

ARTICLE 802.

PD 802.

SEC. 51P-802.101. LEGISLATIVE HISTORY.

PD 802 was established by Ordinance No. 27378, passed by the Dallas City Council on October 22, 2008. (Ord. 27378)

SEC. 51P-802.102. PROPERTY LOCATION AND SIZE.

PD 802 is established on property located east of Sylvan Avenue, north of Morris Street, west of Topeka Avenue, and south of Canada Drive. The size of PD 802 is approximately 4.8 acres. (Ord. 27378)

SEC. 51P-802.103. DEFINITIONS AND INTERPRETATIONS.

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

(1) **ENHANCED METAL SCREEN** means a metal louvered mesh fence that provides no more than 25 percent open area and is finished with an architectural grade powder coat on at least the exterior face of the screen.

(2) **TRANSITION STATION** means a transmission facility that links the overhead, air insulated 345 kV electric transmission lines on steel poles to an underground fluid-filled transmission pipe line. The transition station shall be considered a utility service under the regulations for local utilities uses in Dallas Development Code Section 51A-4.212 (4)(A)(i).

(3) **PUMPING AND CHILLING EQUIPMENT** means the machinery necessary to preserve pressure and temperature of the underground electric transmission lines.

(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. (Ord. 27378)

SEC. 51P-802.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 802A: development/landscape plan. (Ord. 27378)

SEC. 51P-802.105. DEVELOPMENT/LANDSCAPE PLAN.

(a) For a local utilities use, development and use of the Property must comply with the development/landscape plan (Exhibit 802A). If there is a conflict between the text of this article and the development/landscape plan, the text of this article controls.

(b) For a public park, playground, or golf course use, no development/landscape 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. (Ord. 27378)

SEC. 51P-802.106. MAIN USES PERMITTED.

The following uses are the only main uses permitted:

- (1) Recreation uses.
 - Public park, playground, or golf course.
- (2) Utility and public service uses.
 - Local utilities.

(Ord. 27378)

SEC. 51P-802.107. 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) The following accessory uses are not permitted:

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

(Ord. 27378)

SEC. 51P-802.108. 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 R-5(A) Single Family District apply.

(b) Front yard.

(1) For a local utilities use, minimum front yard is as shown on the development/landscape plan.

(2) A nine-foot-high enhanced metal screen is allowed in a front yard.

(c) Side and rear yard. For a local utilities use, minimum side yard and rear yard is as shown on the development plan.

(d) Floor area. For a local utilities use, maximum floor area is 2,700 square feet.

(e) Height. For a local utilities use, no maximum height.

(f) Lot coverage. For a local utilities use, maximum lot coverage is 25 percent.

(g) Stories. Maximum number of stories above grade is one. (Ord. 27378)

SEC. 51P-802.109. OFF-STREET PARKING AND LOADING

(a) Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) For a local utilities use, parking areas must be located as shown on the development/landscape plan. Parking surface may be constructed of TxDOT crushed rock flexbase. Bollards must be provided along the southern boundary of the parking area. (Ord. 27378)

SEC. 51P-802.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 27378)

SEC. 51P-802.111. LANDSCAPING.

(a) In general. Except as provided in this section, landscaping, tree mitigation, and tree preservation must be provided in accordance with Article X.

(b) Local utilities use.

(1) Landscaping must be provided as shown on the development/landscape plan (Exhibit 802A).

(2) Evergreen plant materials must be located as shown on the development/landscape plan. Evergreen plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance and at least eight feet in height within three years. Plant materials must be placed in a manner where the shrub canopy will create a solid screen over the entire length of the bed along the west and south side, with the exception of gated entries along the southern boundary.

(c) Maintenance. Plant materials must be maintained in a healthy, growing condition. (Ord. 27378)

SEC. 51P-802.112.

LANDSCAPING IN THE PARKWAY.

(a) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. "Parkway" means the portion of a street right-of-way between the street curb and the lot line. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the 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 council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(2) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this subsection.

(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant 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 private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must 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 that they are covered by this liability insurance policy.

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

(b) Parkway landscape permit.

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

(2) Upon receipt of the application and any required fees, the building official 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 building official determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the building official shall issue a parkway landscape permit to the property owner; otherwise, the building official shall deny the permit.

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

(4) A parkway landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official determines that the use of the parkway 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 parkway landscaping requirement of this section if compliance is made impossible due to the building official's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way. (Ord. 27378)

SEC. 51P-802.113. SCREENING.

(a) In general. Except as provided in this section, the fence, screening, and visual obstruction regulations in Section 51A-4.602 apply.

(b) Local utilities use.

(1) A nine-foot-tall enhanced metal screen must be provided on all sides.

(2) Screening is allowed in a front yard.

(3) Gates for vehicular or pedestrian access may only be located on the southern side of the local utilities use, as shown on the development/landscape plan.

(c) Prohibitions. Barbed wire or razor wire is not permitted on top of a fence or screen. (Ord. 27378)

SEC. 51P-802.114. SIDEWALKS.

For a local utilities use, sidewalks are not required. (Ord. 27378)

SEC. 51P-802.115. SIGNS.

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

(b) Local utilities use.

- (1) Signage is limited to identifying the transition station.
- (2) Maximum effective area for any sign is 15 square feet. (Ord. 27378)

SEC. 51P-802.116. 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. (Ord. 27378)

SEC. 51P-802.117. COMPLIANCE WITH CONDITIONS.

- (a) 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. A compacted rock or gravel drive is permitted.
- (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. (Ord. 27378)

SEC. 51P-802.118. ZONING MAP.

PD 802 is located on Zoning Map No. J-6. (Ord. 27378)