

3-21-12

ORDINANCE NO. 28607

An ordinance changing the zoning classification on the following property:

BEING Lot 8B in City Block 7291; fronting approximately 220 feet on the east side of Central Expressway approximately 394 feet north of Midtown Boulevard; and containing approximately 4.55 acres,

by creating a new Subdistrict 1 within Planned Development District No. 577, amending Article 577, "PD 577," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code; adding a new Section 51P-577.103.1; amending the development plan, main uses permitted, and yard, lot, and space regulations in Sections 51P-577.105, 51P-577.106, and 51P-577.108 of Article 577 to reflect the new Subdistrict 1; deleting the zoning map regulations in Section 51P-577.116; 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 577 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 Planned Development District No. 577 to Subdistrict 1 within Planned Development District No. 577 on the following property ("the Property"):

BEING Lot 8B in City Block 7291; fronting approximately 220 feet on the east side of Central Expressway approximately 394 feet north of Midtown Boulevard; and containing approximately 4.55 acres.

SECTION 2. That Article 577, "PD 577," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Section 51P-577.103.1, "Exhibits," to read as follows:

"SEC. 51P-577.103.1. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 577A: conceptual plan."

SECTION 3. That Subsection (a) of Section 51P-577.105, "Development Plan," of Article 577, "PD 577," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"(a) In Subdistrict 1, f[F]or a [the] vehicle sales, display, and service use or a vehicle or engine repair or maintenance use, a development plan must be approved by the city plan commission before issuance of any building permit. The location of outdoor loudspeakers and lighting must be shown on the development plan."

SECTION 4. That Section 51P-577.106, "Main Uses Permitted," of Article 577, "PD 577," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"SEC. 51P-577.106. MAIN USES PERMITTED.

(a) Except as provided in this section [~~Subsection (b)~~], the uses permitted in this district are all uses permitted in the GO(A) General Office District, subject to the same conditions applicable in the district, as set out in the Dallas Development Code, as amended. For example, a use permitted in a GO(A) General Office District only by specific use permit (SUP) is permitted in this planned development district only by SUP; a use subject to development impact review (DIR) in a GO(A) General Office District is subject to DIR in this planned development district; etc.

(b) The following uses are also permitted:

- Vehicle display, sales, and service.
- Vehicle or engine repair or maintenance. [Subdistrict 1 only.]

SECTION 5. That Section 51P-577.108, "Yard, Lot, and Space Regulations," of Article 577, "PD 577," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"SEC. 51P-577.108. YARD, LOT, AND SPACE REGULATIONS.

The development standards contained in Section 51A-4.121(d), "GO(A) General Office District," apply to this planned development district, except that, in Subdistrict 1, the minimum setback along the eastern property line for a [the] vehicle display, sales, and service use or vehicle or engine repair or maintenance use is 50 feet."

SECTION 6. That Section 51P-577.116, "Zoning Map," of Article 577, "PD 577," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is deleted as follows:

~~"[SEC. 51P-577.116. ZONING MAP.~~

~~PD 577 is located on Zoning Map No. J-8.]"~~

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SECTION 7. 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 8. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 9. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 10. 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 11. 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 12. 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

MAR 28 2012

Passed _____

