

9-15-10

ORDINANCE NO. 28001

An ordinance amending Ordinance No. 27306, passed by the Dallas City Council on August 27, 2008, which amended the zoning ordinances of the City of Dallas, and granted Specific Use Permit No. 1724 for an animal clinic without outside runs; amending the conditions in Section 2 of that ordinance; 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 Specific Use Permit No. 1724; and

WHEREAS, the city council finds that it is in the public interest to amend Specific Use Permit No. 1724; Now, Therefore,

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

SECTION 1. That the conditions in Section 2 of Ordinance No. 27306 are amended to read as follows:

- “1. USE: The only use authorized by this specific use permit is an animal clinic without outside runs.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on September 22, 2013 [~~August 27, 2010~~], but is eligible for automatic renewal for additional three-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. AIR QUALITY: HVAC equipment must include filtration systems designed to eliminate airborne bacteria, particulate matter, and noxious odors.
5. BOARDING: A maximum of 75 animals may be boarded at any one time.
6. DUMPSTERS:
  - A. Dumpsters must be provided in the locations shown on the attached site plan.
  - B. Dumpsters must be monitored for noxious odors and treated to eliminate odors if noxious odors are present.
7. FLOOR AREA: The maximum floor area is 13,040 square feet.
8. FLOORING: For areas occupied by animals, a minimum 9.5-mm-thick, non-absorbing, antibacterial, rubber flooring must be installed in a manner to control all fluids and prevent any leakage beneath the installed flooring.
9. HOURS OF OPERATION: The grooming component of the animal clinic without outside runs may only operate between 6:30 [~~7:00~~] a.m. and 7:00 p.m., Monday through Sunday [~~Friday~~; and between ~~9:00 a.m. and 6:00 p.m.~~, ~~Saturday and Sunday~~]. The boarding component may operate 24 hours a day, seven days a week; however, pick-up and drop-off for the boarding component may only occur during the grooming component hours.

10. NOISE: Noise mitigation measures must be utilized so that noise levels measured at adjacent lot lines do not exceed that permitted by Section 51-6.102 for permissible sound levels at the boundary line between a retail district and a residential district (56 dB(A) daytime, 49 dB(A) night time).
11. OPERATIONAL REQUIREMENTS:
  - A. All animals must remain indoors except when being dropped off or picked up. Animals may not be walked or exercised outside the building for any purpose.
  - B. Public access is only permitted through the north facing door. Animals may only enter or leave the facility through the north facing door.
12. SCREENING: The screening fence on the south side of the property must be maintained in a state of good repair at all times (and prior to the issuance of a certificate of occupancy) such that:
  - A. the screening is not out of vertical alignment more than six inches, measured at the top of the screening; and
  - B. any rotted, fire damaged, or broken slats or support posts are repaired or replaced.
13. SERVICES: The only services permitted by this use are boarding and grooming. Diagnosis, treatment, or hospitalization of animals is not permitted.
14. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
15. GENERAL REQUIREMENT: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.”

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

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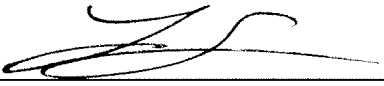
SECTION 3. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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 5. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

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

Passed SEP 22 2010

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