ORDINANCE NO. \_\_\_\_\_

An ordinance amending Ordinance No. 6499, passed by the Dallas City Council on March 21, 1955, as amended by Ordinance No. 19650, passed by the Dallas City Council on August 26, 1987, Ordinance No. 22045, passed by the Dallas City Council on May 11, 1994, Ordinance No. 24306, passed by the Dallas City Council on June 28, 2000, and Ordinance No. 29093, passed by the Dallas City Council on August 14, 2013, which amended the zoning ordinances of the City of Dallas, and granted Specific Use Permit No. 7 for a private school; amending the conditions in Section 2 of that ordinance; providing a revised site plan; providing a revised traffic management 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 this amendment to Specific Use Permit No. 7; and

WHEREAS, the city council finds that it is in the public interest to amend Specific Use Permit No. 7; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS: SECTION 1. That the conditions in Section 2 of Ordinance No. 6499, as amended, are amended to read as follows:

"(1) <u>SITE PLAN</u>: Use and development of the Property must comply with the attached site plan.

#### (2) <u>LANDSCAPING</u>:

- A. Landscaping must be provided as shown on the attached site plan.
- B. Plant materials must be maintained in a healthy, growing condition.
- C. All new landscaping must be installed in accordance with Article X of the Dallas Development Code, as amended.
- (3) <u>USES</u>: The only use authorized by this specific use permit is a private school [with pre school, kindergarten, and first through fourth grades].
- (4) <u>INGRESS-EGRESS</u>: A circular drive or similar area must be provided for the off-street <u>maneuvering of vehicles in the location</u> [loading and unloading of children as] shown on the attached site plan. The owner of the Property shall ensure that access to and egress from the Property through the residential alley to the south is prohibited.
- (5) <u>CLASSROOMS</u>: The maximum number of classrooms is 36 <u>limited to pre-</u> <u>kindergarten, kindergarten, and first through fourth grades</u>.
- (6) <u>INDOOR AREA</u>: A minimum of 50 square feet of indoor area must be provided for each child in attendance.
- (7) <u>OUTDOOR PLAY AREA</u>: A minimum of 100 square feet of play area must be provided for each child in the outdoor play area at one time. The outdoor play area must be located as shown on the attached site plan.
- (8) <u>TIME LIMIT</u>: This specific use permit <u>expires on October 14, 2045, but is eligible for automatic renewal for additional 30-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)[has no expiration date.]</u>
- (9) <u>REFUSE PICK-UP</u>: The owner shall ensure that refuse pick-up is limited to the hours between 8:00 a.m. and 6:00 p.m.

### (10) TRAFFIC MANAGEMENT PLAN:

- A. <u>In general</u>. Operation of the private school must comply with the attached traffic management plan.
- B. <u>Access to Forest Lane</u>. In order to comply with the traffic management plan, a copy of a license providing vehicular access to Forest Lane must be provided to the building official prior to the issuance of a certificate of occupancy for the additions shown on the attached site plan.
- $\underline{C}[\underline{B}]$ . Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.
- $\underline{D}[\mathbf{C}]$ . <u>Traffic study</u>.
  - 1. The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by March 1, 2015. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the director by March 1st of each odd-numbered year.
  - 2. The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a twoweek period, and must contain an analysis of the following:
    - i. ingress and egress points;
    - ii. queue lengths;
    - iii. number and location of personnel assisting with loading and unloading of students;
    - iv. drop-off and pick-up locations;
    - v. drop-off and pick-up hours for each grade level;
    - vi. hours for each grade level; and
    - vii. circulation;
  - 3. Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

- i. If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.
- ii. If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

#### E[D]. <u>Amendment process</u>.

- A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended.
- 2. The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.
- (11) <u>MAINTENANCE</u>: The Property must be properly maintained in a state of good repair and neat appearance.
- (12) <u>GENERAL REQUIREMENTS</u>: Use of the Property must comply with all federal and state laws and regulations and with all ordinances, rules, and regulations of the City of Dallas."

SECTION 2. That the site plan attached to Ordinance No. 29093 is replaced by the site

plan attached to this ordinance.

SECTION 3. That the traffic management plan attached to Ordinance No. 29093 is

replaced by the traffic management plan attached to this ordinance.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction,

is punishable by a fine not to exceed \$2,000.

SECTION 5. That the zoning ordinances of the City of Dallas, as amended, shall remain

in full force and effect, save and except as amended by this ordinance.

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SECTION 6. 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.

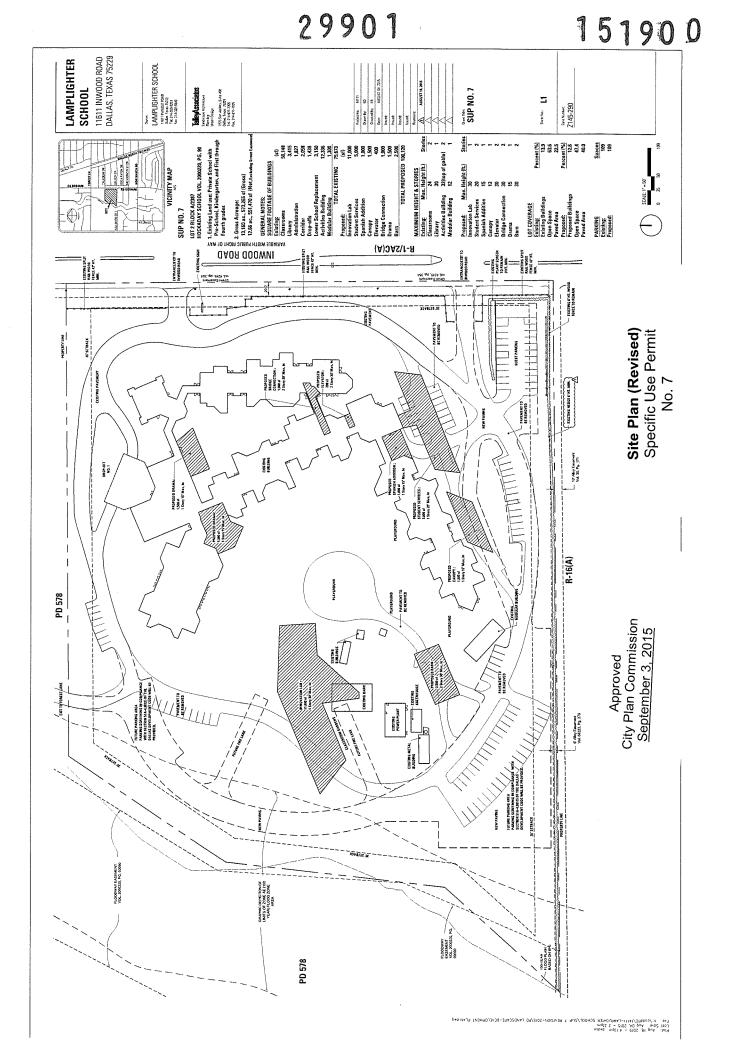
SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

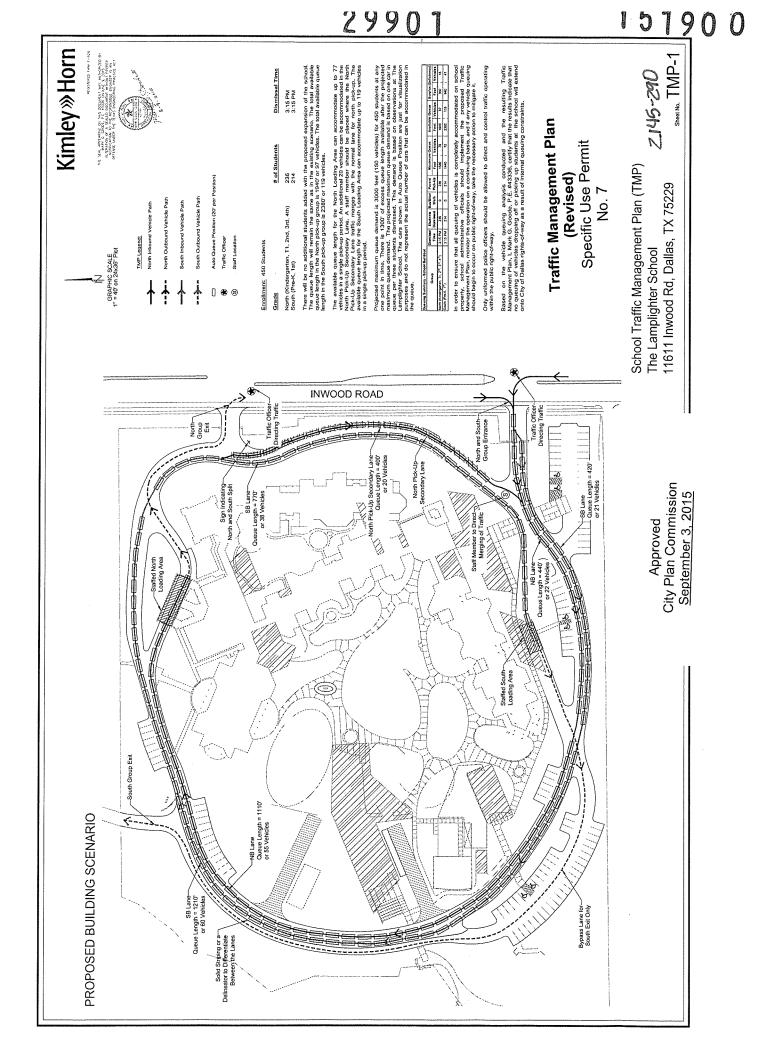
APPROVED AS TO FORM:

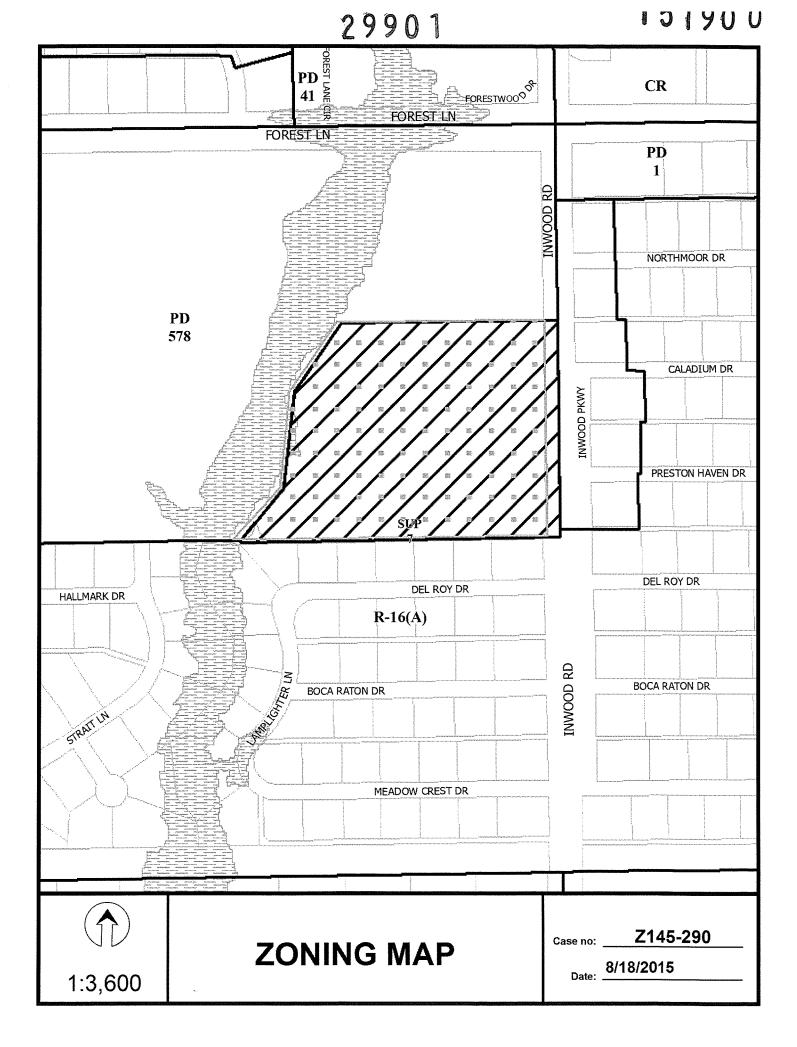
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WARREN M.S. ERNST, City Attorney

By Assistant City Attorney









### 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 OCT 1 4 2015
ORDINANCE NUMBER	29901

DATE PUBLISHED

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OCT 17 2015

ATTESTED BY:

Para C. Lier

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