

ORDINANCE NO. 29005

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 7081 located south of Le Mans Drive and 590.95 feet north of the northwest corner of Northwest Highway and Plano Road; fronting approximately 334.03 feet on the west line of Plano Road; and containing approximately 7.51 acres,

from an MF-2(A) Multifamily District to Planned Development District No. 888; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 888; 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 an MF-2(A) Multifamily District to Planned Development District No. 888 on the property described in Exhibit A, which is attached to and made a part of this ordinance ("the Property").

SECTION 2. That Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Article 888 to read as follows:

"ARTICLE 888.

PD 888.

SEC. 51P-888.101. LEGISLATIVE HISTORY.

PD 888 was established by Ordinance No._____, passed by the Dallas City Council on May 22, 2013.

SEC. 51P-888.102. PROPERTY LOCATION AND SIZE.

PD 888 is established on property located on the west line of Plano Road, between Le Mans Drive and Northwest Highway. The size of PD 888 is approximately 7.51 acres.

SEC. 51P-888.103. DEFINITIONS AND INTERPRETATIONS.

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

(1) MULTIFAMILY DEVELOPMENT means any development that is not a single family development.

(2) SINGLE FAMILY DEVELOPMENT means a development with individual dwelling units on separately platted lots and no residential uses other than single family or handicapped group dwelling units.

(b) In determining whether a development is a single family development or a multifamily development, all the uses on the Property are considered as part of a single development type.

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

(d) This district is considered to be a residential zoning district.

SEC. 51P-888.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 888A: conceptual plan.

SEC. 51P-888.105. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 888A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P-888.106. DEVELOPMENT PLAN.

(a) For a multifamily development, 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.

(b) For a single family development, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-888.107. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the MF-2(A) Multifamily District, subject to the same conditions applicable in the MF-2(A) Multifamily District, as set out in Chapter 51A. For example, a use permitted in the MF-2(A) Multifamily 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 MF-2(A) Multifamily District is subject to DIR in this district; etc.

(b) For a single family development, the following main uses are the only uses permitted:

- Handicapped group dwelling unit. *[SUP required if the spacing component of Section 51A-4.209(3.1) is not met.]*
- Local utilities. *[RAR]*
- Private recreation facility.
- Private street or alley. *[SUP]*
- Single family.

SEC. 51P-888.108. 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 outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste incinerator.

SEC. 51P-888.109. 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) For a multifamily development, the yard, lot, and space regulations for the MF-2(A) Multifamily District apply.

(b) For a single family development, the following regulations apply:

- (1) Front yard. Minimum front yard is five feet.
- (2) Side and rear yard. No minimum side and rear yard.
- (3) Density. Maximum number of dwelling units is 85.
- (4) Floor area ratio. No maximum floor area ratio.
- (5) Height. Maximum structure height is 36 feet.
- (6) Residential proximity slope. The residential proximity slope does not apply to single family uses.
- (7) Lot coverage. Maximum lot coverage is 75 percent.
- (8) Lot size. Minimum lot size is 2,000 square feet.
- (9) Stories. Maximum number of stories is two.

SEC. 51P-888.110. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(b) Single family development.

(1) A minimum of 20 available and unassigned off-street parking spaces must be provided on the Property.

(2) A parking space must be at least 10 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure (garage) and if the space faces upon or can be entered directly from the street or alley.

(3) A minimum of two off-street parking spaces are required for each dwelling unit. The required off-street parking spaces must be in an enclosed garage equipped with a remote-control automatic garage door opener that is maintained in working condition at all times. Garages may not be converted into living space.

SEC. 51P-888.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-888.112. LANDSCAPING AND TREE MITIGATION.

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

(b) Single-family residential lots not located within a shared access development.

(1) The total tree replacement requirement is 570 caliper inches except that two trees with a caliper of at least two inches must be provided per lot. One of the required trees must be planted in the front yard.

(2) A tree mitigation plan must be provided with a tree removal permit that specifies the tree replacement inches, and the method of tree replacement.

(3) Tree replacement must be completed before the final inspection on the final single family lot.

(4) Trees in common areas must be preserved.

(c) All other required tree mitigation. Tree mitigation must be completed within 36 months after issuance of a tree removal permit, or before final inspection of all other development in the district, whichever comes first. The building official may extend this tree mitigation requirement once for no more than six months.

(d) Maintenance. All plant materials must be maintained in a healthy, growing condition.

SEC. 51P-888.113. SIGNS.

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

SEC. 51P-888.114. ADDITIONAL PROVISIONS.

(a) In general.

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

(2) 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.

(b) Ingress and egress. Ingress and egress to and from the Property is permitted only in the locations shown on the conceptual plan.

(c) Perimeter fencing. Perimeter fencing is permitted at a maximum height of eight feet in the location shown on the conceptual plan.

(d) Platting. Except as provided in this subsection, platting must comply with Article VIII. The maximum number of lots that may be platted as a shared access development is 85.

(e) Private streets. All private streets must have a minimum pavement width of 27 feet, measured from back-of-curb to back-of-curb, and a minimum right-of-way width of 50 feet.

(f) Shared access development. Section 51A-4.411, "Shared Access Development," applies.

SEC. 51P-888.115. 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 city.

(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 888A (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 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 888 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.


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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 **MAY 22 2013** _____

Exhibit A

29005

8501 Plano Road**Legal Description**

GIS Approved

BEING a tract of land in the W.C. JACKSON SURVEY, ABSTRACT NO. 704, of Dallas County, Texas, and also being part of City Block 7081, and being all of North Lake Terrace, an Addition to the City of Dallas, Dallas County, Texas according to the Plat thereof recorded in Volume 251, Page 2320 of the Map Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an X found on the east right of way of Lullwater Drive (60 ft. R.O.W.) for the most southwest corner of said Addition:

THENCE with the east right of way line of Lullwater Drive, North 00 degrees 36 minutes 00 seconds West 60.00 feet to a 1/2 inch iron rod found for the beginning of a curve to the left having a radius of 319.73 feet and a chord bearing of North 12 degrees 18 minutes 00 seconds West, 129.67 feet;

THENCE continuing with the east right of way line of Lullwater Drive, along said curve to the left an arc distance of 130.58 feet to a 1/2 inch iron rod found;

THENCE North 24 degrees 00 minutes 00 seconds West, 39.55 feet to a 1/2 inch iron rod found for the beginning of a circular curve to the right having a radius of 254.74 feet and a chord bearing of North 12 degrees 14 minutes 29 seconds West, 103.83 feet;

THENCE along said curve to the right an arc distance of 104.56 feet to a 1/2 inch iron rod found;

THENCE North 00 degrees 23 minutes 00 seconds West, 5.00 feet to a 1/2 inch iron rod found on the south right of way line of an alley fifteen feet in width;

THENCE with the south right of way line of said alley North 89 degrees 31 minutes 00 seconds East, 1022.97 feet to a 1/2 inch iron rod found on the west right of way line of Piano Road (100 ft. R.O.W.);

THENCE with the west right of way line of Piano Road South 00 degrees 36 minutes 00 seconds East, 334.03 feet to a 1/2 inch iron rod found;

THENCE South 89 degrees 46 minutes 00 seconds West, 960.04 feet to the POINT OF BEGINNING and containing 7.51 acres (327,023 square feet) of land.

Z123-158

Planned Development
District No. 888



1

SCALE: 1" = 40'-0"
40 0 20 40 80 160

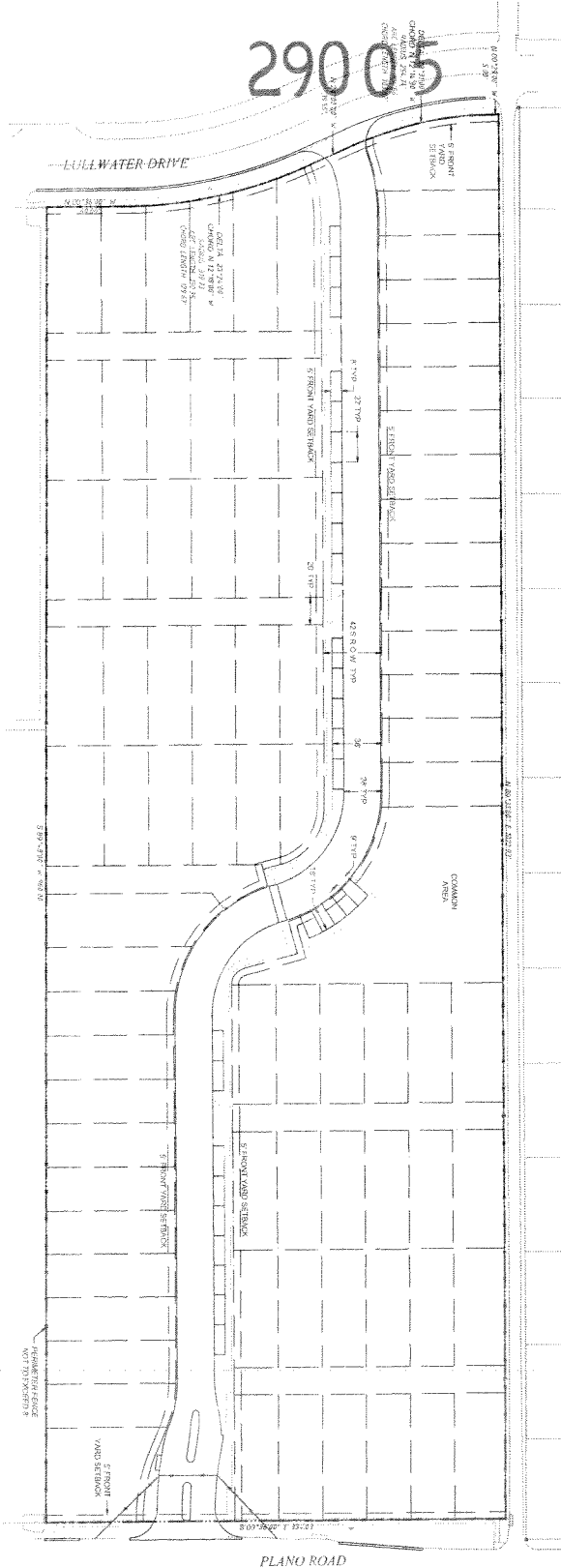
CONCEPTUAL PLAN

CONCEPTUAL PLAN

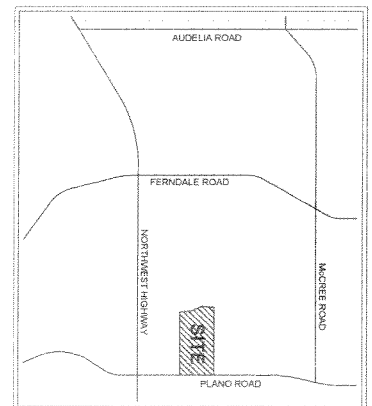
USE: SINGLE-FAMILY RESIDENTIAL
MIN. LOT SIZE: 2,000 SF
MAX. LOT COVERAGE: 75%

PERIMETER FENCE NOT TO EXCEED 8'

CASE NUMBER: Z123-158



VICINITY MAP
NTS



8501 Plano Road
CITY OF DALLAS, TEXAS

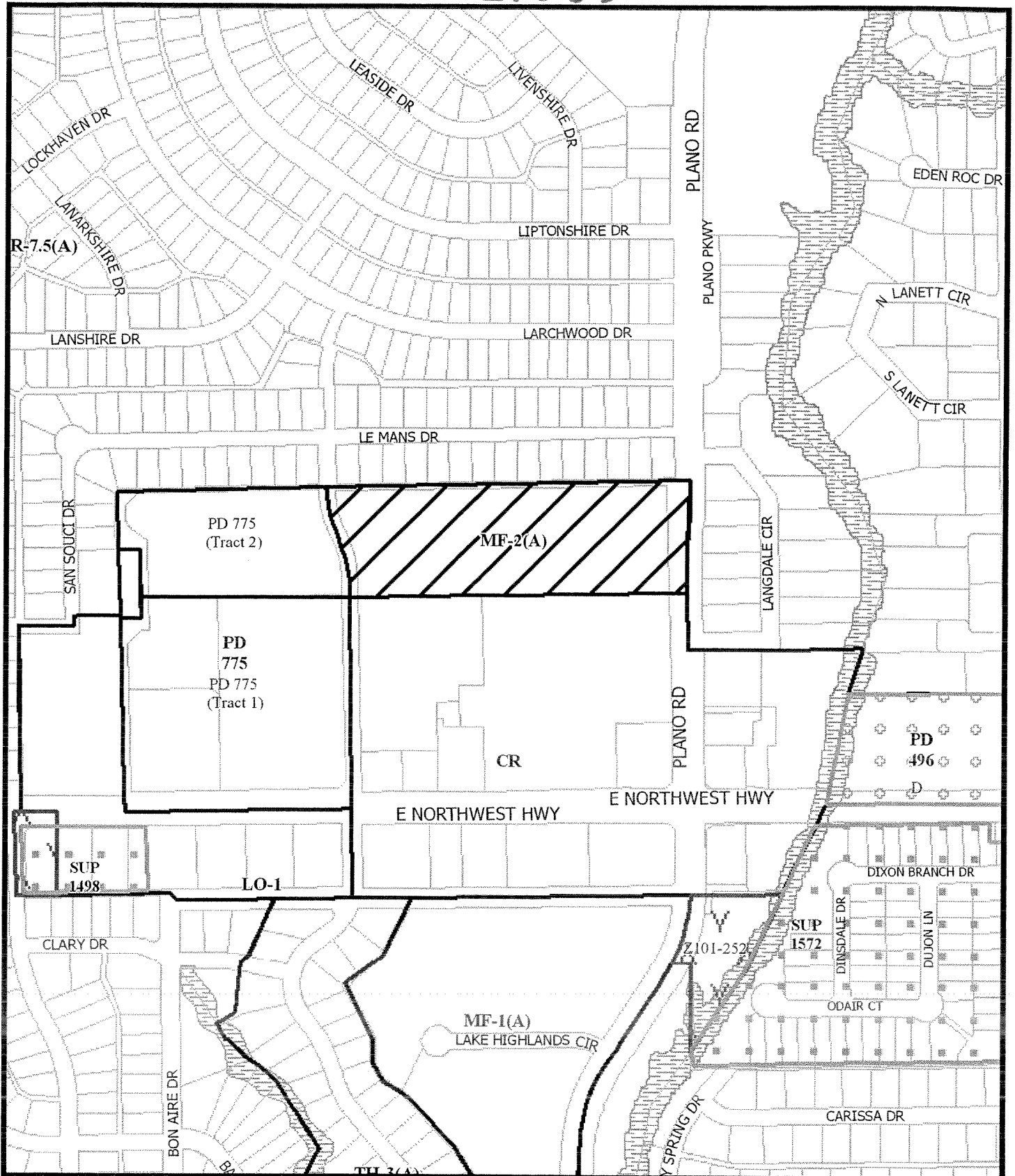
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05/20/13
PROJECT NUMBER
CASE NUMBER

29005

130883



1:4,800

ZONING AND LAND USE

Case no: **Z123-158**Date: **1/10/2013**