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Masterplan

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ORDINANCE NO. 25894

An ordinance changing the zoning classification on the following described property:

BEING all of City Blocks 10/7509, 9/7512, a portion of City Blocks 6/7510 and 7/7510, and a portion of Birmingham Place, an unrecorded addition, fronting approximately 798.74 feet on the east line of the DART right-of-way north of Royal Lane, located on Oren Street at Westrock Drive, and containing 13.94 acres,

from an R-7.5(A) Single Family District and an R-10(A) Single Family District to Planned Development District No. 717; amending CHAPTER 51P, "DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS," of the Dallas City Code, as amended, by creating a new Article 717; establishing use regulations and development standards for this planned development district; 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, have given the required notices and have held the required public hearings regarding the rezoning of the property hereinafter described; and

WHEREAS, the city council finds that it is in the public interest to establish this planned development district; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from an R-7.5(A) Single Family District and an R-10(A) Single Family District to Planned Development District No. 717 on the property described in Exhibit A (the "Property"), which is attached to and made a part of this ordinance.

ARTICLE 717.

PD 717.

SEC. 51P-717.101. LEGISLATIVE HISTORY.

PD 717 was established by Ordinance No. 25894, passed by the Dallas City Council on February 23, 2005. (Ord. 25894)

SEC. 51P-717.102. PROPERTY LOCATION AND SIZE.

PD 717 is established on property located on Oren Street at Westrock Drive. The size of PD 717 is approximately 13.94 acres. (Ord. 25894)

SEC. 51P-717.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district, UNENCLOSED STRUCTURE means a structure without walls.

(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 residential zoning district.

(d) For purposes of Section 51A-8.611(d)(3), this district is considered to be a high density residential zoning district. (Ord. Nos. 25894; 26996)

SEC. 51P-717.104. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 717A). In the event of a conflict between the text of this article and the conceptual plan, the text of this article controls. (Ord. 25894)

SEC. 51P-717.105. DEVELOPMENT PLAN.

(a) A development plan must be submitted to the city plan commission within six months of passage of the ordinance creating this article. Final approval of a development plan must be obtained from the commission within one year of passage of the ordinance creating this article.

(b) The commission may grant extensions of these periods. No extension may exceed six months.

(c) If a development plan is not submitted or finally approved within these periods, the director must notify the commission. Upon notice from the director, the commission shall call a public hearing to determine proper zoning.

(d) A development plan approved by the commission subject to conditions shall not be considered as finally approved. Until a revised development plan is finally approved by the commission, the development plan approved subject to conditions shall be deemed denied. (Ord. 25894)

SEC. 51P-717.106. MAIN USES PERMITTED.

(a) Except as provided below, the only main uses permitted in this district are those uses permitted in the R-5(A) Single Family District, subject to the same conditions applicable in the R-5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP, and a use subject to development impact review (DIR) in the R-5(A) Single Family District is subject to DIR in this district.

(b) Private streets or alleys. (Permitted by right only in the location shown on the conceptual plan.) (Ord. 25894)

SEC. 51P-717.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of 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. (Ord. 25894)

SEC. 51P-717.108. 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. In the event of 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 R-5(A) Single Family District apply.

(b) Front yard. For single family uses, minimum front yard is 10 feet.

(c) Side yard.

(1) For single family uses, no minimum side yard, but a minimum of 20 feet is required between any two single family structures.

(2) Ordinary projections and architectural features, such as fireplace chimneys, eaves, belt cornices, window sills, balconies, and decorative trim, may project no more than five feet into the required 20 feet between single family structures.

(3) Unenclosed structures, such as trellises, pool structures, sun shades, and patios, may be located within the required 20 feet between single family structures if they are 500 square feet or less in floor area, set back a minimum of six feet from the side lot line, and set back a minimum of 30 feet from the front lot line.

(d) Rear yard. For single family uses, minimum rear yard is 10 feet.

- (e) Density. For single family uses, maximum number of dwelling units is 54.
- (f) Floor area ratio. Maximum floor area ratio is 0.7.
- (g) Height.
 - (1) For single family uses, maximum structure height is 36 feet.
 - (2) Maximum structure height for unenclosed structures is 12 feet.
- (h) Lot coverage. Maximum lot coverage is 45 percent. Unenclosed structures are not included in lot coverage calculations.
- (i) Lot size. For single family uses, minimum lot size on the west side of the street is 5,000 square feet. Minimum lot size on the east side of the street is 7,500 square feet, except that for one lot in the location shown on the conceptual plan, minimum lot size is 6,680 square feet.
- (j) Garages. Enclosed parking garages with automatic garage doors may be located within the required 20-foot setback from the right-of-way line of a street or alley.
- (k) Building site. Roof eaves and gutters that are a minimum of 12 feet above grade may project up to two feet into an established easement on abutting property if lot-to-lot drainage is prevented. For purposes of the lot-to-lot drainage prohibition, the roof, including any eaves or gutters projecting into an established easement on abutting property, is part of the lot on which the main structure was constructed. (Ord. Nos. 25894; 26996)

SEC. 51P-717.109. OFF-STREET PARKING AND LOADING.

- (a) Except as provided in this section, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.
- (b) Guest parking must be provided in the location shown on the conceptual plan. (Ord. 25894)

SEC. 51P-717.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 25894)

SEC. 51P-717.111. LANDSCAPING.

- (a) Landscaping must be provided in accordance with Article X.
- (b) All plant materials must be maintained in a healthy, growing condition. (Ord. 25894)

SEC. 51P-717.112. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII. (Ord. 25894)

SEC. 51P-717.113.

STREETS AND SIDEWALKS.

(a) Street radius must generally comply with the conceptual plan. Pavement within the street right-of-way may be off-set from center upon approval of the director. Minimum pavement width is 22 feet 6 inches, measured from face to face of the curb. The minimum right-of-way width may, upon approval of the director of public works and transportation, be reduced to 28 feet 6 inches. If the right-of-way width is reduced, then easements for utility, access, and sidewalk purposes must be dedicated in order to total a minimum combined right-of-way and easement width of 50 feet.

(b) Sidewalks may be constructed directly back of curb upon approval of the director. Sidewalks are required on at least one side of the street, and the minimum sidewalk width is four feet. (Ord. 25894)

SEC. 51P-717.114.

PRIVATE LICENSE.

(a) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owner, to the tenants (“property owner”) of all property in this district for the exclusive purpose of authorizing landscaping, irrigation, and private drainage facilities (“landscaping and related amenities”) in the right-of-way. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a right-of-way landscape permit in accordance with the Dallas Building Code, or Subsection (b) of this section. This private license shall not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city of the necessity for such termination shall be final and binding and the city shall become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the director of public works and transportation.

(2) A property owner is not required to comply with any landscaping requirement if compliance is made impossible due to the director’s revocation of a landscape permit or the revocation of the license granted herein affecting landscaping.

(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the property owner shall procure, pay for and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, \$2,000,000 annual aggregate. Coverage under this liability policy shall be on an “occurrence” basis and the city shall be named as additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent it is covered by this liability insurance policy.

(4) Each property owner shall be responsible for maintaining the landscaping and related amenities in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the City shall be absolutely exempt from any requirements to make repairs or to maintain the landscaping and related amenities. The granting of a license for landscaping and related amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(b) Right-of-way landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a right-of-way landscape permit before locating trees, landscaping, or related amenities in the right-of-way. An application for a right-of-way landscape permit must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the right-of-way affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a right-of-way landscape permit to the property owner; otherwise, the director shall deny the permit.

(3) A property owner is not required to comply with any right-of-way landscaping requirement of this article if compliance is made impossible due to the director's denial of a right-of-way landscape permit.

(4) A right-of-way landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the right-of-way authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any right-of-way landscaping requirement of this section if compliance is made impossible due to the director's revocation of a right-of-way landscape permit.

(5) The issuance of a right-of-way landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or other amenities in the public right-of-way. (Ord. 25894)

SEC. 51P-717.115. ADDITIONAL PROVISIONS.

(a) The entire 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. (Ord. 25894)

SEC. 51P-717.116. COMPLIANCE WITH CONDITIONS.

(a) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use in this district, 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) A pavement width of 28 feet 6 inches is permitted in the location shown on the conceptual plan. Otherwise, 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 director of public works and transportation. (Ord. 25894)

SEC. 51P-717.117. ZONING MAP.

PD 717 is located on Zoning Map No. E-8. (Ord. 25894)