

ORDINANCE NO. 29794

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 7259 located at the southwest corner of Borger Street and Duluth Street; fronting approximately 618.09 feet on the west line of Borger Street; and containing approximately 15.342 acres,

from an IM Industrial Manufacturing District and an IR Industrial/Research District to Planned Development District No. 944; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 944; 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 IM Industrial Manufacturing District and an IR Industrial/Research District to Planned Development District No. 944 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 944 to read as follows:

“ARTICLE 944.

PD 944.

SEC. 51P-944.101. LEGISLATIVE HISTORY.

PD 944 was established by Ordinance No. _____, passed by the Dallas City Council on June 17, 2015.

SEC. 51P-944.102. PROPERTY LOCATION AND SIZE.

PD 944 is established in the general area southwest of the intersection of Duluth Street and Borger Street. The size of PD 944 is approximately 15.342 acres.

SEC. 51P-944.103. 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) In this district, RECREATIONAL AMENITIES means structures that are used for physical exercise or enjoyment and are not limited to playground equipment, exercise stations, splash parks, or swimming pools.

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

SEC. 51P-944.104. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 944A: conceptual plan.
- (2) Exhibit 944B: street cross section.

SEC. 51P-944.105. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 944A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P-944.106. DEVELOPMENT PLAN.

(a) Except as provided in this section, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. Development plans may be processed in phases and include any portion of the Property. If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) A final plat for a single family development may make minor deviations from the lot and secondary street configuration shown on the development plan provided that the final plat does not increase the number of lots or provide additional access points.

SEC. 51P-944.107. MAIN USES PERMITTED.

Except as provided in this section, the only main uses permitted are those main uses permitted in the R-5(A) Single Family District, subject to the same conditions applicable in the R-5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-5(A) Single Family 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 R-5(A) Single Family District is subject to DIR in this district, etc.

SEC. 51P-944.108. 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 helistop.
 - Accessory medical/infectious waste incinerator.
 - Accessory outside display of merchandise.
 - Accessory outside sales.
 - Accessory pathological waste incinerator.
- (c) The following accessory use is permitted by right:
- Accessory community center (private).

SEC. 51P-944.109. 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) In general. Except as provided in this section, the yard, lot, and space regulations for the R-5(A) Single Family District apply.

(b) Front yard.

- (1) Except as provided in this section, minimum front yard is 15 feet.
- (2) For a detached single family use, no minimum front yard is required.

(c) Side yard.

- (1) Except as provided in this section, minimum side yard is 10 feet.
- (2) For a detached single family use, no minimum side yard.

(d) Rear yard.

- (1) Except as provided in this section, minimum rear yard is 15 feet.
- (2) For a detached single family use, minimum rear yard is 10 feet.

(e) Height.

- (1) Maximum structure height is 36 feet.

(2) The following structures may project a maximum of 12 feet above the maximum structure height for an accessory community center (private):

- (A) Amateur communications tower.
- (B) Chimney and vent stacks.
- (C) Clerestory.
- (D) Cooling tower.
- (E) Elevator penthouse or bulkhead.
- (F) Mechanical equipment room.
- (G) Ornamental cupola or dome.
- (H) Parapet wall or deck railing, limited to a height of five feet.
- (I) Skylights.
- (J) Tank designed for holding liquids.
- (K) Visual screens which surround roof mounted mechanical equipment.

(3) The following structures may project a maximum of 12 feet above the maximum structure height for single family dwelling units:

- (A) Amateur communications tower.
 - (B) Chimney and vent stacks.
 - (C) Clerestory.
 - (D) Ornamental cupola or dome.
 - (E) Parapet wall or deck railing, limited to a height of five feet.
 - (F) Skylights.
- (f) Density. Maximum number of dwellings units is 240.

(g) Lot coverage.

(1) In general. Except as provided in this section, maximum lot coverage is 45 percent.

(2) Single Family. For a detached single family use, maximum lot coverage is 55 percent.

(3) Accessory community center (private).

(A) Except as provided in this section, maximum lot coverage is 40 percent.

(B) For an accessory community center (private), the following items are not included in the lot coverage calculations:

(i) Pavilion.

(ii) Gazebo.

(h) Lot size. For a detached single family use in a shared access development, minimum lot size is 1,550 square feet.

(i) Shared access areas. Shared access areas may be used to satisfy minimum lot area requirements and determine lot coverage.

SEC. 51P- 944.110. 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 and loading requirements for each use.

(b) Accessory community center (private). A minimum of five parking spaces are required for an accessory community center (private).

SEC. 51P-944.111. INGRESS-EGRESS.

(a) Ingress and egress must be provided as shown on the conceptual plan. Final location of the driveways and drive approaches may vary from the location shown with no increase in number of drive approaches. Final design and location must be shown on an approved development plan.

(b) For a shared access development, the location of ingress-egress points must be shown on the development plan and preliminary plat.

SEC. 51P-944.112. SHARED ACCESS DEVELOPMENT.

(a) Except as provided in this section, shared access development must comply with Section 51A-4.411, "Shared Access Development."

(b) For a shared access development with up to 240 lots, a minimum of four access points are required.

(c) Adjacent shared access developments may have shared access areas that connect.

(d) A maximum of two access points may be restricted to ingress and egress for emergency vehicles.

(e) A minimum sidewalk width of four feet is required. The sidewalks may be interspersed throughout the development. A minimum of 3,315 linear feet of sidewalk must be provided.

(f) Minimum pavement width is 24 feet.

(g) Off-street parking is allowed on both sides of a shared access area.

(h) A minimum of one community swimming pool or splash park must have a final permit issued and final inspection completed before submittal of the last final plat.

SEC. 51P-944.113. URBAN DESIGN GUIDELINES

The following design guideline must be incorporated in a shared access development:

(a) Each block face must have structures with different elevations and facade styles. Front facades with similar elevations, colors, or materials must be separated by at least three lots.

(b) Front facing garages must be inset a minimum of one foot from the main structure facade.

(c) Minimum driveway width for a garage is 12 feet. Maximum driveway length is 18 feet from back-of-curb to garage.

(d) A shared access development must provide maximum connectivity with multiple ways into and out of the development. No dead-end streets are permitted.

(e) Sidewalk connections to recreational amenities must be provided.

(f) All dwelling units must be within a 100-foot of a sidewalk.

SEC. 51P-944.114. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-944.115. LANDSCAPING.

(a) Landscape plan. Except as provided in this section, landscaping must be provided in accordance with Article X. The entire district is considered one lot for purposes of this section.

(b) Shared access development. For a shared access development, landscaping must be provided in accordance with the following:

(1) One site tree must be provided for every 4,000 square feet within the shared access development. Every site tree must have a planting area of at least 25 square feet. Trees must be a species listed in Section 51A-10.134

(2) In addition to site trees, one large canopy tree must be provided for every 25 feet of street frontage, excluding shared access points, with a minimum of two street trees required. Street trees may be located within the front yard or the parkway. Parkway licenses are required. In this subsection, PARKWAY means the portion of a street right-of-way between the projected street curb and the front lot line or corner side lot line. If the director determines that a large canopy tree would interfere with utility lines, a substitute street tree from a species listed in Section 51A-10.134 may be provided.

(c) Landscape area and common areas. A minimum of 87,000 square feet of landscape area is required. Landscape area and common areas may be dedicated in phases and on different final plats.

(1) Landscape area cannot be located entirely within one phase of the development or on one final plat.

(2) Landscape area and common areas may include recreational amenities.

(d) Tree mitigation. Tree mitigation may be completed in phases. These phases may coincide with phased final plats. Within five years after the issuance of a grading permit, the property owner shall present to the building official the total mitigation calculation including the mitigation amount less trees planted. This term may be extended by two, one-year extensions if approved by the building official.

SEC. 51P-944.116. SIGNS.

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

SEC. 51P-944.117. 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.
- (c) No more than 240 lots may be platted as a shared access development.
- (d) Before the final inspection of the first single family dwelling unit, an eight inch water main must be provided to serve the shared access development, with final design and construction approved by Dallas Water Utilities.

SEC. 51P-944.118. 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 is 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 944A (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 944 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.

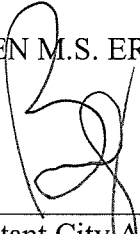
SECTION 7. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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** _____

Exhibit A
Legal Description

BEING a tract of land situated in the WILLIAM R. COOMBS SURVEY, ABSTRACT NO. 290, City of Dallas, Dallas County, Texas, Dallas City Block 7254, 7257, and 7259, and being all those tracts of land described in Deed to Austin International Ventures Inc. as recorded in Volume 95046, Page 01951, Deed Records, Dallas County, Texas, and Volume 95046, Page 01957, Deed Records, Dallas County, Texas, and in Deed without Warranty recorded in County Clerk instrument No. 200600132274 and No. 200600132275. Official Public Records, Dallas County, Texas, and being Lots 37-40, Block 7254, of Cement City Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 1, Page 156, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the northwest corner of Lot 11 of City Block 2/7260;

THENCE South 00 deg 13 min 01 sec West, along the West line of said W. E. Kline Addition, a distance of 369.44 feet to a point for corner in the Northerly right-of-way line of Texas & Pacific Railroad, a variable width right-of-way as established in document recorded in Volume 3983, Page 484, Deed Records, Dallas County, Texas, from which a 1/2-inch iron rod found bears North 07 deg 22 min 04 sec West, a distance of 0.80 feet, said point being the beginning of a non-tangent curve to the right having a radius of 5,654.65 feet, a central angle of 04 deg 24 min 33 sec, a chord bearing of North 86 deg 02 min 47 sec West, and a chord length of 435.04 feet:

THENCE along said Northerly right-of-way line of Texas & Pacific Railroad as follows;

Along said curve to the right, an arc distance of 435.15 feet to a 1/2-inch iron rod set with a red plastic cap stamped "W.A.I." for corner;

North 83 deg 12 min 49 sec West, a distance of 49.11 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." for corner;

North 82 deg 57 min 30 sec West, a distance of 50.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." for corner;

North 82 deg 44 min 30 sec West, a distance of 50.00 feet to a 1/2-inch iron rod found with a red plastic cap stamped "W.A.I." for corner;

North 82 deg 40 min 09 sec West, a distance of 35.81 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for corner, said iron rod being the beginning of a non-tangent curve to the left having a radius of 5,654.65 feet, a central angle of 00 deg 37 min 06 sec, a chord bearing of North 81 deg 40 min 12 sec West and a chord length of 61.03 feet;

Along said curve to the left, an arc distance of 61.03 feet to a 3/4-inch iron rod found in the Easterly line of a tract of land conveyed to LRG, L.L.C. by deed recorded in Volume 99042. Page 04845, Deed Records, Dallas County, Texas, said point being the beginning of a non-tangent curve

to the left having a radius of 724.78 feet, a central angle of 33 deg 07 min 38 sec. a chord bearing of North 55 deg 52 min 27 sec East, and a chord length of 413.24;

THENCE departing said Northerly right-of-way line of Texas & Pacific Railroad and along the Easterly line of said LRG, L.L.C. tract as follows:

Along said non-tangent curve to the left, an arc distance of 419.05 feet to a 3/4-inch iron rod found for corner,

North 39 deg 18 min 38 sec East a distance of 256.22 feet to a 3/4-inch iron rod found for corner;

North 00 deg 05 min 53 sec East a distance of 508.75 feet to a 3/4-inch iron rod found far corner;

South 89 deg 54 min 34 sec East, departing the Easterly line of said LRG, L.L.C. tract and continuing along the South line of said Block 1/7256, a distance of 523.94 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for the Southwest corner of said Lot 37 and the Southeast corner of Lot 48, Block 7257, of said Cement City Addition, said point also being the Southeast corner of a tract of land described in deed to Richard Salazar as recorded in County Clerk's Instrument No. 200600174809. Official Public Records. Dallas County, Texas;

THENCE North 00 deg 04 min 20 sec West. along the West lines of said Lots 37-40 and the East line of said Salazar tract, a distance of 105.07 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for the Northwest corner of said Lot 40 and the Southwest corner of Lot 41, Block 7257, of said Cement City Addition, said point also being the Southwest corner of a tract of land described in deed to R. H. West and R. H. Terry as recorded in Volume 67161, Page 368, Deed Records, Dallas County, Texas;

THENCE North 89 deg 55 min 10 sec East, departing the East line of said Lot 48 and West-Teny tract, along the South line of said Lot 41 and said West-Terry tract, and along the North line of said Lot 40. a distance of 137.50 feet to a 1 1/2-inch iron rod with a plastic cap stamped "W.A.I.* found for corner on the West right-of-way line of said Borger Street, said point being the Northeast corner of said Lot 40 and the Southeast corner of said Lot 41 and the West-Terry tract;

THENCE South 00 deg 04 min 20 sec East. along the East line of said Lots 37-40 and the West right-of-way line of said Borger Street, a distance of 105.47 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for the Southeast corner of said Lot 37, said point being on the Westerly right-of-way of said Borger Street;

THENCE North 89 deg 54 min 34 sec West along the Westerly right-of-way of said Borger Street, a distance of 10.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE South 00 deg 13 min 01 sec West continuing along the Westerly right-of-way line of said Borger Street, a distance of 79.98 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner;

THENCE South 89 deg 54 min 34 sec East, a distance of 155.00 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner in the Westerly line of Block 13/7265 of said West End Addition;

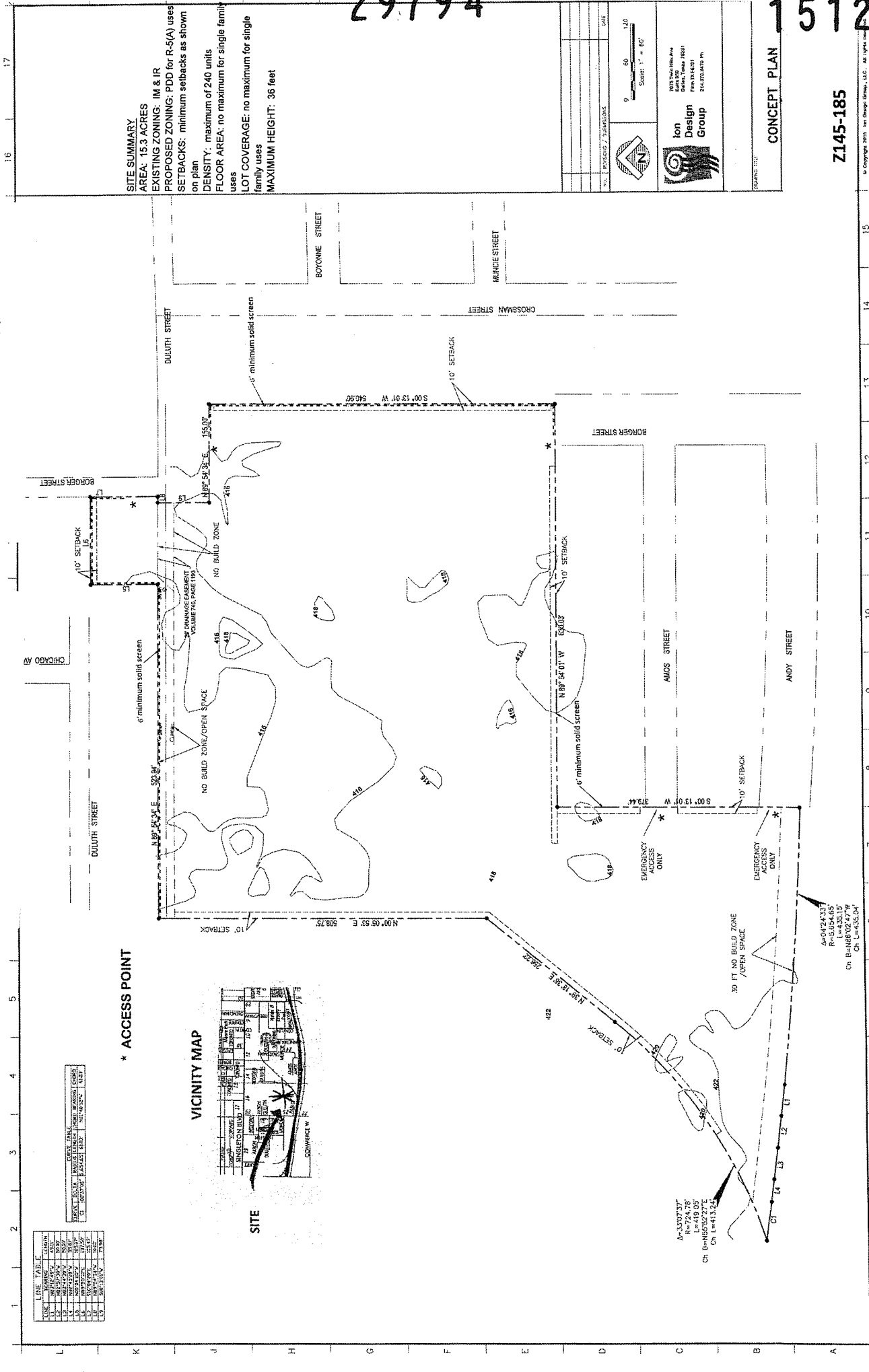
THENCE South 00 deg 13 min 01 sec West, along the Westerly line of said 15 foot public right-of-way, a distance of 540.90 feet;

THENCE North 89 deg 54 min 01 sec West continuing along the North line of said W. E. Kline Addition, a distance of 630.03 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for the Northwest corner of said W. E. Kline Addition;

THENCE South 00 deg 13 min 01 sec West, along the Westerly line of a 10 foot public right of way, a distance of 10 feet to the POINT OF BEGINNING; CONTAINING within these metes and bounds 15.342 acres or 668,282 square feet of land, more or less.

29174

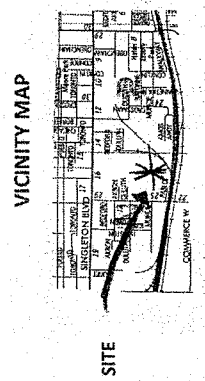
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LINE TABLE

LINE	DESCRIPTION
L1	PROPERTY BOUNDARY
L2	SETBACK
L3	NO BUILD ZONE / OPEN SPACE
L4	EMERGENCY ACCESS ONLY
L5	MINIMUM SOLID SCREEN
L6	10' SETBACK
L7	5' SETBACK
L8	10' SETBACK
L9	5' SETBACK
L10	10' SETBACK
L11	5' SETBACK
L12	10' SETBACK
L13	5' SETBACK
L14	10' SETBACK
L15	5' SETBACK
L16	10' SETBACK
L17	5' SETBACK

* ACCESS POINT



SITE SUMMARY
 AREA: 15.3 ACRES
 EXISTING ZONING: IM & JR
 PROPOSED ZONING: PDD for R-5(A) uses
 SETBACKS: minimum setbacks as shown on plan
 DENSITY: maximum of 240 units
 FLOOR AREA: no maximum for single family uses
 LOT COVERAGE: no maximum for single family uses
 MAXIMUM HEIGHT: 36 feet

NO. 10000000 / 20000000

DATE

0 50 100
Scale: 1" = 60'

ION Design Group
 2015 North 10th Ave
 Dallas, Texas 75201
 Phone: 972.521.1111
 Fax: 972.521.1112

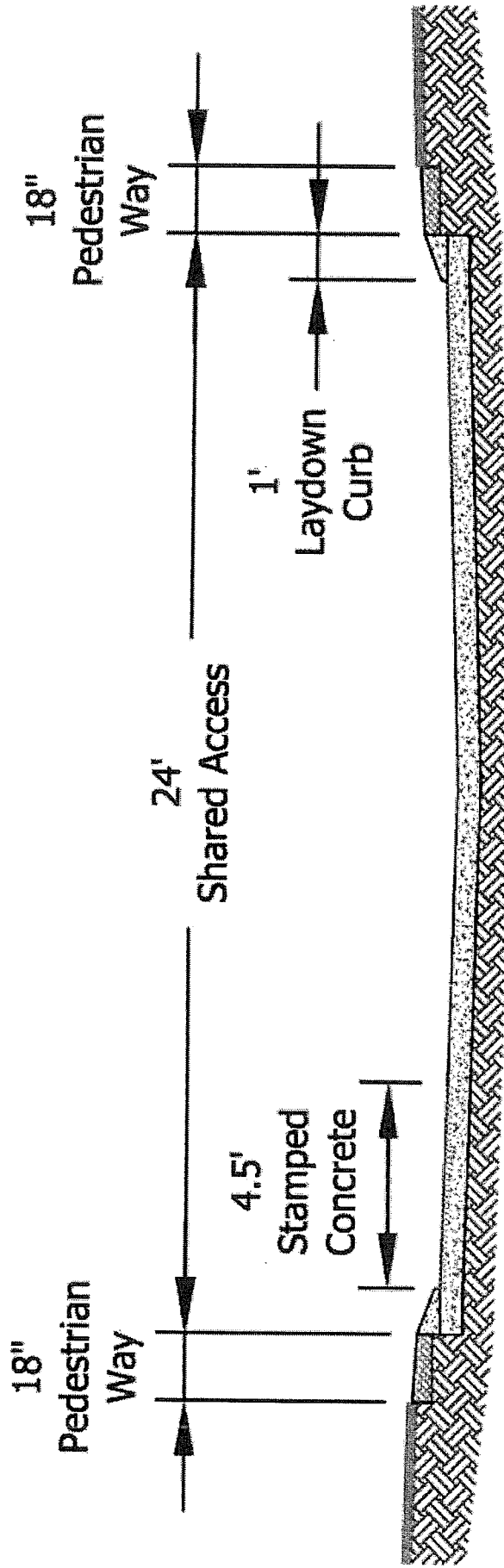
CONCEPT PLAN

Z145-185

EXHIBIT B

29794

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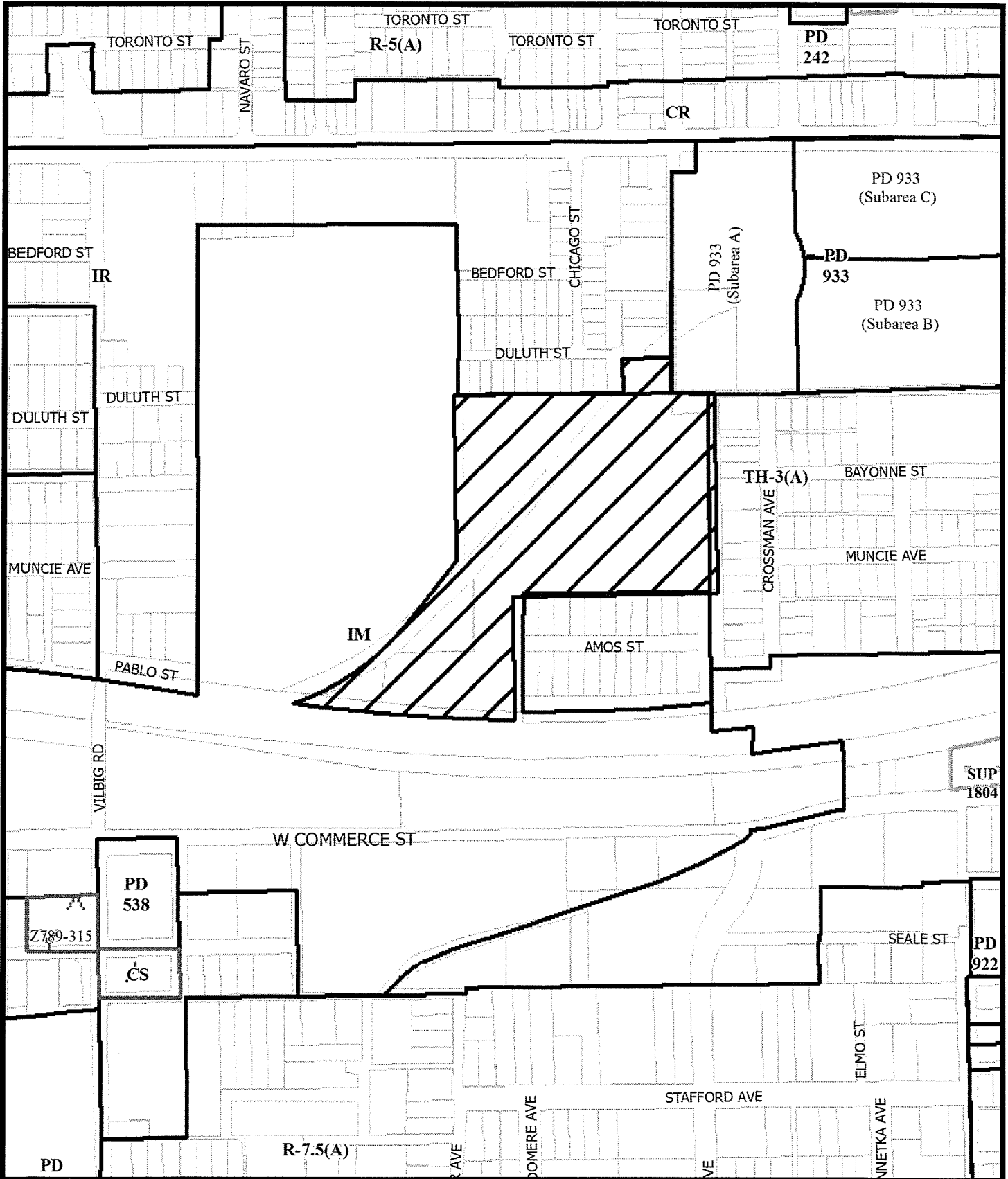


Typical Section Detail

Street Cross Section
Exhibit 944B
PDD No. 944

Approved
City Plan Commission
June 4, 2015

Z145-185

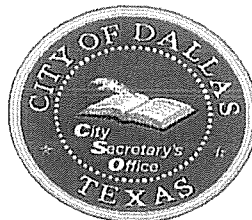


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ZONING MAP

Case no: Z145-185

Date: 3/4/2015



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 29794

DATE PUBLISHED JUN 20 2015

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose C. Liss".