

1-27-21

ORDINANCE NO. 31757

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Blocks 273, 256, 251, 246, A/261, 245, A/256, 242, and A/242; fronting approximately 2,757.06 feet along the southeast line of Ross Avenue; fronting approximately 2,509.89 feet along the northwest line of San Jacinto Street northeast of Saint Paul Street; and containing approximately 25.451 acres,

from a CA-1(A) Central Area District to Planned Development District No. 708; amending Article 708, "PD 708," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code to reflect the expansion of the planned development district; amending the regulations of Article 708; amending Ordinance No. 25916, passed by the Dallas City Council on March 9, 2005 by providing a revised property description; providing a penalty not to exceed \$2,000; replacing Exhibit 708A; deleting Exhibit 708B; providing a saving clause; providing a severability clause; and providing an effective date.

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

WHEREAS, the city council finds that it is in the public interest to change the zoning classification and amend Article 708 as specified in this ordinance; Now, Therefore,

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

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SECTION 1. That the zoning classification is changed from a CA-1(A) Central Area District to Planned Development District No. 708 on the property described in Exhibit A, which is attached to and made a part of this ordinance.

SECTION 2. That Article 708, "708," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"ARTICLE 708.

PD 708.

SEC. 51P-708.101. LEGISLATIVE HISTORY.

PD 708, the Dallas Arts District Extension Area, was established by Ordinance No. 25916, passed by the Dallas City Council on March 9, 2005.

SEC. 51P-708.102. PROPERTY LOCATION AND SIZE.

PD 708 is established on property generally bounded by Routh Street, Central Expressway, Ross Avenue, [~~and~~] Woodall Rodgers Freeway, St. Paul Street, Central Expressway, and San Jacinto Street. The size of PD 708 is approximately 33.14 [~~47.4~~] acres.

SEC. 51P-708.102.1. VISION.

The Dallas Arts District Connect: Master Plan is intended to serve as a guide and should be consulted for goals, objectives, policy statements, and recommendations for development of this district.

SEC. 51P-708.103. DEFINITIONS AND INTERPRETATIONS.

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

(1) ANN WILLIAMS WAY CENTERLINE means the centerline of the projected 50-foot-wide Ann Williams Way right-of-way shown on the map.

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(2) ANN WILLIAMS WAY FRONTAGE AREA means the area of each building site within 25 feet of the projected 50-foot-wide Ann Williams Way right-of-way.

(3) MOBILE FOOD ESTABLISHMENT means a vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer. The term includes mobile food preparation vehicles and pushcarts.

(4) PEDESTRIAN PRIORITY STREETS means Harwood Street, Routh Street, Olive Street, Leonard Street, Arts Plaza, Ann Williams Way, Woodall Rodgers service road, and St. Paul Street.

(5) TRANSPARENCY means the total area of window opening, door opening, or other opening, expressed as a percentage of the total facade area by story.

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

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

~~[(d) FLORA STREET CENTERLINE means the centerline of the projected 50-foot-wide Flora Street right of way shown on the map (Exhibit 708A).~~

~~(e) FLORA STREET FRONTAGE AREA means the area of each building site within 25 feet of the projected 50-foot-wide Flora Street right of way shown on Exhibit 708A. The projected 50-foot-wide Flora Street right of way does not include the conditionally abandoned portion of Flora Street described in Exhibit 708B.~~

~~(f) MOBILE FOOD ESTABLISHMENT means a vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer. The term includes mobile food preparation vehicles and pushearts.]~~

SEC. 51P-708.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 708A: district map.

SEC.51P-708.105. CREATION OF SUBDISTRICT 1.

(a) Subdistrict 1 is established on property located northwest of San Jacinto Street, southeast of Ross Avenue, and northeast of St. Paul Street.

(b) Except as provided in this section, the regulations applicable to the CA-1(A) Central Area District apply within Subdistrict 1.

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(c) The following sections apply to Subdistrict 1: Section 51P-708.106(j), Section 51P-708.106(l) through (s), and Section 51P-708.110.

(d) The accessory use live unit in Section 51P-708.106(b)(4) is allowed in this subdistrict.

SEC. 51P-708.106. DEVELOPMENT STANDARDS.

(a) ~~[Sasaki plan. The Dallas Arts District Design Plan prepared by Sasaki Associates, Inc. in August, 1982 ("Sasaki Plan") (Exhibit 145A to Article 145 of Chapter 51P) shall serve as a guideline for development in this district.~~

(b) Uses permitted in all parts of this district other than the Ann Williams Way [Flora Street] frontage area and Subdistrict 1. The following uses are the only main uses permitted in all parts of this district other than in the Ann Williams Way [Flora Street] frontage area and Subdistrict 1:

- (1) Agricultural uses.
 - None permitted.
- (2) Commercial and business services uses.
 - Catering service. [May only be located in a building with a minimum of one additional main use.]
 - Custom business services. [May only be located in a building with a minimum of one additional main use.]
 - Custom woodworking, furniture construction, or repair. [May only be located in a building with a minimum of one additional main use.]
 - Job or lithographic printing. [May only be located in a building with a minimum of one additional main use.]
- (3) Industrial uses.
 - None permitted.
- (4) Institutional and community service uses.
 - Child-care facility.
 - Church.
 - College, university, or seminary.
 - ~~[- Community service center. [SUP]]~~
 - Convent or monastery. [SUP]
 - Library, art gallery, or museum.

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- Open-enrollment charter school. *[SUP]*
- Private school. *[SUP]*
- Public school other than an open-enrollment charter school.

(5) Lodging uses.

- Hotel or motel.

(6) Miscellaneous uses.

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

(7) Office uses.

- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.

(8) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

- Multifamily.
- Retirement housing.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Business school. *[May only be located in a building with a minimum of one additional main use.]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Liquor store.
- Mobile food establishment.
- Mortuary, funeral home, or commercial wedding chapel.

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- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Temporary retail use.
- Theater.

(11) Transportation uses.

- Commercial bus station and terminal. [DIR]
- Heliport. [SUP]
- Helistop. [SUP]
- Railroad passenger station.
- Transit passenger shelter.

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Local utilities.
- Post office.

(13) Wholesale, distribution, and storage uses.

- Office showroom/warehouse.

(b[e]) Accessory uses permitted in all parts of this district other than the Ann Williams Way [Flora Street] frontage area and Subdistrict 1. As a general rule, an accessory use is permitted in any district 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. For more information regarding accessory uses, consult Section 51A-4.217.

(1) In this part of the district, an accessory helistop is permitted by SUP only.

(2) In this part of the district, an SUP may be required for an accessory medical/infectious waste incinerator. See Section 51A-4.217(b)(3.1).

(3) In this part of the district, a parking garage is considered to be accessory to a main use on the same lot if it is used primarily by owners and occupants and their invitees of the main use during business hours, even if it is used by patrons of other businesses that are not part of the main use on that lot after business hours for a fee.

(4) Live units are permitted as accessory uses and must comply with the following:

- (A) No maximum floor area for a live unit.
- (B) More than one live unit is allowed per lot.

(C) If more than three live units are located on one lot, the live units must comply with the registration and inspection of rental properties and condominiums program in Article VII of Chapter 27.

(c[d]) Uses prohibited in all parts of this district other than the Ann Williams Way [Flora Street] frontage area and Subdistrict 1. In this part of the district, the following uses are prohibited, even as accessory uses:

- Feed store, as defined in Chapter 51.
- Pawn shop.
- Home improvement center, lumber, brick or building materials sales center.
- Swimming pool sales and supply, as defined in Chapter 51.

(d[e]) Uses permitted in the Ann Williams Way [Flora Street] frontage area. The following uses are the only main uses permitted in the Ann Williams Way [Flora Street] frontage area:

(1) Agricultural uses.

- None permitted.

(2) Commercial and business services uses.

- Catering service. *[May only be located in a building with a minimum of one additional main use.]*
- Custom business services. *[May only be located in a building with a minimum of one additional main use.]*
- Custom woodworking, furniture construction, or repair. *[May only be located in a building with a minimum of one additional main use.]*
- Job or lithographic printing. *[May only be located in a building with a minimum of one additional main use.]*

(3) Industrial uses.

- None permitted.

(4) Institutional and community service uses.

- Child-care facility.
- Church.
- College, university, or seminary.
- [-- ~~Community service center. [SUP]~~
- Convent or monastery. *[SUP]*
- Library, art gallery, or museum.

- Open-enrollment charter school. *[SUP]*
- Private school. *[SUP]*
- Public school other than an open-enrollment charter school.

(5) Lodging uses.

- Hotel or motel.

(6) Miscellaneous uses.

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

(7) Office uses.

- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office *[Subject to the following restrictions: on the ground floor of each building site, no more than 50 [25] percent of the linear frontage along Ann Williams Way [Flora Street], and no more than 50 [25] percent of the ground floor area within the Ann Williams Way [Flora Street] frontage area may be occupied by office uses.]*

(8) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

- Multifamily.
- Retirement housing.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Business school. *[May only be located in a building with a minimum of one additional main use.]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.

- Liquor store.
- Mobile food establishment.
- Mortuary, funeral home, or commercial wedding chapel.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Temporary retail use.
- Theater.

(11) Transportation uses.

- Railroad passenger station.
- Transit passenger shelter.

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Local utilities.
- [~~Post office.~~]

(13) Wholesale, distribution, and storage uses.

- Office showroom/warehouse.
- Trade center.

(e[f]) Accessory uses permitted in the Ann Williams Way [Flora Street] frontage area. As a general rule, an accessory use is permitted in any district 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. For more information regarding accessory uses, consult Section 51A-4.217.

(1) In this part of the district, an accessory helistop is permitted by SUP only.

(2) In this part of the district, an SUP may be required for an accessory medical/infectious waste incinerator. See Section 51A-4.217(b)(3.1).

(3) In this part of the district, a parking garage is considered to be accessory to a main use on the same lot if it is used primarily by owners and occupants and their invitees of the main use during business hours, even if it is used by patrons of other businesses that are not part of the main use on that lot after business hours for a fee.

(4) Live units are permitted as accessory uses and must comply with the following:

(A) No maximum floor area for a live unit.

(B) More than one live unit is allowed per lot.

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(C) If more than three live units are located on one lot, the live units must comply with the registration and inspection of rental properties and condominiums program in Article VII of Chapter 27.

(f[g]) Uses prohibited in the Ann Williams Way [Flora Street] frontage area. In this part of the district, the following uses are prohibited, even as accessory uses:

- Feed store, as defined in Chapter 51.
- Pawn shop.
- Home improvement center, lumber, brick or building materials sales center.
- Swimming pool sales and supply, as defined in Chapter 51.

(g[h]) Height restrictions in the Ann Williams Way [Flora Street] frontage area. Within the Ann Williams Way [Flora Street] frontage area, maximum structure height is 50 feet.

(h[i]) Construction design in the Ann Williams Way [Flora Street] frontage area. On each building site in the Ann Williams Way [Flora Street] frontage area:

(1) at least 50 percent of the linear frontage along Ann Williams Way [Flora Street] and at least 50 percent of the Ann Williams Way [Flora Street] frontage area must be covered by a structure of at least 14 vertical feet [two stories]; and

(2) at least 50 percent of the area of the first 14 vertical feet [two stories] the street wall along Ann Williams Way [Flora Street] and at least 50 percent of the area of the ground floor of the street wall along Ann Williams Way [Flora Street] must consist of transparency [be of transparent material] and used for any combination of retail uses; bar and restaurant uses; professional, personal service, and custom crafts uses; and educational uses [display or merchandising]. For the first 14 vertical feet [two stories] of the street wall along the portion of Ann Williams Way [Flora Street] that is farther than 660 feet from a regulated highway, and therefore not subject to the Highway Beautification Act, the display may consist of artwork or district activity signs in addition to any other permitted display or merchandising.

(i[j]) ~~[Woodall Rodgers Freeway service road sidewalk requirements. All sidewalks fronting the Woodall Rodgers Freeway service road must have a minimum width of 10 feet.]~~

(k) Parking.

(1) All permanent parking within the Ann Williams Way [Flora Street] frontage area must be either underground or concealed within a building with a facade that is similar in appearance to the facades of non-parking buildings, except that at-grade (not underground or within a building) parking is permitted for up to a maximum of 10 percent of the total parking provided on a building site if allocated by lease or specific signage for retail and personal service uses, handicapped parking, or visitor parking. Surface parking in other locations must be located to the rear of the main structure and screened in accordance with Section 51A-4.602, except that

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up to a maximum of 10 percent of the total parking provided on a building site may be located in front of the main structure and unscreened if allocated by lease or specific signage for retail and personal service uses, handicapped parking, or visitor parking.

(2) Live unit. One parking space per live unit is required.

(j)[(h)] Loading. Off-street loading and maneuvering areas must be screened in accordance with Section 51A-4.602(b). Vehicular ingress to or egress from [to] a loading facility is not permitted from Pearl Street, Ross Avenue, or Ann Williams Way [Flora Street]. Off-street loading is not permitted at ground level in any location that is adjacent to and visible from Ann Williams Way [Flora Street].

~~(m) Residential use requirements. The yard, lot, and space regulations for residential uses in this district are the same as for other permitted nonresidential uses in this district.~~

(k)[(n)] Central Area-1 District standards. Unless otherwise provided in this article, all regulations applicable to the CA-1(A) Central Area District apply within this district.

~~(o) Flora Street sidewalk requirements. All sidewalks fronting on Flora Street must have a minimum width of seven feet extending from the property line into the right of way, with a single row of street trees between the sidewalk and the back of the street curb in minimum 16 square foot planting areas with tree grates, in any configuration ranging from two feet by eight feet to four feet by four feet.~~

(l)[(p)] Mobile food establishments.

(1) A mobile food establishment is permitted only on private property or as part of a special event permit.

(2) A mobile food establishment must comply with all of the requirements of Chapter 17, "Food Establishments," of the Dallas City Code.

(m) Transparency. A minimum of 50 percent transparency on the ground floor for the first 14 vertical feet is required on Pearl Street, Ross Avenue, and pedestrian priority streets.

(n) Setbacks. Minimum front yard setback on Ross Avenue is 10 feet.

(o) Sidewalks.

(1) Except as otherwise provided in this subsection, sidewalks must have a minimum unobstructed width of six feet. Obstructions include metal tree grates and other tree guards.

(2) Sidewalks on Pearl Street, Ann Williams Way, Ross Avenue, and Woodall Rodgers Freeway service road must have a minimum unobstructed width of eight feet. Obstructions include metal tree grates and other tree guards.

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(p) Landscaping.

(1) In general.

(A) Unless otherwise provided in this subsection, the definitions in Section 51A-10.101 apply.

(B) The board of adjustment may grant a special exception to the landscaping requirements of this subsection if, in the opinion of the board, the special exception will not compromise the vision of this section. When feasible, the board of adjustment shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting a special exception under this subsection.

(C) Plant materials must be maintained in a healthy, growing condition.

(2) Landscape plan submission.

(A) A landscape plan must be submitted to the building official with the application for a building permit for work on the lot. For landscape plans that are not submitted electronically, a landscape plan submission must consist of two blue-line or black-line prints. The plan must have a scale of one inch equals 50 feet or larger (e.g. one inch equals 40 feet, one inch equals 30 feet, etc.) and be on a standard drawing sheet of a size not to exceed 36 inches by 48 inches. A plan which cannot be drawn in its entirety on a 36-inch by 48-inch sheet must be drawn with appropriate match lines on two or more sheets.

(B) A landscape plan must contain the following information:

(i) Names, addresses, and telephone numbers of each property owner and the person preparing the plan.

(ii) Date, scale, and north point.

(iii) Location of existing boundary lines and dimensions of the lot, the zoning classification of the lot, and the zoning classification of adjacent properties. A vicinity map must also be attached to or made a part of the plan.

(iv) Location of centerlines of overhead and underground utility lines within and adjacent to the building site, and the location of all utilities, utility easements, including the location of utility poles, generators, and equipment, and any items listed in Section 51A-10.104(h).

(v) Project name, street address, and lot and block description.

(vi) Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).

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- (vii) Locations and dimensions of required landscape areas.
- (viii) Complete description of plant materials shown on the plan, including names (common and scientific name), locations, quantities, container or caliper sizes at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six inches in diameter must be specifically indicated to be counted as required landscape trees.
- (ix) Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas and the number and location of required off-street parking and loading spaces.
- (x) An indication of which protected trees will be removed during construction and how existing healthy trees proposed to be retained will be protected from damage during construction.
- (xi) Size, height, location, and material of proposed seating, lighting, planters, sculptures, and water features.
- (xii) A description of proposed watering methods or an irrigation plan.
- (xiii) Locations of visibility triangles on the premises (if applicable).
- (xiv) Existing and proposed locations of trees transplanted on site.

(3) Street trees.

(A) Species. Street trees must be any of the following species:

<u>Allee Elm</u>	<u>Cedar Elm</u>	<u>Burr Oak</u>	<u>Mexican White Oak</u>
<u>American Elm</u>	<u>Lacebark Elm</u>	<u>Chinquapin Oak</u>	<u>Shumard Oak</u>
<u>Bosque Elm</u>	<u>Magnolia</u>	<u>Live Oak</u>	

(B) Caliper inches. Street trees must be a minimum of four caliper inches.

(C) Clearance. Street trees must provide a minimum vertical clearance of six feet above required sidewalk before branching at time of installation.

(D) Irrigation. Automatic irrigation is required.

(E) Number of rows.

(i) Pearl Street, Ross Avenue, and pedestrian priority streets must have a single row of street trees.

(ii) Ann Williams Way must have a double row of street trees.

(F) Spacing. Unless there is a conflict with utilities, street trees must be spaced as follows:

(i) Except as otherwise provided in this paragraph, street trees must be spaced a minimum of 25 feet and a maximum of 40 feet, on center, less points of access and visibility triangles, and must be two to four feet from the back of curb.

(ii) Ann Williams Way.

(aa) Street trees must be spaced a minimum of 25 feet and a maximum of 30 feet, on center.

(bb) The first row of trees must be two to four feet from the back of curb.

(cc) The second row of trees must be placed 12 feet or more from the building façade on center.

(G) Soil and planting area requirements. For each street tree installation, a minimum of 36 inches of soil depth and 25 square feet of open soil area and a combination of open soil area, covered soil area, and root paths for a minimum of 240 cubic feet of soil volume. Street trees planted in less than 480 cubic feet of soil volume do not count as replacement trees for purposes of Division 51A-10.1300.

(H) Waiver. The building official may waive the minimum requirements in this subsection if a landscape architect certifies that:

(i) the proposed alternative soil depths and dimensions are sufficient to support the healthy and vigorous growth of the plant materials affected;

(ii) the depth to impermeable subsurface prohibits minimum soil depth requirements;

(iii) the proposed structural soils or suspended paving system are sufficient to support the healthy and vigorous growth of the plant materials; or

(iv) the spacing requirements conflict with utilities.

(q) Lighting.

(1) Height.

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(A) Pole-mounted pedestrian street light fixtures must be a minimum height of 12 feet and a maximum height of 15 feet.

(B) Vehicular light fixtures may not exceed 30 feet.

(2) Light poles. Street light poles must be white, silver, or gray.

(3) Pedestrian lighting. Pedestrian lighting, measured at the ground plane, must be a minimum of 0.25 footcandles and an average of 0.5 footcandles.

(4) Street lights. Street light fixtures must maintain a consistent color temperature of lighting between 2,500K and 4,500K along all streetscapes.

(r) Fencing. Chain-link, vinyl, and plastic fencing is prohibited.

(s) Ground and roof building systems. Mechanical equipment and utilities must not be visible from a public right-of-way.

(t) Reflectivity. The exterior visible reflectance of exterior building materials may not exceed 34 percent.

SEC. 51P-708.107[5].

BUILDING PERMIT REVIEW.

(a) A person desiring to develop property in this district shall consult with the director to discuss whether the project is consistent with the [~~Sasaki plan and the~~] requirements of this article. The consultation shall occur at the schematic plan stage.

(b) Upon receipt of an application for a building permit for the construction of, or modification to, any building or structure in this district, the building official shall refer the permit application and plans to the director for review to determine whether the project complies with the requirements of Section 51P-708.106[~~4(b) through (p)~~] of this article. The director shall conduct this review so that the director's decision on issuance of the permit can be made within 30 days from the date the completed application is submitted to the building official.

(c) If the director determines that the project complies with the requirements of Section 51P-708.106[~~4(b) through (p)~~] of this article, the director shall refer the permit application and plans back to the building official, who shall issue the permit if all requirements of the construction codes and all other applicable ordinances have been met.

(d) If the director determines that the project does not comply with the requirements of Section 51P-708.106[~~4(b) through (p)~~] of this article, the director shall direct the building official to deny the permit.

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SEC. 51P-708.108[6].**BOARD OF ADJUSTMENT.**

(a) The board of adjustment may grant a special exception to the following requirement of this article if the special exception will not adversely affect appropriate development of this district: the Ann Williams Way [~~Flora Street~~] frontage area height restrictions in Section 51P-708.106[4](h), but only if the portion of the building exceeding the maximum height permitted in that section is occupied exclusively by multifamily uses.

(b) The board of adjustment may not provide a termination date for a nonconforming use in this district [~~the Dallas Arts District Extension Area~~] under Section 51A-4.704(a)(1) unless there has been a change in ownership of the property since March 9, 2005.

SEC. 51P-708.109[7].**APPLICABILITY OF SECTION 51A-4.702.**

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

SEC. 51P-708.110.**NONCONFORMING USES AND STRUCTURES.**

(a) In general. Except as otherwise provided in this section, Section 51A-4.704 relating to nonconforming uses and structures applies to all uses and structures in this district.

(b) Original nonconforming uses.

(1) Original nonconforming uses are defined as those uses made nonconforming by the passage of Ordinance No. _____, passed by the Dallas City Council on January 27, 2021. Original nonconforming uses do not include uses made nonconforming by amendments to that ordinance.

(2) Section 51A-4.704(a)(1), which specifies the procedures for establishing compliance dates for nonconforming uses, does not apply to original nonconforming uses in this district. The board of adjustment shall not provide a compliance date for original nonconforming uses in this district.

(c) Rebuilding damaged or destroyed nonconforming structures.

(1) If a nonconforming structure is damaged or destroyed by less than 50 percent of its value, the structure may be rebuilt at the same location without the approval of the board of adjustment.

(2) If a nonconforming structure is damaged or destroyed by 50 percent or greater of its value, and the structure is rebuilt, it must be rebuilt in accordance with this article.

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SEC. 51P-708.111[08].**ADDITIONAL PROVISIONS.**

(a) The ~~[entire]~~ Property must be properly maintained in a state of good repair and neat appearance.

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

SEC. 51P-708.112[09].**COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city ~~[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 the requirements of this article, the Dallas Development Code, ~~[and with]~~ the construction codes and all other ordinances, rules, and regulations of the city.”

SECTION 3. That the Exhibit A (property description) attached to Ordinance No. 25916, as amended, is replaced by the Exhibit B attached to this ordinance.

SECTION 4. That the Flora Street right-of-way map, Exhibit 708A of Article 708, “PD 708,” of Chapter 51P of the Dallas City Code, is replaced by the district map, Exhibit 708A, attached to this ordinance.

SECTION 5. That the field notes for the Flora Street right-of-way, Exhibit 708B of Article 708, “PD 708,” of Chapter 51P of the Dallas City Code is deleted.

SECTION 6. That, pursuant to Section 51A-4.701 of Chapter 51A of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the area to the centerline of all adjacent streets and alleys.

SECTION 7. That the city attorney is authorized to insert the enrolled number of this ordinance in the nonconforming uses and structures section of Article 708 in Chapter 51P.

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SECTION 8. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 9. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 10. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By Casey Byers
Assistant City Attorney

JAN 27 2021

Passed _____

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EXHIBIT A

CA-1(A) to PD 708

BEING a tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, also being situated in Official City of Dallas Blocks 273, 256, 251, 246, 530, A/261, and A/529, AND A/322, and being all of the following tracts of land: conveyed to Dallas Area Rapid Transit recorded in Instrument No. 201100251904, Official Public Records, Dallas County, Texas, a tract of land conveyed to the City of Dallas recorded in Volume 88194, Page 580, Deed Records, Dallas County, Texas, The Spire Addition No. 3, an addition to the City of Dallas recorded in Instrument No. 201500291157, Official Public Records, Dallas County, Texas, Dallas 720 Building Addition, an addition to the City of Dallas recorded in Volume 84154, Page 2149, Deed Records, Dallas County, Texas, Elegante Addition, an addition to the City of Dallas recorded in Volume 77245, Page 2491, Deed Records, Dallas County, Texas, 2200 Ross Addition, an addition to the City of Dallas recorded in Volume 85108, Page 1068, Deed Records, Dallas County, Texas, a tract of land conveyed to 2100 Ross, L.P. recorded in Instrument No. 201500237751, Official Public Records, Dallas County, Texas, a tract of land conveyed to 2000 Ross Avenue, L.P. recorded in Instrument No. 201400218515, Official Public Records, Dallas County, Texas, First United Methodist Church, an addition to the City of Dallas recorded in Instrument No. 201300111958, Official Public Records, Dallas County, Texas, a tract of land conveyed to First United Methodist Church recorded in Volume 2000233, Page 4884, Deed Records, Dallas County, Texas, a tract of land conveyed to ST. Paul Place Acquisition Partners, L.P. recorded in Instrument No. 200600196284, Official Public Records, Dallas County, Texas; including the centerline of Ross Avenue from Routh Street to N. ST. Paul Street, the centerline of San Jacinto Street from 135.2 feet northeast of Routh Street to N. ST. Paul Street, the centerline of Routh Street, from Ross Avenue to N. ST. Paul Street, the centerline of Leonard Street from Ross Avenue to N. ST. Paul Street, the centerline of Pearl Street from Ross Avenue to N. ST. Paul Street, the centerline of Olive Street from Ross Avenue to N. ST. Paul Street, the centerline of Harwood Street from Ross Avenue to N. ST. Paul Street, the centerline of N. ST. Paul Street from Ross Avenue to San Jacinto Street; and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner lying in the centerline intersection of Ross Avenue and N. ST. Paul Street;

THENCE North 44 degrees 34 minutes 19 seconds East, along the centerline of said Ross Avenue, a distance of 2757.06 feet to a point for corner;

THENCE South 45 degrees 06 minutes 52 seconds East, leaving the centerline of said Ross Avenue, a distance of 183.52 feet to the beginning of a curve to the right;

THENCE with said curve to the right with a radius of 274.57 feet, a central angle of 72 degrees 36 minutes 58 seconds, an arc length of 347.99 feet, a chord bearing of South 05 degrees 11 minutes 44 seconds West, a chord length of 325.16 feet to a point for corner lying on the northwest line of San Jacinto Street;

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THENCE South 44 degrees 54 minutes 50 seconds East, a distance of 30.12 feet to a point for corner lying in the centerline of said San Jacinto Street;

THENCE South 45 degrees 05 minutes 10 seconds West, along the centerline of said San Jacinto Street, passing the right-of-way of the following streets in order; Routh Street, Leonard Street, Pearl Street, Harwood Street, N. ST. Paul Street, a distance of 2509.89 feet to a point for corner lying in the centerline intersection of said San Jacinto Street and said N. ST. Paul Street;

THENCE North 44 degrees 39 minutes 25 seconds West, along the centerline of said N. ST. Paul Street, a distance of 397.43 feet to the POINT OF BEGINNING hereof and containing 25.451 acres or 1,108,629 square feet of land, more or less.

EXHIBIT B
PD 708

PERIMETER

BEING a tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, also being situated in Official City of Dallas Blocks 304, 305, A/305, 306, 566, A/566, 568, B/568, 2/568, 273, 256, 251, 246, 242, 521, 530, A/261, A/529, AND A/322, and being all of the following tracts of land: the remainder of those certain tracts conveyed to Crow-Billingsley by Volume 90205, Page 4395, Deed Records, Dallas County, Texas, and Instrument No. 20080325353, Official Public Records, Dallas County, Texas; that certain tract of land conveyed to Dallas Black Dance Theatre by Volume 99181, Page 2247, Deed Records, Dallas County, Texas; that certain tract of land conveyed to the City of Dallas by Instrument No. 20070074302, Official Public Records, Dallas County, Texas; Lot 3A, Block A/566, Fellowship Church, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 20600228455, Official Public Records, Dallas County, Texas; Lot 1A, Block A/305, Arts Plaza Phase 1, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 20080165687, Official Public Records, Dallas County, Texas; and Lot 1A, Block 306, Arts District One, an addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Instrument No. 201000115256, Official Public Records, Dallas County, Texas, a tract of land conveyed to Dallas Area Rapid Transit recorded in Instrument No. 201100251904, Official Public Records, Dallas County, Texas, a tract of land conveyed to the City of Dallas recorded in Volume 88194, Page 580, Deed Records, Dallas County, Texas, The Spire Addition No. 3, an addition to the City of Dallas recorded in Instrument No. 201500291157, Official Public Records, Dallas County, Texas, Dallas 720 Building Addition, an addition to the City of Dallas recorded in Volume 84154, Page 2149, Deed Records, Dallas County, Texas, Elegante Addition, an addition to the City of Dallas recorded in Volume 77245, Page 2491, Deed Records, Dallas County, Texas, 2200 Ross Addition, an addition to the City of Dallas recorded in Volume 85108, Page 1068, Deed Records, Dallas County, Texas, a tract of land conveyed to 2100 Ross, L.P. recorded in Instrument No. 201500237751, Official Public Records, Dallas County, Texas, a tract of land conveyed to 2000 Ross Avenue, L.P. recorded in Instrument No. 201400218515, Official Public Records, Dallas County, Texas, First United Methodist Church, an addition to the City of Dallas recorded in Instrument No. 201300111958, Official Public Records, Dallas County, Texas, a tract of land conveyed to First United Methodist Church recorded in Volume 2000233, Page 4884, Deed Records, Dallas County, Texas, a tract of land conveyed to ST. Paul Place Acquisition Partners, L.P. recorded in Instrument No. 200600196284, Official Public Records, Dallas County, Texas; including the right-of-way of Boll Street from Ross Avenue to Flora Street, the right-of-way of Flora Street from Boll Street to U.S. Highway No. 75, Forbes Alley from Routh Street to Boll Street and from Boll Street northeast 217.5 feet, the right-of-way of Ross Avenue from Routh Street to N. ST. Paul Street, the right-of-way of San Jacinto Street from 135.2 feet northeast of Routh Street to N. ST. Paul Street, the right-of-way of Routh Street from Ross Avenue to N. ST. Paul Street, the right-of-way of Leonard Street from Ross Avenue

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to N. ST. Paul Street, the right-of-way of Pearl Street from Ross Avenue to N. ST. Paul Street, the right-of-way of Olive Street from Ross Avenue to N. ST. Paul Street, the right-of-way of Harwood Street from Ross Avenue to N. ST. Paul Street, the right-of-way of N. ST. Paul Street from Ross Avenue to San Jacinto Street; and being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the southeast right-of-way line of Woodall Rodgers Freeway with the present northeast right-of-way line of Routh Street, same being the most westerly corner of the remainder of Tract 9 of said Crow-Billingsley #17 tract;

THENCE along the southeast right-of-way line of Woodall Rodgers Freeway the following three (3) courses:

1. North 44 degrees 23 minutes 34 seconds East, a distance of 30.98 feet to a Point;
2. North 60 degrees 31 minutes 31 seconds East, a distance of 683.31 feet to a Point, same being the point of curvature of a curve to the right;
3. Along said curve to the right having a radius of 271.48 feet, an arc distance of 176.05 feet, through a central angle of 37 degrees 09 minutes 15 seconds, and whose chord bears North 79 degrees 48 minutes 49 seconds East, a distance of 172.98 feet to a Point, same being the intersection of the southeast right-of-way line of Woodall Rodgers Freeway with the westerly right-of-way line of U.S. Highway No. 75;

THENCE along the westerly right-of-way line of U'S Highway No. 75 the following three (3) courses:

1. Along a curve to the right having a radius of 415.46 feet, an arc distance of 432.76 feet, through a central angle of 59 degrees 40 minutes 53 seconds, and whose chord bears South 52 degrees 51 minutes 02 seconds East, a distance of 413.46 feet to a Point;
2. South 12 degrees 55 minutes 43 seconds East, a distance of 232.31 feet to a Point;
3. South 08 degrees 00 minutes 35 seconds East, a distance of 81.20 feet to a Point, same being the intersection of the westerly right-of-way line of U.S. Highway No. 75 with the northwest right-of-way line of Ross Avenue;

THENCE South 45 degrees 06 minutes 31 seconds West, along the northwest right-of-way line of said Ross Avenue, a distance of 328.59 feet to a point corner;

THENCE South 45 degrees 06 minutes 52 seconds East, crossing the right-of-way of said Ross Avenue, a distance of 222.02 feet to the beginning of a curve to the right;

THENCE with said curve to the right with a radius of 274.57 feet, a central angle of 72 degrees 36 minutes 54 seconds, an arc length of 347.98 feet, a chord bearing of South 05 degrees 11

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minutes 44 seconds West, a chord length of 325.16 feet to a point for corner lying on the northwest line of San Jacinto Street;

THENCE South 44 degrees 54 minutes 50 seconds East, crossing the right-of-way line of said San Jacinto Street, a distance of 30.12 feet to a point for corner lying in the centerline of said San Jacinto Street;

THENCE South 45 degrees 05 minutes 10 seconds West, along the centerline of said San Jacinto Street, passing the right-of-way of the following streets in order; Routh Street, Leonard Street, Pearl Street, Harwood Street, N. ST. Paul Street, a distance of 2509.89 feet to a point for corner lying in the centerline of N. ST. Paul Street;

THENCE North 44 degrees 39 minutes 25 seconds West, along the centerline of said N. ST. Paul Street a distance of 397.43 to a point for corner lying in the centerline of said Ross Avenue;

THENCE North 44 degrees 34 minutes 19 seconds East, along the centerline of said Ross Avenue, passing the right-of-way of the following streets in order; N. Harwood Street, Olive Street, N. Pearl Street, Crocket Street, Routh Street, a distance of 2367.48 to a point for corner lying in the centerline of said Ross Avenue;

THENCE North 40 degrees 05 minutes 55 seconds West, a distance of 42.08 feet to a point lying on a corner clip on the northeast right-of-way line of said Routh Street;

THENCE along said corner clip, South 89 degrees 51 minutes 53 seconds West, a distance of 14.19 feet to a Point, same being the intersection of said corner clip with the northeast right-of-way line of Routh Street;

THENCE along the northeast right-of-way line of Routh Street, North 45 degrees 10 minutes 50 seconds West, a distance of 582.33 feet to a Point, same being on the southeasterly line of that certain tract of land conveyed to St. Paul's M.E. Church by Volume Y, Page 782, Volume 464, Page 636, Volume 760, Page 303, Volume 1390, Page 434, Volume 6751, Page 262, and Volume 67104, Page 1622, all of the Deed Records, Dallas County, Texas;

THENCE along the southeast, northeast and southwest line of said St. Paul's M.E. Church the following three (3) courses:

1. North 45 degrees 10 minutes 40 seconds East, a distance of 82.19 feet to a Point;
2. North 45 degrees 07 minutes 25 seconds West, a distance of 173.95 feet to a Point;
3. South 45 degrees 04 minutes 34 seconds West, a distance of 86.24 feet to a Point, same being on the northeast right-of-way line of Routh Street;

THENCE along the northeast right-of-way line of Routh Street the following three (3) courses:

1. North 38 degrees 54 minutes 39 seconds West, a distance of 98.69 feet to a Point, same being the point of curvature of a curve to the left;

2. Along said curve to the left having a radius of 638.00 feet, an arc distance of 75.35 feet, through a central angle of 06 degrees 46 minutes 02 seconds, and whose chord bears North 42 degrees 22 minutes 10 seconds West, a distance of 75.31 feet to a Point;
3. North 39 degrees 05 minutes 31 seconds West, a distance of 12.04 feet to the POINT OF BEGINNING hereof and containing 42.218 acres or 1,839,010 square feet of land, more or less.

SUBDISTRICT 1

(Created under Z167-360)

BEING a tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, also being situated in Official City of Dallas Blocks 273, 256, 251, 246, 530, A/261, and A/529, AND A/322, and being all of the following tracts of land: conveyed to Dallas Area Rapid Transit recorded in Instrument No. 201100251904, Official Public Records, Dallas County, Texas, a tract of land conveyed to the City of Dallas recorded in Volume 88194, Page 580, Deed Records, Dallas County, Texas, The Spire Addition No. 3, an addition to the City of Dallas recorded in Instrument No. 201500291157, Official Public Records, Dallas County, Texas, Dallas 720 Building Addition, an addition to the City of Dallas recorded in Volume 84154, Page 2149, Deed Records, Dallas County, Texas, Elegante Addition, an addition to the City of Dallas recorded in Volume 77245, Page 2491, Deed Records, Dallas County, Texas, 2200 Ross Addition, an addition to the City of Dallas recorded in Volume 85108, Page 1068, Deed Records, Dallas County, Texas, a tract of land conveyed to 2100 Ross, L.P. recorded in Instrument No. 201500237751, Official Public Records, Dallas County, Texas, a tract of land conveyed to 2000 Ross Avenue, L.P. recorded in Instrument No. 201400218515, Official Public Records, Dallas County, Texas, First United Methodist Church, an addition to the City of Dallas recorded in Instrument No. 201300111958, Official Public Records, Dallas County, Texas, a tract of land conveyed to First United Methodist Church recorded in Volume 2000233, Page 4884, Deed Records, Dallas County, Texas, a tract of land conveyed to ST. Paul Place Acquisition Partners, L.P. recorded in Instrument No. 200600196284, Official Public Records, Dallas County, Texas; including the centerline of Ross Avenue from Routh Street to N. ST. Paul Street, the centerline of San Jacinto Street from 135.2 feet northeast of Routh Street to N. ST. Paul Street, the centerline of Routh Street, from Ross Avenue to N. ST. Paul Street, the centerline of Leonard Street from Ross Avenue to N. ST. Paul Street, the centerline of Pearl Street from Ross Avenue to N. ST. Paul Street, the centerline of Olive Street from Ross Avenue to N. ST. Paul Street, the centerline of Harwood Street from Ross Avenue to N. ST. Paul Street, the centerline of N. ST. Paul Street from Ross Avenue to San Jacinto Street; and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner lying in the centerline intersection of Ross Avenue and N. ST. Paul Street;

THENCE North 44 degrees 34 minutes 19 seconds East, along the centerline of said Ross Avenue, a distance of 2757.06 feet to a point for corner;

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THENCE South 45 degrees 06 minutes 52 seconds East, leaving the centerline of said Ross Avenue, a distance of 183.52 feet to the beginning of a curve to the right;

THENCE with said curve to the right with a radius of 274.57 feet, a central angle of 72 degrees 36 minutes 58 seconds, an arc length of 347.99 feet, a chord bearing of South 05 degrees 11 minutes 44 seconds West, a chord length of 325.16 feet to a point for corner lying on the northwest line of San Jacinto Street;

THENCE South 44 degrees 54 minutes 50 seconds East, a distance of 30.12 feet to a point for corner lying in the centerline of said San Jacinto Street;

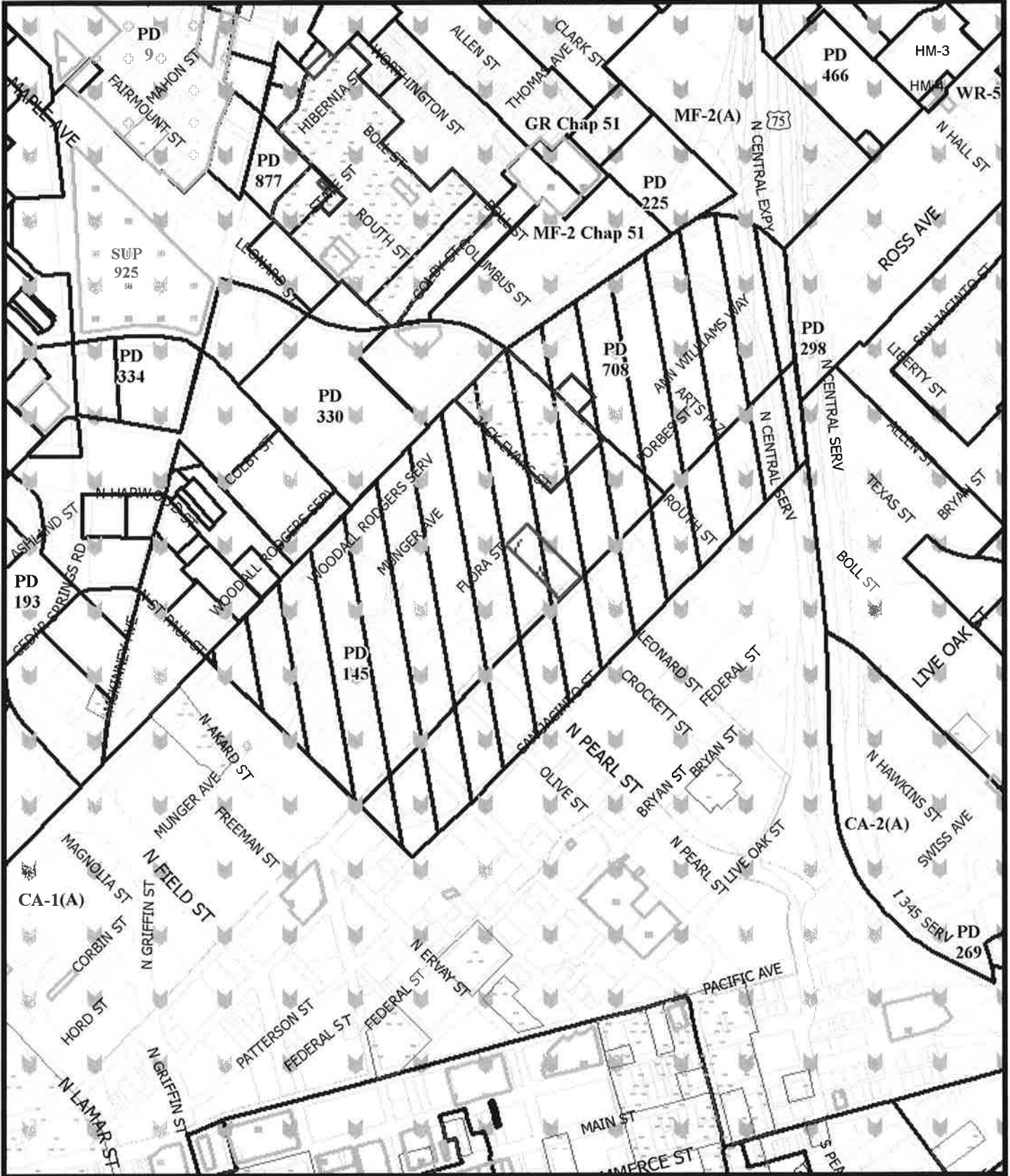
THENCE South 45 degrees 05 minutes 10 seconds West, along the centerline of said San Jacinto Street, passing the right-of-way of the following streets in order; Routh Street, Leonard Street, Pearl Street, Harwwod Street, N. ST. Paul Street, a distance of 2509.89 feet to a point for corner lying in the centerline intersection of said San Jacinto Street and said N. ST. Paul Street;

THENCE North 44 degrees 39 minutes 25 seconds West, along the centerline of said N. ST. Paul Street, a distance of 397.43 feet to the POINT OF BEGINNING hereof and containing 25.451 acres or 1,108,629 square feet of land, more or less.

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1:8,400

ZONING MAP

Case no: Z167-360

Date: 12/2/2020



PROOF OF PUBLICATION – LEGAL ADVERTISING

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

DATE ADOPTED BY CITY COUNCIL JAN 27 2021

ORDINANCE NUMBER 31757

DATE PUBLISHED JAN 30 2021

ATTESTED BY:

A handwritten signature in black ink, appearing to be "R. G. ...", written over a faint horizontal line.