

9-12-16

ORDINANCE NO. 30186

An ordinance correcting Section 51P.521.109, "Yard, Lot, Lot and Space Regulations," of Article 521, "PD 521," of Chapter 51P of the Dallas City Code and correcting the Article 944, "PD 944," created by Ordinance No. 29890; correcting a mathematical error; correcting certain typographical errors in the conditions; correcting a naming error; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council finds that it is in the public interest to correct Article 521 and Article 944 created by Ordinance No. 29890 to accurately reflect the intent of the city council; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subparagraph (A), "Subdistrict E," of Paragraph (4), "Floor Area Ratio," of Subsection (b), "Subdistricts S-2a, S-2b, S-3, S-4, S-5, S-6, S-7, S-8, S-9, and E," of Section 51P-521.109, "Yard, Lot, Lot and Space Regulations," of Article 521, "PD 521," of Chapter 51P of the Dallas City Code is amended to read as follows:

“(A) Subdistrict E. Maximum floor area ratio in Subdistrict E is:

- (i) 0.195 for institutional and community service uses, recreation uses, and utility and public service uses;
- (ii) 0.30 for industrial (inside) for light manufacturing;
- (iii) 0.25 for office uses;
- (iv) 0.15 for retail and personal service uses;
- (v) 0.39~~[0.25]~~ for warehouse uses; and

(vi) 0.05 for all other uses.

SECTION 2. That Paragraph (5), “Maximum Permitted Floor Area In Subdistrict E,” of Subsection (b), “Subdistricts S-2a, S-2b, S-3, S-4, S-5, S-6, S-7, S-8, S-9, and E,” of Section 51P-521.109, “Yard, Lot, Lot and Space Regulations,” of Article 521, “PD 521,” of Chapter 51P of the Dallas City Code is amended to read as follows:

“(5) Maximum permitted floor area in Subdistrict E.

(A) Except as provided in Subparagraph (C), m[M]aximum permitted floor area is 293,163 square feet of retail floor area, or its equivalent. To calculate the maximum permitted floor area of uses other than retail uses, the floor area equivalencies below apply.

(B) Except as provided in this paragraph, f[F]or the following uses or categories of uses, 3.9 square feet of floor area is equivalent to 1 square foot of retail floor area:

- Industrial (inside) for light manufacturing use.
- Institutional and community service uses.
- Lodging uses.
- Office uses.
- Recreation uses.
- Utility and public service uses.
- Wholesale, distribution, and storage uses.

(C) For warehouse uses, maximum permitted floor area is 1,600,000 square feet.

(D) For all other uses, one square foot of floor area is equivalent to one square foot of retail floor area.”

SECTION 3. That Article 944, “PD 944,” of Chapter 51P of the Dallas City Code created by Ordinance No. 29890, is renumbered as Article 947 and corrected follows:

A. The text of the article is amended to read as follows:

“ARTICLE 947[4].

PD 947[4].

SEC. 51P-947[4].101. LEGISLATIVE HISTORY.

PD 947[4] was established by Ordinance No. 29890, passed by the Dallas City Council on September 22, 2015.

SEC. 51P-947[4].102. PROPERTY LOCATION AND SIZE.

PD 947[4] is established on property located at the northwest corner of Mockingbird Lane and Roper Street. The size of PD 947[4] is approximately 0.68 acre.

SEC. 51P-947[4].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-947[4].104. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 947[4]A: development plan.
- (2) Exhibit 947[4]B: landscape plan.

SEC. 51P-947[4].105. CREATION OF TRACTS.

This district is divided into two tracts, Tract 1 and Tract 2, as shown on the development plan (Exhibit 947[4]A).

SEC. 51P-947[4].106. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan. If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-947[4].107.**MAIN USES PERMITTED.**(a) Tract 1.

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

(2) The following additional main uses are permitted by right:

- General merchandise or food store 3,500 square feet or less.
- Motor vehicle fueling station.

(b) Tract 2. 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-947[4].108.**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-947[4].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) Tract 1.

(1) In general. Except as provided in this section, the yard, lot, and space regulations for the D(A) Duplex District apply.

(2) Height requirements for nonresidential uses.

(A) Maximum height. Except as provided in this paragraph, maximum structure height is 36 feet.

(B) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(b) Tract 2. Except as provided in this section, the yard, lot, and space regulations for the CR Community Retail District apply.

(c) General merchandise or food store 3,500 square feet or less and motor vehicle fueling station.

(1) Front yard.

(A) Minimum front yard is 15 feet.

(B) Signs, trash receptacles, light standards, and machines that dispense air and water are allowed in the front yard in the locations shown on the development plan.

(2) Side and rear yard.

(A) For a general merchandise or food store 3,500 square feet or less, minimum side yard is 30 feet.

(B) For a motor vehicle fueling station, minimum side yard is 17 feet contiguous to an alley, and 130 feet contiguous to a residential district.

(C) Minimum side yard for dumpster storage areas is 20 feet contiguous to a residential district. No minimum side yard for a dumpster storage area contiguous to an alley.

(3) Lot coverage. Maximum lot coverage is 25 percent.

SEC. 51P-947[4].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) Motor vehicle fueling station. No off-street parking is required when located on the same building site as a general merchandise or food store 3,500 square feet or less.

(c) Ingress and egress.

(1) Ingress and egress must be provided in the locations shown on the development plan. No other ingress or egress is permitted.

(2) Alley access from the Property is prohibited. To prohibit vehicular access from the Property to the alley, a minimum physical separation of a six-inch curb is required in the location shown on the development plan.

SEC. 51P-947[4].111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-947[4].112. LANDSCAPING.

(a) Landscaping must be provided as shown on the landscape plan (Exhibit 947[4]B). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(b) A minimum eight-foot-high solid masonry screening fence is required in the location shown on the development plan.

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

SEC. 51P-947[4].113. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) Monument signs are the only detached premise signs allowed.

SEC. 51P-947[4].114. 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-947[4].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.”

B. The Exhibit 944A, “development plan,” and Exhibit 944B, “landscape plan,” are replaced with the Exhibit 947A, “development plan,” and Exhibit 947B, “landscape plan,” attached to this ordinance.

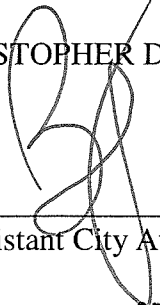
SECTION 4. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. 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 6. 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:

CHRISTOPHER D. BOWERS, Interim City Attorney

By  _____
Assistant City Attorney

SEP 14 2016

Passed _____



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 SEP 14 2016

ORDINANCE NUMBER 30186

DATE PUBLISHED SEP 17 2016

ATTESTED BY:

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