

ORDINANCE NO. 28270

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 5284; fronting approximately 150 feet on the southeast line of Garland Road; and containing approximately 0.671 acre,

from a CR Community Retail District to Planned Development District No. 287; amending Article 287, "PD 287," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code to reflect the expansion of the planned development district and reflect the current and proposed operations of the Dallas Arboretum and Botanical Gardens; providing a new conceptual plan; deleting the development plan; 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 this amendment to the Dallas City Code; and

WHEREAS, the city council finds that it is in the public interest to change the zoning classification and amend Article 287 as specified in this ordinance; 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. 287 on the property described in Exhibit A, which is attached to and made a part of this ordinance.

SECTION 2. That Article 287, "PD 287," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

**"ARTICLE 287.**

**PD 287.**

**SEC. 51P-287.101. LEGISLATIVE HISTORY.**

PD 287 was established by Ordinance No. 19904, passed by the Dallas City Council on March 23, 1988. Ordinance No. 19904 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 19904 was amended by Ordinance No. 19944, passed by the Dallas City Council on April 27, 1988, Ordinance No. 24289, passed by the Dallas City Council on June 14, 2000, and Ordinance No. 24811, passed by the Dallas City Council on January 9, 2002.

**SEC. 51P-287.102. PROPERTY LOCATION AND SIZE.**

PD 287 is established on property generally located at the north corner of Garland Road and East Lawther Drive. The size of PD 287 is approximately 67.66 [66.8898] acres.

**SEC. 51P-287.103. DEFINITIONS AND INTERPRETATIONS.**

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

(1) ADMINISTRATIVE/SERVICE AREAS means portions of the Property and facilities used primarily by the staff of the arboretum and botanical gardens for operating and maintenance activities. Administrative/service areas may include, but are not limited to, offices, meeting rooms, equipment and supply storage areas, restrooms, [~~and~~] vehicle storage and maintenance areas, and equipment maintenance areas.

(2) ARBORETUM means a place where many kinds of trees and shrubs are grown; a botanical or tree garden cultivated for educational or scientific purposes.

(3) BOTANICAL GARDEN means a place where collections of living and preserved plants and trees are kept and exhibited.

(4) CONSERVATORY means a greenhouse for growing or displaying plants for educational or scientific purposes.

(5) EDUCATIONAL AREAS means portions of the Property and facilities used primarily by visitors of the arboretum and botanical gardens. Educational areas may include, but are not limited to, [the] museums, meeting rooms, [the] auditoriums, [the] photography studios, [the] classrooms, libraries [the library], laboratories [the laboratory], [the] herbariums, exhibits, and [the] theaters.

(6) FLOOR AREA means “floor area” as defined in the Dallas Development Code, as amended, excluding parking structures, tram stops, maintenance facilities, storage facilities, pedestrian skybridges, ticket booths, and greenhouses.

(7) GARDEN/GIFT SHOP means a facility for the display and sale of seeds, plants, and other items related to botany, horticultural, or landscape design, or items related to the public arboretum and botanical garden.

(8) HERBARIUM means a collection of dried plant specimens for scientific study.

(9) HORTICULTURAL DISPLAY CENTER means an area for demonstrations and temporary exhibits of art works or other botanical items relating to horticulture, gardening, and landscape design.

(10) LANDSCAPE SIGN means a sign that is part of a single landscape design that creates a base for the sign in conjunction with a retaining wall or an open space created with the use of water or planting material.

(11) LOCK-IN means an activity whereby individuals, 18 years of age and younger, remain on the Property overnight.

(12) MUSEUMS mean the DeGolyer house and the Camp house, and any loan or display of books or objects of art or science located within those houses or other facilities.

(13[44]) PRIVATE RESIDENCE means a dwelling unit for a security guard only.

(14[42]) SOCIAL FUNCTION means a celebration or gathering, not open to the public, which involves the use of all or a portion of the Property. Weddings, receptions, parties, and meetings are examples of social functions.

(15[13]) SPECIAL EVENT means a celebration or gathering, open to the public, which involves the use of the Property and which may include, but not be limited to entertainment, dancing, music, dramatic productions, parades, sale of merchandise, food, or any combination of these activities.

(16[44]) THEATER means a facility for showing motion pictures or for presentations of musical or theatrical performances to an audience inside an enclosed structure or amphitheater. ~~[For the purposes of this article, a theater is used exclusively for the purpose of orienting visitors to the public arboretum and botanical garden.]~~

(17[45]) TICKET BOOTH means a facility for parking control or the sale of entrance passes to the public arboretum and botanical garden and for the display of information related to the public arboretum and botanical garden.

(18[46]) TMP means "transportation management plan."

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

#### **SEC. 51P-287.103.1. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit 287A: conceptual plan.
- (2) Exhibit 287B: reserved.
- (3) Exhibit 287C: landscape plan for Tract 2.
- (4) Exhibit 287D: landscape buffer plan.
- (5) Exhibit 287E: traffic management plan.

#### **SEC. 51P-287.104. CONCEPTUAL [SITE] PLAN.**

Development and u[se] of the Property must comply with the conceptual plan (Exhibit 287A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

#### **SEC. 51P-287.105. [DETAILED] DEVELOPMENT PLAN.**

(a) Generally. A ~~[detailed]~~ development plan for each tract or portion thereof must be submitted to and approved by the city plan commission prior to the issuance of any building permit for work on that tract. All development must conform with an approved ~~[detailed]~~ development plan. The ~~[detailed]~~ development plan must include the site plan requisites listed in Section 51A-4.803(d). Tract 6[8]b is not subject to the requirements of Subsection 51P-287.105(a), as provided in Subsection 51P-287.105(d) of this article.

(b) Elevations. ~~[Detailed]~~ D[e]velopment plans submitted for Tracts 2 and 3 must include architectural elevation drawings for all structures. Heights must include mean sea level elevations.

(c) Submission of plans to private entities. Each ~~[detailed]~~ development plan must be submitted to the designated zoning representative of the Forest Hills, Little Forest Hills, and Emerald Isle neighborhood associations at the same time a ~~[detailed]~~ development plan is submitted to the park and recreation department.

(d) Tract 6b [8b]. For all uses on Tract 6b [8b], 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, development schedule, and landscape plan do not apply.

(e) ~~[Development plans. Use of Tracts 1, 2, and 3 must comply with the development plan for Tracts 1, 2, and 3 (Exhibit 287B).~~

(f) Exceptions. A development plan is not required for the following:

(1) landscaping, walkways, courtyards, plazas, water features; or similar landscape element;

(2) utility lines;

(3) gazebos;

(4) trellises;

(5) pergolas;

(6) arbors;

(7) transit or tram shelters;

(8) guard stations;

(9) ticket booths;

(10) areas used for vehicular circulation, excluding parking areas;

(11) pedestrian skybridges;

(12) underground walkways;

(13) restrooms; and

(14[44]) buildings, structures, or additions 500 square feet or less.

## SEC. 51P-287.106.

## LANDSCAPING REQUIREMENTS.

(a) Landscape plan.

(1) In general. A landscape plan that conforms with Article X of the Dallas Development Code, as amended, must be submitted with each ~~[detailed]~~ development plan for the portions of Tracts 3 and 5 used for parking ~~[2, 6, 7a, and 7b that are not botanical gardens]~~, and must be approved by the city plan commission prior to the issuance of a permit for construction of any parking use on those tracts.

(2) Tract 2. Landscaping must be provided as shown on the landscape plan for Tract 2 (Exhibit 287C). If there is a conflict between the text of this article and the landscape plan for Tract 2, the text of this article controls. ~~[{NOTE: Ordinance No. 24289 adds the following requirement without otherwise amending this subsection: Landscaping on Tract 2 must comply with the landscape plan for Tract 2 (Exhibit 287C).}]~~

(b) Screening.

(1) In Tract 2, a[A] screen of evergreen plant materials ~~[that is]~~ no less than six feet high must be provided in the special landscape buffer ~~[on Tracts 2 and 6]~~ along Garland Road, as shown on the landscape buffer plan ~~[attached to Ordinance No. 19904]~~ (Exhibit 287D).

(2) In [On] Tract[s] 5 ~~[7a and 7b]~~, a screen of evergreen plant materials ~~[that is]~~ no less than six feet high must be provided within the special landscape buffer between the alley to the north of the Property and any vehicle and maintenance areas, as shown on the landscape buffer plan ~~[attached to Ordinance No. 19904]~~.

(3) The evergreen plant materials required in Paragraph (1) must be planted within one year of March 23, 1988, and must reach a height of six feet within three years of the date they are planted.

(4) Existing plant materials that serve a screening function within the special landscape buffers must be retained until new plant materials provide approximately equivalent screening attributes.

(c) Tracts 6a and 6b ~~[8a and 8b]~~. All landscaping in Tracts 6a and 6b ~~[8a and 8b]~~ must comply with Article X and the conceptual plan. For the purpose of providing a required landscape buffer, the property located between Tract 6a and Tavaros Avenue, which also has frontage on Angora Street north ~~[adjacent to the southeastern boundaries]~~ of Tract 6a ~~[8a]~~ and east of Tract 6b ~~[8b]~~, as shown on the conceptual plan, shall be considered a nonresidential zoning district. A minimum six-foot-high solid fence or ~~[and]~~ solid hedge must be provided along the Angora Street frontage of Tract 6a ~~[8a]~~ prior to use of Tract 6a ~~[8a]~~.

**SEC. 51P-287.107.****TRACT 6b [~~8b~~] DEVELOPMENT STANDARDS.**

Unless otherwise provided in this article, the regulations of Section 51A-4.122 for a CR Community Retail District apply to Tract 6b [~~8b~~].

**SEC. 51P-287.108.****USES.**

(a) Purposes. The Property [~~within this planned development district~~] is [~~currently~~] developed as a facility with an arboretum, botanical gardens, [~~a~~] museums, meeting rooms, surface parking, pedestrian and vehicular circulation, [~~a~~] ticket booths, temporary refreshment stands, and areas to rent for social functions [~~weddings, receptions, and meeting rooms~~]. The setbacks and special landscaping buffers required by this article provide adequate buffering between the Property [~~this planned development district~~] and the surrounding area. The uses provided for in this article are permitted only to the extent that they benefit and serve the needs of the Property as a public arboretum and botanical garden. It is the uniqueness of this facility that makes this planned development district appropriate. Because of this uniqueness, the granting of this zoning should not be viewed as a precedent for commercial development of this Property or the surrounding area. Every effort should be made to preserve existing trees wherever possible and to replace any trees which must be removed with appropriate trees. If the public arboretum and botanical garden ceases to exist, the director [~~of planning and development~~] shall notify the city plan commission, and a public hearing shall be called to determine proper zoning.

(b) Permitted uses. [~~Only~~] T[~~h~~e] following uses are the only uses permitted [~~on the Property~~]:

(1) The entire Property [~~(except for Tracts 8a and 8b)~~]. Arboretum and botanical gardens, special events, transit and tram shelters, security facilities including private residences, areas for pedestrian and vehicular circulation, and social functions. [~~The inside and outside sale of alcoholic beverages is prohibited except in Tracts 3 and 4a.~~]

(2) Tract 1. Ticket booths, public restrooms, concert stage, transit and tram stations, administrative service areas, garden or gift shops, surface parking, offices, educational areas, conservatory, herbarium, private residence, horticultural display center, and equipment storage.

(3) Tract 2. Surface parking, structured above-grade and below-grade parking, ticket booths, public restrooms, and equipment storage.

(4) Tract 3. Auditoriums, meeting rooms, libraries [~~library~~], classrooms, theaters, offices, greenhouses, assembly halls, conservatories [~~conservatory~~], herbariums, administrative service areas, educational areas, exhibit spaces, food service [~~with inside and outside sales of alcoholic beverages~~], outside demonstration event kitchens, entertainment space, ticket booths, private residences, storage, horticultural display centers, structured above-grade and below-grade parking, surface parking, and garden/gift shop.

(5) Tract 4[a]. Administrative/service[s] areas, garden/gift shop, food service ~~[with inside and outside sales of alcoholic beverages]~~, public restrooms, greenhouses, conservatories, herbariums, educational areas, exhibits ~~[and education related uses including meeting rooms]~~, ticket booths, storage facilities, ~~[museum]~~ and private residences.

(6) ~~[Tract 4b. The original entrance gates to the DeGolyer house and surface parking.~~

(7) ~~Tract 5. Ticket booths, offices, education related uses, meeting rooms, public restrooms, and storage.~~

(8) ~~Tract 6. Surface parking, ticket booths, vehicular storage, and storage.~~

(9) Tract 5 [7a]. Surface parking and structured above-grade and below-grade parking, ~~[library]~~ botanical research, laboratories, ~~[herbarium]~~ administrative/service[s] areas, horticultural display center, educational areas, conservatory, classrooms, vehicle or engine repair and ~~[equipment]~~ maintenance ~~[area]~~, equipment and supply storage, pedestrian skybridges [SUP required], underground walkways [SUP required for underground walkways crossing a public right-of-way], photographic studios, loading and delivery areas, greenhouses, museums, exhibit facilities, garden/gift shops, ticket booths, public restrooms, food service, horticultural support facilities, libraries ~~[library]~~, herbariums, and meeting rooms.

~~[(10) Tract 7b. Exhibit facilities, classrooms, food service, administrative or service uses (including, but not limited to, offices, meeting rooms, equipment and supply storage areas, and vehicle and equipment maintenance areas), garden/gift shop, meeting rooms, laboratories, herbarium, library, theater, ticket booths, public restrooms, storage, greenhouse, observation facility, and offices.]~~

(7[44]) Tract 6a [8a]. Surface parking, structured above-grade and below-grade parking, ~~[.]~~ greenhouses, a[A]dministrative/service[s] areas, including, but not limited to, ticket booths, offices, vehicle and equipment maintenance areas, and loading and delivery areas~~[, and meeting rooms]~~.

(8[42]) Tract 6b [8b]. Surface parking, structured above-grade and below-grade parking, pedestrian skybridges [SUP required], underground walkways [SUP required for underground walkways crossing a public right-of-way], administrative/service[s] areas, including, but not limited to, ticket booths, offices, greenhouses, vehicle and equipment maintenance areas, loading and delivery areas, meeting rooms, and all uses allowed in the CR Community Retail District, subject to the same conditions applicable in that district, as set out in the Dallas Development Code, as amended. For example, a use permitted in the CR Community Retail District only by specific use permit (SUP) is permitted in Tract 6b [8b] only by SUP, and a use subject to development impact review (DIR) in the CR Community Retail District is subject to DIR in Tract 6b [8b].



(c) Guidelines for the building official. Offices, laboratories, and [a] photographic studios are permitted only to the extent that they are actually associated with the operation of the arboretum and botanical gardens. Food service facilities and the garden/gift shop are permitted only to the extent that they serve the visitors of the arboretum and botanical gardens. Except for information relating to special events, t[F]he food service facilities and garden/gift shop may not have any exterior advertising signs visible from the street. The food service facilities and garden/gift shop may not be advertised in handbills sent to the general public or in notices in a newspaper or radio or television, except as a part of an advertisement for the entire arboretum and botanical gardens. All visitors to the food service facilities or garden/gift shop must obtain admission to the Property on the same basis as any other visitor, except for persons attending social functions. The vehicle and equipment maintenance area is only permitted for the purpose of maintaining the vehicles and equipment of the arboretum and botanical gardens.

(d) Rental for private use. The arboretum and botanical gardens may not be closed for private rental or private use during public operating hours. Private rental or private use of a portion of the Property is permitted during public operating hours. The park and recreation board shall determine the extent to which portions of the Property may be available for private rental or private use at other times.

#### **SEC. 51P-287.109. FLOOR AREA.**

(a) Except for CR Community Retail District uses located in Tract 6b [8b], no more than 197,070 square feet of floor area is permitted on the Property.

(b) Except as provided in this section t[F]he maximum total permitted floor area for each tract is as follows:

<u>Tract</u>	<u>Maximum Floor Area</u> (in square feet)
Tract 1	<u>15,500</u> [5,250]
Tract 2	2,000
Tract 3	52,000
Tract 4[a]	24,200
Tract 5	<u>95,000</u> [10,250]
<del>Tract 6</del>	<del>1,000</del>
<del>Tract 7a</del>	<del>82,000</del>
<del>Tract 7b</del>	<del>12,000</del>
Tract <u>6a</u> [8a]	<u>34,000</u> [1,500]
Tract <u>6a</u> [8b]	<u>7,500</u> [1,500]

28270

(c) The floor area for each tract may be increased by 15 percent, provided the total floor area for the Property does not exceed 197,070 square feet.

**SEC. 51P-287.110. SPECIAL EVENTS.**

All special events must comply with the Dallas Park and Recreation Department Special Events Policy of 1983, as amended. A copy of this policy shall be kept in a permanent file in the office of the city secretary.

**SEC. 51P-287.111. HEIGHT.**

(a) Residential proximity slope. No structure on the Property may penetrate a residential proximity slope, as defined in the Dallas Development Code, as amended. For purpose of determining the “site of orientation,” the property located between Tract 6a and Tavaros Avenue, which also has frontage on Angora Street ~~[adjacent to the southeastern boundaries of Tracts 8a and 8b]~~, as shown on the conceptual plan, shall be considered a nonresidential zoning district.

(b) Maximum height. Unless further restricted under Subsection (a), maximum structure heights are as follows:

(1) No structure on Tracts 1[;] and 4[a, 4b, 5, and 6] may exceed 30 feet in height.

(2) No structure on Tract 2 may exceed ~~[499 feet above mean sea level or]~~ 24 feet in height.

(3) No structure on Tract 3 may exceed ~~[540 feet above mean sea level, or]~~ 60 feet in height. No floor space above 30 feet in height may be accessible for other than maintenance purposes.

(4) ~~[No structure on Tract 7a may exceed 36 feet in height.]~~

~~(5)]~~ No structure on Tract 5 ~~[7b]~~ may exceed 50 feet in height.

~~(5[6])~~ No structure on Tracts 6a and 6b ~~[8a and 8b]~~ may exceed the heights shown on the conceptual plan, except for structures identified in Section 51A-4.408(a)(2)(A), which may project an additional 12 feet.

**SEC. 51P-287.112.****SETBACKS.**

(a) Except as otherwise provided in this section, a 30-foot setback must be provided from the Property line. Utility equipment such as transformers, landscape materials, signs, equipment storage, pedestrian skybridges, underground walkways, decks, retaining walls, fences or guardrails, and pedestrian and vehicular circulation may be located within the 30-foot setback. Parking is prohibited in this setback.

(b) In Tract 5, for vehicle or engine repair and maintenance uses, a[A] setback of 100 feet must be provided ~~[on Tracts 7a and 7b]~~ along the northeast boundary adjacent to the alley ~~[for vehicle and equipment maintenance uses]~~. Vehicles and equipment may be stored in the 100 foot setback.

(c) ~~[A setback of 30 feet at the northeast boundary of Tract 2 must be provided for a distance of 500 feet in a southward direction.]~~ A setback of 100 feet must be provided along a portion of the [at the southeast] boundary of Tracts 2 and 3 along Garland Road as shown on the conceptual plan. Except within 30 feet of the boundary line, surface parking and surface parking that transitions to an elevated parking deck area is allowed in this 100-foot setback.

(d) A side yard setback of 10 feet is required along the south ~~[east]~~ boundary of Tract 6a ~~[8a]~~ as shown on the conceptual plan.

(e) A front yard setback of 25 feet is required for Tract 6a ~~[8a]~~ as shown on the conceptual plan.

**SEC. 51P-287.113.****COVERAGE.**

(a) Except for Tracts 6a and 6b ~~[8a and 8b]~~, the maximum permitted coverage of the Property, including all buildings[;] and structures, ~~[and nonpermeable surfaces,]~~ is 25 percent.

(b) The maximum permitted coverage for Tracts 6a and 6b ~~[8a]~~ is 85 percent.

~~[(e) The maximum permitted coverage for Tract 8b is 85 percent.]~~

**SEC. 51P-287.114.****OFF-STREET PARKING.**

(a) General requirement. Four hundred fifty parking spaces must be provided on the Property. Four hundred seventy additional parking spaces must be provided either on the Property or off-site through the TMP required under Section 51P-287.115 ~~[51P-287.114]~~. Remote parking may be provided within five ~~[two]~~ miles of the Property. Valet parking is allowed.

(b) Special events. Additional spaces must be provided for special events in accordance with the TMP. Remote parking for special events may be provided within seven miles of the Property. The total number of off-street parking spaces (including both on-site and off-site spaces) must be adequate, as provided in the most recently approved TMP, to serve all visitors to special events on the Property.

(c) Evening parking. Parking for evening public events on Tracts 6a and 6b is prohibited on surface levels or higher. Parking is prohibited on Tract 6a after 8:00 p.m.

#### **SEC. 51P-287.115.**

#### **TRANSPORTATION MANAGEMENT PLAN.**

(a) In general. A transportation management plan (TMP) for this planned development district must be prepared by the owner of the Property or its agent. The TMP is a document containing strategies and mechanisms the owner or its agent must implement to insure the fluidity of vehicular movement on and surrounding the Property. The TMP must also offer methods of safely accommodating the transportation of visitors to and from remote parking locations in a safe and efficient manner while minimizing impacts on adjacent neighborhoods.

(b) Information required. If remote parking is provided to meet the off-street parking requirement, the TMP must contain the information required for a special parking application in the special parking regulations of the Dallas Development Code, as amended, except that a consent letter signed by the owner(s) of each remote site may be substituted for the remote parking agreement otherwise required under Section 51A-4.328 [~~51A-4.324~~] to authorize remote parking for special events. The TMP must also contain the following:

(1) A schedule of special events and an estimate of the number of remote parking spaces required to accommodate visitors of the event.

(2) A list of and the location of remote parking sites for special event days, the number of spaces needed for all uses on the Property at each remote site, the consent of the owner of each remote site for its use, and the distance of each remote site from the Property.

(3) The method, type, and quantity of vehicles to be used to transport visitors to and from the remote parking locations, and their frequency and hours of operation.

(4) The routes to be used by the transporting vehicles.

(5) Methods to be used to prevent visitor parking on neighborhood streets and to direct vehicles to remote parking sites from the Property.

(6) Promotional strategy outlining the educational and instructional material on remote parking availability and describing how this material will be conveyed to the visitor before coming to the Property.

(c) Approval. The initial TMP is included as part of this article (Exhibit 287E). Updates to the TMP must be submitted to and approved by the city traffic engineer [~~director of public works and transportation~~]. The city traffic engineer [~~director~~] shall furnish the city plan commission and the park and recreation board with copies of all approved TMP updates.

(d) Updates. Updates must address the issues in the TMP, detail the current level of development on the Property, demonstrate that current remote parking agreements are consistent with parking demand, and contain survey results and analyses. The first update must be submitted on or before December 1, 1989. Subsequent updates are required every three years thereafter for a period of time not to exceed twelve years, unless directed otherwise by the director [~~of planning and development~~] based upon the director's determination that usage patterns have stabilized and proper implementation of the TMP has been accomplished. The city council shall establish a fee schedule to enable the department of public works and transportation to recover its expenses incurred in monitoring and reviewing the TMP updates.

(e) Surveys.

(1) Parking demand and supply must be surveyed for the following four events during the year:

(A) Major special event of the year (the special event attracting the greatest number of visitors to the Property).

(B) Another event of the year.

(C) Two non-event weekends of the year.

(2) The surveys during special events must include five peak days. The surveys must measure and evaluate the remote parking operation and traffic conditions on and near the Property using methods and times approved by the city traffic engineer [~~director of public works and transportation~~]. The survey and analysis must be undertaken by the owner or its agent using the services of a professional engineer skilled in transportation engineering. The survey must be approved by the city traffic engineer [~~director of public works and transportation~~]. If the city traffic engineer [~~director of public works and transportation~~] certifies to the director [~~of planning and development~~] that any of the following improvements or actions are needed to facilitate safe access to and from the Property, the owner or its agent must construct and make operative those improvements or take those actions within 18 months of the date of certification:

(A) Stop signs.

(B) Traffic signals.

(C) Pavement markings.

(D) Additional storage space at the entrance to the Property at Garland Road and Whittier Avenue.

(E) A free right turn lane on Garland Road.

(F) Implementation of a plan approved by the director of public works and transportation to prevent visitor parking on neighborhood streets.

(3) Surveys must be completed and resubmitted at the same time as the TMP updates.

(f) Implementation. The TMP must be implemented by March 12, 1988.

(g) Special traffic study. The parking demand study and TMP must be updated, at the Property owner's or operator's expense, within 14 months after the opening of the Rory Meyers Children's Adventure Garden and include an analysis of traffic patterns in adjacent neighborhoods. Copies of the study must be provided to the city plan commission, the park and recreation board, and the presidents of the Forest Hills, Little Forest Hills, and Emerald Isle neighborhood associations.

#### **SEC. 51P-287.116. ACCESS.**

(a) The number and location of driveways, deceleration lanes, and acceleration lanes on Garland Road must be approved by the city traffic engineer [~~director of public works and transportation~~]. No access is permitted to East Lawther Drive, except for [~~one service~~] entrances [~~as~~] shown on the conceptual plan.

(b) Access to Angora Street from Tracts 6a or 6b [~~8a or Tract 8b~~] is prohibited.

#### **SEC. 51P-287.117. SIGNS.**

(a) [~~All signs~~] E[~~x~~]cept as provided in this section [~~for~~] signs [~~in Tract 8b~~] must comply with the provisions for non-business zoning districts [~~contained~~] in Article VII [~~the Dallas Development Code, as amended~~]. Special purpose signs, as defined in the Dallas Development Code, as amended, are permissible only along Garland Road.

(b) [~~All signs~~] I[~~n~~]n Tract 6b, [~~8b~~] signs must comply with the provisions for business zoning districts [~~contained~~] in Article VII [~~the Dallas Development Code, as amended~~].

(c) Five detached premise signs are allowed along Garland Road subject to the following provisions:

(1) Detached signs must be landscape or monument signs.

(2) Each sign is limited to a maximum effective area of 50 square feet per side and a maximum height of seven feet.

(3) Changeable message signs are allowed, provided the changeable message display area does not exceed 20 square feet in effective area.

(4) Changeable message signs must be turned off by 10:00 p.m.

(5) Sign messages cannot change more frequently than one message per every twenty minutes.

(6) Monument sign support elements must be brick, stone, or similar material.

(7) No setbacks are required.

#### **SEC. 51P-287.118. SUBDIVISION PLAT.**

Prior to the issuance of a building permit for work on any portion of the Property except for Tracts 6a and 6b [~~8a and 8b~~], a subdivision plat for the entire Property must be approved by the city plan commission and filed for record with the county clerk. The plat must create one lot covering the entire Property, except for Tracts 6a and 6b [~~8a and 8b~~].

#### **SEC. 51P-287.119. PAVING.**

(a) The surfacing of all aisles, maneuvering areas, parking spaces, and emergency accessways must, at a minimum, consist of an all-weather and drainable material which is approved by the director of public works and transportation. [~~Permeable surfaces are permitted.~~]

(b) The surface material for a parking space, maneuvering area, or driveway may be constructed of permeable materials, such as, but not limited to, grass/manufactured block combinations, other types of ground cover/manufactured block combinations, or crushed stone.

#### **SEC. 51P-287.120. NOISE.**

(a) The noise regulations contained in Section 51A-6.102 apply to all uses on the Property except insofar as they are expressly modified by this article.

(b) Except as specified in a special event permit, amplified sound [~~A public address system~~] used at special events may only operate from 10:00 a.m. until 10:30 p.m.

(c) Except for lock-ins and social functions set forth in a special event permit, s[S]ocial functions may only occur from 7:00 a.m. until 12:00 midnight.

(d) Concerts must be performed on the concert lawn shown on the conceptual [site] plan. A concert may be no more than four hours in duration, and may not occur or continue after 10:30 p.m.

(e) The maximum average sound pressure level on any day, as measured on the A scale over a 15 minute period at the residential bounding property line described in Subsection (f), may not exceed 65 decibels.

(f) The residential bounding property line for purposes of Subsection (e) is described as follows:

BEGINNING at the intersection of the southeast line of Garland Road and the southeastward prolongation of the centerline of Lawther Drive;

THENCE in a northeastward direction along the southeast line of Garland Road to a point for corner at the intersection of the southeast line of Garland Road and the southeastward prolongation of the common line between City Blocks A/4411 [4412] and 8/4413;

THENCE in a northwestwardly direction along said line and continuing along the common block line to a point for corner on the southeast line of a 10-foot-wide public alley;

THENCE in a northeastwardly direction along said alley line, a distance of 10 feet to a point for corner in a line, said line being the southeastward prolongation of the northeast line of a 10-foot-wide alley adjacent to the common line between City Blocks A/4411 [4412] and 3/4413;

THENCE in a northwestwardly direction along said line and its northwestward prolongation to a point of termination on the southeast line of Lawther Drive.

(g) Noises that do not exceed the maximum decibel limits in Subsection (e) shall not be construed as "loud and raucous" noises within the meaning of Chapter 30 of the Dallas City Code, as amended. In the event of a conflict between the provisions of this article and other noise regulations applicable to the city generally, including but not limited to those contained in Section 51A-6.102 and in Chapter 30 of the Dallas City Code, as amended, the provisions of this article control.

(h) All noise levels must comply with park and recreation department policies at all times.

#### **SEC. 51P-287.121. LIGHTING.**

(a) Lighting required. Lighting of the parking area is required beginning one-half hour after sunset and continuing throughout the hours of use. If only a portion of a parking area is offered for use after dark, lighting must be provided for only that part; however, the portion offered for use must be clearly designated.



(b) Maximum mounting height.

(1) If any portion of a light source is more than 10 feet high, that portion may not be located above a residential proximity slope as defined in the Dallas Development Code, as amended.

(2) Except for Tracts 6a and 6b, n[~~N~~]o light fixture may exceed the maximum height permitted in the tract in which it is located.

(c) Minimum mounting height.

(1) The minimum mounting height for all light fixtures is governed by the Dallas Electrical Code requirements for the voltage supplied.

(2) Light fixtures located in parking lots must be protected with islands, curbs, or other similar barriers approved by the building official if the light fixture is less than 18 feet high.

(d) Light trespass.

(1) Luminaries emitted from lighting serving the Property may not exceed 0.1 footcandle at any point five feet or more onto an adjoining lot in a residential district.

(2) The light source of any lighting serving the Property may not be visible five feet above ground level at the property line of an adjoining lot in a residential district.

**SEC. 51P-287.122. FIREWORKS.**

No fireworks displays are permitted on the Property.

**SEC. 51P-287.123. ROAD IMPROVEMENTS.**

(a) Construction plans for the improvements to the intersection of Garland Road and Whittier Avenue must be approved by the city traffic engineer [~~director of public works and transportation~~] and the state department of highways and public transportation. The construction must be completed in accordance with the TMP for the Property.

(b) The Garland Road median must be a minimum of four feet back-to-back, and contain a 12-foot left turn [~~acceleration~~] lane as shown on exhibit labelled "Alternative 6" attached to Ordinance No. 19904. The left turn lane must have a standard transition, and the left turn [~~acceleration~~] lane must have a 400-foot transition. Alternative Garland Road median improvements may be approved.

(c) A deceleration lane must be provided p[P]rior to the issuance of a driveway approach permit for [a new] access point 6 shown on the conceptual [along the southernmost portion of the Property fronting on Garland Road, a deceleration lane must be provided as shown on the development] plan with design and construction approved by the city traffic engineer [director of public works and transportation].

(d) When the portion of the existing alley located between Tracts 6a and 6b [~~8a and 8b~~] and along the north [~~east~~] side of Tract 6a [~~8a~~] is abandoned, if the remaining connected alley is not abandoned at the same time, a new alley connection to Garland Road must be provided on Tract 6b [~~8b~~] as shown on the conceptual plan and labelled as "Future Alley Extension." Access to the alley from Tract 6a and 6b is prohibited.

#### **SEC. 51P-287.124.**

#### **MASTER PLAN.**

The Master Plan for the Dallas Arboretum and Botanical Gardens, as amended, is a reference for development of the Property. A copy of the Master Plan must be on file with the department of park and recreation. In the event of inconsistencies between the Master Plan and the provisions of this article, the provisions of this article control.

#### **SEC. 51P-287.125.**

#### **ENVIRONMENTAL ASSESSMENT.**

An environmental assessment must be furnished to and approved by the department of health and human services within 12 months after the passage of Ordinance No. 19904. The owner of the Property is responsible for furnishing the assessment to the department. (For so long as the Property is owned by the city, the park and recreation department shall be responsible for furnishing the assessment to the department of health and human services.) The assessment must be conducted by an independent organization with no direct or indirect organizational ties or previous financial ties to the owner of the Property or its agents.

#### **SEC. 51P-287.126.**

#### **SIDEWALKS.**

~~[(a)]~~ Prior to the issuance of a certificate of occupancy for a Visitor Education Pavilion in Tract 3, sidewalks must be provided along the southeastern portion of the Property frontage on Garland Road, as shown on the conceptual [~~development~~] plan [~~attached to Ordinance No. 24289~~].

~~[(b)]~~ A sidewalk along Garland Road adjacent to Tract 8b must be constructed prior to the use of Tract 8b. A pedestrian entrance for the general public must be made available at the ~~Lakeland Drive entrance to the Property prior to the use of Tracts 8a or 8b for arboretum and botanical garden purposes, e.g. the use of Tract 8a or Tract 8b as parking for the arboretum and botanical garden.~~

**SEC. 51P-287.127.****ADDITIONAL PROVISIONS**  
**REQUIREMENTS].****[GENERAL**

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

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

**SEC. 51P-287.128.****COMPLIANCE WITH CONDITIONS.**

(a) Except as provided in this ordinance, a~~A~~ll 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 certificate of occupancy to authorize the operation of ~~for~~ a use, ~~[in this planned development district]~~ 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.

**[SEC. 51P-287.129.****ZONING MAPS.**

~~PD 287 is located on Zoning Map Nos. H-9 and I-9.]”~~

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 the conceptual plan, Exhibit 287A of Article 287, “PD 287,” of Chapter 51P of the Dallas City Code is replaced by the Exhibit 287A attached to this ordinance.

SECTION 5. That development of this district must comply with the full-scale version of Exhibit 287A (conceptual 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 6. That the development plan, Exhibit 287B of Article 287, "PD 287," of Chapter 51P of the Dallas City Code is deleted.

SECTION 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

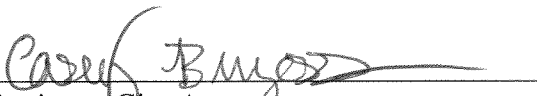
SECTION 8. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. 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 10. 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

**New Property Incorporated into Tract 6b****March 31, 2011****Revised 4-7-11****PROPERTY DESCRIPTION**

BEING a tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas and being part of Block 5284, Official City Number, also being all of that tract of land described in deed to T & N Land Company, LLC and recorded as instrument No. 20080334006, Official Public Records, Dallas County, Texas, and;

BEING a tract of land situated in the R. S. Curry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas and being part of Block 5284, Official City Number, also being all of that tract of land described in deed to Duck Creek Rental, Inc. and recorded in Volume 2003093, Page 13485, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found for corner in the southeast right-of-way line of Garland Road (100' public right-of-way) at the west corner of Lot 1, Block 6/5284, Vickers Petroleum Addition No. 1, an addition to the City of Dallas according to the plat thereof recorded in Volume 72134, Page 989, Deed Records, Dallas County, Texas, and lying S 45°00'00" W, a distance of 516.00 feet (called) along said southeast line of Garland Road from its intersection with the southwest right-of-way line of Tavaros Avenue (50' public right-of-way);

THENCE S 45°00'00" E, departing said southeast right-of-way line of Garland Road and along the southwest line of said Lot 1, Block 6/5284, a distance of 203.25 feet to a ½ inch iron rod found for corner in the northwest line of a 15 foot wide alley, from which a ½ inch iron rod with yellow cap stamped "JDJR" found bears S 45°00'00" E -1.42 feet;

THENCE S 45°00'00" W, departing said southwest line of said Lot 1, Block 6/5284 and along said northwest line of alley, a distance of 82.87 feet to a ½ inch iron rod with orange plastic cap stamped "PIBURN PARTNERS" set at the beginning of a tangent curve to the right having a central angle of 28°45'45", a radius of 35.60 feet, and a chord which bears S 59°22'52" W -17.68 feet;

THENCE continuing along said northwest line of alley and along said curve to the right, a distance of 17.87 feet to a ½ inch iron rod with orange plastic cap stamped "PIBURN PARTNERS" set for a point; and being the beginning of a non-tangent curve to the right having a central angle of 20°51'16", a radius of 35.60 feet, and a chord which bears S 83°49'05" W-12.89 feet;

THENCE continuing along said northwest line of alley and along said curve to the right, a distance of 12.96 feet to a ½ inch iron rod with orange plastic cap stamped "PIBURN PARTNERS" set for corner and being the beginning of a tangent curve to the left having a central angle of 24°38'54", a radius of 115.60 feet, and a chord which bears S 80°57'24" W - 49.35 feet;

THENCE continuing along said northwest line of alley and along said curve to the left, a distance of 49.73 feet to a ½ inch iron rod with orange plastic cap stamped "Piburn Partners" set for corner;

THENCE N 45°00'00" W, departing said northwest line of alley and along the northeast line of a tract of land described in deed to Robert A. & Margaret Ellen Vick Handy as recorded in Volume 96141, Page 667, Deed Records, Dallas, County, Texas, a distance of 161.80 feet to a "x" cut in concrete found for corner in the aforementioned southeast right-of-way line of Garland Road;

THENCE N 45°00'00" E along said southeast right-of way line of Garland Road, a distance of 150 feet to a point;

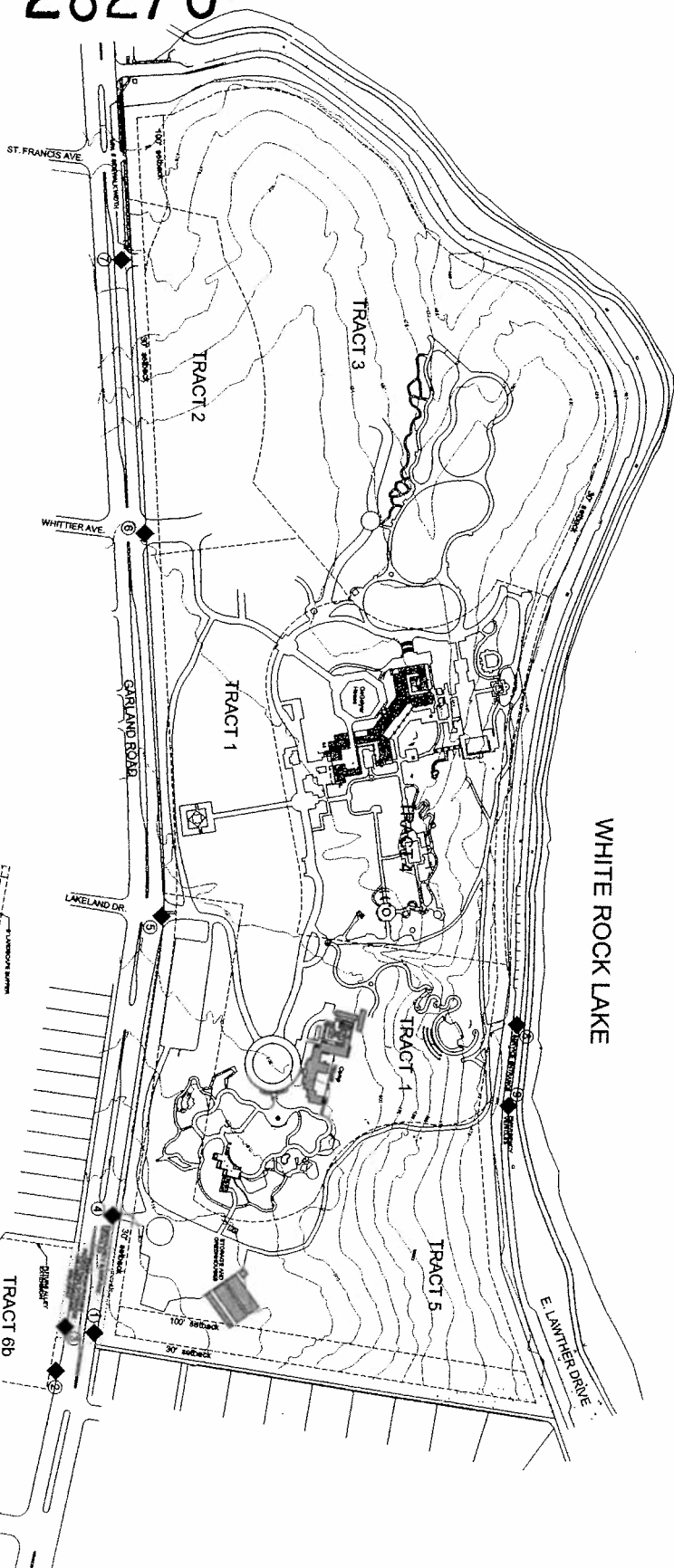
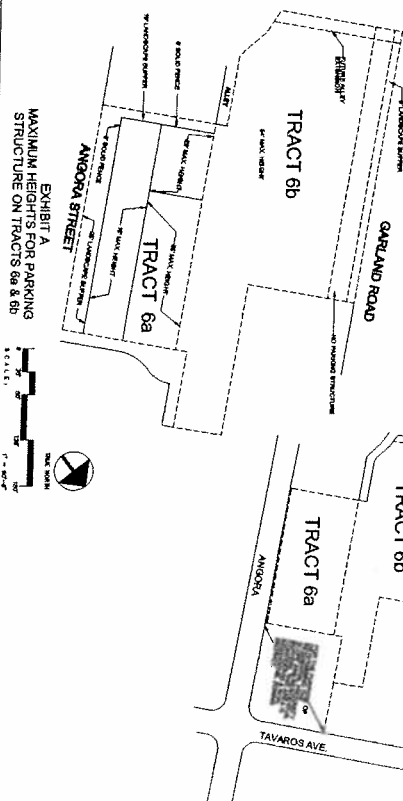
THENCE S 58° 23' 46" W, 0.015 feet to the POINT OF BEGINNING and containing 29,217 square feet or 0.6710 acres of land, more or less.

28270

**DATA SUMMARY**

MAXIMUM LOT COVERAGE REFER TO PD ORDINANCE	TRACT 1	14.89 Acres	22.04%
FLOOR AREA RATIO REFER TO PD ORDINANCE	TRACT 2	5.39 Acres	7.89%
FLOOR AREA FOR EACH USE REFER TO PD ORDINANCE	TRACT 3	19.94 Acres	29.51%
MAXIMUM HEIGHT REFER TO PD ORDINANCE	TRACT 4	10.33 Acres	15.29%
	TRACT 5	14.08 Acres	20.84%
	TRACT 6a	1.03 Acres	1.39%
	TRACT 6b	2.00 Acres	2.95%
<b>TOTAL:</b>		<b>67.86 Acres</b>	<b>100%</b>

◆ APPROXIMATE LOCATION  
OF ENTRANCES



Dallas Arboretum &  
Botanical Society, Inc.  
8617 Garland Road  
Dallas, Texas 75218  
Ph: (214) 315-6300

Conceptual Plan: Planned Development District #287

2101-192

111782

28270

R-1ac(A)

R-10(A)

MF-2(A)

BALLYMOTE DR  
GREMORE DR  
TIMPLEMORE DR

MF-1(A)

GASTON PKWY

CR

GARLAND RD

P(A)

OCALLA AVE

TAVAROS AVE

R-7.5(A)

SAN FERNANDO WAY

FOREST HILLS BLVD

REDONDO DR

DICEMAN DR

SAN FERNANDO WAY

PD 575  
(Subdistrict C)

PD 575  
(Subdistrict D)

SAN PEDRO PKWY

PD 575  
(Subdistrict F)

SANTA CLARA DR

SAN PEDRO PKWY

CANBETO WAY

ST FRANCIS AVE

PD 575

EST HILLS BLVD

PD 575  
(Subdistrict D)

PD 575  
(Subdistrict E)

PD 287  
(Tract 3)  
Area 1

PD 287

PD 287  
(Tract 2)  
Area 1

PD 287  
(Tract 1)  
Area 1

PD 287  
(Tract 1)  
Area 2

PD 287  
(Tract 409)  
Area 1

PD 287  
(Tract 1)  
Area 2

PD 287  
(Tract 7b)  
Area 2

PD 287  
(Tract 7b)  
Area 2

PD 781

D(A)

D

2756-166



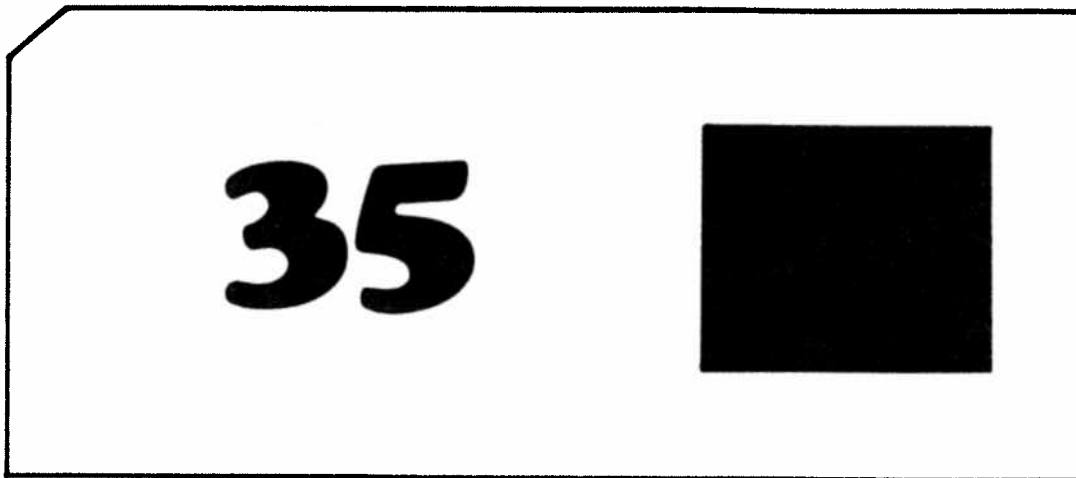
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# **ZONING AND LAND USE**

Map no: **I-9, H-9**  
Case no: **Z101-192**



**NOTICE**



**THIS FILE INCLUDES ONE OR MORE 35MM APERTURE CARDS**