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ORDINANCE NO. _____

An ordinance changing the zoning classification on the following property:

BEING Lot 2 in City Block A/5464 located approximately 215 feet west of Hillcrest Road; fronting approximately 8.88 feet on the north line of Northwest Highway; and containing approximately 32,670 square feet of land,

from a CR Community Retail District to Planned Development District No. 854; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 854; establishing use regulations and development standards for this planned development district; 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 the rezoning of the property described in this ordinance; and

WHEREAS, the city council finds that it is in the public interest to establish this planned development district; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from a CR Community Retail District to Planned Development District No. 854 on the following property ("the Property"):

BEING Lot 2 in City Block A/5464 located approximately 215 feet west of Hillcrest Road; fronting approximately 8.88 feet on the north line of Northwest Highway; and containing approximately 32,670 square feet of land.

SECTION 2. That Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Article 854 to read as follows:

"ARTICLE 854.

PD 854.

SEC. 51P-854.101. LEGISLATIVE HISTORY.

PD 854 was established by Ordinance No._____, passed by the Dallas City Council on June 22, 2011.

SEC. 51P-854.102. PROPERTY LOCATION AND SIZE.

PD 854 is established on property located on the east side of Northwest Plaza Drive, north of its approximate nine feet of frontage on Northwest Highway. The size of PD 854 is approximately 32,670 square feet of land.

SEC. 51P-854.103. 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.

SEC. 51P-854.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 854A: development plan.

SEC. 51P-854.105. DEVELOPMENT PLAN.

- (a) For a mini-warehouse, development and use of the Property must comply with the development plan (Exhibit 854A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

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(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P-854.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. For example, a use permitted in the CR Community Retail District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the CR Community Retail District is subject to DIR in this district; etc.

(b) A mini-warehouse is permitted by right.

SEC. 51P-854.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific 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.

(b) The following accessory uses are not permitted:

- Accessory community center (private).
- Home occupation.
- Private stable.

(c) The following accessory use is permitted by SUP only:

- Accessory helistop.

(d) An SUP may be required for the following accessory use:

- Accessory medical/infectious waste incinerator. [*See Section 51A-4.217(b)(3.1).*]

SEC. 51P-854.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the CR Community Retail District apply.

(b) Floor area. For a mini-warehouse, maximum floor area is 79,740 square feet.

(c) Height. Maximum structure height is 50 feet.

(d) Lot coverage. Maximum lot coverage is 54 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

SEC. 51P-854.109. OFF-STREET PARKING AND LOADING.

(a) 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.

(b) For a mini-warehouse, one space per 4,200 square feet of floor area is required.

SEC. 51P-854.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-854.111. LANDSCAPING.

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

(b) For a mini-warehouse, landscaping must be provided as shown on the development plan.

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

SEC. 51P-854.112. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. 51P-854.113. ADDITIONAL PROVISIONS.

- (a) For a mini-warehouse:
 - (1) Storage units, except storage units on the north facade, must be accessed by an internal corridor.
 - (2) Outside storage of vehicles, trailers, and recreational vehicles is prohibited.
 - (3) Outside rental of moving equipment and sales of packing materials is prohibited.
- (b) The Property must be properly maintained in a state of good repair and neat appearance.
- (c) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-854.114. 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, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.”

SECTION 3. That, pursuant to Section 51A-4.701 of Chapter 51A of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the area to the centerline of all adjacent streets and alleys.

SECTION 4. That development of this district must comply with the full-scale version of Exhibit 854A (development plan) attached to this ordinance. A reduced-sized version of this plan shall be provided in Chapter 51P. Permits shall be issued based on information provided on the full-scale version of the plan.

SECTION 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 854 in Chapter 51P.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.


SECTION 7. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. 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 9. 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 JUN 22 2011

