

9-7-16

ORDINANCE NO. 30188

An ordinance changing the zoning classification on the following property:

BEING Lot 1 in City Block 5/1510 located on the southwest corner of Oak Lawn Avenue and Irving Avenue; fronting approximately 180 feet on the west line of Oak Lawn Avenue; fronting approximately 70 feet on south line of Irving Avenue; and containing approximately 12,000 square feet,

from an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193 (the Oak Lawn Special Purpose District) to a GR General Retail Subdistrict within Planned Development District No. 193; 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 change the zoning classification; 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 Multiple-Family Subdistrict within Planned Development District No. 193 to a GR General Retail Subdistrict within Planned Development District No. 193 on the following property (“the Property”):

BEING Lot 1 in City Block 5/1510 located on the southwest corner of Oak Lawn Avenue and Irving Avenue; fronting approximately 180 feet on the west line of Oak Lawn Avenue; fronting approximately 70 feet on south line of Irving Avenue; and containing approximately 12,000 square feet.

SECTION 2. 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 3. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

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

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.

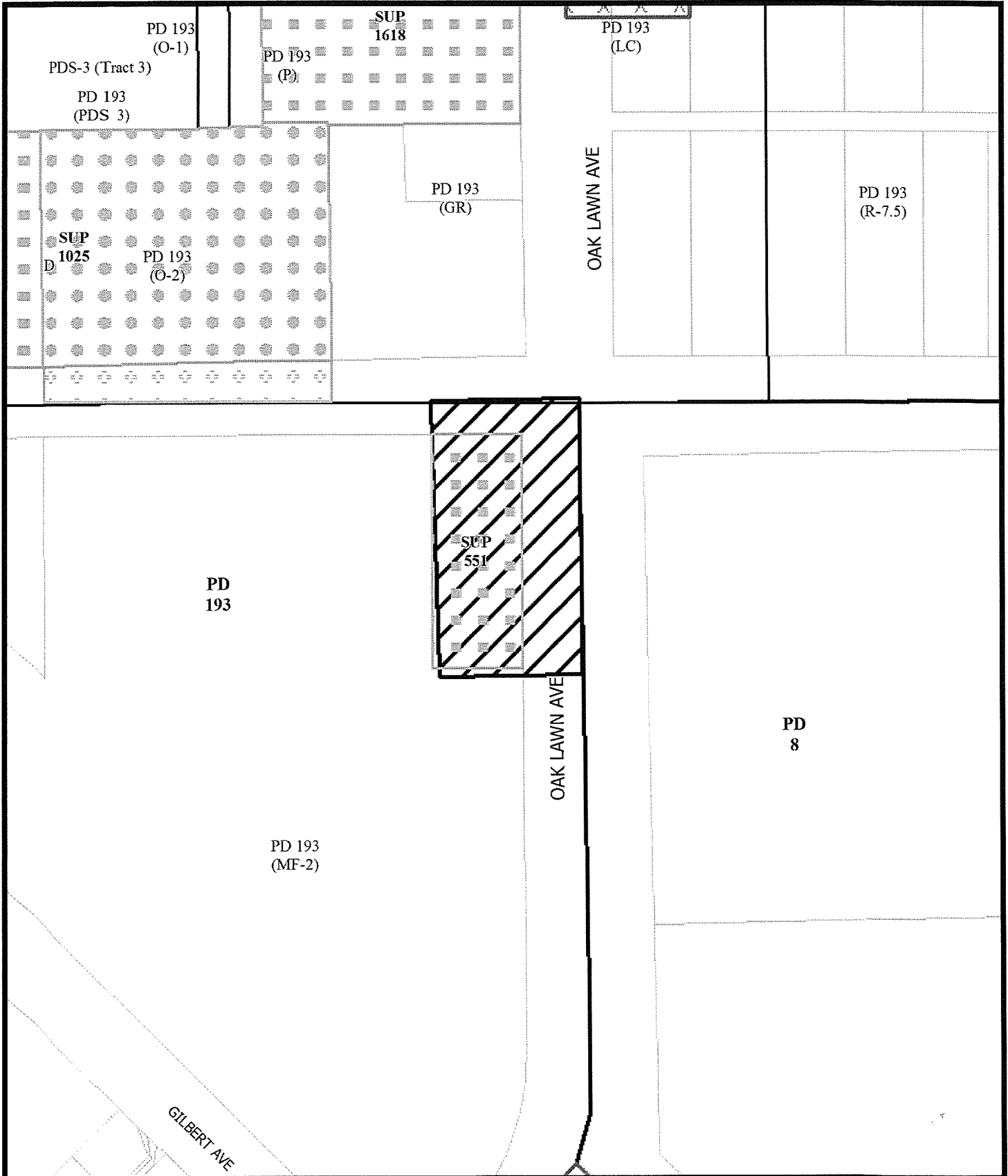
SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By 
Assistant City Attorney

Passed SEP 14 2016



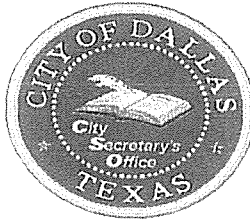
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ZONING MAP

Case no: Z156-193

Date: 3/1/2016

161478



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 30188

DATE PUBLISHED SEP 17 2016

ATTESTED BY:

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

WHEREAS, the deed restrictions in the attached instrument have been volunteered in connection with property located on the southwest corner of Oak Lawn Avenue and Irving Avenue, which is the subject of zoning case no. Z156-193; and

WHEREAS, the City Council desires to accept the deed restrictions in the attached instrument; Now, Therefore,

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

Section 1. That the deed restrictions in the attached instrument are accepted by the City Council of the City of Dallas to be used in conjunction with the development of property that is the subject of zoning case no. Z156-193(SM).

Section 2. That these deed restrictions must be filed in the Deed Records of Dallas County, Texas.

Section 3. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

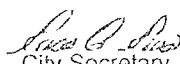
APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By 
Assistant City Attorney

APPROVED BY
CITY COUNCIL

SEP 14 2016


City Secretary

APPROVED _____ APPROVED _____ APPROVED _____
HEAD OF DEPARTMENT DIRECTOR OF FINANCE CITY MANAGER

DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Shahab Salehoun and Zohreh Malek-Shahmirzadi, a married couple, ("the Owner"), are the owner of the following described property ("the Property"), being Lot 1 of Block 5/1510, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by John Ridings Lee and Carole M. Lee, a married couple, by deed dated May 28, 2013, and recorded in Instrument Number 201300170581, in the Deed Records of Dallas County, Texas.

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. Except as provided in Items 2 and 3 below, the following main uses are prohibited:

A. Residential uses.

- Hotel and motel.
- Overnight general purpose shelter.

B. Utility and service uses.

- Commercial radio or television transmitting station.
- Sewage treatment plant.
- Water treatment plant.

C. Transportation uses.

- Helistop.

D. Community service uses.

- Post office.
- Halfway house.

E. Medical uses.

- Hospital

- Convalescent and nursing homes, hospice care, and related institutions.
- Medical clinic.
- Medical or scientific laboratory.
- Optical shop.
- Medical appliance fitting and sales.
- Ambulance service.

F. Educational uses.

- Business school.

G. Recreation and entertainment uses.

- Game court center.
- Inside commercial amusement.
- Outside commercial amusement.
- Theatre.
- Wax museum.

H. Bar and restaurant uses.

- Bar, lounge, or tavern.
- Drive-through restaurant.
- Restaurant without drive-through service.
- Private club.
- Catering service.
- Dance hall.

I. Professional, personal service, and custom crafts uses.

- Bank or savings and loan office.
- Barber and beauty shop.
- Mortuary or funeral home.
- Health studio.
- Custom cleaning shop.
- Self service laundry or dry cleaning.
- Laundry or cleaning pick up and receiving station.
- Key shop.
- Shoe repair.
- Travel bureau.
- Broadcasting or recording studio.
- Handcraft bookbinding.
- Photography studio.
- Safe deposit boxes.
- Commercial wedding chapel.

J. Retail uses.

- Antique shop.
- Retail food store.
- Bakery or confectionery shop.
- Book and stationary store.
- Camera shop.
- Cigar, tobacco, and candy store.
- Drug store.
- Liquor store.
- Florist store.
- Feed store.
- Pet shop.
- Furniture store.
- Second hand store.
- Pawn shop.
- Hardware or sporting goods store.
- Home improvement center.
- Hobby and art supplies store.
- Paint and wallpaper store.
- Swimming pool sales and supply.

K. Motor vehicle related uses.

- Auto glass, muffler, or seat cover shop.
- Auto parts sales (inside only).
- Auto repair garage (inside).
- Car wash.
- Service station.
- Surface parking.

L. Commercial uses.

- Appliance fix-it shop.
- Building repair and maintenance shop.
- Plumbing, electrical, air conditioning, and heating shops.
- Tool and equipment rental (inside display only).
- Stone, sand, or gravel mixing.
- Duplication shop.
- Custom print shop.
- Gummed label printing.
- Garden shop, plant sales, or green house.
- Diamond and precious stone sales (wholesale only).

M. Animal related uses.

- Farm or ranch.
- Veterinarian's office.

-- Animal clinic without outside runs.

2. If the main structure existing at the adoption of these restrictions is removed, in all or in part, the following additional uses are prohibited:

A. Transportation uses.

-- Passenger bus station and terminal.

B. Professional, personal service, and custom craft uses.

-- Office.

-- Tailor, custom sewing, and millinery.

-- Instructional arts studio.

C. Retail uses.

-- Retail store other than listed.

-- Clothing store.

3. If the main structure existing at the adoption of these restrictions is removed, in all or in part, the following uses prohibited in Item 1 above are allowed:

A. Medical uses.

-- Convalescent and nursing homes, hospice care, and related institutions.

B. Animal related uses.

-- Farm or ranch.

4. Except as provided in this paragraph, the maximum structure height is 36 feet. The maximum structure height for the main structure existing at the adoption of these restrictions is 42 feet. Rooftop amenity structures such as a pool and cabana may be added to the existing main structure up to the maximum height of 65 feet.

5. Amplified sound is prohibited on the roof.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of Chapter 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

XII.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the 10th day of August , 2016.

By: 
SHAHAB SALEHOUN


ZOHREH MALEK-SHAHMIRZADI

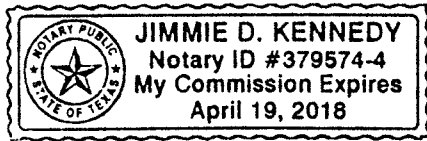
APPROVED AS TO FORM:
CHRISTOPHER D. BOWERS, Interim City Attorney

By: 
Assistant City Attorney

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on 8/10/16 by
SHAHAB SALEHOUN AND Zohreh MALEK-SHAHMIRZADI



Jimmie D. Kennedy
NOTARY PUBLIC