

11-15-17

ORDINANCE NO. 30718

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as an R-5(A) Single Family District:

BEING a tract of land in City Block 12/7162; fronting approximately 120 feet on the southeast line of Bernal Street northeast of Palacios Avenue; and containing approximately 23,040 square feet of land,

to be used under Specific Use Permit No. 2271 for a child-care facility, providing that this specific use permit shall be granted subject to certain conditions; 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 specific use permit; and

WHEREAS, the city council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the city council finds that it is in the public interest to grant this specific use permit, subject to certain conditions; Now, Therefore,

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

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SECTION 1. That the zoning ordinances of the City of Dallas are amended to allow the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”), which is presently zoned as an R-5(A) Single Family District, to be used under Specific Use Permit No. 2271 for a child-care facility.

SECTION 2. That this specific use permit is granted on the following conditions:

1. USE: The only use authorized by this specific use permit is a child-care facility.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on December 13, 2022.
4. FENCING: The outdoor play area must be totally enclosed by a minimum four-foot-high fence in the location shown on the attached site plan. Vehicular gates are prohibited within 40 feet of the street curb.
5. HOURS OF OPERATION: The child-care facility may only operate between 6:00 a.m. and 6:30 p.m., Monday through Friday.
6. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
7. QUEUING: Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulation, and with all ordinances, rules, and regulations of the City of Dallas.

SECTION 3. That all paved areas, permanent drives, streets, and drainage structures, if any, on the Property must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the City of Dallas.

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SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use authorized by this specific use permit on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

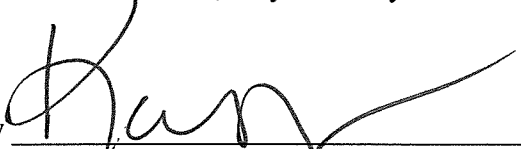
SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. 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 8. 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:

LARRY E. GASTO, City Attorney

By 
Assistant City Attorney

Passed DEC 13 2017

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GIS_Approved

EXHIBIT A
Land Description
23,040 Sq. Ft. / 0.5289 Acres

BEING all of Lots 5 and 6 and a portion of Lots 13 and 14, Block 12/7162, Joe A. Irwin Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 8, Page 365, Map Records, Dallas County, Texas, being more particularly described by metes and bounds as follows:

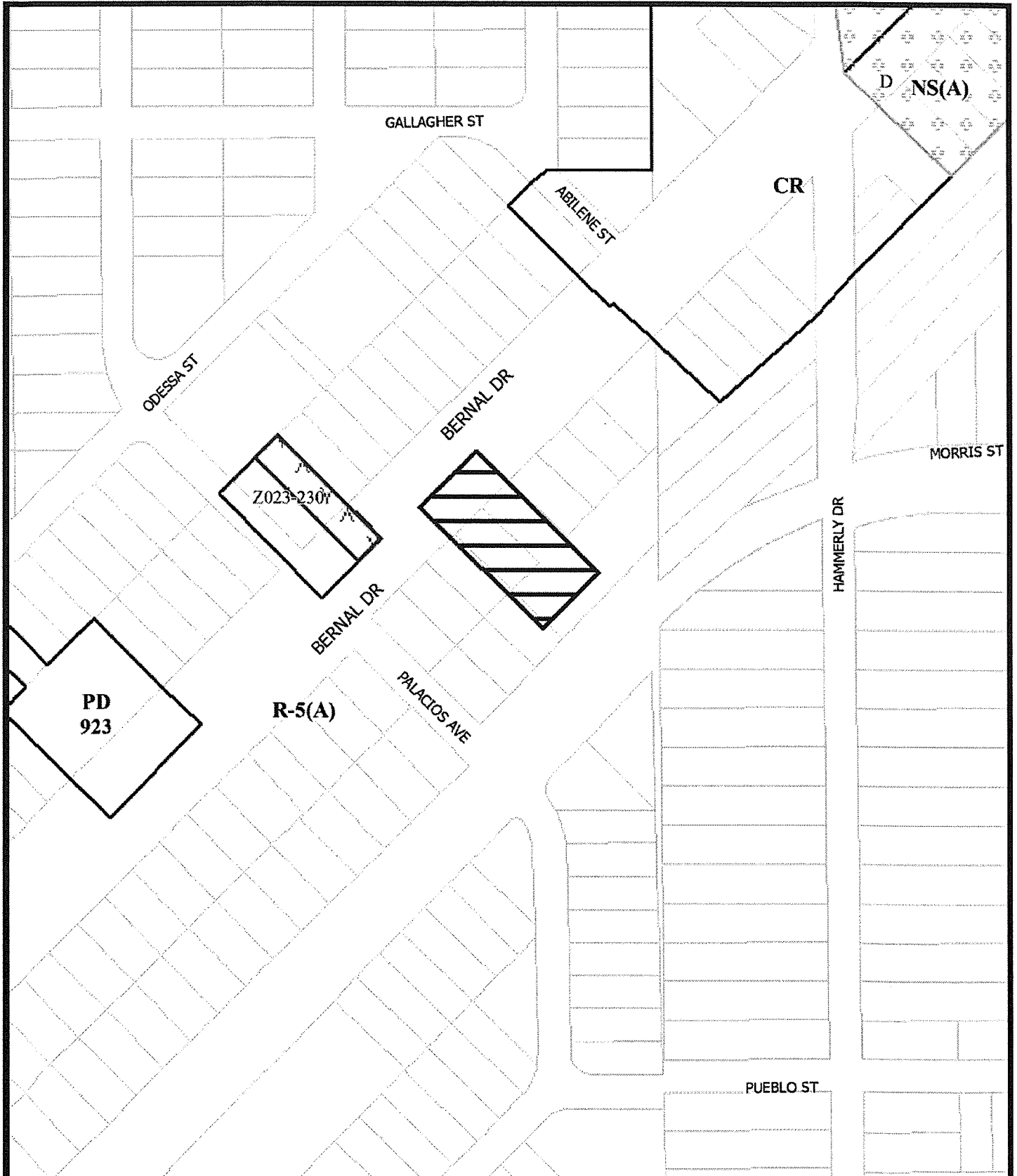
BEGINNING at the most westerly corner of said Lot 6, also being the most northerly corner of Lot 7, Block 12/7162 of said Joe A. Irwin Addition, also being in the southeast right-of-way line of Bernal Drive (150' Right-of-Way);

THENCE North 44°36'04" East, along the common line between said Lots 6 and 5 and said Bernal Drive, a distance of 120.00 feet to the most northerly corner of said Lot 5, also being the most westerly corner of Lot 4, Block 12/7162 of said Joe A. Irwin Addition;

THENCE South 45°23'56" East, along the common line between said Lot 5 and said Lot 4, at a distance of 123.00 passing the most easterly corner of said Lot 5, also being the most southerly corner of said Lot 4, and the most northerly corner of Lot 14, Block 12/7162 of said Joe A. Irwin Addition and the most westerly corner of Lot 15, Block 12/7162 of said Joe A. Irwin Addition, continuing along the common line between said Lot 14 and said Lot 15, a total distance of 192.00 feet;

THENCE South 44°36'04" West, crossing said Lots 13 and 14, a distance of 120.00 feet to the southwest line of said Lot 13, also being the northeast line of Lot 12, Block 12/7162 of said Joe A. Irwin Addition;

THENCE North 45°23'56" West, along the common line between said Lot 13 and said Lot 12, at a distance 69.00 feet passing the most westerly corner of said Lot 13, also being the most northerly corner of said Lot 12, and the most easterly corner of said Lot 7 and the most southerly corner of said Lot 6, continuing along the common line between said Lot 6 and said Lot 7 a total distance of 192.00 feet to the POINT OF BEGINNING and containing 23,040 square feet or 0.5289 acres of land, more or less.

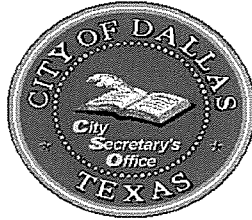


1:2,400

ZONING MAP

Case no: Z167-333

Date: 11/17/2017



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 DEC 13 2017

ORDINANCE NUMBER 30718

DATE PUBLISHED DEC 16 2017

ATTESTED BY: