

6-17-15

ORDINANCE NO. 29781

An ordinance changing the zoning classification on the following property:

BEING Lot 1C in City Block A/8741; fronting approximately 660 feet on the south side of Rosemeade Parkway, east of Lina Street; and containing approximately 3.2098 acres,

from a CR Community Retail District to Planned Development District No. 943; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 943; 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. 943 on the following property ("the Property"):

BEING Lot 1C in City Block A/8741; fronting approximately 660 feet on the south side of Rosemeade Parkway, east of Lina Street; and containing approximately 3.2098 acres.

SECTION 2. That Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Article 943 to read as follows:

**"ARTICLE 943.**

**PD 943.**

**SEC. 51P-943.101. LEGISLATIVE HISTORY.**

PD 943 was established by Ordinance No.\_\_\_\_\_, passed by the Dallas City Council on June 17, 2015.

**SEC. 51P-943.102. PROPERTY LOCATION AND SIZE.**

PD 943 is established on property located at the southeast corner of Rosemeade Parkway and Lina Street. The size of PD 943 is approximately 3.2098 acres.

**SEC. 51P-943.103. 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-943.104. EXHIBITS.**

The following exhibit is incorporated into this article: Exhibit 943A: development/landscape plan.

**SEC. 51P-943.105. DEVELOPMENT PLAN.**

Development and use of the Property must comply with the development/landscape plan (Exhibit 943A). If there is a conflict between the text of this article and the development/landscape plan, the text of this article controls.

**SEC. 51P-943.106. MAIN USES PERMITTED.**

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.

**SEC. 51P-943.107. ACCESSORY USES.**

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.

**SEC. 51P-943.108. 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) Side yard. A minimum side yard setback is not required when abutting a floodway easement that is at least 75 feet in width.

**SEC. 51P-943.109. 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 and loading requirements for each use.

(b) Medical office. One space per 250 square feet of floor area is required.

(c) Restaurant. One space per 250 square feet of floor area is required.

(d) Retail and personal service. One space per 135 square feet of floor area is required.

**SEC. 51P-943.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P-943.111. LANDSCAPING.**

(a) Except as provided in this section, landscaping must be provided as shown on the development/landscape plan (Exhibit A). If there is a conflict between the text of this article and the development/landscape plan, the text of this article controls.

(b) New development must comply with Article X.

(c) If an existing perimeter tree along the loading area shown on the development/landscape plan becomes diseased, seriously injured, or dies, it must be replaced with a small tree or the perimeter must be screened in accordance with Section 51A-4.602(b)(3).

(d) Upon approval by franchised utilities, evergreen shrubs that are capable of reaching a minimum height of three feet upon maturity must be planted in accordance with Section 51A-4.301(f)(5)(iii) in the area along the Rosemeade Parkway frontage as shown on the attached development/landscape plan. If approval of the planting of evergreen shrubs by any franchised utility company cannot be obtained, ground cover and/or ornamental grasses that are capable of reaching a minimum height of two feet upon maturity must be provided and maintained, and three evergreen large canopy trees a minimum of three caliper inches must be planted on the Property in locations to be determined by the building official. Landscaping required in this subsection may not remove required off-street parking spaces. Landscaping required in this subsection must be planted on or before December 17, 2015.

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

**SEC. 51P-943.112. SIGNS.**

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

**SEC. 51P-943.113. ADDITIONAL PROVISIONS.**

(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 all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

**SEC. 51P-943.114.****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 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 943A (development/landscape plan) attached to this ordinance. 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 943 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.

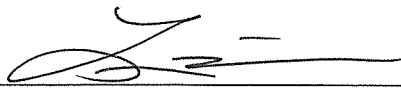
SECTION 7. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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.

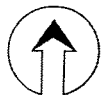
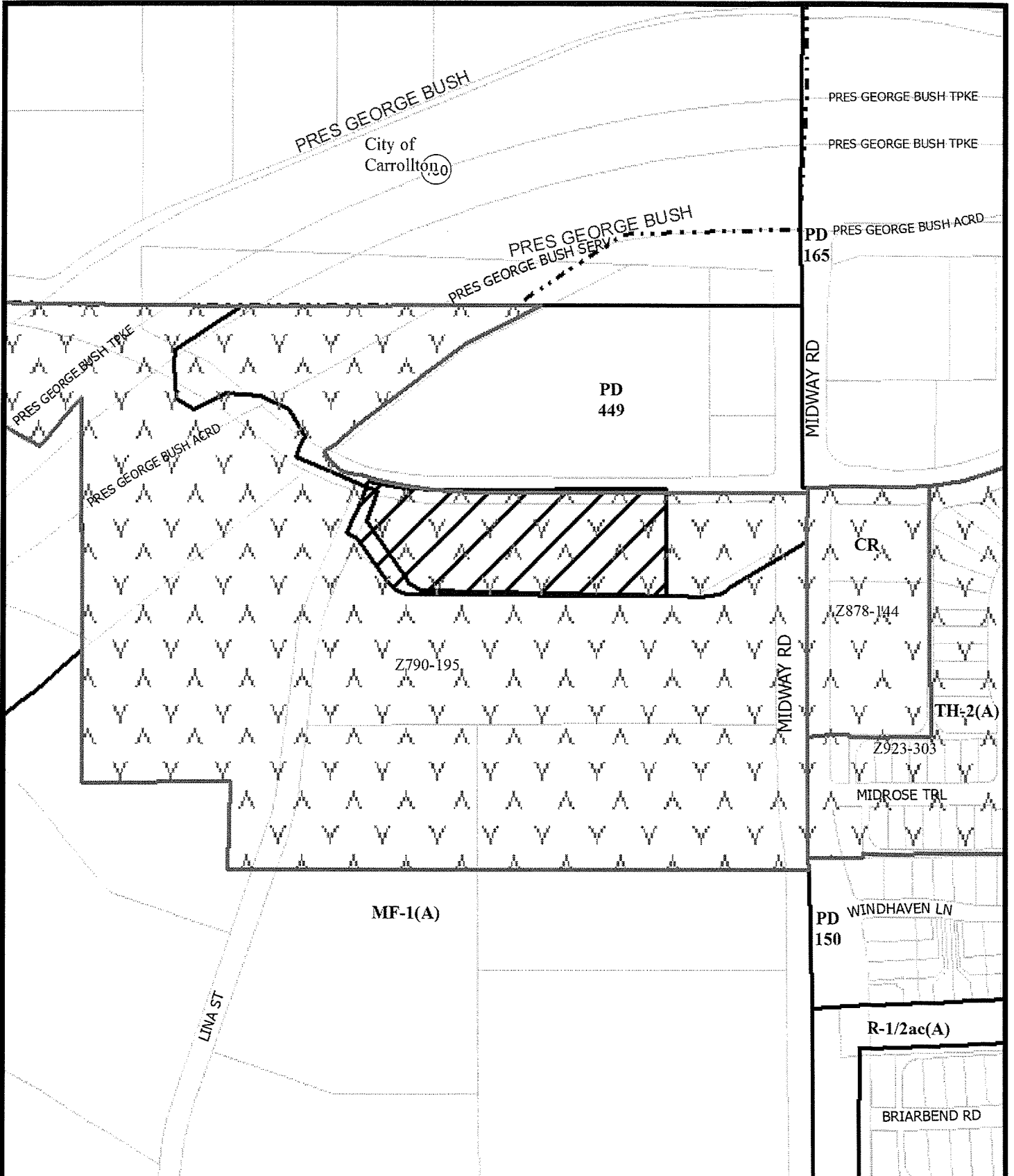
APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

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

Passed **JUN 17 2015** \_\_\_\_\_





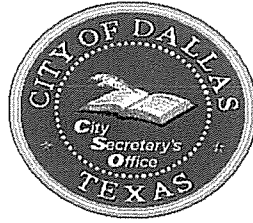
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# ZONING MAP

Case no: Z145-212

Date: 4/6/2015





**PROOF OF PUBLICATION – LEGAL ADVERTISING**

**The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.**

**DATE ADOPTED BY CITY COUNCIL** JUN 17 2015

**ORDINANCE NUMBER** 29781

**DATE PUBLISHED** JUN 20 2015

**ATTESTED BY:**