

ORDINANCE NO. _____

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 7284; located at the southwest corner of Northaven Road and Freda Stern Drive; and containing approximately 9.5 acres,

from an R-16(A) Single Family District to Planned Development District No. 879; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 879; 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 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 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-16(A) Single Family District to Planned Development District No. 879 on the property described in Exhibit A, which is attached to and made a part of this ordinance ("the Property").

SECTION 2. That Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Article 879 to read as follows:

"ARTICLE 879.

PD 879.

SEC. 51P-879.101. LEGISLATIVE HISTORY.

PD 879 was established by Ordinance No. _____, passed by the Dallas City Council on February 27, 2013.

SEC. 51P-879.102. PROPERTY LOCATION AND SIZE.

PD 879 is established on property located at the southwest corner of Northaven Road and Freda Stern Drive. The size of PD 879 is approximately 9.5 acres.

SEC. 51P-879.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district:

(1) **EXISTING IMPROVEMENT** means a building in existence on the Property on February 27, 2013.

(2) **LANDSCAPE CONTRACTOR'S MAINTENANCE YARD** means a facility for the storage and maintenance of contractor's supplies, vehicles, and operational equipment to be used in the installation and maintenance of landscaping.

(3) **NEW CONSTRUCTION** means a building erected after February 27, 2013.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) Except as provided in this subsection, this district is considered a residential zoning district. This district is considered a nonresidential zoning district for the purposes of adjacency between Tract 1 and Tract 2 as shown on the development plan/landscape plan (Exhibit 879A).

SEC. 51P-879.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 879A: development plan/landscape plan.

SEC. 51P-879.105. CREATION OF A BUILDING SITE.

(a) Except as provided in this section, the Property is considered a building site for a maximum of 42,704 square feet of floor area on Tract 1 and a maximum of 7,767 square feet of floor area on Tract 2 in the locations shown on the development plan/landscape plan.

(b) The Property must be platted prior to any new construction or addition to an existing improvement in Tract 2 for a landscape contractor's maintenance yard or an associated use.

(c) The Property must be platted prior to any increases in floor area that exceed 10,000 square feet.

SEC. 51P-879.106. DEVELOPMENT PLAN/LANDSCAPE PLAN.

(a) In general. Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Nursery, garden shop, or plant sales and landscape contractor's maintenance yard. Development and use of the Property for a nursery, garden shop, or plant sales use or a landscape contractor's maintenance yard must comply with the development plan/landscape plan (Exhibit 879A) which reflects the existing improvements. If there is a conflict between the text of this article and the development plan/landscape plan, the text of this article controls.

(c) Amendments to development plan/landscape plan.

(1) An amendment to an approved development plan/landscape plan for a nursery, garden shop, or plant sales use or landscape contractor's maintenance yard is not required for:

(A) any expansion, modifications, or alterations of an existing improvement or new construction located in the area shown as future building area for nursery, garden shop, or plant sales and landscape contractor's maintenance yard on the development plan/landscape plan;

(B) relocating or adding utilities, including lighting and electrical service;

- (C) site preparation and drainage work;
- (D) changes to landscaping not required by this article; and
- (E) parking space reconfigurations, additions, and relocations that do not reduce the number of required off street parking spaces.

(2) Development of retirement housing qualifies as a minor amendment and must comply with the provisions of Section 51A-4.702. A copy of the minor amendment application must be mailed to the president (or the president's designee) of the Hillcrest Forest Homeowners Association no later than five days prior to the initial filing date with the city.

SEC. 51P-879.107. MAIN USES PERMITTED.

The following uses are the only main uses permitted:

- (1) Industrial uses.
 - Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*
- (2) Institutional and community service uses.
 - Adult day care facility. *[SUP]*
 - Child-care facility. *[SUP]*
 - Church.
 - Community service center. *[SUP]*
 - Private school. *[SUP]*
- (3) Miscellaneous uses.
 - Temporary construction or sales office.
- (4) Recreation uses.
 - Public park, playground, or golf course.
- (5) Residential uses.
 - Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*
 - Retirement housing.
 - Single family.

- (6) Retail and personal service uses.
 - Nursery, garden shop, or plant sales.
 - Restaurant without drive-in or drive-through service. *[As a limited use only, except that internet and print advertising is allowed.]*
- (7) Transportation uses.
 - Private street or alley.
- (8) Utility and public service uses.
 - Electrical substation. *[SUP]*
 - Local utilities. *[Communications exchange facility prohibited, otherwise, see Section 51A-4.212(4).]*
 - Police or fire station. *[SUP]*
 - Utility or government installation other than listed. *[SUP]*
- (9) Wholesale, distribution, and storage uses.
 - Landscape contractor's maintenance yard. *[Limited to Tract 2 only. Interim use only. Use may only continue until October 1, 2014.]*

SEC. 51P-879.108. ACCESSORY USES.

(a) 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.

(b) An accessory office use is permitted in conjunction with a nursery, garden shop, or plant sales use, or a landscape contractor's maintenance yard, and may exceed five percent of floor area.

(c) The following accessory uses are not permitted:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Amateur communication tower.
- Day home.
- General waste incinerator.
- Private stable.
- Pedestrian skybridges.

SEC. 51P-879.109.

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) Front yard.

(1) Except as provided in this subsection, minimum front yard is five feet.

(2) Minimum front yard along Northaven Road is 55 feet, except that if the main use is single family or handicapped group dwelling unit, minimum front yard along Northaven Road is 35 feet.

(3) For a nursery, garden shop, or plant sales use, no minimum front yard.

(4) Fences and walls are prohibited in the front yard along Northaven Road.

(b) Side and rear yard.

(1) In general.

(A) Except as provided in this subsection, minimum side and rear yard is 10 feet.

(B) Except as provided in this subsection, minimum side and rear yard along the western Property line is 25 feet for structures less than or equal to 20 feet in height.

(C) Except as provided in this subsection, minimum side and rear yard along the western Property line is 90 feet for structures greater than 20 feet in height.

(2) Landscape contractor's maintenance yard. A minimum setback of 20 feet must be provided along the southern Property line by October 1, 2013.

(3) Nursery, garden shop or plant sales use. No minimum side or rear yard along the western Property line.

(4) Retirement housing. If the use is located within 90 feet of the western Property line, a minimum 15 foot separation must be provided between each group of eight dwelling units or suites.

(5) Single-family and handicapped group dwelling unit uses.

(A) Except as provided in this paragraph, minimum side and rear yard along the western Property line is 10 feet.

(B) A minimum side yard for a platted lot is one foot along one side yard and five feet along the other side yard.

(C) The minimum rear yard is 10 feet.

(c) Density.

(1) Except as provided in this subsection, no maximum dwelling unit density.

(2) For retirement housing, maximum number of dwelling units or suites is 130.

(d) Floor area.

(1) In general. Except as provided in this subsection, no maximum floor area.

(2) Landscape contractor's maintenance yard.

(A) Excluding greenhouses, maximum floor area is 5,467 square feet.

(B) Maximum floor area for greenhouses is 2,300 square feet.

(3) Nursery, garden shop, or plant sales use. Maximum combined floor area is 55,204 square feet.

(4) Restaurant without drive-in or drive-through service. Maximum floor area is 2,000 square feet.

(e) Height.

(1) In general. Except as provided in this subsection, maximum structure height is:

(A) 30 feet for single family and handicapped group dwelling unit uses.

(B) 36 feet for all other permitted uses.

(2) Parapet walls. Parapet walls may not exceed four feet above the maximum structure height.

(3) Residential proximity slope.

(A) If any portion of a structure is over 26 feet in height, that portion of a structure may not be located above a residential proximity slope.

(B) If any part of Tract 1 is developed with a residential use, the residential proximity slope does not apply to Tract 2.

(C) If any part of Tract 2 is developed with a residential use, the residential proximity slope does not apply to Tract 1.

(4) Structures that may project above maximum structure height. The following structures may project a maximum of eight feet above the maximum structure height for any structure that is setback a minimum of 100 feet from the western Property line and provided the structure does not exceed 15 percent of the roof area:

(A) Elevator penthouse or bulkhead.

(B) Mechanical equipment room.

(C) Cooling tower.

(D) Tank designed to hold liquids.

(E) Ornamental cupola or dome.

(F) Skylights.

(G) Clearstory.

(H) Visual screens which surround roof mounted mechanical equipment:

(I) Chimney and vent stacks.

(f) Lot coverage.

(1) Except as provided in this subsection, maximum lot coverage is 65 percent.

(2) For residential uses, maximum lot coverage is 80 percent.

(3) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size.

(1) Except as provided in this subsection, no minimum lot size.

(2) For single family and handicapped group dwelling unit uses, minimum lot size is 3,250 square feet, with a minimum average lot size of 5,000 square feet.

(h) Stories. No maximum number of stories.

SEC. 51P-879.110. 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. Consult the off-street parking and loading regulations in Divisions 51A-4.300 et seq. for information regarding off-street parking and loading generally.

(b) Landscape contractor's maintenance yard. For a landscape contractor's maintenance yard, one space per 2,000 square feet of floor area is required.

(c) Single family and handicapped group dwelling unit uses.

(1) Two spaces per dwelling unit are required.

(2) Minimum required guest parking is 0.25 space per dwelling unit for platted lots less than 5,000 square feet in area.

(3) Parking located in parking islands or other areas within the street right-of-way, subject to the approval of the city engineer, may be counted as a reduction of the parking requirement. An on-street parking space may not be used to reduce the required parking for more than one use. An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 =$ one third). The total number of limited-availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(d) Treatment as one lot. For the purposes of this section, the Property is considered one lot for a nursery, garden shop, or plant sales use and a landscape contractor's maintenance yard.

SEC. 51P-879.111. PAVING.

(a) Except as provided in this section, the surfacing of all aisles, parking areas, maneuvering areas, and emergency access ways must, at a minimum, consist of an all-weather and drainable material, which is approved by the city.

(b). The surface material for parking areas, maneuvering areas, emergency access ways, and driveways for a nursery, garden shop, or plant sales use, accessory office, and a landscape contractor's maintenance yard, may be constructed of materials such as grass/manufactured block combinations, other types of ground cover/manufactured block combinations, gravel, asphalt, or crushed stone subject to the construction specifications approved by the building official.

(c) No alleys or sidewalks are required.

(d) When the Property is platted, no circular or other type of turnaround is required at the terminus of Currin Drive, Azalea Drive, or Lavendale Avenue.

(e) When the Property is platted, no alley turnaround or extension of the existing alleys intersecting the western boundary of the Property are required.

SEC. 51P-879.112. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-879.113. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) For a nursery, garden shop, or plant sales use and a landscape contractor's maintenance yard, landscaping must be provided in accordance with the development plan/landscape plan.

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

SEC. 51P-879.114. SCREENING AND DESIGN CONSTRUCTION.

(a) Except as provided in this subsection, an eight foot tall solid masonry wall is required along the western Property line of a platted lot. An eight foot masonry wall is not required for the following uses: nursery, garden shop, or plant sales and landscape contractor's maintenance yard. An eight foot masonry wall is not required for the following uses located on a lot containing at least 16,000 square feet of land: single family and handicapped group dwelling unit.

(b) By December 1, 2013, solid screening constructed to a minimum height of eight feet must be provided along the southern Property line, as shown on the development plan/landscape plan, if a landscape contractor's maintenance yard is operating in Tract 2.

(c) For single family or handicapped group dwelling unit uses located within 30 feet of the western Property line or any other permitted use located within 80 feet of the western Property line, all windows located above the first floor on a western facade must be constructed at a minimum height of six feet above the floor, measured to the bottom of the window or constructed using a non-transparent material, such as glass blocks or frosted glass that allows only light into interior spaces.

(d) Balconies are prohibited on west facing facades within 80 feet of the western Property line. For single family and handicapped group dwelling unit structures, balconies are prohibited on west facing facades located within 30 feet of the western Property line.

(e) Dumpsters are prohibited within 90 feet of the west and north Property lines.

SEC. 51P-879.115. ADDITIONAL PROVISIONS FOR LANDSCAPE CONTRACTOR'S MAINTENANCE YARD.

(a) A 100-foot-wide buffer as shown on the development plan/landscape plan must be provided by October 1, 2013.

(1) Improvements located within the buffer are limited to the storage and maintenance of plant materials.

(2) Maximum stacking height within the buffer is six feet.

(b) On October 1, 2013 and thereafter, the operation and maintenance of equipment is limited to the area shown on the development plan/landscape plan.

(c) On October 1, 2013 and thereafter, a landscape contractor's maintenance yard may not operate before 7:00 a.m., Monday through Sunday.

(d) The following equipment may only be operated between 9:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 12:00 p.m. (noon) on Saturday: backhoe, tractor with front end loader, skid steer loader, brush chipper, and rototiller.

(e) Maintenance of equipment may only be performed inside the mechanic shop as shown on the development plan/landscape plan.

(f) This use must cease operation by October 1, 2014.

SEC. 51P-879.116. SIGNS.

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

(b) For a nursery, garden shop, or plant sales use:

(1) Four detached premise signs are permitted, with each sign limited to a maximum effective area of 25 square feet per side; a maximum height of eight feet; and a minimum setback of five feet.

(2) Two attached premise signs are permitted, one attached premise sign may have a maximum effective area of 50 square feet, and the other attached premise sign may have a maximum effective area of 10 square feet.

SEC. 51P-879.117. 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.

(c) Except for single family and handicapped group dwelling unit uses, vehicular access is prohibited from Currin Drive, Azalea Drive, and Lavendale Avenue.

SEC. 51P-879.118. COMPLIANCE WITH CONDITIONS.

(a) Except as provided in this article, 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.”

SECTION 3. 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 4. That development of this district must comply with the full-scale version of Exhibit 879A (development plan/landscape plan) 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 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 879 in Chapter 51P.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.


SECTION 7. 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 8. 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 9. 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:

THOMAS P. PERKINS, JR., City Attorney

By  _____
Assistant City Attorney

Passed _____

DESCRIPTION

9.50 ACRES

JONATHAN PINKUS AND WIFE, LILLIAN PINKUS

Vol. 97044, Pg. 3616, D.R.D.C.T.

M.J. SANCHEZ SURVEY ABSTRACT NO. 1272

CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 413,947 square foot (9.50 acre) tract of land situated in the M.J. SANCHEZ SURVEY ABSTRACT NO. 1272, City of Dallas, Dallas County, Texas, and being part of City of Dallas Block 7284, and being the same tract of land conveyed to JONATHAN PINKUS AND WIFE, LILLIAN PINKUS by Warranty Deed recorded in Volume 97044, Page 3616, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner at the common south corner of said Pinkus tract and REVISED JEWISH COMMUNITY CENTER OF DALLAS, an addition to the City of Dallas, Texas, recorded in Volume 77074, Page 13, Deed Records, Dallas County, Texas;

THENCE S 68°32'44" W with the southerly line of said Pinkus tract, same being the northerly line of a 10.82 acre tract of land conveyed to DALLAS POWER AND LIGHT COMPANY by deed recorded in Volume 3282, Page 560, Deed Records, Dallas County, Texas, a distance of 410.55 feet to the common southerly corner of said Pinkus tract and NORTHAVEN MEADOWS, an addition to the City of Dallas recorded in Volume 20, Page 29, Map Records, Dallas County, Texas;

THENCE N 06°13'26" W with the common line of said NORTHAVEN MEADOWS and said Pinkus tract, a distance of 1,105.65 feet to the common north corner of said NORTHAVEN MEADOWS and said Pinkus tract to an "X" set in concrete for corner, said point being N 06°13'26" W a distance of 5.0 feet from the northeast corner of Lot 2, Block 2/7285 of said NORTHAVEN MEADOWS addition;

THENCE N 81°32'14" E along the northerly line of said Pinkus tract and the southerly line of Northaven Road, a 55 foot wide right of way along this line, a distance of 385.09 feet to an "X" set in concrete for corner at the northeasterly corner of said Pinkus tract;

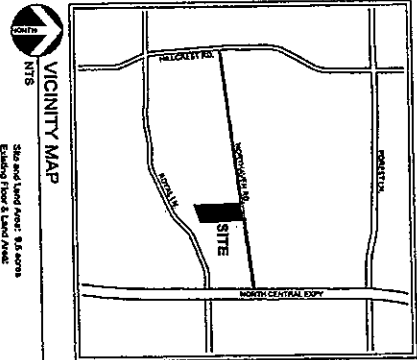
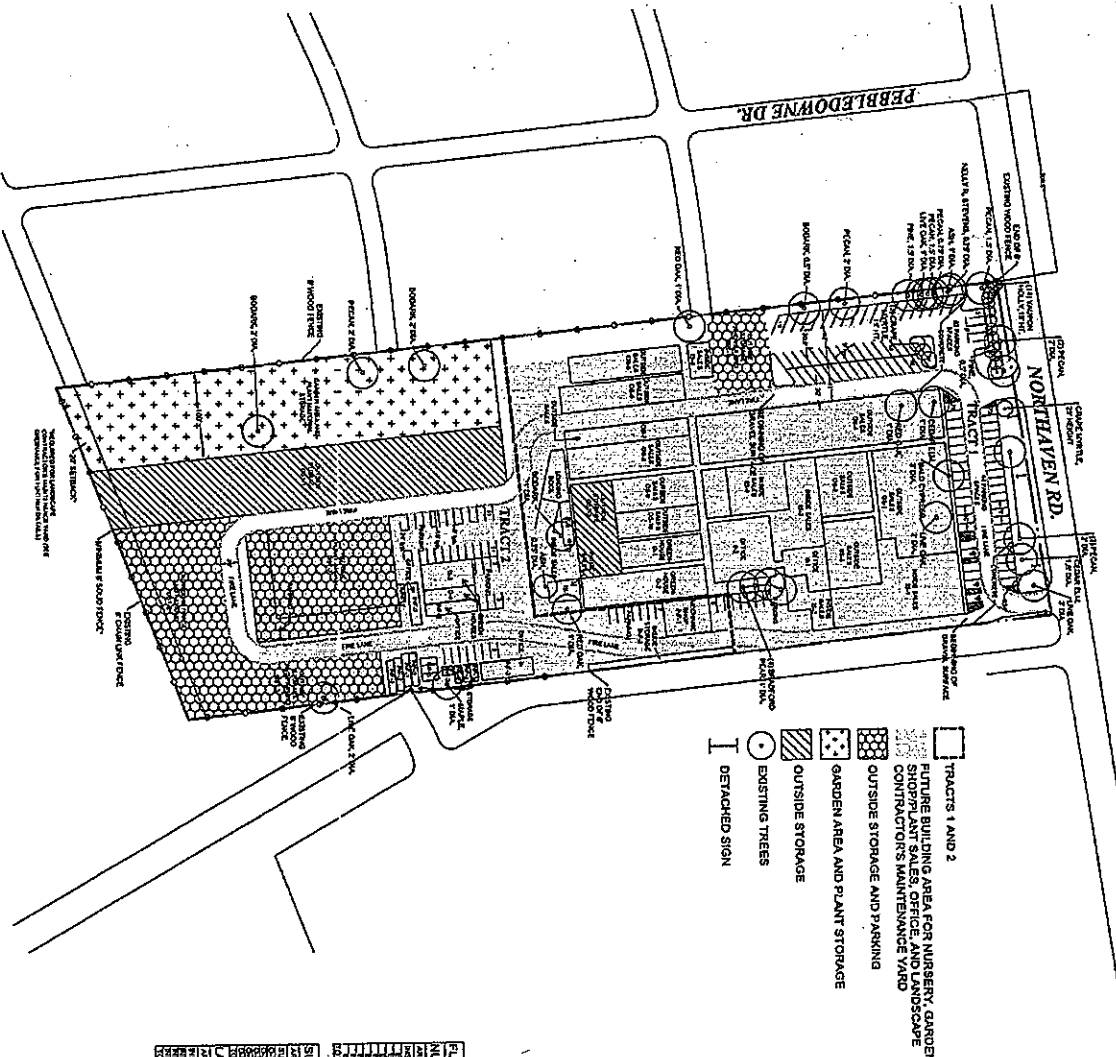
THENCE S 06°51'54" E with the easterly line of said Pinkus tract, passing the northwest corner of said REVISED JEWISH COMMUNITY CENTER OF DALLAS addition, at a distance of 5.0 feet and continuing with the common line of said Pinkus tract and REVISED JEWISH COMMUNITY CENTER OF DALLAS addition, passing a 1/2 inch iron rod with a cap stamped "Pacheco Koch" at a distance of 792.67 feet and continuing in all a distance of 1012.90 feet to the POINT OF BEGINNING and containing 413,947 square feet or 9.50 acres of land.



Date: 10/30/2012
Job # X26819 SHEET 1 OF 2

2123-131

DEVELOPMENT PLAN/LANDSCAPE PLAN
SCALE: 1" = 80'-0"



VICINITY MAP

Site and Land Area: 85.5 acres
 Existing Floor & Land Area:
 Nursery, Garden Shop, or Plant Sales:
 1,000,000 sq ft
 2,500,000 sq ft
 7,200 sq ft
 8,316 sq ft
 40,728 sq ft
 48,750 sq ft

Landscaping Contractor Maintenance Yard:
 2,200 sq ft
 40,728 sq ft
 48,750 sq ft

Planting:
 14,000 trees
 14,000 shrubs
 14,000 plants

Planting Use:
 Nursery, Garden Shop or Plant Sales: 71 species
 Landscaping Contractor Maintenance Yard: 34 species
 Total Required Planting: 142 species
 Total Provided Planting: 148 species

FLOOR AREA & LAND AREA			
AREA	AREA 1	AREA 2	AREA 3
EXISTING FLOOR AREA	1,000,000	2,500,000	7,200
EXISTING LAND AREA	1,000,000	2,500,000	7,200
NEW FLOOR AREA	8,316	40,728	48,750
NEW LAND AREA	8,316	40,728	48,750
TOTAL FLOOR AREA	1,008,316	2,540,728	15,450
TOTAL LAND AREA	1,008,316	2,540,728	15,450

Planned Development
District No. 879

NORTHAVEN GARDENS
CITY OF DALLAS, TEXAS

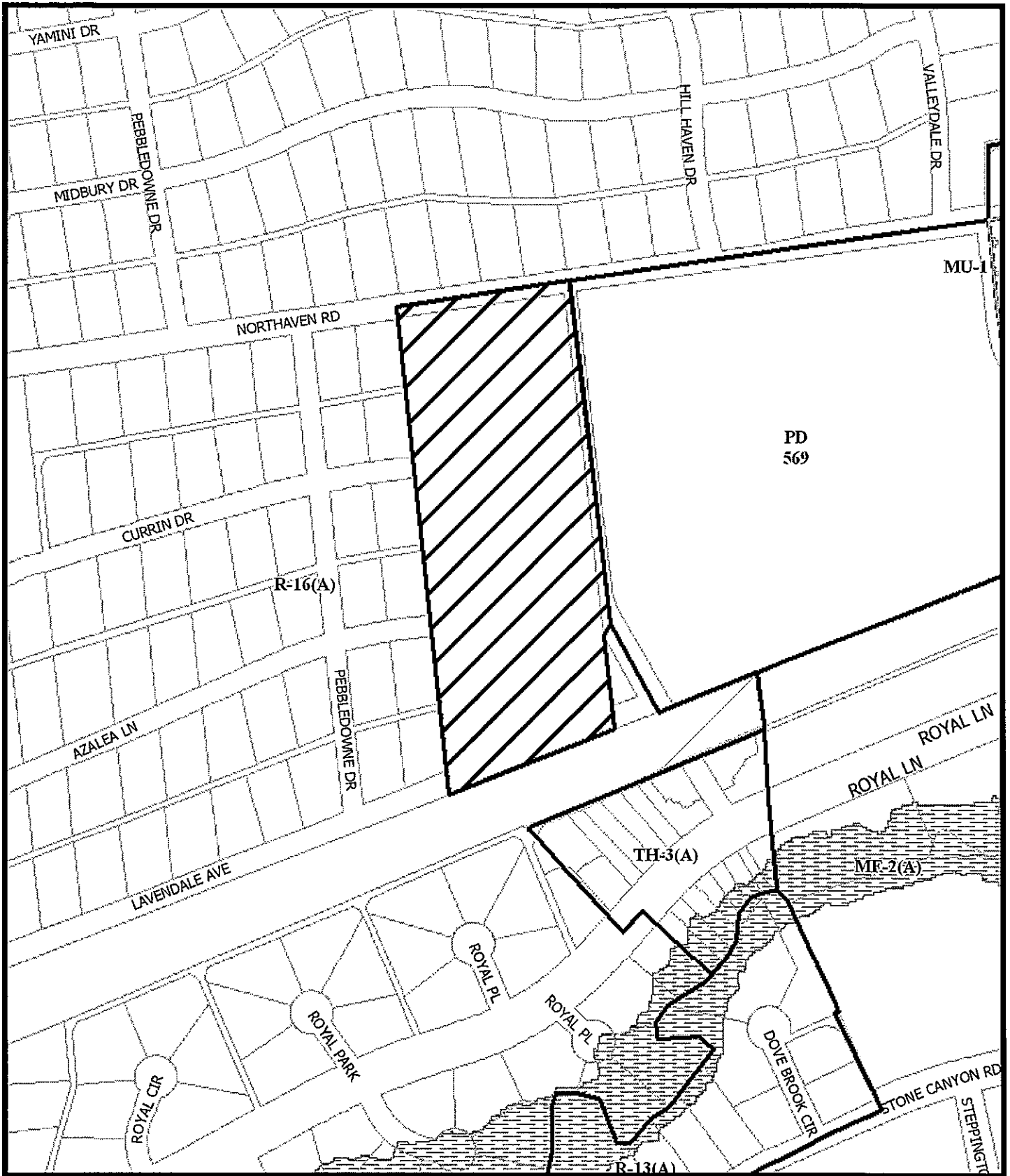
Baldwin Associates

BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, MOBILE OFFICE
rob@baldwinassoc.com

02/11/13
PROJECT NUMBER

Approved
City Plan Commission
February 7, 2013

1:23-131 (RB)



1:3,600

ZONING AND LAND USE

Case no: Z123-131

Date: 11/19/2012