

Division S-37. PD Subdistrict 37.

SEC. S-37.101. LEGISLATIVE HISTORY.

PD Subdistrict 37 was established by Ordinance No. 24204, passed by the Dallas City Council on March 8, 2000. Ordinance No. 24204 amended Ordinance No. 21859, PD 193 (the Oak Lawn Special Purpose District), as amended, and Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. (Ord. Nos. 10962; 21859; 24204; 25267)

SEC. S-37.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 37 is established on property generally fronting on the southwest line of Hall Street between the southeast line of Hood Street and the northwest line of Sale Street. The size of PD Subdistrict 37 is approximately 1.5586 acres. (Ord. Nos. 24204; 25267)

SEC. S-37.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions contained in Chapter 51 and in Part I of this article apply to this division. In the event of a conflict, this division controls. In the event of a conflict between Chapter 51 and Part I of this article, Part I of this article controls. In this division:

(1) **ASSISTED LIVING FACILITY** means a permanent residential facility which furnishes (in single or multiple facilities) food, shelter, laundry, and other assistance in activities of daily living to five or more persons who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment. Food is prepared in a central kitchen. Individual dwelling units do not have kitchen facilities (i.e., do not have cook tops, ranges, or full size appliances, but may contain bar sinks, small refrigerators, or microwave ovens). Assisted living facilities must be licensed as Assisted Living Facilities under Chapter 247 of the Texas Health and Safety Code. Assisted living facilities do not include other licensed health facilities under Subtitle B, "Licensing of Health Facilities," of Title 4, "Health Facilities," of the Texas Health and Safety Code, specifically nursing homes.

(2) **INDEPENDENT LIVING FACILITY** means retirement housing as set forth in PD 193, except that individual dwelling units or suites may contain kitchen facilities.

(3) **SUBDISTRICT** means a subdistrict of PD 193.

(b) Unless otherwise stated, all code references are to Chapter 51.

(c) This subdistrict is considered to be a nonresidential zoning district. (Ord. Nos. 24204; 25267; 25944)

SEC. S-37.104. DEVELOPMENT PLAN.

(a) For a multiple-family use, an assisted living facility, or an independent living facility, development and use of the Property must comply with the development plan (Exhibit S-37A). In the event of a conflict between the provisions of this division and the development plan, the provisions of this division control.

(b) For all other permitted uses, no development plan is required, and the provisions of Section 51-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. Nos. 24204; 25267; 25944; 26463; 27233)

SEC. S-37.105. MAIN USES PERMITTED.

(a) Except as provided in this section, the main uses permitted are those uses permitted in the O-2 Office Subdistrict of PD 193, subject to the same conditions applicable in that subdistrict. For example, a use permitted in that subdistrict only by specific use permit (SUP) is permitted in this PD subdistrict by SUP only; a use subject to development impact review (DIR) in that subdistrict is subject to DIR in this PD subdistrict, etc.

(b) Independent living facility (permitted by right).

(c) Assisted living facility (permitted by right).

(d) The following main uses are prohibited:

- Bar, lounge, or tavern.
- Commercial wedding chapel.
- Dance hall.
- Drive-in restaurant.
- Drive-through restaurant.
- Inside commercial amusement.
- Liquor store.
- Private club.
- Restaurant without drive-through service.
- Retail food store.

(Ord. Nos. 24204; 25267; 25944)

SEC. S-37.106. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51P-193.108, "Accessory Uses." For more information regarding accessory uses, consult Part I of this article.

(b) The following accessory uses are permitted only in conjunction with an assisted living facility or an independent living facility, and must comply with the rules for limited uses:

- Bar, lounge, or tavern.
- Barber and beauty shop.
- Community center (private).
- Drug store.
- Game court (private).
- Handcrafted art work studio.
- Health studio.
- Instructional art studio.
- Office.
- Private club.

- Private recreation club or area.
- Retail food store.
- Retail stores other than listed.
- Swimming pool (private).

(c) Common dining facilities are permitted by right as an accessory use to an independent living facility or assisted living facility. (Ord. Nos. 24204; 25267; 25944)

SEC. S-37.107. 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 contained in PD 193. In the event of a conflict between this section and PD 193, this section controls.)

(a) Front yard.

(1) For a multiple-family use, an assisted living facility, or an independent living facility, minimum front yard setback is as shown on the development plan. Structures and fences in the front yard are permitted in the locations shown on the development plan.

(2) For all other permitted uses, minimum front yard is the same as in the O-2 Office Subdistrict in PD 193.

(b) Side and rear yard.

(1) For a multiple-family use, an assisted living facility, or an independent living facility, minimum side and rear yard setbacks are as shown on the development plan. Structures and fences in the side and rear yard are permitted in the locations shown on the development plan.

(2) For all other permitted uses, minimum side and rear yard setbacks are the same as in the O-2 Office Subdistrict in PD 193.

(c) Density. Maximum number of dwelling units or suites is 210.

(d) Floor area. Maximum floor area ratio is the same as in the O-2 Office Subdistrict in PD 193.

(e) Height. Maximum structure height is 120 feet.

(f) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not. (Ord. Nos. 24204; 25267; 25944; 27233)

SEC. S-37.108. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, off-street parking and loading must be provided in accordance with the requirements of PD 193, as amended.

(b) For an assisted living facility, off-street parking must be provided at the ratio of 0.30 spaces per dwelling unit or suite.

(c) For an independent living facility, off-street parking must be provided at the ratio of 1.2 spaces per dwelling unit or suite.

(d) For an assisted living facility and an independent living facility, a minimum of 133 off-street parking spaces must be provided on the property. (Ord. Nos. 24204; 25267; 25944; 27233)

SEC. S-37.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 24204; 25267; 25944)

SEC. S-37.110. LANDSCAPING.

(a) For a multiple-family use, an assisted living facility, or an independent living facility, landscaping must be provided as shown on the landscape plan (Exhibit S-37B).

(b) For all other permitted uses, landscaping must be provided in accordance with Part I of this article.

(c) Trees must be preserved as required in Article X. The requirements for protective fencing and mitigation of tree removal apply to all uses in this subdistrict. No grading may occur, and no building permit may be issued to authorize work on the Property until any required protective fencing is inspected and approved by the building official or his designated representative.

(d) Plant material must be maintained in a healthy, growing condition at all times.

(e) Mechanical equipment groups with two or more components located on roof areas must be screened from the view of surrounding properties that look down onto structures within this district. (Ord. Nos. 24204; 25267; 25944; 26463; 27233)

SEC. S-37.111. SIGNS.

Signs must comply with the provisions for business zoning districts contained in Article VII. (Ord. Nos. 24204; 25267)

SEC. S-37.112. ADDITIONAL PROVISIONS.

(a) The entire Property must be 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 as otherwise specified in this division or shown on the development plan and landscape plan, development and use of the Property must comply with Part I of this article. (Ord. Nos. 24204; 25267; 26102)

SEC. S-37.113. PAVING.

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. Nos. 24204; 25267; 26102)

SEC. S-37.114. COMPLIANCE WITH CONDITIONS.

The building official shall not issue a building permit or a certificate of occupancy for a use in this PD subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 24204; 25267; 26102)

SEC. S-37.115. ZONING MAP.

PD Subdistrict 37 is located on Zoning Map No. I-7. (Ord. Nos. 24204; 25267)