

3-27-19

ORDINANCE NO. 31152

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.201, 51-4.404, 51-4.407, 51-4.408, 51-4.409, 51A-4.116, and 51A-4.125; adding a new Division 51-4.900 and a new Division 51A-4.1100; providing mixed-income development bonuses for certain residential developments; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

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

SECTION 1. That Romanette (ii) of Subparagraph (E), "Additional Provisions," of Paragraph (7), "Retirement Housing," of Subsection (b), "Specific Residential Uses," of Section 51-4.201, "Residential Uses," of Division 51-4.200, "Use Regulations," of Article IV, "Zoning Regulations," is amended to read as follows:

"(ii) Except as provided in this romanette:

(aa) In townhouse and multiple-family districts, this use is subject to the following density restrictions:

<u>ZONING DISTRICT CLASSIFICATION</u>	<u>MAXIMUM NO. OF DWELLING UNITS OR SUITES PER NET ACRE</u>
TH-1	25
TH-2 and TH-3	35
TH-4	40
MF-1	45
MF-2	55
MF-3	90
MF-4	160

(bb) For developments receiving a mixed-income development bonus under Division 51-4.900, "Mixed-Income Development Bonuses," these density limits do not apply."

SECTION 2. That Subsection (a), "General Provisions," of Section 51-4.404, "Minimum Lot Area for Residential Use," of Division 51-4.400, "Yard, Lot, and Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Paragraph (3) to read as follows:

"(3) The minimum lot area for a residential use does not apply for a development using a mixed-income development bonus in Division 51-4.900."

SECTION 3. That Subsection (c), "Schedule of Maximum Lot Coverage," of Section 51-4.407, "Maximum Lot Coverage," of Division 51-4.400, "Yard, Lot, and Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Paragraph (2) to read as follows:

"(2) The maximum lot coverage for MF-1, MF-2, and MF-3 Multiple-Family Districts may be altered by the use of a mixed-income development bonus in Division 51-4.900 and the following:

(A) In an MF-1 Multiple-Family District, lot coverage may vary as allowed in Section 51A-4.116(a)(4)(I).

(B) In an MF-2 Multiple-Family District, lot coverage may vary as allowed in Section 51A-4.116(b)(4)(I).

(C) In an MF-3 Multiple-Family District, lot coverage may vary as allowed in Section 51A-4.116(c)(4)(I)."

SECTION 4. That Subsection (b), "Schedule of Maximum Building Heights," of Section 51-4.408, "Maximum Building Height," of Division 51-4.400, "Yard, Lot, and Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Paragraph (2) to read as follows:

"(2) The maximum building height for MF-1 and MF-2 Multiple-Family Districts may be altered by the use of a mixed-income development bonus in Division 51-4.900 and the following:

(A) In an MF-1 Multiple-Family District, maximum building height may vary as allowed in Section 51A-4.116(a)(4)(I).

(B) In an MF-2 Multiple-Family District, maximum building height may vary as allowed in Section 51A-4.116(b)(4)(I)."

SECTION 5. That Subsection (a), "General Provisions," of Section 51-4.409, "Maximum Floor Area Ratio," of Division 51-4.400, "Yard, Lot, and Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(a) General provisions.

(1) [~~Reserved.~~

(2)] A basement is not counted in the computation of floor area ratio.

(2[3]) The maximum floor area ratio requirements in a planned development district are controlled by the planned development district regulations. The maximum floor area ratio in a matrix district is established by the city council at the time the district is created.

[(4) ~~Reserved.~~

(3[5]) The maximum floor area ratio in the CA-1-CP and CA-1-SP districts may be increased to 24 to 1 by the use of the building setback bonus provisions in the front yard regulations.

(4[6]) In an SC district, the maximum floor area ratio for office uses, as defined in Section 51-4.210(1), is .75 to 1, and the maximum floor area ratio for all uses combined is 1 to 1.

(5[7]) In an I-2 district, a specific use permit is required to authorize a floor area ratio greater than 4:1.

(6) For a development in an MF-3 Multiple-Family District that is using a mixed-income development bonus in Division 51-4.900, the maximum floor area ratio includes non-residential uses only.

SECTION 6. That Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Division 51-4.900, "Mixed-income Housing," to read as follows:

**"Division 51-4.900.**

**Mixed-Income Housing.**

This section incorporates by reference the language of Division 51A-4.1100 of Chapter 51A of the Dallas Development Code, as amended."

SECTION 7. That Paragraph (4), "Yard, Lot, and Space Regulations," of Subsection (a), "MF-1(A) and MF-1(SAH) Districts," of Section 51A-4.116, "Multifamily Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended read as follows:

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

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

- (A) Front yard. Minimum front yard is 15 feet.
- (B) Side and rear yard.
  - (i) No minimum side and rear yard for single family structures.
  - (ii) Minimum side yard for duplex structures is five feet.
  - (iii) Minimum side yard for other permitted structures is 10 feet.
  - (iv) Minimum rear yard for duplex structures is 10 feet.

(v) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.

(C) Dwelling unit density.

(i) MF-1(A) district. No maximum dwelling unit density.

(ii) MF-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:

MAXIMUM DWELLING UNIT DENSITY  
(dwelling units per net acre)

<u>Percentage of SAH Units Provided</u>	<u>Dwelling Units Permitted</u>
0%	15
5%	16
10%	17
15%	20
20%	30

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

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 60 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

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

(G) Lot size.

[(+)] Minimum lot area per dwelling unit is as follows:

<u>TYPE OF STRUCTURE</u>	<u>MINIMUM LOT AREA PER DWELLING UNIT</u>
Single family	3,000 sq. ft.
Duplex	3,000 sq. ft.
Multifamily:	
No separate bedroom	1,000 sq. ft.
One bedroom	1,400 sq. ft.
Two bedrooms	1,800 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	200 sq. ft.

[(ii) ~~Repealed by Ord. 20441.~~[(iii) ~~Repealed by Ord. 20441.~~](H) Stories. No maximum number of stories.(I) Development bonuses for mixed-income housing. In an MF-1(A) district, lot coverage, lot size, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage. Except as provided in this paragraph, the following increased height and lot coverage requirements apply:

	<u>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</u>	<u>Maximum Height</u>	<u>Maximum Lot coverage (residential)</u>
<u>MVA Categories A, B, C</u>	<u>5% at Income band 3;</u>	<u>51 ft.</u>	<u>80%</u>
	<u>5% at Income band 3; and 5% at Income band 2</u>	<u>66 ft.</u>	<u>80%</u>
	<u>5% at Income band 3; 5% at Income band 2; and 5% at Income band 1</u>	<u>85 ft.</u>	<u>85%</u>
<u>MVA Categories D, E, F</u>	<u>5% at Income band 2;</u>	<u>51 ft.</u>	<u>80%</u>
	<u>10% at Income band 2</u>	<u>66 ft.</u>	<u>80%</u>
	<u>10% at Income band 2; and 5% at Income band 1</u>	<u>85 ft.</u>	<u>85%</u>
<u>MVA Categories G, H, I</u>	<u>5% at Income band 1</u>	<u>85 ft.</u>	<u>85%</u>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

- (aa) railings;
- (bb) parapet walls;
- (cc) trellises; and
- (dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments.

(iv) Developments with transit proximity. For a development with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.

(v) Urban form setback. An additional 10-foot front yard setback is required for that portion of a structure above 45 feet in height.

(vi) Retirement housing. The density limits in Section 51A-4.209(b)(5.2)(E)(ii) do not apply.”

SECTION 8. That Paragraph (4), “Yard, Lot, and Space Regulations,” of Subsection (b), “MF-2(A) and MF-2(SAH) Districts,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

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

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

- (A) Front yard. Minimum front yard is 15 feet.
- (B) Side and rear yard.
  - (i) No minimum side and rear yard for single family structures.
  - (ii) Minimum side yard for duplex structures is five feet.
  - (iii) Minimum side yard for other permitted structures is 10 feet.
  - (iv) Minimum rear yard for duplex structures is 10 feet.
  - (v) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.
- (C) Dwelling unit density.
  - (i) MF-2(A) district. No maximum dwelling unit density.



(ii) MF-2(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:

MAXIMUM DWELLING UNIT DENSITY  
(dwelling units per net acre)

<u>Percentage of SAH Units Provided</u>	<u>Dwelling Units Permitted</u>
0%	20
5%	22
10%	24
15%	30
20%	40

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

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 60 percent for residential structures; and

(bb) 50 percent for nonresidential structures.

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

(G) Lot size.

[(+)] Minimum lot area per dwelling unit is as follows:

<u>TYPE OF STRUCTURE</u>	<u>MINIMUM LOT AREA PER DWELLING UNIT</u>
Single family	1,000 sq. ft.
Duplex	3,000 sq. ft.
Multifamily:	
No separate bedroom	800 sq. ft.
One bedroom	1,000 sq. ft.
Two bedrooms	1,200 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	150 sq. ft.

[(ii) ~~Repealed by Ord. 20441.~~

[(iii) ~~Repealed by Ord. 20441.]~~

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed-income housing. In an MF-2(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage. Except as provided in this paragraph, the following increased height and lot coverage requirements apply:

	<u>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</u>	<u>Maximum Height</u>	<u>Maximum Lot coverage (residential)</u>
<u>MVA Categories A, B, C</u>	<u>5% at Income band 3</u>	<u>51 ft.</u>	<u>80%</u>
	<u>5% at Income band 3; and 5% at Income band 2</u>	<u>66 ft.</u>	<u>80%</u>
	<u>5% at Income band 3; 5% at Income band 2; and 5% at Income band 1</u>	<u>85 ft.</u>	<u>85%</u>
<u>MVA Categories D, E, F</u>	<u>5% at Income band 2</u>	<u>51 ft.</u>	<u>80%</u>
	<u>10% at Income band 2</u>	<u>66 ft.</u>	<u>80%</u>
	<u>10% at Income band 2; and 5% at Income band 1</u>	<u>85 ft.</u>	<u>85%</u>
<u>MVA Categories G, H, I</u>	<u>5% at Income band 1</u>	<u>85 ft.</u>	<u>85%</u>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

- (aa) railings;
- (bb) parapet walls;
- (cc) trellises; and
- (dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments,

(iv) Developments with transit proximity. For a development with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.

(v) Urban form setback. An additional 10-foot front yard setback is required for that portion of a structure above 45 feet in height.

(vi) Retirement housing. The density limits in Section 51A-4.209(b)(5.2)(E)(ii) do not apply.”

SECTION 9. That Paragraph (4), “Yard, Lot, and Space Regulations,” of Subsection (c), “MF-3(A) District,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

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

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; and

(bb) 10 feet in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density. Maximum dwelling unit density is 90 dwelling units per net acre.

(D) Floor area ratio. Maximum floor area ratio is 2.0.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 90 feet.

(F) Lot coverage. Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot size for residential use is 6,000 square feet.

(ii) Minimum lot area per dwelling unit is as follows:

<u>TYPE OF STRUCTURE</u>	<u>MINIMUM LOT AREA PER DWELLING UNIT</u>
Multifamily:	
No separate bedroom	450 sq. ft.
One bedroom	500 sq. ft.
Two bedrooms	550 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	50 sq. ft.

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed-income housing. In an MF-3(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage. Except as provided in this paragraph, the following increased height and lot coverage requirements apply:

	<u>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</u>	<u>Maximum Unit Density per Acre</u>	<u>Maximum Height</u>	<u>Maximum Lot coverage (residential)</u>
<u>MVA Categories A, B, C</u>	<u>5% at Income band 3</u>	<u>100</u>	<u>90 ft.</u>	<u>80%</u>
	<u>5% at Income band 3 and 5% at Income band 2</u>	<u>120</u>	<u>105 ft.</u>	<u>80%</u>
	<u>5% at Income band 3 and 5% at Income band 2 and 5% at Income band 1</u>	<u>150</u>	<u>120 ft.</u>	<u>85%</u>
<u>MVA Categories D, E, F</u>	<u>5% at Income band 2</u>	<u>100</u>	<u>90 ft.</u>	<u>80%</u>
	<u>10% at Income band 2</u>	<u>120</u>	<u>105 ft.</u>	<u>80%</u>
	<u>10% at Income band 2 and 5% at Income band 1</u>	<u>150</u>	<u>120 ft.</u>	<u>85%</u>
<u>MVA Categories G, H, I</u>	<u>5% at Income band 1</u>	<u>150</u>	<u>120 ft.</u>	<u>85%</u>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

- (aa) railings;
- (bb) parapet walls;
- (cc) trellises; and
- (dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments.

(iv) Floor area ratio. Maximum floor area ratio includes non-residential uses only.

(v) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.

(vi) Retirement housing. The density limits in Section 51A-4.209(b)(5.2)(E)(ii) do not apply.”

SECTION 10. That Paragraph (4), “Yard, Lot, and Space Regulations,” of Subsection (d), “MU-1 and MU-1(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

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

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-1 district. Maximum dwelling unit density varies depending on whether the development is a “mixed use project” as follows:

MAXIMUM DWELLING UNIT DENSITY  
(dwelling units per net acre)

Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
15	20	25

(ii) MU-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and the development is a “mixed use project” as follows:

MAXIMUM DWELLING UNIT DENSITY  
(dwelling units per net acre)

Percentage of SAH Units Provided	Base ( <u>No MUP</u> )	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
0%	10	15	20
20%	15	20	25

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

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is “residential.” The third column (MUP=2/with Res) is the FAR for an MUP with a mix of “residential” plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is “residential.” The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of “residential” plus two or more other use categories.]



MAXIMUM FLOOR AREA RATIO

<u>Use Categories</u>	<u>Base (no MUP)</u>	<u>MUP=2 (no Res)</u>	<u>MUP=2 (with Res)</u>	<u>MUP=3 (no Res)</u>	<u>MUP=3 (with Res)</u>
Lodging	0.8	0.85	0.9	0.85	0.95
Office	0.8	0.85	0.9	0.85	0.95
Residential	0.8	---	0.95	---	0.95
Retail and personal service	0.4	0.5	0.5	0.6	0.6
<b>TOTAL DEVELOPMENT</b>	<b>0.8</b>	<b>0.9</b>	<b>1.0</b>	<b>1.0</b>	<b>1.1</b>

(E) Height.

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

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height varies depending on whether the development is a “mixed use project” as follows:

[Note: The first column is the base height, which applies when there is no MUP. The second column (MUP/No Retail) is the height for an MUP with a mix of two use categories when neither category is “retail and personal service.” The third column (MUP/with Retail) is the height for an MUP with a mix of “retail and personal service” plus one or more other use categories.]

MAXIMUM STRUCTURE HEIGHT  
(in feet)

<u>Base (No MUP)</u>	<u>MUP with Mix (No Retail)</u>	<u>MUP (with Retail)</u>
80	90	120

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories.

(i) Maximum number of stories above grade is:

(aa) seven when the maximum structure height is 90 feet;

and

(bb) nine when the maximum structure height is 120 feet.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed-income housing. In an MU-1 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum dwelling unit density. Except as provided in this paragraph, the following density bonuses apply:

	<u>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</u>	<u>Additional Maximum Unit Density: 51A- 4.125(d)(4)(C), plus:</u>
<u>MVA Category A, B, C</u>	<u>5% at Income band 3</u>	<u>65 per acre</u>
	<u>5% at Income band 3; and 5% at Income band 2</u>	<u>80 per acre</u>
	<u>5% at Income band 3; 5% at Income band 2; and 5% at Income band 1</u>	<u>105 per acre</u>
<u>MVA Category D, E, F</u>	<u>5% at Income band 2</u>	<u>65 per acre</u>
	<u>10% at Income band 2;</u>	<u>80 per acre</u>
	<u>10% at Income band 2; and 5% at Income band 1</u>	<u>105 per acre</u>
<u>MVA Categories G, H, I</u>	<u>5% at Income band 1</u>	<u>105 per acre</u>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. In calculating the maximum floor area ratios in Subparagraph (D), residential uses are not included.

(iv) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, an additional bonus of 15 dwelling units is allowed and the maximum lot coverage is 85 percent.”

SECTION 11. That Paragraph (4), “Yard, Lot, and Space Regulations,” of Subsection (e), “MU-2 and MU-2(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

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

Except as provided in this paragraph, the following yard, lot, and space regulations apply.

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-2 district. Maximum dwelling unit density varies depending on whether the development is a “mixed use project” as follows:

MAXIMUM DWELLING UNIT DENSITY  
(dwelling units per net acre)

Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
50	75	100

(ii) MU-2(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and whether the development is a “mixed use project” as follows:

MAXIMUM DWELLING UNIT DENSITY  
(dwelling units per net acre)

Percentage of SAH Units Provided	Base (No MUP)	MUP with Mix of 2 Categories	MUP with Mix of 3 or More Categories
0%	30	45	60
5%	33	50	65
10%	37	55	70
15%	42	60	75
20%	50	75	100

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

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is “residential.” The third column (MUP=2/with Res) is the FAR for an MUP with a mix of “residential” plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is “residential.” The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of “residential” plus two or more other use categories.]

MAXIMUM FLOOR AREA RATIO

Use Categories	Base (no MUP)	MUP=2 (no Res)	MUP=2 (with Res)	MUP=3 (no Res)	MUP=3 (with Res)
Lodging	1.6	1.7	1.8	1.8	1.9
Office	1.6	1.7	1.8	1.8	1.9
Residential	1.6	--	1.8	--	1.9
Retail and personal service	0.6	0.7	0.7	0.8	0.8
TOTAL DEVELOPMENT	1.6	1.8	2.0	2.0	2.25

(E) Height.

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

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height varies depending on whether the development is a “mixed use project” as follows:

[Note: The first column is the base height, which applies when there is no MUP. The second column (MUP/no Retail) is the height for an MUP with a mix of two use categories when neither category is “[:]retail and personal service.” The third column (MUP/with Retail) is the height for an MUP with a mix of “retail and personal service” plus one or more other use categories.]

MAXIMUM STRUCTURE HEIGHT  
(in feet)

Base (No MUP)	MUP (No Retail)	MUP with Retail
135	135	180

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories.

(i) Maximum number of stories above grade is:

(aa) 10 when the maximum structure height is 135 feet;

and

(bb) 14 when the maximum structure height is 180 feet.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed-income housing. In an MU-2 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum dwelling unit density. Except as provided in this paragraph, the following density bonuses apply:

	<u>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</u>	<u>Additional Maximum Unit Density: 51A- 4.125(e)(4)(C), plus:</u>
<u>MVA Categories A, B, C</u>	<u>5% at Income band 3</u>	<u>40 per acre</u>
	<u>5% at Income band 3; and 5% at Income band 2</u>	<u>60 per acre</u>
	<u>5% at Income band 3; 5% at Income band 2; and 5% at Income band 1</u>	<u>80 per acre</u>
<u>MVA Categories D, E, F</u>	<u>5% at Income band 2</u>	<u>35 per acre</u>
	<u>10% at Income band 2;</u>	<u>55 per acre</u>
	<u>10% at Income band 2; and 5% at Income band 1</u>	<u>75 per acre</u>
<u>MVA Categories G, H, I</u>	<u>5% at Income band 1</u>	<u>75 per acre</u>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

- (aa) railings;
- (bb) parapet walls;
- (cc) trellises; and
- (dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. In calculating the maximum floor area ratios in Subparagraph (D), residential uses are not included.

(iv) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, an additional bonus of 15 dwelling units is allowed and the maximum lot coverage is 85 percent."

SECTION 12. That Paragraph (4), “Yard, Lot, and Space Regulations,” of Subsection (f), “MU-3 and MU-3(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

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

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-3 district. No maximum dwelling unit density.

(ii) MU-3(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and whether the development is a “mixed use project” as follows:



MAXIMUM DWELLING UNIT DENSITY  
(dwelling units per net acre)

<u>Percentage of SAH Units Provided</u>	<u>Base (No MUP)</u>	<u>MUP with Mix of 2 Categories</u>	<u>MUP with Mix of 3 Categories</u>
0%	50	50	50
5%	53	55	55
10%	57	60	60
15%	62	65	65
20%	NO MAXIMUM		

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

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is “residential.” The third column (MUP=2/with Res) is the FAR for an MUP with a mix of “residential” plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is “residential.” The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of “residential” plus two or more other use categories.]

MAXIMUM FLOOR AREA RATIO

<u>Use Categories</u>	<u>Base (no MUP)</u>	<u>MUP=2 (no Res)</u>	<u>MUP=2 (with Res)</u>	<u>MUP=3 (no Res)</u>	<u>MUP=3 (with Res)</u>
Lodging	3.2	3.4	3.6	3.6	3.8
Office	3.2	3.4	3.6	3.6	3.8
Residential	3.2	--	3.8	--	3.8
Retail and personal service	2.0	2.6	3.0	3.2	3.75
<b>TOTAL DEVELOPMENT</b>	3.2	3.6	4.0	4.0	4.5

(E) Height.

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

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 270 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is 20. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed-income housing. In an MU-3 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum floor area bonuses and lot coverage. Except as provided in this paragraph, the following floor area bonuses and lot coverage requirements apply:

	<u>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</u>	<u>Floor Area Ratio: 51A- 4.125(f)(4)(D), plus:</u>	<u>Maximum Lot coverage (residential)</u>
<u>MVA Categories A, B, C</u>	<u>5% at Income band 3;</u>	<u>1.0</u>	<u>80%</u>
	<u>5% at Income band 3; and 5% at Income band 2</u>	<u>2.0</u>	<u>85%</u>
	<u>5% at Income band 3; 5% at Income band 2; and 5% at Income band 1</u>	<u>3.0</u>	<u>85%</u>
<u>MVA Categories D, E, F</u>	<u>5% at Income band 2;</u>	<u>1.0</u>	<u>80%</u>
	<u>10% at Income band 2</u>	<u>2.0</u>	<u>85%</u>
	<u>10% at Income band 2; and 5% at Income band 1</u>	<u>3.0</u>	<u>85%</u>
<u>MVA Categories G, H, I</u>	<u>5% at Income band 1</u>	<u>3.0</u>	<u>85%</u>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

- (aa) railings;
- (bb) parapet walls;
- (cc) trellises; and
- (dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. The floor area ratio bonuses in this paragraph are limited to residential uses only.

(iv) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, the maximum floor area ratio is increased by 1.0 above the FAR allowed in this section (for example: if the allowed FAR for a mixed use project is 4.0 and a development bonus of 1.5 is utilized, this transit proximity bonus allows an FAR of 6.5) and the maximum lot coverage is 90 percent.”

SECTION 13. That Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Division 51A-4.1100, “Mixed-Income Housing,” to read as follows:

**“Division 51A-4.1100. Mixed-Income Housing.**

**SEC. 51A-4.1101. PURPOSE.**

This division is adopted to implement the provisions and goals of the comprehensive housing policy, affirmatively further fair housing, create and maintain available and affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty.

**SEC. 51A-4.1102. APPLICABILITY.**

- (a) In general. Development bonuses apply to qualifying developments located in:
- (1) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts;
  - (2) MU-1, MU-2, and MU-3 Mixed Use Districts;
  - (3) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts with public deed restrictions that only limit allowed uses;
  - (4) MU-1, MU-2, and MU-3 Mixed Use Districts with public deed restrictions that only limit allowed uses; and
  - (5) Planned development districts that reference compliance with this division or planned development districts that default to MF-1(A), MF-2(A), MF-3(A), MU-1, MU-2, and MU-3 Districts as base zoning and only alter the allowed uses.
- (b) Market value analysis. Specific development bonus applicability is further determined based on the location of the development in a specific market value analysis category.
- (c) Residential uses. To be eligible for development bonuses under this division, developments must include multifamily or retirement housing uses.

**SEC. 51A-4.1103. DEFINITIONS AND INTERPRETATIONS.**(a) Definitions. In this division:

(1) **AFFORDABLE RENT** means: (i) a monthly rental housing payment, less an allowance for utilities, that does not exceed 30 percent of an eligible household's adjusted income divided by 12, or (ii) the voucher payment standard.

(2) **AFFIRMATIVE FAIR HOUSING MARKETING** means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, national origin, religion, sex, age, disability, or other protected class under Title VIII of the Civil Rights Act of 1964 and all related regulations, executive orders, and directives.

(3) **AREA MEDIAN FAMILY INCOME ("AMFI")** means the median income for the Dallas Area Standard Metropolitan Statistical Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.

(4) **ELIGIBLE HOUSEHOLDS** means households with an adjusted income within the required income band or voucher holders regardless of income.

(5) **INCOME** means income as defined by 24 CFR §5.609.

(6) **INCOME BAND** means the range of household incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size (income bands descriptions are located in Chapter 20A).

(7) **MARKET VALUE ANALYSIS ("MVA")** means the official study that was commissioned by and prepared for the City of Dallas to assist residents and policy-makers in understanding the elements of their local residential real estate markets.

(8) **MIXED-INCOME RESTRICTIVE COVENANT** means a covenant running with the land that meets the requirements of this division and Chapter 20A.

(9) **OWNER** means the entity or person using the development bonus as well as all other owners or operators of the development during the rental affordability period.

(10) **PASSENGER LOADING ZONE** means a space that is reserved for the exclusive use of vehicles during the loading or unloading of passengers. A passenger loading zone is not a taxicab stand for purposes of Section 28-101, "Restricted Use of Bus Stops and Taxicab Stands."

(11) **PEDESTRIAN SCALE LIGHTING** means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or an equivalent pedestrian light fixture approved by the director of transportation.

(12) RENTAL AFFORDABILITY PERIOD means the 20 year period that the reserved dwelling units may only be leased to and occupied by eligible households or voucher holders.

(13) RESERVED DWELLING UNIT means the rental units within a development available to be occupied or currently occupied by eligible families or voucher holders and are leased at affordable rents set according to this division.

(14) STOOP means a small porch leading to the entrance of a residence.

(15) TRANSIT PROXIMITY means development within one-half mile of a transit station, including trolley stops, train stations, transfer centers, transfer locations, transit centers, and any transit stop with a climate-controlled waiting area. Transit agencies served include Dallas Area Rapid Transit, Trinity Railway Express, and trolley service.

(16) VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal government.

(b) Interpretations. For uses or terms found in Chapter 51 the regulations in Section 51A-4.702(a)(6)(C) apply in this division.

**SEC. 51A-4.1104. DEVELOPMENT BONUS PERIOD.**

(a) Any development bonus provided in this division is only applicable to structures built during the rental affordability period or according to the terms of the mixed-income restrictive covenant.

(b) Structures built during the term of the mixed-income restrictive covenant may retain their bonuses until they are destroyed by an intentional act of the owner.

(c) Structures built during the term of the mixed-income restrictive covenant may retain their bonuses and be rebuilt if they are destroyed by other than an intentional act of the owner, or owner's agent, if the development continues to meet the requirements of this division.

**SEC. 51A-4.1105. PROCEDURES TO OBTAIN A DEVELOPMENT BONUS.**

(a) In general.

(1) The owner must comply with the requirements of Chapter 20A, as amended.

(2) Owners shall obtain a certified verification of the building site's MVA category and shall sign a reserved dwelling unit verification before applying for a permit for construction in accordance with this division and Section 20A-25.

(b) Building permit application. An application for a building permit using a development bonus must include the following:

- (1) the date, names, addresses, and telephone numbers of the applicant and all property owners;
- (2) the legal description, the current zoning classification, the market value analysis category, and the census tract of the building site for which the development bonus is requested;
- (3) the total number of dwelling units proposed, the number of reserved dwelling units provided, and the number of reserved dwelling units required as a result of receiving the development bonus;
- (4) the total number of one-bedroom dwelling units, two-bedroom dwelling units, etc. being proposed;
- (5) a copy of the signed market value analysis verification from the director of housing and neighborhood revitalization; and
- (6) any other reasonable and pertinent information that the building official determines to be necessary for review.

(c) Building permit issuance. Before the issuance of a building permit, the mixed-income restrictive covenant must be recorded in the county in which the building site is located, and an official copy of the executed and recorded mixed-income restrictive covenant must be submitted to the building official.

(d) Minimum units required.

- (1) A development using a development bonus in this division must provide a minimum of one reserved dwelling unit regardless of the percentage of total units required.
- (2) Fractions of a required unit will be rounded up to the next whole number.
- (3) A development using a development bonus in this division shall reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of area median family income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the department of housing and neighborhood revitalization and authorized by the city council that furthers the public purposes of the city's housing policy and affirmatively furthers fair housing.

(e) Phasing.

- (1) To obtain a development bonus for a phased development, a project plan must be submitted to the building official with the initial building permit application.
- (2) For a phased development:
  - (A) the first phase must independently qualify for the development bonus; and

(B) each subsequent phase combined with all previous phases already completed or under construction must also qualify for the development bonus.

(3) A project taking advantage of a development bonus may consist of two or more building sites if they are developed under a project plan. The project plan must be:

(A) signed by all property owners; and

(B) approved by the building official.

(f) Certificate of occupancy. Before the issuance of a final certificate of occupancy for a multifamily or retirement housing use, the owner must submit to the building official any additional information needed to ensure compliance with the terms of the building permit and the mixed-income restrictive covenant, including:

(1) The approved affirmative fair housing marketing plan described in Section 20A-31(g).

(2) A letter from the director of housing and neighborhood revitalization certifying that the development complies with the mixed-income restrictive covenant.

#### **SEC. 51A-4.1106. DEVELOPMENT REQUIREMENTS.**

(a) Except as provided in Section 51A-4.1105(e), all reserved dwelling units must be provided on the same building site as the market rate units.

(b) Reserved dwelling units must be dispersed throughout the residential floor area of each building.

(c) Reserved dwelling units must not be segregated or concentrated in any one floor or area of any buildings but must be dispersed throughout all residential buildings.

(d) Reserved dwelling units may float within each dwelling unit type.

(e) Reserved dwelling units must be of comparable finish-out and materials as the market rate dwelling units and must be equally available to eligible families or voucher holders as other market rate dwelling unit tenants.



(f) Except as provided in Section 20A-31(i), reserved dwelling units must be dispersed substantially pro-rata among the total unit types so that not all the reserved dwelling units are efficiency or one-bedroom units. For example, if 10 percent of the total dwelling units are reserved dwelling units, 10 percent of the efficiency units, 10 percent of the one-bedroom units, 10 percent of the two-bedroom units, 10 percent of the three-bedroom units (and so on, if applicable) must be reserved dwelling units.

(1) A maximum 10 percent of the total units may be specialty units including club suites and penthouse suites and are not required to be part of the dispersal of reserved dwelling units by type; however, the overall 10 percent requirement is calculated based on the total number of all units.

(2) In determining the required number of reserved dwelling units, fractional units are counted to the nearest whole number, with one-half counted as an additional unit, but a minimum of one unit is required.

(g) Eligible families or voucher holders occupying reserved units may not be restricted from common areas and amenities unless the restrictions apply to all dwelling unit occupants.

#### **SEC. 51A-4.1107. DESIGN STANDARDS.**

(a) In general.

(1) To obtain a development bonus under this division, a qualifying development must meet the requirements of this section, where applicable.

(2) Except as provided in this section, the board of adjustment may not grant a variance or special exception to the standards in this section.

(b) Yard, lot, and space standards.

(1) Encroachments. The following additional items are permitted to be located within the required front, side, and rear yards:

(A) Seat walls, retaining walls, stoops, porches, steps, unenclosed balconies, ramps, handrails, safety railings, and benches all not exceeding four feet in height and extending a maximum of five feet into the required minimum yards.

(B) Landscape planters.

(C) Sculptures.

(D) Awnings

(2) Front yard fences. A maximum four-foot-high fence is allowed in a front yard. A maximum four-foot-high handrail may be located on retaining walls in a front yard.

(3) Height. Maximum height is controlled by the development bonus provisions and must comply with residential proximity slope regulations if applicable.

(c) Off-street parking and loading.

(1) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(2) Multifamily parking. Except as provided in this paragraph, one and one-quarter space per dwelling unit is required.

(A) At least 15 percent of the required parking must be available for guest parking.

(B) For developments with transit proximity, one space per dwelling unit is required. At least 15 percent of the required parking must be available for guest parking.

(3) Retirement housing. One space per dwelling unit is required.

(4) Parking locations.

(A) In general. Surface parking is prohibited between the street-facing facade and the property line. For buildings with more than one street frontage, only two street frontages are subject to this requirement.

(B) Thoroughfare frontage. For buildings fronting on a thoroughfare, surface parking is prohibited within the front setback.

(C) Surface parking. A maximum of 15 percent of the total on-site parking may be provided as surface parking in a side yard.

(D) Parking structures. That portion of the ground-level floor facing the street of any multi-floor parking facility must have an active use other than parking, with a minimum depth of 25 feet, or must have an exterior facade that is similar in materials, architecture, and appearance to the facade of the main structure. Exterior parking structure facade openings must provide solid screening a minimum 42 inches from the floor level within the parking structure to screen vehicles and vehicle headlights.

(E) Assigned parking. For assigned parking spaces, those spaces allotted for reserved dwelling units must be dispersed and distributed amongst all other assigned parking for similar units.

(5) Passenger loading.

(A) Each building site must provide at least one off-street or on-street passenger loading space. The board of adjustment may grant a variance to this subparagraph.

(B) On-street passenger loading zones, if provided, must be constructed in compliance with Architectural Barrier Act accessibility standards and must be approved by the director and by the director of public works.

(6) Screening of off-street loading spaces and service areas. Screening must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods described in Section 51A-4.602(b)(3), except that screening around service areas for trash collection must be screened by a masonry wall with a solid gate.

(d) Street and open space frontages.

(1) Frontages. All street-fronting facades and open-space fronting facades must have at least one window and at least one common primary entrance facing the street or open space at street-level. The entrance must access the street or open space with an improved path connecting to the sidewalk. A transparent surface is required for every 25 linear feet of continuous street-fronting and open-space-fronting facade.

(2) Individual entries. Except as provided in this paragraph, a minimum of 60 percent of the street-level dwelling units adjacent to a street in each building must have individual entries that access the street with an improved path connecting to the sidewalk. For at-grade open space, a minimum of 60 percent of the open-space fronting dwelling units in each building must have individual entries that access the open space. EXCEPTION. This paragraph does not apply to retirement housing.

(e) Sidewalk, lighting, and driveway standards.

(1) Sidewalks.

(A) A sidewalk with a minimum average width of six feet must be provided along all street frontages.

(i) Except as provided in this subsection, all sidewalks must be clear and unobstructed for a minimum of five feet in width.

(ii) Tree grates do not count toward the minimum unobstructed sidewalk width.

(iii) If the building official determines that the location of a local utility or protected tree, as defined in Article X, would prevent a five-foot minimum width, the sidewalk may be reduced to four feet in width in that location.

(B) Sidewalks must be located in an area parallel to and between two feet and 15 feet of the back of the projected street curb.

(2) Lighting.

(A) Special lighting requirement. Exterior lighting sources, if used, must be oriented down and onto the property they light and generally away from adjacent residential properties.

(B) Pedestrian scale lighting. For a development greater than 20,000 square feet of floor area, pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 foot candles must be provided along public sidewalks and adjacent to public streets. The design and placement of both the standards and fixtures must be approved by the director of transportation. Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(f) Open space requirements.

(1) At least 10 percent of the building site must be reserved as open space for activity such as active or passive recreation, playground activity, groundwater recharge, or landscaping.

(A) No structures except for architectural elements; playground equipment; structures that are not fully enclosed such as colonnades, pergolas, and gazebos; and ordinary projections of window sills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed; otherwise, open space must be open to the sky.

(B) Open space may contain primarily grass, vegetation, or open water; be primarily used as a ground-water recharge area; or contain pedestrian amenities such as fountains, benches, paths, or shade structures.

(C) Open space may also be provided at or below grade or aboveground by an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.

(D) Private balconies, sidewalks, parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.

(E) Operation or parking of vehicles within on-site open space is prohibited. Emergency and grounds maintenance vehicles are exempt.

(F) Open spaces must be properly maintained in a state of good repair and neat appearance, and plant materials must be maintained in a healthy, growing condition.

(2) Landscape areas that fulfill the requirements of Article X may also fulfill these requirements if all conditions of this section and Article X are met.

(g) Non-required fences. Unless a use specifically requires screening, all fences for uses along a street or trail must have a surface area that is a minimum of 50 percent open, allowing visibility between three feet and six feet above grade. The exceptions for multifamily districts in Sections 51A-4.602(a)(2) and 51A-4.602(a)(4) which provide that a fence exceeding four feet above grade may be erected in a front yard in multifamily districts are not applicable.

#### **SEC. 51A-4.1108**

#### **BOARD OF ADJUSTMENT VARIANCES.**

A development that is eligible to receive the bonuses in this division must either use the bonuses or go to the board of adjustment to seek a variance but may not do both for the same yard, lot, and space regulations.”

SECTION 14. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 15. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 16. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 17. 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 18. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By  \_\_\_\_\_  
Assistant City Attorney

MAR 27 2019

Passed \_\_\_\_\_



## 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 MAR 27 2019

ORDINANCE NUMBER 31152

DATE PUBLISHED MAR 30 2019

ATTESTED BY: