

ARTICLE 887.

PD 887.

Valley View - Galleria Area Special Purpose District

SEC. 51P-887.101. LEGISLATIVE HISTORY.

PD 887 was established by Ordinance No. 29032, passed by the Dallas City Council on June 12, 2013. (Ord. 29032)

SEC. 51P-887.102. PROPERTY LOCATION AND SIZE.

PD 887 is established on property generally bounded by Southern Boulevard on the north, Preston Road on the east, LBJ Freeway on the south, and the Dallas North Tollway on the west. The size of PD 887 is approximately 445 acres. (Ord. 29032)

SEC. 51P-887.103. PURPOSE AND VISION.

(a) Purpose. The Valley View - Galleria Area Special Purpose District is envisioned as the primary regional town center of North Dallas, characterized by an economically vibrant and environmentally sustainable mix of moderate to high density residential and non-residential land uses, supported by an enhanced system of streets and open spaces. The goals of this special purpose district are as follows:

(1) Encourage development that creates a diverse mix of compatible land uses in buildings designed to support a pedestrian, bicycle, and transit friendly environment, reduce the dominance of visible parking, and reduce environmental impacts.

(2) Create a network of well-maintained, publicly-accessible open spaces with a range of sizes and functions, designed to enhance the quality of life for the growing resident population and workforce in the area.

(3) Create a network of connected public and private streets and pathways designed to enhance multi-modal accessibility while reducing automobile-dependence within the area through improvements that support pedestrian, bicycle, and transit circulation.

(b) Vision. The Valley View - Galleria Area Plan is intended to serve as a guide and should be consulted for goals, objectives, policy statements, and recommendations for development of this special purpose district. (Ord. 29032)

SEC. 51P-887.104. CREATION OF SUBDISTRICTS.

(a) This special purpose district is divided into the following subdistricts:

(1) Subdistrict 1. Subdistrict 1 is intended to be a walkable, moderate-density regional retail and mixed use center. This subdistrict will allow a mix of residential and nonresidential uses, including both large-format and small-format retail.

(2) Subdistrict 1A. Subdistrict 1A is intended to be a walkable high-density, mixed use area within the interior of Subdistrict 1. This subdistrict allows for a mix of residential and nonresidential uses, including both large-format and small-format retail.

(2.1) Subdistrict 1B. Subdistrict 1B is intended to be a walkable high-density, mixed-use area within the interior of Subdistrict 1A. At the core of this subdistrict is an enhanced esplanade that features additional pedestrian amenities and open space. Similar to Subdistrict 1A, this subdistrict also allows for a mix of residential and nonresidential uses, including both large-format and small-format retail.

(2.2) Subdistrict 1C. Subdistrict 1C is intended to be a walkable, moderate-density regional retail and mixed use center. This subdistrict will allow a mix of residential and nonresidential uses, including both large-format and small-format retail.

(2.3) Subdistrict 1D. Subdistrict 1D is divided into two tracts. Tract 1 is intended to contain a modified mixed-use development type with fuel sales and Tract 2 is intended to be a walkable, moderate-density regional retail and mixed use center. This subdistrict will allow a mix of residential and nonresidential uses, including both large-format and small-format retail.

(3) Subdistrict 2. Subdistrict 2 is intended to be a walkable high-density, primarily commercial, iconic gateway along LBJ Freeway. This subdistrict allows a mix of residential and nonresidential uses.

(4) Subdistrict 3. Subdistrict 3 is intended to be a walkable moderate to high density residential area surrounding the Midtown Commons, as shown in the Valley View - Galleria Area Plan. This subdistrict allows for office and neighborhood-serving retail that complement the Midtown Commons. This subdistrict allows a mix of residential and nonresidential uses, but limits retail to small-format retail.

(4.1) Subdistrict 3A. Subdistrict 3A is intended to be a walkable moderate to high density residential area south of the Midtown Commons, as shown in the Valley View - Galleria Area Plan. This subdistrict allows for office and neighborhood-serving retail that complements the Midtown Commons. This subdistrict allows a mix of residential and nonresidential uses, but limits retail to small-format retail.

(5) Subdistrict 4. Subdistrict 4 is intended to be a walkable moderate-density mixed-use area. This subdistrict allows a mix of residential and nonresidential uses, but limits retail to small-format retail.

(6) Subdistrict 4A. Subdistrict 4A is intended to be a walkable high-density mixed-use area. This subdistrict allows a mix of residential and nonresidential uses, but limits retail to small-format retail.

(7) Subdistrict 5. Subdistrict 5 is intended to be a walkable moderate-density residential area that transitions to the lower-density residential areas north of this special purpose district. This subdistrict allows a variety of residential uses ranging from single family townhouses to multifamily apartment buildings.

(8) Subdistrict 6. Subdistrict 6 is intended to complement the Galleria area with high-density regional retail and mixed uses. This subdistrict also acts as a gateway from the Dallas North Tollway into the district. This subdistrict allows a mix of residential and nonresidential uses, including both large-format and small-format retail.

(8.1) Subdistrict 6A. Subdistrict 6A is intended to complement the Galleria area with high-density regional retail and mixed uses. This subdistrict also acts as a gateway from the Dallas North Tollway into the district. This subdistrict allows a mix of residential and nonresidential uses, including both large-format and small-format retail.

(9) Subdistricts 7 and 7A. Subdistricts 7 and 7A are intended to allow the Galleria complex to thrive and grow as an important anchor to the special purpose district.

(b) Exhibit 887A is a map showing the boundaries of this special purpose district and each subdistrict. (Ord. Nos. 29032; 29788; 30087; 30682; 30727; 31261; 32105)

SEC. 51P-887.105. DEFINITIONS.

Unless otherwise stated, the definitions in Chapter 51A and Division 51A-13.200 apply to this article. In this special purpose district:

(1) DISTRICT means the entire special purpose district created by this article.

(2) LARGE-FORMAT RETAIL means a retail use as listed in Section 51A-13.306(d)(5) with a floor area of more than 7,600 square feet. LARGE-FORMAT RETAIL includes retail occupancies that are internally connected to create a retail use with a total floor area greater than 7,600 square feet.

(3) MAJOR RENOVATION means a building permit or series of building permits for the reconstruction, alteration, or modification of an original building that increases the floor area that existed on June 12, 2013, the date of establishment of this special purpose district, by 30 percent or more.

(4) NEW CONSTRUCTION means construction of a main structure that did not exist as of June 12, 2013, the date of establishment of this special purpose district.

(5) ORIGINAL BUILDING means a structure existing on June 12, 2013, the date of establishment of this special purpose district, but does not include a structure that has undergone a major renovation.

(5.1) PATHWAY means an area at street level that provides a passage for pedestrians.

(6) SMALL-FORMAT RETAIL means a retail use as listed in Section 51A-13.306(d)(5) with a floor area of 7,600 square feet or less. SMALL-FORMAT RETAIL does not include occupancies that are internally connected to create a retail use with a total floor area greater than 7,600 square feet.

(7) SUBDISTRICT means one of the subdistricts listed in Section 51P-887.104. (Ord. Nos. 29032; 29788)

SEC. 51P-887.106. INTERPRETATIONS.

(a) In general.

(1) Unless otherwise stated, Article XIII, “Form Districts,” of Chapter 51A applies to this article.

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

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

(b) Conflicts.

(1) If there is a conflict between the provisions of Article XIII and Chapter 51A, Article XIII controls.

(2) If there is a conflict between the provisions of this article and Article XIII, this article controls.

(3) If there is a conflict between the text of this article and any of the exhibits (District and Subdistrict Map, Open Space Plan, or Streets Plan), the text of this article controls.

(4) If there is a conflict between the Streets Plan and Article XIII, the Streets Plan controls.

(5) If there is a conflict between the Thoroughfare Plan and the Streets Plan, the Thoroughfare Plan controls. (Ord. 29032)

SEC. 51P-887.107. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 887A: District and Subdistrict Map.
- (2) Exhibit 887B: Open Space Plan.
- (3) Exhibit 887C: Streets Plan.
- (4) Exhibit 887D: Subdistrict 3A Development Plan.
- (5) Exhibit 887E: Subdistrict 6A Development Plan.
- (6) Exhibit 887F: Subdistrict 1D Development Plan.
- (7) Exhibit 887G: Subdistrict 1D Landscape Plan for Tract 1.
- (8) Exhibit 887H: Subdistrict 7A Development Plan.
- (9) Exhibit 887I: Overall and Subdistricts Legal Descriptions. (Ord. Nos. 29032; 30087; 30682; 31261; 32105)

SEC. 51P-887.108. SITE PLANS AND DEVELOPMENT PLANS.

(a) Site plan.

(1) Except as provided in this article, a site plan that complies with the requirements of this article and Section 51A-13.703, "Site Plan Review," must be submitted to the building official when required by Section 51A-13.703(a).

(2) The site plan must also show the location and specifications of thoroughfares shown on the Thoroughfare Plan. A site plan does not act as a dedication of thoroughfares or infrastructure. See Section 51A-8.602 regarding dedications during platting.

(3) A site plan may be submitted as a single-page document or a multiple- page document.

(b) Development plan.

(1) In general. Except as provided in this section, 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.

(2) Subdistrict 3A. Development and use of the Property must comply with the Subdistrict 3A development plan (Exhibit 887D). If there is a conflict between the text of this article and the Subdistrict 3A development plan, the text of this article controls.

(3) Subdistrict 6A. Development and use of the Property must comply with the Subdistrict 6A development plan (Exhibit 887E). If there is a conflict between the text of this article and the Subdistrict 6A development plan, the text of this article controls.

(4) Subdistrict 1D. Development and use of the Property must comply with the Subdistrict 1D development plan (Exhibit 887F). If there is a conflict between the text of this article and the Subdistrict 1D development plan, the text of this article controls.

(5) Subdistrict 7A. For an office use, development and use of the Property must comply with the Subdistrict 7A development plan (Exhibit 887H). If there is a conflict between the text of this article and the Subdistrict 7A development plan, the text of this article controls. (Ord. Nos. 29032; 30087; 30682; 31261; 32105)

SEC. 51P-887.109. SUBDISTRICT REGULATIONS.

(a) Subdistricts 1, 1C, and 1D.

(1) In general. Except as provided in this article, the district regulations for the WMU-12 Walkable Urban Mixed Use District apply.

(2) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 12.

(C) In Subdistrict 1C, maximum story height is 32 feet.

(D) For Tract 1 within Subdistrict 1D, minimum ground story height is 14 feet and maximum ground story height is 30 feet. No minimum story height for a structure which covers a fuel sales area.

(3) Urban form setback. Except as provided in this paragraph, an additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets except Preston Road. In Subdistrict 1C, an additional 20-foot setback is required for any portion of a structure above 95 feet fronting on all streets except Preston Road.

(4) Special provisions for a development that contains a mixed use shopfront with fuel sales in Tract 1 within Subdistrict 1D.

(A) Setbacks and frontage requirements.

(i) Alpha Road. Minimum setback is 30 feet. No maximum setback.

(ii) Preston Road. Minimum setback is 15 feet. No maximum setback.

(B) Entrance requirement. No public entrance is required to face Preston Road.

(C) Pedestrian amenities.

(i) Open space areas. The open spaces areas on the Subdistrict 1D development plan must contain seating areas, trash receptacles, and pedestrian scale lighting.

(ii) Trash receptacles. A minimum of one trash receptacle is required in each open space. A minimum of two benches are required in each open space area.

(iii) Lighting. Pedestrian scale lighting must be provided at one fixture per 75 feet of street frontage along Alpha Road and a minimum of three fixtures for the northern open space area.

(D) Transparency.

(i) Ground story. A minimum transparency of 30 percent is required on the primary street and side street facing facades.

(ii) Upper stories. A minimum transparency of 10 percent is required on the primary street and side street facing facades.

(iii) Interior view depth. A minimum of 60 percent of the street-fronting, street-level window pane surface area must allow views into the ground-story use for a depth of at least four feet.

(b) Subdistrict 1A.

(1) In general. Except as provided in this article, the district regulations for the WMU-20 Walkable Urban Mixed Use District apply.

(2) Stories.

(A) Except as provided in this paragraph, minimum number of stories above grade is three. Minimum number of stories above grade for general commercial development types is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 20.

(3) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets except Preston Road.

(c) Subdistrict 1B.

(1) In general. Except as provided in this article, the district regulations for the WMU-20 Walkable Urban Mixed Use District apply.

(2) Stories.

(A) Except as provided in this paragraph, minimum number of stories above grade is two. Maximum story height is 40 feet.

(B) Structures constructed in an esplanade within Street Section Type B1 of the Streets Plan may not exceed one story. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(C) Except as provided in this paragraph, maximum number of stories above grade is 20. Maximum structure height within 300 feet of Alpha Road is 180 feet.

(3) Urban form setback. Except for structures located adjacent to or directly across a street from the Midtown Commons identified on the Open Space Plan or an esplanade that complies with Paragraph (4) of this subsection, an additional 20-foot setback from the minimum setback is required for any portion of a structure above 95 feet in height fronting on all streets.

(4) Esplanade within Street Section Type B1. Except as provided in this section, the requirements of Section 51A-13.304(k)(5) apply. For an esplanade within Street Section Type B1:

(A) Length. Minimum length is 600 feet.

(B) Pedestrian movement.

(i) A minimum five-foot-wide clear and unobstructed pervious or impervious pathway must be provided along the length of the esplanade.

(ii) A maximum three-foot high physical barrier may be placed along the perimeter of the esplanade to direct safe and orderly pedestrian connections to areas outside of the esplanade.

(iii) The provisions regarding street trees and streetscape standards in Section 51A-13.304(k)(5)(B)(viii) do not apply.

(C) Site trees. Except as provided in this section, Section 51A-13.304(k)(5)(B)(ix) applies. The ability to receive site tree credits for retained trees as described in Section 51A-10.125(b)(3)(B) may be applied to the Street Section Type B1 esplanade.

(D) Structures.

(i) Building use. The only uses allowed in a structure built on an esplanade are a restaurant or bar use or retail sales. See Section 51A-13.306 for additional regulations.

(ii) Parking. Uses and parking must comply with the parking regulations of Division 51A-13.400. No surface parking is permitted on an esplanade.

(iii) Floor area. The maximum floor area for all structures combined on an esplanade is 9,000 square feet above grade. There is no minimum floor area below grade.

(iv) Building setback. A minimum five foot setback is required from all lot lines.

(v) Story height.

(aa) Minimum story height is 15 feet above grade.

(bb) Maximum story height is 30 feet above grade.

(vi) Building facade. The primary street facade must have a minimum 50 percent transparency. All other facades must have a minimum 25 percent transparency. The maximum blank wall area is 20 linear feet.

(vii) Shopfront windows. A minimum of 60 percent of the street-fronting window pane surface area must allow views into the use for a depth of at least four feet. Windows must be clear or unpainted, or, if treated, must be translucent. Spandrel glass or backpainted glass is not allowed.

(viii) Open space. Space left open in an esplanade contributes to the amount of open space required in Section 51P-887.113.

(d) Subdistrict 2.

(1) In general. Except as provided in this article, the district regulations for the WMU-40 Walkable Urban Mixed Use District apply.

(2) Uses.

(A) Except as provided in this paragraph, retail uses must be small-format retail.

(B) Large-format retail is allowed if all required parking is provided in a parking structure.

(3) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 40.

(4) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets except Preston Road and the LBJ Freeway service road.

(e) Subdistricts 3 and 3A.

(1) In general. Except as provided in this article, the district regulations for the WMU-20 Walkable Urban Mixed Use District apply.

(2) Uses. Retail uses must be small-format retail.

(3) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 20.

(4) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets.

(5) Fences. Fences in the front setback area of apartment development types may exceed three feet in height provided that the fence is 70 percent open and does not face the Midtown Commons area identified in the Valley View - Galleria Area Plan.

(6) Additional provisions for structured parking in Subdistrict 3A. Active uses are not required on the ground story of a facade facing Modera Lane if the requirements in Subparagraph (A) and (B) below are met. Except as provided in this paragraph, the development standards for the appropriate development type apply.

(A) Ground story requirements.

(i) The ground story of a facade facing Modera Lane must be architecturally screened with a wall not less than 30 inches in height covered with materials similar in color and texture to the facade of the main structure. The screening wall may have openings or gates for pedestrian access.

(ii) The area between the street curb of Modera Lane and the facade of the parking garage must have the following amenities:

(aa) public art (including water features);

(bb) free-standing or wall-mounted pedestrian lighting that is uniformly spaced at one light standard per 50 feet of frontage; and

(cc) benches and trash receptacles uniformly spaced at one per 50 feet of frontage.

(iii) Any art or improvements located in the public right-of-way are subject to review and approval by the city.

(iv) A planting strip is required between a parking garage facade facing Modera Lane and the sidewalk zone, planted with evergreen plant materials at least 30 inches in height at the time of planting to screen the edge of the parking structure.

(B) Upper story requirements.

(i) The upper stories of a parking garage facade facing Modera Lane must be architecturally similar in appearance to the facade of the main structure.

(aa) Cable guard strands, chain link fencing, and similar materials on exterior walls are prohibited.

(bb) A minimum 20 percent of the parking structure facade (including openings, if any) must be covered with materials similar in color and texture to the materials predominantly used on the first 24 feet of height of the main structure.

(cc) Openings in the parking structure facade may not exceed 50 percent of the total facade area.

(ii) Parking structure facades that front a public street may not exhibit sloping design elements.

(f) Subdistrict 4.

(1) In general. Except as provided in this article, the district regulations for the WMU-12 Walkable Urban Mixed Use District apply.

(2) Uses. Retail uses must be small-format retail.

(3) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 12.

(4) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets.

(g) Subdistrict 4A.

(1) In general. Except as provided in this article, the district regulations for the WMU-20 Walkable Urban Mixed Use District apply.

(2) Uses. Retail uses must be small-format retail.

(3) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 20.

(4) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets.

(h) Subdistrict 5.

(1) In general. Except as provided in this article, the district regulations for the WR-5 Walkable Residential District apply.

(2) Residential proximity slope. The provisions of Section 51A-4.412, “Residential Proximity Slope,” apply.

(3) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is five.

(i) Subdistricts 6 and 6A.

(1) In general. Except as provided in this article, the district regulations for the WMU-40 Walkable Urban Mixed Use District apply.

(2) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 40.

(3) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets except the Dallas North Tollway service road.

(4) Subdistrict 6A. The following regulations apply when a building contains at least 5,000 square feet of restaurant floor area on the ground story and a minimum of 220 overnight lodging rooms.

(A) Uses.

(i) Overnight lodging, limited to a hotel, is permitted by right on any story.

(ii) Restaurant is allowed on any story by right.

(B) Front setback area. Minimum front setback area on a primary street is 10 feet measured from the front lot line of the building site or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback.

(C) Street frontage. Minimum street frontage on a primary street is 70 percent or 250 feet, whichever is less, and may include a covered motor court.

(D) Side and rear setback area. No minimum side or rear yard.

(E) Stories. Maximum ground story height is 31 feet. The maximum upper story height is 19 feet.

(F) Transparency. Minimum ground story transparency is 30 percent. Minimum upper story transparency is 20 percent.

(G) Blank wall area. Maximum blank wall area is 30 feet on a primary street.

(j) Subdistrict 7.

(1) In general. Except as provided in this article, the district regulations for the WMU-40 Walkable Urban Mixed Use District apply.

(2) Height.

(A) The existing structure identified on the development plan for Planned Development District No. 322 as One Galleria Tower may have a maximum elevation above mean sea level of 957 feet.

(B) The existing structure identified on the development plan for Planned Development District No. 322 as Two Galleria Tower may have a maximum elevation above mean sea level of 945 feet.

(3) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 40.

(3) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets except the LBJ Freeway service road and the Dallas North Tollway service road.

(k) Subdistrict 7A.

(1) In general. Except as provided in this article, the district regulations for the WMU-40 Walkable Urban Mixed Use District apply.

(2) Office use. For a project containing office as a primary use, the regulations in this paragraph apply.

(A) Street designations. Noel Road is a primary street. Alpha Road is a side street.

(B) Front setback area.

(i) Primary streets. Minimum setback from a primary street is 10 feet, measured from the front lot line of the building site or the required right-of-way as determined by the thoroughfare plan, whichever creates the greater setback. Maximum setback from a primary street is 30 feet, measured from the required right-of-way as determined by the thoroughfare plan.

(ii) Side streets. Minimum setback from a side street is 20 feet, measured from the front lot line of the building site or the required right-of-way as determined by the thoroughfare plan, whichever creates the greater setback. Maximum setback from a side street is 105 feet for the ground story and 50 feet for the upper stories, each measured from the required right-of-way as determined by the thoroughfare plan.

(C) Street frontage. Minimum required street frontage along primary streets is 50 percent. Aboveground parking structures count toward minimum street frontage.

Required street frontage may be interrupted to allow for a maximum 45-foot wide vehicular entrance to a parking structure or area.

(D) Parking setback. Active uses are not required but may be located on the ground story of a parking structure. If both of the following conditions are satisfied, the parking setback line does not apply to the ground story of a parking structure:

(i) one or more active uses with a minimum depth of 30 feet and a minimum combined floor area of 3,000 square feet are provided along the primary street; and

(ii) at least once every 125 feet of frontage, the parking structure facade contains a point of articulation with minimum dimensions of 24 feet wide and 12 feet deep and containing pedestrian seating or a bicycle rack.

(E) Side and rear setback. None required.

(F) Story height. Maximum height for the ground story is 30 feet. Horizontal facade articulation is not required between each upper story but shall be provided:

(i) between the ground story and the upper stories; and

(ii) then between every six or fewer upper stories.

(G) Entrances. Building entrances may face the primary or side street, but are not required along the primary street.

(H) Parking reductions.

(i) Office uses are eligible for a parking reduction of up to 20 percent.

(ii) Retail and personal service uses may seek an administrative parking reduction of up to 20 percent if located within 1,200 feet of a platform or loading area for an automated public transportation system.

(I) Maximum paved area within open space. No more than 50 percent of ground level open space may be paved. (Ord. Nos. 29032; 29788; 30087; 30682; 30727; 31261; 32105)

SEC. 51P-887.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 29032)

SEC. 51P-887.111. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in accordance with Article XIII.

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

(c) Except for Tract 1 within Subdistrict 1D, one street tree must be provided for each 30 feet of frontage. Except as provided in this subsection, street trees must be located in the planting zones shown in the Streets Plan. Street trees may be planted in the front setback as close as possible to the sidewalk if there is a conflict with utilities, driveways, or visibility triangles as determined by the city arborist. In Subdistrict 6A, street trees may be planted within the minimum sidewalk width with tree grates.

(d) In Subdistrict 1B, outdoor seating areas with open air shade structures and a maximum three-foot-high fence are allowed in the planting zone. Adequate clearance from parking and travel lanes must be provided.

(e) In Tract 1 within Subdistrict 1D, landscaping must be provided as shown on the Subdistrict 1D landscape plan for Tract 1 (Exhibit 887G). If there is a conflict between the text of this article and the Subdistrict 1D landscape plan for Tract 1, the text of this article controls.

(f) In Subdistrict 7A, street trees along Noel Road may be initially planted within the minimum sidewalk width until such time as they may be permanently planted in the projected planting zone in accordance with the thoroughfare plan. Street trees along Noel Road may also be planted within the minimum sidewalk width with tree grates. A minimum of one medium or large canopy tree must be planted within the area created by any horizontal articulation provided at the ground story of a parking structure located along a primary street. (Ord. Nos. 29032; 29788; 30682; 31261; 32105)

SEC. 51P-887.112.

OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, see Division 51A-13.400 for parking and loading regulations.

(b) Maximum surface parking. Except for Subdistrict 6A, no more than 15 percent of the area of a lot or building site may be used for surface parking. In Subdistrict 6A, no more than 15 percent of the area of private property may be used for surface parking. This requirement applies only to new construction or a major renovation. The director may increase the amount of surface parking to 25 percent of the area of a lot or building site if the director finds that:

(1) the surface parking area, other than ingress and egress points, does not directly abut a street frontage (for example, the surface parking is to the rear of the main structure); or

(2) the surface parking area has an enhanced perimeter buffer, as defined in Section 51A-10.126(a), between the surface parking area and the street.

(c) Hotels. One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of meeting room.

(d) Tract 1 within Subdistrict 1D. For a mixed use shopfront development type with fuel sales, off-street parking must be provided at a minimum of one space per 275 square feet of floor area of the retail store. For an office use, parking must be provided at a minimum of one space for 375 square feet of floor area.

(e) Visitor parking for apartments in Subdistrict 3. Up to 12 visitor parking spaces may be provided in the front setback area for apartment development types fronting on Peterson Lane in Subdistrict 3 provided that the building meets the 70 percent primary street frontage requirement. (Ord. Nos. 29032; 30682; 31261)

SEC. 51P-887.113. OPEN SPACE.

(a) Purpose. Open space requirements are intended to:

- (1) provide a main central focal point for the special purpose district and smaller focal points for each subdistrict;
- (2) promote economic development;
- (3) improve the quality of life of residents and visitors;
- (4) provide relief from a dense urban environment;
- (5) prevent concentrations of paved areas;
- (6) improve air quality; and
- (7) assist with pedestrian movement.

(b) In general. Except as provided in this section, open space provided under this section must comply with the requirements for open space in Section 51A-13.303, "Open Space," and Section 51A-13.304(k), "Open Space Lot."

(c) Site plan. Compliance with open space requirements must be shown on a site plan and demonstrated at the time of application for any building permit for new construction or a major renovation.

(d) Amount required.

(1) Minimum on-site requirement.

(A) A minimum of four percent of a lot or building site must be maintained as open space.

(B) Lot or building sites in Subdistrict 3 may use the alternative methods of compliance listed in this section to meet the minimum on-site requirement.

(2) Additional open space requirement.

(A) In general.

(i) In addition to the minimum on-site requirement, one square foot of open space must be provided for every 28 square feet of floor area. Fractions of additional open space are rounded up to the next whole number.

(ii) Additional open space must comply with the Open Space Plan (Exhibit 887B).

(iii) The block park framework and the green frame shown on the Open Space Plan are a conceptual guide to create a connected network of open spaces for programmed and informal activity that is achieved incrementally as development projects meet their additional open space requirements. It is encouraged that individual open spaces be combined to create a connected network of open spaces. Each open space may be designed to serve a variety of purposes suited to adjacent development. Alternative locations and configurations may be approved by the director if the open space:

(aa) provides equivalent function;

(bb) is located at street level; and

(cc) is not configured as landscaped median, private open space under 2,000 square feet, or commercial surface parking lot, as described in Section 51A-13.304(k)(5)(H), (J) and (K).

(iv) Additional open space may be provided on-site, through one of the alternate methods of compliance, or a combination of on-site and alternate methods of compliance.

(B) Alternative methods of compliance. Additional open space requirements may be met through one or more of the following alternative methods of compliance.

(i) Park dedication within the Midtown Commons. Property shown in the Open Space Plan as Midtown Commons may be acquired and offered to the city's park and recreation department. Each square foot of property is counted as two square foot of additional open space requirement. If the director of the park and recreation department does not accept the open space, the responsible party must comply with one or more of the other alternative methods of compliance.

(ii) Park dedication within the district. Off-site open space within this special purpose district that meets the requirements of this article may be offered to the city's park and recreation department. Each square foot of park dedication is counted as one square foot of additional open space requirement. If the director of the park and recreation department does not accept the open space, the responsible party must comply with one or more of the alternative methods of compliance.

(iii) Deed restricted open space within the district. Off-site open space within this special purpose district that meets the requirements of this article may be deed restricted to ensure that it is privately maintained as open space. The deed restrictions must inure to the benefit of the city and must be approved as to form by the city attorney. Each square foot of deed restricted open space is counted as one square foot of additional open space requirement.

(iv) Open space fund.

(aa) A dollar amount per square foot of additional open space required may be contributed to the open space fund. The dollar amount is \$36 per square foot of additional open space required in the year 2013, adjusted annually using the percentage change in total real property value in this special purpose district according to the Dallas Central Appraisal District certified tax roll. The annual adjustment is effective on January 1 of each year based on the previous year's certified tax roll.

(bb) The director shall administer the open space fund.

(cc) The open space fund may only be used to acquire, improve, or maintain public park land within the area covered by the Valley View - Galleria Area Plan. The open space fund may be used to reimburse the city for the cost of acquisition, improvement, or maintenance of public park land within the area covered by the Valley View - Galleria Area Plan.

(3) Subdistrict 3A.

(A) Open space may be provided on-site, through one of the alternate methods of compliance in Subsection (d)(2)(B) of this section, or a combination of on-site and alternate methods of compliance at the amounts listed in Subsection (d)(2) of this section.

(B) Open space may be provided through the use of an interior courtyard that is connected to a street with a minimum 12-foot wide pathway. The interior courtyard is not required to meet the configuration standards of Section 51A-13.304(k), "Open Space Lot." A maximum of 50 percent of one interior courtyard may be counted towards the open space requirements.

(C) Open space may be provided adjacent to a pedestrian access easement if it is not less than 10 feet in length and width and meets the requirements of Section 51A-13.303, "Open Space." The pedestrian access easement is not required to meet the configuration standards of Section 51A-13.304(k), "Open Space Lot."

(e) Maintenance.

(1) Open spaces, including landscaping and pedestrian amenities, must be maintained in a state of good repair and neat appearance. The property owner is responsible for the regular maintenance of open spaces.

(2) Required plants that die must be replaced with another living plant in compliance with the approved site plan. Replacement plants must be planted within three months, unless the city arborist approves an alternative period that reflects optimal planting seasons. (Ord. Nos. 29032; 30087)

- (a) Except as provided in this section, signs must comply with Article XIII.
- (b) Except as provided in this section, the provisions for attached signs in Section 51A-13.603(d)(3) apply.
- (c) For facades facing Alpha Road, the Dallas North Tollway service road, the LBJ Freeway service road, Montfort Drive, Noel Road, and Preston Road, the provisions of Section 51A-7.305, "Attached Signs," apply.
- (d) For Tract 1 within Subdistrict 1D, one detached sign is permitted in accordance with Section 51A-7.304, "Detached Signs," on the Alpha Road frontage. The detached sign is limited to a maximum of six feet above the adjacent grade of Alpha Road and a maximum effective area of 20 square feet. Detached signs on Preston Road must comply with Article XIII. (Ord. Nos. 29032; 31261)

SEC. 51P-887.115. STREET STANDARDS.

- (a) In general.
 - (1) Except as provided in this section, streets, alleys, and driveways must be provided in accordance with Division 51A-13.500.
 - (2) Except as provided in this section, all public and private streets, and all private property abutting public and private streets, must be constructed in accordance with this section and the standards shown on the Streets Plan (Exhibit 887C).
 - (3) See Section 51A-8.604 for details on the portion of the street sections shown on the Streets Plan that must be constructed by the abutting property owner.
 - (4) The thoroughfares shown on the Streets Plan are intended to provide general guidance for the alignment and design of streets included in the Thoroughfare Plan.
 - (5) The proposed minor streets shown on the Streets Plan are conceptual and are intended to illustrate desired connectivity of streets. These new minor streets must be provided if new block requirements are triggered by Section 51A-13.502(a). Alternative alignments may be approved by the director of public works if they provide equivalent connectivity, and comply with this section, the Streets Plan, and Section 51A-13.502.
 - (6) In Subdistrict 6A, a minimum 12-and-one-half-foot sidewalk width is required with a minimum six-and-one-half-foot unobstructed sidewalk width; the sidewalk must be located between the facade of the building and projected street curb as determined by the thoroughfare plan.
 - (7) In Subdistrict 7A, a minimum 12.5-foot sidewalk width is required along Noel Road with a minimum 7.5-foot unobstructed width and a five-foot-wide planting zone; the sidewalk must be located between, but need not be contiguous to, the facade of the building and the projected street curb as determined by the thoroughfare plan. A minimum 2.5-foot-wide planting zone must be located between the sidewalk and the building.

(b) Alternate street sections. To deviate from the street design standards shown on the Streets Plan, an alternate street section must be approved by the director of public works. To be approved, an alternate street section must provide a street width that reduces vehicle speeds and promotes a pedestrian-friendly environment. An alternate street section may not reduce the minimum sidewalk width or planting zone requirements.

(c) Maximum block size. Except in Subdistrict 6A, blocks as shown on a plat must comply with Section 51A-13.502(a). In Subdistrict 1D, block lengths may be broken with an ungated private drive connecting two streets. In Subdistrict 7A, block lengths may be broken with a private access easement providing vehicular through-access to a rear or side property line.

(d) Driveways.

(1) Except in Subdistrict 6A, sidewalk material and level must be maintained across the driveway curb cut in order to create a continuous pedestrian passage.

(2) The following provisions apply to driveways provided in compliance with the Streets Plan along Preston Road, Peterson Lane (Alternative Street Type B), and the LBJ Freeway frontage:

(A) The minimum spacing of curb cuts on Preston Road is 400 feet. The minimum spacing of curb cuts on Peterson Lane (Alternative Street Type B) is 200 feet. The minimum spacing of curb cuts on LBJ Freeway frontage is 400 feet.

(B) Cross-access easements are required between adjacent parcels if deemed necessary by the city for compliance with curb cut spacing requirements or to ensure adequate emergency vehicle access within the block.

(C) Existing curb cuts in Tract 1 within Subdistrict 1D are permitted as shown on the Subdistrict 1D development plan.

(3) Compliance with this subsection is triggered by the platting process or requests for new curb cuts.

(e) Intersection of Peterson Lane and FN5.

(1) A traffic signal must be installed at the intersection of Peterson Lane and FN5 when warranted.

(2) Before the issuance of building permits for the first 100,000 square feet of floor area in Subdistrict 1B, a dedicated left turn lane must be provided at the intersection of Peterson Lane and northbound FN5 in addition to the four lanes depicted on the Streets Plan. (Ord. Nos. 29032; 29788; 30682; 31261; 32105)

(a) In general.

(1) The Property must be properly maintained in a state of good repair and neat appearance.

(2) 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.

(b) Nonconformity.

(1) Definitions. See Section 51A-2.102(89), which defines a nonconforming structure as a structure that does not conform to the regulations (other than use regulations), but which was lawfully constructed under the regulations in force at the time of construction. See Section 51A-2.102(90), which defines a nonconforming use as a use that does not conform to the use regulations, but which was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

(2) Nonconforming uses. See Section 51A-4.704 for details on nonconforming uses. Section 51A-4.704 provides that nonconforming uses may continue to operate indefinitely, except that the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more, the use becomes a conforming use, or the structure housing the nonconforming use is destroyed by the intentional act of the owner or his agent. Section 51A-4.704 also provides that a person may renovate, remodel, or repair a structure housing a nonconforming use if the work does not enlarge the nonconforming use.

(3) Nonconforming structures. See Section 51A-4.704 and Section 51A-13.102(S) for details on nonconforming structures. Section 51A-13.102(S) provides that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to building placement, building height, building facade, garage placement, open space, or landscaping regulations.

(4) Nonconforming signs. See Section 51A-7.701 and Section 51A-7.702 for details on nonconforming signs. Section 51A-7.702 provides that nonconforming signs may be repaired, except that no person may repair a nonconforming sign if the cost of repair is more than 60 percent of the cost of erecting a new sign of the same type at the same location, unless that sign is brought into conformity.

(5) Nonconforming parking. See Section 51A-4.704(b)(4) for details on nonconforming parking. Section 51A-4.704(b)(4) provides that the number of nonconforming parking or loading spaces for a use may be carried forward when the use is converted or expanded. (Ord. 29032)

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

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 29032)