.

(f) Outdoor lighting. Light poles must be located a minimum of 50 feet and a maximum of 100 feet on center with a minimum of one footcandle at the mid-point between fixtures. Outdoor light sources must be indirect, diffused, or shielded-type fixtures, installed to reduce glare and the consequent interference with boundary streets. Bare bulbs or strings of lamps are prohibited. Fixtures must be attached to buildings or mounted on permanent poles at a maximum height of 20 feet. Fixtures may be located within the public right-of-way with a City of Dallas license or on adjoining property. Pedestrian areas must be lighted beginning one-half hour after sunset and continuing until one-half hour before sunrise.

(g) Tree grates. Tree grates conforming to state and federal standards and specifications adopted to eliminate, insofar as possible, architectural barriers encountered by aged, handicapped, or disabled persons, and of a size adequate to permit healthy tree growth must be provided for all trees planted within a public sidewalk.

(h) Fencing.

(1) Solid fencing is not required.

(2) Wrought iron fencing with gates is permitted between buildings along the perimeter of the subdistrict.

(3) Maximum height for fencing is eight feet.

(i) Pavement markings. Pedestrian crosswalks across ingress and egress driveways and interior drives or streets must be clearly marked by colored concrete or patterned or stamped concrete and must be consistent. (Ord. 28341)

(a) Street trees. Except for a lot that contains a warehouse, distribution, or storage use for produce, a tree must be planted at a density of one tree for each 30 linear feet of frontage, exclusive of visibility triangles and driveways and accessways at points of ingress and egress to and from the property. A tree must be planted at a density of one tree for each 60 linear feet of frontage, exclusive of visibility triangles and driveways and accessways at points of ingress and egress to and from the property, for a lot that contains a warehouse, distribution, or storage use for produce. The trees provided must be of a species listed in Exhibit 357B.

(b) ROW clearance. A structure constructed above any landscaping installed in the public right-of-way may not be lower than:

- (1) thirteen and one-half feet above grade in the street pavement; or
- (2) seven and one-half feet above grade in the remainder of the right-of-way.

(c) Minimum caliper. All trees installed in accordance with this section must have a caliper of at least three and one-half inches.

(d) Landscape plan test and requirements. A landscape plan must accompany an application for a building permit for new construction or a major modification of a structure in the district. A landscape plan must earn at least 65 points (out of a total of 130 possible points) and comply with all mandatory requirements of this section. Points are awarded for providing specific lighting, paving, landscape zones, and other enhancements. The points awarded for providing these features, as well as the maximum number of points allowed in any category, are provided in parenthesis at the end of the provision to which they apply. Unless otherwise provided, the definitions in Article X apply when construing these provisions. Existing landscaping may qualify for points.

(1) Tree, landscape, or pedestrian lighting. (Total possible points = 20) Ten points each are awarded for providing tree lighting, light bollards, light poles, building facade lighting, or landscaped area lighting, up to a maximum of 20 points. The lighting provided must be at least 1.5 footcandles in intensity over adjacent pedestrian areas.

(2) Tree canopy zone. (Total possible points = 20) Points may be obtained for planting canopy trees within a landscape zone along the entire frontage, exclusive of vehicular and pedestrian entrances and exits. The trees may be planted in the right-of-way if a parkway landscape permit is obtained in accordance with Subsection (e). Ten points are awarded for planting these trees at a density of one tree for each 30 linear feet of landscape zone and twenty points are awarded for planting these trees at a density of one tree for each 15 linear feet of landscape zone. The trees provided must be of a species listed in Exhibit 357B.

(3) Paving materials. (Total possible points = 20) Five points are awarded for each 25 percent increment of outdoor walkway area accessible to the public that is covered by decorative pavement. For purposes of this paragraph, decorative pavement means:

- (A) pavers of colored concrete, brick, or stone;
- (B) stamped, textured, or colored concrete; or

(C) exterior grade tile.

(4) Seasonal color. (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 a landscape area that has a size that is equal to at least one-fourth of a square foot multiplied by the number of feet of frontage the property has. Ten points are awarded for a landscape area that has a size that is equal to at least one-half of a square foot multiplied by the number of feet of frontage the property has. Fifteen points are awarded for a landscape area that has a size that is equal to at least three-fourths of a square foot multiplied by the number of feet of frontage the property has. The plants installed in the landscape area must be maintained and changed in accordance with Subsection (g). Exhibit 357B indicates which plants qualify as seasonal color and the seasons in which they qualify.

(5) Private parks. (Total possible points = 20) Five points are awarded for each 200 square foot area provided as a park. A park may contain pedestrian seating, public art, or a water feature.

(6) Parking lot trees. (Total possible points = 20) Twenty points are awarded for planting one tree for each ten parking spaces in a parking lot. The trees must be planted in the interior of the parking lot and must be of a species listed in Exhibit 357B.

(7) Intersection open space. (Total possible points = 15) Fifteen points are awarded for providing an open area adjacent to a visibility triangle at the intersection of Young/Canton Street and South Central Expressway or Cadiz/Marilla Street and South Central Expressway. The open area must be at least 100 square feet.

(e) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or pavement (other than for the sidewalk required under Section 51P-357.114 of this article) in the parkway. An application for a parkway landscape permit, if required, must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by that director and accompanied by plans or drawings showing the area of the parkway affected and the construction and planting proposed.

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

(3) A property owner is not required to comply any parkway landscaping requirement of this section if compliance is made impossible due to the denial of a parkway landscape permit by the director of public works and transportation.

(4) A parkway landscape permit issued by the director of public works and transportation is subject to immediate revocation upon written notice if at any time that director

determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirements of this section if compliance is made impossible due to that director's revocation of the parkway landscape permit.

(5) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of-way.

(f) Lighting. Pedestrian areas where lighting fixtures are provided to obtain points under this section must be lighted beginning one-half hour after sunset and continuing until one-half hour before sunrise.

(g) Maintenance.

(1) In general. All landscaping provided must be installed and maintained in accordance with Article X.

(2) Seasonal color. If a seasonal color landscape area is provided under Subsection (d)(4) of this section, the plants in that area must be changed at least four times a year in accordance with the appropriate seasonal colors indicated in Exhibit 357B. This area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season. (Ord. Nos. 22097; 25850; 28341)

SEC. 51P-357.117.1. LANDSCAPE REGULATIONS FOR SUBDISTRICT 10.

(a) In general. For the purposes of this section, Subdistrict 10 shall be treated as one lot.

(b) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. "Parkway" means the portion of a street right-of-way between the street curb and the lot line. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(2) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this subsection.

(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

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

(c) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or related amenities in the parkway. An application for a parkway landscape permit must be made to the building official. The application must be in writing on a form approved by the building official and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

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

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

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

(5) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way.

(d) Street trees must be planted at a density of one tree for each 30 linear feet of frontage along the perimeter of the property, exclusive of visibility triangles and points of ingress and egress to and from the property. The trees provided must be of a species listed in Exhibit 357B.

(1) Each tree planted must have a calliper of at least four inches.

(2) Tree branches must not hang lower than 13.5 feet above the street or sidewalk pavement.

(e) Any shrub provided must be at least 18 inches in height and may be planted in a planter or a metal or concrete pot.

(f) Trees, shrubs, water features, benches, mailboxes, and other amenities may be provided in open space easements provided by plat.

(g) Plant material must be maintained in a healthy, growing condition. (Ord. 28341)

SEC. 51P-357.117.2. OPERATIONAL PLAN REQUIRED FOR HOMELESS ASSISTANCE CENTER.

Prior to the issuance of a certificate of occupancy for a homeless assistance center use, city council must approve an operational plan for the facility and surrounding area. At a minimum, the plan must address issues related to:

(1) loitering;

(2) security;

(3) control of trash and debris; and

(4) a reporting mechanism on the above factors. (Ord. 26370; 28341)

SEC. 51P-357.117.3. SUBDISTRICT 10 HOMEOWNER'S ASSOCIATION.

Prior to final plat approval, the owner of the Property must execute an instrument creating a homeowner's association for the maintenance of common areas, screening walls, landscaping areas (including right-of-way landscaping areas), and for other functions. This instrument must be approved as to form by the city attorney and filed in the Dallas County deed records. (Ord. 28341)

SEC. 51P-357.118. GENERAL REQUIREMENTS.

(a) Development and use of the Property must comply with all applicable federal and state laws and regulations and with all applicable ordinances, rules, and regulations of the city.

(b) 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. (Ord. Nos. 22097; 25850; 28341)

SEC. 51P-357.119. EVALUATION.

The director of development services shall submit a report to the city plan commission within five years of June 22, 1994. The report must contain an evaluation of the effectiveness of Ordinance No. 22097 and recommendations as to what, if any, changes should be made to it. (Ord. Nos. 22097; 25850; 28341)