

8-28-19

ORDINANCE NO. 31300

An ordinance amending Article 842, "PD 842," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code; by creating Subdistrict 2, amending the definitions and interpretations, subdistrict, main uses permitted, yard, lot, and space regulations, off-street parking and loading, and additional provisions regulations in Sections 51P-842.104, 51P-842.104.2, 51P-842.106, 51P-842.107, 51P-842.108, 51P-842.109, and 51P-842.113 of Article 842; providing a revised subdistrict map; 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 the Dallas City Code; and

WHEREAS, the city council finds that it is in the public interest to amend Article 842 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That Paragraph (2) of Subsection (a) of Section 51P-842.104, "Definitions and Interpretations," of Article 842, "PD 842," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

“(2) LATE HOURS ESTABLISHMENT means a retail and personal service use that, except in Subdistrict 2, operates between 12 a.m. (midnight) and 6 a.m., and in Subdistrict 2, operates between 9 p.m. and 6 a.m. See Section 51P-842.113.”

SECTION 2. That Subsection (a) of Section 51P-842.104, “Definitions and Interpretations,” of Article 842, “PD 842,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Paragraph (2.1), “Legacy Building,” to read as follows:

“(2.1) LEGACY BUILDING means a building in Subdistrict 2 constructed prior to 1926 that maintains the original front entrance and existing solid to void ratios.”

SECTION 3. That Section 51P-842.104.2, “Subdistrict,” of Article 842, “PD 842,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-842.104.2. SUBDISTRICTS.

This district contains the following subdistricts: Subdistricts 1 and 2 as shown on the subdistrict map (Exhibit 842A).”

SECTION 4. That Subsection (c) of Section 51P-842.106, “Main Uses Permitted,” of Article 842, “PD 842,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(c) Except as provided in this subsection~~[In Subdistrict 1]~~, the following uses are prohibited in Subdistricts 1 and 2.

- Alcoholic beverage establishment.
- Alternative financial establishment.
- Auto service center.
- Bail bond office.
- Car wash.
- Commercial amusement (inside).
- Commercial amusement (outside).
- Convenience store with drive-through.
- Late-hours establishment.
- Liquor store. [Prohibited in Subdistrict 1 only.]
- Massage establishment.

- Mini-warehouse.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Paraphernalia shop.
- Restaurant without drive-in or drive-through service. [Prohibited in Subdistrict 1 only.]
- Restaurant with drive-in or drive-through service.
- Swap or buy shop.
- Tattoo studio.”

SECTION 5. That Section 51P-842.107, “Accessory Uses,” of Article 842, “PD 842,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Subdistrict (b) to read as follows:

“(b) Except as provided in this Subsection, the following accessory uses are not permitted:

- Restaurant without drive-in or drive-through service. [Prohibited in Subdistrict 2 only.]
- Restaurant with drive-in or drive-through service. [Prohibited in Subdistrict 2 only.]”

SECTION 6. That Section 51P-842.108, “Yard, Lot, and Space Regulations,” of Article 842, “PD 842,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-842.108. 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 CR Community Retail District apply.

(b) Floor area ratio.

(1) In Subdistrict 1, maximum floor total floor area for office and retail and personal service uses combined is 6,000 square feet.

(2) In Subdistrict 2, the maximum floor area of all restaurant without drive-in or drive-through service uses is 3,000 square feet. Outdoor patio space is included in the 3,000 square foot limit.

(c) Stories. In Subdistrict 2, except for mezzanines within a legacy building, maximum number of stories is one.

SECTION 7. That Section 51P-842.109, "Off-Street Loading and Parking," of Article 842, "PD 842," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Subsection (c), "Subdistrict 2," to read as follows:

"(c) Subdistrict 2.

(1) Except for a restaurant without drive-in or drive-through service, no parking or loading is required for a retail and personal service use within a legacy building which limits its hours of operation to between 6:00 a.m. and 9:00 p.m. and has a parking ratio of one parking space to 200 square feet of floor area or less.

(2) No parking is required for office uses within a legacy building.

(3) A minimum of one space per 100 square feet of floor area is required for a restaurant without drive-in or drive-through service. Delta credits may not be used to meet this off-street parking requirement.

(4) For a hotel or motel use, the off-street parking requirement may be established in the ordinance granting a specific use permit.

(5) Except as provided in this subsection, remote parking must be in accordance with Section 51A-4.320. In lieu of filing a parking agreement in the deed records, an agreement authorizing a nonresidential use or a mixed use development to use special parking for nonresidential uses may be based on a lease of the special parking spaces only if the lease:

(A) is in writing;

(B) contains legal descriptions of the properties affected;

(C) specifies the special parking being provided and the hours of operation of any use involved;

(D) is governed by the laws of the state of Texas;

(E) is signed by all owners of the properties affected;

(F) signed by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;

(G) is for a minimum term of three years; and

(H) provides both the owner of the lot occupied by the nonresidential use or mixed use development use and the owner of the remote parking lot shall notify the building official in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.”

SECTION 8. That Subsection (c) of Section 51P-842.113, “Additional Provisions,” of Article 842, “PD 842,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(c) Late-hours operations.

(1) Except for late-hours establishments operating under a valid specific use permit, or a late-hours establishment in Subdistrict 2, all services for the public must be stopped and all customers must be removed from the establishment between 12 a.m. (midnight) and 6 a.m. Any retail and personal service use that offers services to the public or that has customers remaining in the establishment between 12 a.m. (midnight) and 6 a.m. is a late-hours establishment.

(2) In Subdistrict 2, except for late-hours establishments operating under a valid specific use permit, all services for the public must be stopped and all customers must be removed from the establishment between 9 p.m. and 6 a.m. Any retail and personal service use that offers services to the public or has customers remaining in the establishment between 9 p.m. and 6 a.m. is a late-hours establishment.

(3[2]) No occupancy shall have nonconforming rights to operate between 12 a.m. (midnight) and 6 a.m. All occupants must come into compliance with this subsection by September 23, 2011.”

SECTION 9. That Section 51P-842.113, “Additional Provisions,” of Article 842, “PD 842,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Subsection (g), “Subdistrict 2,” to read as follows:

“(g) Subdistrict 2.

(1) Except for maintenance and mechanical equipment, use of rooftops is prohibited.

(2) Outdoor speakers and amplified music are prohibited.

(3) For retail and restaurant without drive-in or drive-through service uses:

(A) public entrances are prohibited facing Oram Street.

(B) floor area for a restaurant without drive-in or drive-through service use must be at least 15 feet from Oram Street.”

SECTION 10. That the subdistrict map, Exhibit 842A of Article 842, “PD 842,” of Chapter 51P of the Dallas City Code, is replaced by the Exhibit 842A attached to this ordinance.

SECTION 11. That development of this district must comply with the full-scale version of Exhibit 842A (subdistrict map) 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 12. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 13. That 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 14. 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 15. 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 J. CASO, Interim City Attorney

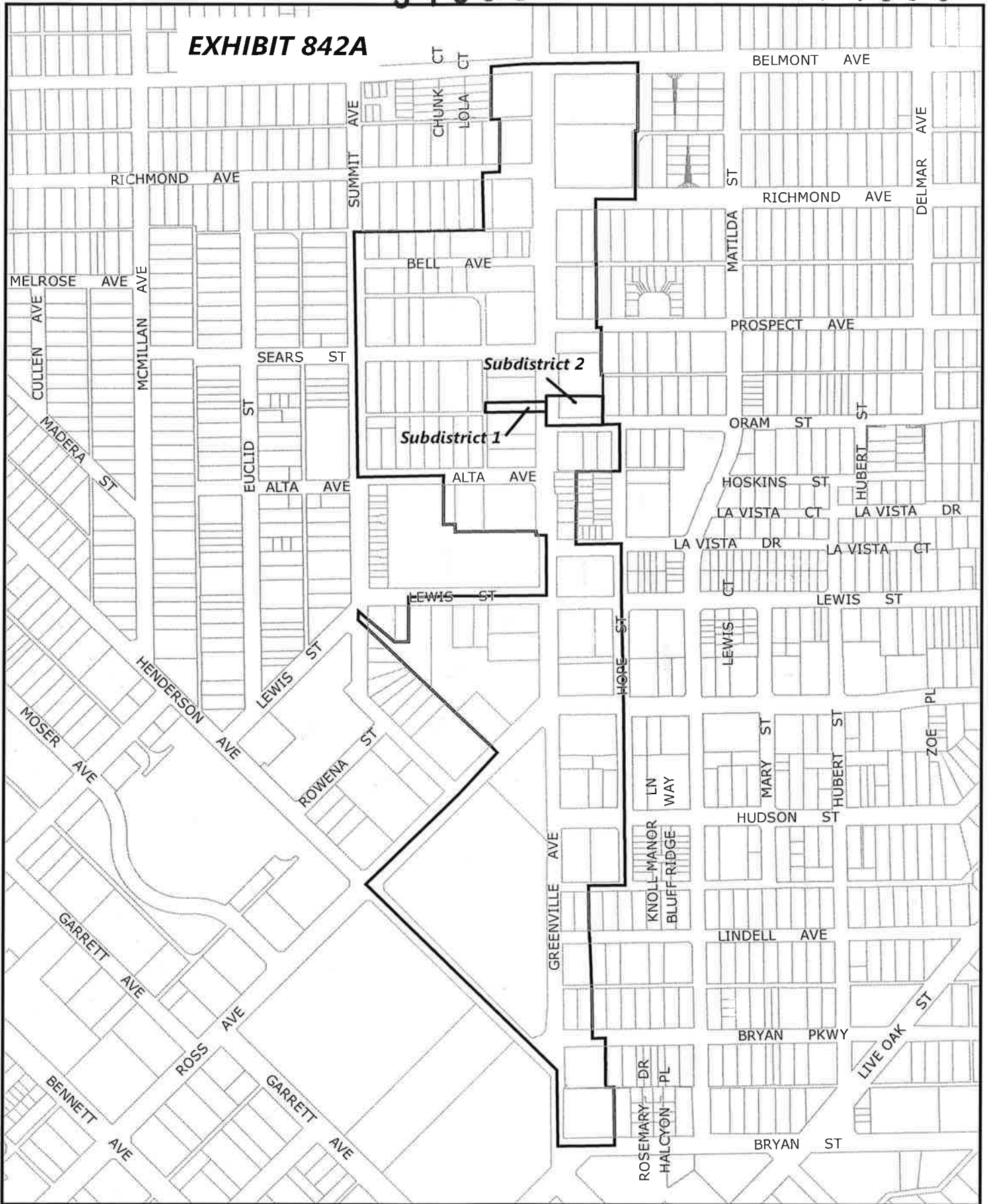
By 
Assistant City Attorney

Passed AUG 28 2019

31300

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EXHIBIT 842A





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 AUG 28 2019

ORDINANCE NUMBER 31300

DATE PUBLISHED AUG 31 2019

ATTESTED BY: