APPLICANT'S PROPOSED AMENDMENTS

10/23/2018

ARTICLE 708.

PD 708.

SEC. 51P-708.101. LEGISLATIVE HISTORY.

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

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

PD 708 is established on property generally bounded by Routh Street, Central Expressway, Ross Avenue, and Woodall Rodgers Freeway in part, and North St. Paul Street, Ross Avenue, Central Expressway, and San Jacinto in part. The size of PD 708 is approximately 47.4 acres. (Ord 25916)

SEC. 51P-708.103. DEFINITIONS AND INTERPRETATIONS.

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

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

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

(d) ANN WILLIAMS WAY FLORA STREET CENTERLINE means the centerline of the projected 50-foot-wide Ann Williams Way Flora Street right-of-way shown on the map (Exhibit 708A).

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

(f) LIVE-WORK UNIT mean a single unit consisting of both a commercial, office, professional service and a residential component that is occupied by the same resident, The LIVE-WORK unit shall be the primary dwelling unit of the occupant.
(g) MOBILE FOOD ESTABLISHMENT means a vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer. The term includes mobile food preparation vehicles and pushcarts. (Ord. Nos. 25916; 25931; 28188)

(h) PARKWAY means the portion of a street right-of-way between the projected street curb and the lot line.

(i) PEDESTRIAN PRIORITY STREETS mean North Harwood Street, Routh Street, North Olive Street, Leonard Street, Arts Plaza, Ann Williams Way, Woodall Rodgers Service Road (from North St. Paul to Routh Street), and North St. Paul Street.

(j) SERVICE-ORIENTED STREETS mean the Woodall Rodgers Service Road (from Routh Street to Ross Avenue), Routh Street (from Woodall Rodgers Service Road for XX feet), San Jacinto and Forbes Street.

(k) SUBAREA 1 is that area as shown on Exhibit 708C.

SEC. 51P-708.104. DEVELOPMENT STANDARDS.

(a) Sasaki Dallas Arts District Connect: Master Plan. The Dallas Arts District Connect: Design Master Plan prepared by Sasaki Associates, Inc. in August, 1982 (“Sasaki DAD Master Plan”) (Exhibit 145_A to Article 145 of Chapter 51P) shall serve as a guideline vision and inspiration for development in this district.

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

(1) Agricultural uses.
   -- None permitted.

(2) Commercial and business services uses (must be located in a building with a minimum of one additional use).
   -- Catering service.
   -- Custom business services.
   -- Custom woodworking, furniture construction, or repair.
   -- Job or lithographic printing.

(3) Industrial uses.
   -- None permitted.

(4) Institutional and community service uses.
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center. [SUP]
-- Convent or monastery [SUP].
-- Library, art gallery, or museum.
-- Open-enrollment charter school. [SUP]
-- Private school. [SUP]
-- Public school other than an open-enrollment charter school.

(5) Lodging uses.
-- Hotel or motel.

(6) Miscellaneous uses.
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.
-- Pedestrian skybridge [By SUP only.]

(7) Office uses.
-- Financial institution without drive-in window.
-- Medical clinic or ambulatory surgical center.
-- Office.

(8) Recreation uses.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(9) Residential uses.
-- Multifamily.
-- Retirement housing.
-- Live-work unit.

(10) Retail and personal service uses.
-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Business school (must be located in a building with a minimum of one additional uses).
-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
-- Commercial amusement (outside).
--- Commercial parking lot or garage.
--- Dry cleaning or laundry store.
--- Furniture store.
--- General merchandise or food store 3,500 square feet or less.
--- General merchandise or food store greater than 3,500 square feet.
--- Liquor store.
--- Mobil food establishment.
--- Mortuary; or funeral home; or commercial wedding chapel.
--- Personal service uses.
--- Restaurant without drive-in or drive-through service.
--- Temporary retail use.
--- Theater.
--- Retail stores other than listed, except that the following retail uses are not permitted: feed store; pawn shop; home improvement center; and swimming pool sales and supply.

(11) Transportation uses.
--- Commercial bus station and terminal. [DIR]
--- Heliport. [SUP]
--- Helistop. [SUP]
--- Light rail, trolley, or streetcar Railroad passenger station.
--- Transit passenger shelter.

(12) Utility and public service uses.
--- Commercial radio or television transmitting station.
--- Local utilities.
--- Post office.

(13) Wholesale, distribution, and storage uses.
--- Office showroom/warehouse.

(c) Accessory uses permitted in all parts of this district other than the Ann Williams Way Flora Street frontage area and Subarea I. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

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

(2) In this part of the district, an SUP may be required for an accessory medical/infectious waste incinerator. See Section 51A-4.217(b)(3.1).
In this part of the district, a parking garage is considered to be accessory to a main use on the same lot if it is used primarily by owners and occupants and their invitees of the main use during business hours, even if it is used by patrons of other businesses that are not part of the main use on that lot after business hours for a fee.

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

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

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

(1) Agricultural uses.
-- None permitted.

(2) Commercial and business services uses (must be located in a building with a minimum of one additional use).
-- Catering service.
-- Custom business services.
-- Custom woodworking, furniture construction, or repair.
-- Job or lithographic printing.

(3) Industrial uses.
-- None permitted.

(4) Institutional and community service uses.
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center.
-- Convent or monastery.
-- Library, art gallery, or museum.
-- Open-enrollment charter school.
-- Private school.
-- Public school other than an open-enrollment charter school.
(5) Lodging uses.
   -- Hotel or motel.

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

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

(8) Recreation uses.
   -- Private recreation center, club, or area.
   -- Public park, playground, or golf course.

(9) Residential uses.
   -- Multifamily.
   -- Retirement housing.
   -- Live-work unit.

(10) Retail and personal service uses.
    -- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
    -- Business school (must be located in a building with a minimum of one additional use).
    -- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
    -- Commercial parking lot or garage.
    -- Dry cleaning or laundry store.
    -- Furniture store.
    -- General merchandise or food store 3,500 square feet or less.
    -- General merchandise or food store greater than 3,500 square feet.
    -- Liquor store.
    -- Mobil food establishment.
    -- Mortuary or funeral home, or commercial wedding chapel.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service.
-- Temporary retail use.
-- Theater.
-- Retail stores other than listed, except that the following retail uses are not permitted: feed store; pawn shop; home improvement center; and swimming pool sales and supply.

(11) Transportation uses.
-- Light rail, Trolley, or streetcar passenger station.
-- Transit passenger shelter.

(12) Utility and public service uses.
-- Commercial radio or television transmitting station.
-- Local utilities.
-- Post office.

(13) Wholesale, distribution, and storage uses.
-- Office showroom/warehouse.
-- Trade center.

(f) Accessory uses permitted in the Ann Williams Way Flora Street frontage area. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

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

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

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

(g) Uses prohibited in the Ann Williams Way Flora Street frontage area. In this part of the district, the following uses are prohibited, even as accessory uses:
-- Feed store, as defined in Chapter 51.
-- Pawn shop.
Home improvement center, lumber, brick or building materials sales center.

Swimming pool sales and supply, as defined in Chapter 51.

(h) Uses permitted in Subarea 1. Except as provided, the uses permitted in Subarea 1 are governed by the uses permitted under the CA-1(A) Central Area-1 District.

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

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

(k) Construction design in the Ann Williams Way Flora Street frontage area. On each building site in the Ann Williams Way Flora Street frontage area:

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

   (2) at least 50 percent of the area of the first two stories the street wall along Ann Williams Way Flora Street and at least 50 percent of the area of the ground floor of the street wall along Ann Williams Way Flora Street must be of transparent material and used for display or merchandising. For the first two stories of the street wall along the portion of Ann Williams Way Flora Street that is farther than 660 feet from a regulated highway, and therefore not subject to the Highway Beautification Act, the display may consist of artwork or district activity signs in addition to any other permitted display or merchandising.

(l) Façade treatment on North Pearl Street, Ross Avenue. A minimum of 50% transparency on the ground floor for the first 14 vertical feet is required.

(m) Façade treatment on pedestrian priority streets.

   (1) Except as provided, a minimum of 50% transparency on the ground floor for the first 14 vertical feet is required.

   (2) For garage uses, a minimum of 50% transparency or a tall, living, green screen on the ground floor for the first 14 vertical feet is required.

(n) Sidewalk requirements.

   (1) In general.

      (A) If used, pavers must be installed with suitable substrate.

      (B) If used, pavers must provide for storm water mitigation and infiltration.
(2) Width.

(A) Except as provided, sidewalks must be a minimum unobstructed width of 6 feet and must not be obstructed with metal tree grates or other tree guards.

(B) On North Pearl Street and Ross Avenue sidewalks must be a minimum width of 8 feet.

(o) Parking.

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

(B) Live-work units. No parking is required.

(p) Landscaping.

(1) In general.

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

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

(2) Street trees.

(A) Street trees must be one of the following species: Cedar Elm, Lacebark Elm, Live Oak, Honeylocust, Shumard Oak, Magnolias, or as recommended by the DAD Design Review Committee.

(B) Street trees must be a minimum of 4 caliper inches.

(C) Street trees must provide a minimum vertical clearance of 10 feet before branching.

(D) Automatic irrigation is required.
(E) Number of rows. On North Pearl Street, Ross Avenue, and pedestrian priority streets. A single row of street trees are required.

(F) Spacing. Unless there is a conflict with utilities, street trees must be spaced a minimum of 25 feet and a maximum of 40 feet, on center, and must be 2 to 4 feet from the back of curb.

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

(r) Loading docks. Loading docks are prohibited on North Pearl Street and Ross Avenue.

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

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

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

(u) Mobile food establishments.

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

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

(v) Lighting.

(1) Height.

(A) Pole-mounted pedestrian street light fixtures must be a minimum height of 12 feet and not exceed 15 feet.

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

(2) Street light poles must be white or as recommended by the DAD Design Review Committee.
(3) Pedestrian lighting, measured at the ground plane, on the ground must be a minimum of 0.25 footcandles and an average of 0.5 footcandles.

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

--- (w) Utilities. All utilities must be located below ground.

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(x) Ground and roof building systems. Ground and roof building systems must not be visible from a public right-of-way.

--- (Ord. Nos. 25916; 28188)

SEC. 51P-708.105. STREET SECTIONS

(a) In general. Development and use of streets in this district must comply with the following exhibits:

(1) Exhibit 708 : North Pearl Street.

(2) Exhibit 708 : Ross Avenue.

(3) Exhibit 708 : Pedestrian Priority.

(4) Exhibit 708 : Service-oriented.

(5) Exhibit 708 : Leonard Street.

(b) Additional right-of-way and amenities are permitted. For all street sections the following are allowed:

(1) The street, pedestrian areas, and landscape areas may be wider than the width shown on the exhibit to accommodate parallel parking; and

(2) The pedestrian areas or landscape areas may have additional landscaping.

(c) Alternate street sections.

(1) To deviate from the street sections, an alternate street section must be approved by the DAD Design Review Committee.

(2) To be approved, an alternate street section should provide a street width that is designed to reduce vehicle speed and promote a pedestrian-friendly environment.
SEC. 51P-708.106. BUILDING PERMIT REVIEW.

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

(b) Upon receipt of an application for a building permit for the construction of, or modification to, any building or structure in this district, the building official shall refer the permit application and plans to the director for review to determine whether the project complies with the requirements of Section 51P-708.104(b) through (p) of this article. The director shall conduct this review so that the director's decision on issuance of the permit can be made within 30 days from the date the completed application is submitted to the building official.

(c) If the director determines that the project complies with the requirements of Section 51P-708.104(b) through (p) of this article, the director shall refer the permit application and plans back to the building official, who shall issue the permit if all requirements of the construction codes and all other applicable ordinances have been met.

(d) If the director determines that the project does not comply with the requirements of Section 51P-708.104(b) through (p) of this article, the director shall direct the building official to deny the permit. (Ord Nos. 25916; 28148)

(a) Applicability. A person desiring to develop property in this district shall submit all required plans to the Dallas Arts District Design Review Committee (the “DAD Design Review Committee”) to determine compliance with the requirements of this article as well as the DAD Master Plan if any of the following conditions apply:

(1) Projects applying for TIF funds;
(2) Municipal projects within existing or previous TIF Districts or designated area plans;
(3) Projects at the applicant’s request; or
(4) All items to be located on City property pursuant to the City’s license procedure.

(b) Process.

(1) The DAD Design Review Committee will conduct an initial review within 30 days from the date the completed application is submitted. The DAD Design Review Committee then has 45 days to conduct additional reviews and make a final recommendation to the Building Official.

(2) The Building Official may accept, modify, or reject the DAD Design Review Committee recommendation and has 10 days to issue a final signed certificate of
approval. Work on items that receive a certificate of approval from the Building Official can begin once all applicable building permits have been obtained that are required for the work.

(3) If the application is recommended for denial by the DAD Design Review Committee or modified or denied by the Building Official, the decision may be appealed to the Board of Adjustment within 14 days. Unless appealed, the determination of the DAD Design Review Committee and Building Official is final.

SEC. 51P-708.1076. BOARD OF ADJUSTMENT.

(a) The board of adjustment may grant a special exception to the following requirement of this article if the special exception will not adversely affect appropriate development of this district: the Ann Williams Way/Flora Street frontage area height restrictions in Section 51P-708.104(ih), but only if the portion of the building exceeding the maximum height permitted in that section is occupied exclusively by multifamily uses.

(b) The board of adjustment may not provide a termination date for a nonconforming use in the Dallas Arts District Extension Area under Section 51A-4.704(a)(1) unless there has been a change in ownership of the property since March 9, 2005. (Ord. 25916)

SEC. 51P-708.1087. APPLICABILITY OF SECTION 51A-4.702.

No development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. 25916)

SEC. 51P-708.109. NONCONFORMING USES AND STRUCTURES.

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

(b) Original nonconforming uses.

(1) Original nonconforming uses are defined as those uses made nonconforming by the passage of Ordinance No. (this ordinance). Original nonconforming uses do not include uses made nonconforming by amendments to that ordinance.

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

(1) If a structure made nonconforming by the passage of Ordinance No. (this ordinance) is damaged or destroyed by less than 50% of its value, the structure may be rebuilt at the same location without the approval of the Board of Adjustment.

(2) If a structure is damaged or destroyed by 50% or greater of its value it is subject to Ordinance No. (this ordinance).

SEC. 51P-708.1091108. ADDITIONAL PROVISIONS.

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

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. 25916)

SEC. 51P-708.11109. COMPLIANCE WITH CONDITIONS.

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

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with the requirements of this article, and with the construction codes and all other ordinances, rules, and regulations of the city. (Ord. 25916)

SEC. 51P-145.11210. PRIVATE LICENSE GRANTED.

(a) Subject to prior review by the DAD Design review Committee, the city council grants a revocable, non-exclusive license to the owners, or with the written consent of the owners, to the tenants (“property owner”), of all property for the exclusive purpose of authorizing the parkway landscaping, art and parkway sign permitted by this article. The property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for the issuance of a parkway landscape, art or parkway sign permit in accordance with the Dallas City Code. This private license has no termination date, however, the city council reserves and has the absolute right to terminate this license at will by resolution passed by the city council any time such termination becomes necessary. The determination of the city of the necessity for such termination is final and the city will become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue.
Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public right-of-way in a manner satisfactory to the director of public works and transportation.

(b) A property owner is not required to comply with any landscaping, art and sign requirement if compliance is made impossible due to the director’s revocation of a landscape, art or sign permit or the revocation of this license.

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

(d) Each property owner shall be responsible for maintaining the landscaping, art, sign, and related amenities in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the landscaping, art, sign, or related amenities. The granting of a license for landscaping, art, sign, and related amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

SEC. 51P-145.11321. PARKWAY LANDSCAPE, ART AND SIGN PERMIT.

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

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

(c) A property owner is not required to comply with any parkway landscaping, parkway art or parkway sign requirement of this article if compliance is made impossible due to the director’s denial of a parkway landscape permit, parkway art permit or parkway sign permit.

(d) A parkway landscape permit, parkway art permit and parkway sign permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or will unreasonably impair the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping, parkway art or parkway sign requirement of this section if compliance is made impossible due to the director’s revocation of a parkway landscape permit, parkway art permit or parkway sign permit.

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

PD 708 EXHIBITS:

EXHIBIT A – Flora Street Right of Way (Boll to Central) – Keep

EXHIBIT B – Field Notes Describing Part of Flora Street Adjacent to Blocks 305 and 306 Abandoned – Keep
Exhibit 708: North Pearl Street.
Exhibit 708: Ross Avenue.
Exhibit 708: Pedestrian Priority.
Exhibit 708: Service-oriented.
Exhibit 708: Leonard Street.