

ARTICLE 44.

PD 44.

SEC. 51P-44.101. LEGISLATIVE HISTORY.

PD 44 was established by Ordinance No. 13164, passed by the Dallas City Council on January 25, 1971. Ordinance No. 13164 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas. Ordinance No. 13164 was amended by Ordinance No. 13201, passed by the Dallas City Council on March 1, 1971; Resolution No. 71-2716, passed by the Dallas City Council on July 26, 1971; Ordinance No. 13404, passed by the Dallas City Council on October 18, 1971; Ordinance No. 13778, passed by the Dallas City Council on September 11, 1972; Ordinance No. 14460, passed by the Dallas City Council on March 11, 1974; Ordinance No. 14501, passed by the Dallas City Council on April 15, 1974; Ordinance No. 14593, passed by the Dallas City Council on July 1, 1974; Ordinance No. 14754, passed by the Dallas City Council on November 25, 1974; Resolution No. 75-3078, passed by the Dallas City Council on October 6, 1975; Ordinance No. 15175, passed by the Dallas City Council on May 10, 1976; Resolution No. 76-1436, passed by the Dallas City Council on June 1, 1976; Resolution No. 77-0761, passed by the Dallas City Council on March 21, 1977; Resolution No. 78-0803, passed by the Dallas City Council on March 22, 1978; Ordinance No. 15869, passed by the Dallas City Council on June 28, 1978; Ordinance No. 16581, passed by the Dallas City Council on May 28, 1980; Ordinance No. 19846, passed by the Dallas City Council on February 10, 1988; Ordinance No. 19882, passed by the Dallas City Council on March 9, 1988; Ordinance No. 19994, passed by the Dallas City Council on June 22, 1988; Ordinance No. 22407, passed by the Dallas City Council on May 10, 1995; and Ordinance No. 22770, passed by the Dallas City Council on June 12, 1996. Ordinance No. 15175 repealed Ordinance Nos. 13164, 13201, 13404, 13778, 14460, 14501, 14593, and 14754 and Resolution No. 75-3078. Ordinance No. 19882 repealed Ordinance No. 19846. (Ord. Nos. 10962; 13164; 13201; 13404; 13778; 14460; 14501; 14593; 14754; 15175; 15869; 16581; 19846; 19882; 19994; 22407; 22770; 25423; Res. Nos. 71-2716; 75-3078; 76-1436; 77-0761; 78-0803)

SEC. 51P-44.102. PROPERTY LOCATION AND SIZE.

PD 44 is established on property located at the northeasterly corner of Greenville Avenue and the Lyndon B. Johnson Freeway (I.H. 635). The size of PD 44 is approximately 115.53 acres. (Ord. Nos. 15175; 25423)

SEC. 51P-44.103. DEFINITIONS AND INTERPRETATIONS.

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

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51. (Ord. 25423)

SEC. 51P-44.104. DEVELOPMENT PLANS.

(a) In general. Development within this PD must comply with the development plans (Exhibit 44A).

(b) Tract IIIA plan. Development and use of the Property within Tract IIIA must comply with the Tract IIIA development plan (Exhibit 44D).

(c) Tract IV plan. Development within Tract IV must comply with the development plan for Tract IV, including but not limited to the location and spacing of all main and accessory buildings, street lines, alley lines, dedicated rights-of-way for vehicular access, dedicated easements, and the placement and dimension of off-street parking spaces. Each attached dwelling unit must have a minimum width of 24 feet and a minimum depth of 40 feet. No building on a corner lot may be located closer than seven feet to a side lot line adjacent to a dedicated street. Each dwelling unit must be constructed on a separately platted lot. (Ord. Nos. 15175; 16581; 22770; 25423; 27472; Res. 76-1436)

SEC. 51P-44.105. SUBDIVISION PLAN.

Prior to the issuance of a building permit on any given tract, a subdivision plat of the tract must be approved by the city plan commission and filed for record with the County Clerk, Dallas County, Texas. (Ord. Nos. 15175; 25423)

SEC. 51P-44.106. USES.

The following uses are permitted within the following tracts, as designated on the development plans:

(1) Tract I. All uses permitted within a Multiple-Family-1 District, and three private community centers designated on the development plan as recreational buildings.

(2) Tract II. All uses permitted within a Multiple-Family-2 District, and a swimming pool, laundry/cabana, and a manager's office.

(3) Tract III.

(A) All retail uses permitted in a Shopping Center District.

(B) All office uses permitted in an Office-1 District.

(C) A combination of retail uses permitted in a Shopping Center District and office uses permitted in an Office-1 District.

(D) A restaurant without drive-in service use.

(4) Tract IIIA.

(A) All retail uses permitted in a Shopping Center District.

(B) All office uses permitted in an Office-1 District.

(C) A combination of retail uses permitted in a Shopping Center District and office uses permitted in an Office-1 District.

(D) A business school use.

(E) A medical clinic or ambulatory surgical center use.

(5) Tract IV. Single-family attached dwellings with covered or enclosed parking structures, to include private community centers designated as recreational buildings on the development plan. (Ord. Nos. 19994; 25423; 27472)

SEC. 51P-44.107. RESTAURANT STANDARDS.

A restaurant without drive-in service must comply with the following restrictions:

- (1) This use must be placed on Lot 3 of City Block M/8416.
- (2) The floor area for this use may not exceed 1,300 square feet.
- (3) The hours of business must be limited to 7:00 a.m. through 6:00 p.m.
- (4) Direct exterior public access and exterior signage is prohibited. (Ord. Nos. 19994; 25423)

SEC. 51P-44.108. MAXIMUM HEIGHT OR STORIES.

No building or structure may exceed the following heights or stories on the specified tracts.

- (1) Tract I - 36 feet.
- (2) Tract II - 36 feet.
- (3) Tracts III and IIIA - two stories.
- (4) Tract IV - 36 feet. (Ord. Nos. 16581; 25423; 27472)

SEC. 51P-44.109. LOT SIZE.

The lots in Tract IV must be the size shown on the development plan for Tract IV. The lots in Tract I must have a minimum width of 50 feet and a minimum depth of 100 feet. (Ord. Nos. 15175; 25423)

SEC. 51P-44.110. DENSITY.

- (a) Tract I. A maximum of 460 dwelling units is permitted on Tract I at 15.5 dwelling units per acre.
- (b) Tract II. A maximum of 20 dwelling units per acre is permitted on Tract II.
- (c) Tract IV. A maximum of 420 dwelling units is permitted on Tract IV at 8.25 dwelling units per acre. (Ord. Nos. 16581; 25423)

SEC. 51P-44.111. COVERAGE.

The following maximum lot or site coverage by buildings is as follows:

- (1) Tract I - 30 percent.
- (2) Tract II - 56 percent.
- (3) Tract III - 25 percent.
- (4) Tract IIIA – 35 percent.
- (5) Tract IV - 65 percent, including covered parking.
- (6) Entire PD - 30 percent. (Ord. Nos. 16581; 25423; 27472)

SEC. 51P-44.112. BUILDING LOCATION AND SPACING.

(a) Tract I. The location and spacing of all buildings within Tract I must be generally as shown on the development plan, and buildings shown will be construed as being gross building area. All requirements in Article XXVI of the Comprehensive Zoning Ordinance must be met.

(b) Tract III. A building area with maximum square footages of buildings for Tract III is indicated on the two alternative development plans for Tract III entitled, “Alternative A Development Plan for Tract III,” and “Alternative B Development Plan for Tract III.” Development of Tract III must comply with one of the two alternative development plans. (Ord. Nos. 22770; 25423)

SEC. 51P-44.113. YARD REQUIREMENTS.

The following front, side, and rear yards must be provided as follows:

- (1) Tract I. Twenty-five-foot front, side, and rear yards.
- (2) Tract II. As specified for a Multiple-Family-2 District.
- (3) Tracts III and IIIA. As specified for a Shopping Center District.
- (4) Tract IV. Fifteen-foot front yard. No side or rear yard setback is required. (Ord. Nos. 19994; 25423; 27472)

SEC. 51P-44.114. OFF-STREET PARKING.

Off-street parking must be provided as follows:

- (1) Tract I. One space per 500 square feet of gross floor area, with a minimum of one space per unit, to be provided according to the development plan. No parking space may be located closer than four feet to any building.
- (2) Tract II. One space per 500 square feet of gross floor area.
- (3) Tract III. One space per 300 square feet of gross floor area for office uses; one space per 200 square feet of gross floor area for shopping center uses; and one space per 100 square feet of gross floor area for restaurant without drive-in service uses.

(4) Tract IIIA.

(A) Except as provided in this paragraph, one space per 300 square feet of gross floor area for office uses permitted in an Office-1 District and one space per 200 square feet of gross floor area for retail uses permitted in a Shopping Center District.

(B) For medical clinic or ambulatory surgical center and business school uses, consult the use regulations in Division 51-4.200 for the specific off-street parking and loading requirements.

(5) Tract IV. Two spaces per dwelling unit.

(6) Private community centers. One space per 100 square feet of gross floor area. (Ord. Nos. 19994; 25423; 27472)

SEC. 51P-44.115. SIGNS.

(a) In general. All code references below are to Chapter 51.

(b) Tract I. Except as otherwise provided, signs must comply with the provisions for non-business zoning districts contained in Article VII. A maximum of four detached premise signs are permitted.

(c) Tract II. All signs must comply with the provisions for non-business zoning districts contained in Article VII.

(d) Tracts III and IIIA.

(1) Except as otherwise provided, all signs must comply with the provisions for business zoning districts contained in Article VII.

(2) A maximum of six detached premise signs may be erected on Tract III as shown on the alternative development plans for Tract III.

(3) Non-premise signs the content of which relate to premises located within Tract III and IIIA are permitted. All other non-premise signs are prohibited.

(4) Based on the location of the detached sign on the alternative development plans for Tract III, the maximum effective area and height of each sign are limited as follows:

<u>SIGN LOCATION</u>	<u>MAXIMUM EFFECTIVE AREA</u>	<u>MAXIMUM HEIGHT</u>
A, B, C, and E	30 square feet	6 feet
D - Location of sign limited to one of two areas identified on the alternative development plans for Tract III.	30 square feet	6 feet
F	1150 square feet as shown on the attached sign elevation (Exhibit 44B)	39 feet

(e) Tract IV. All signs must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 22407; 22770; 25423; 27472)

SEC. 51P-44.116. LANDSCAPING.

(a) Tracts I, III, IIIA, and IV. A minimum of 30 percent of all areas devoted to pedestrian usage must be landscaped and maintained in a healthy, growing condition. In addition, prior to an increase in the nonpermeable coverage on Tracts III or IIIA, tree mitigation on Tracts III or IIIA is required in accordance with Article X. In Tract III, landscaping must be provided and maintained as shown on the revised landscape plan approved on June 28, 1978 (Exhibit 44C). In Tract IIIA, landscaping must be provided and maintained as shown on the attached Tract IIIA landscape plan (Exhibit 44E).

(b) Tract II. A hedgerow of at least five feet in height must be planted and maintained in a healthy, growing condition along the property lines adjoining Abrams Road and Firelog Lane outside the required screening walls. (Ord. Nos. 15869; 22770; 25423; 27472)

SEC. 51P-44.117. SCREENING.

(a) Tracts I, III, IIIA, and IV. A five-foot-high hedgerow must be planted and maintained in a healthy, growing condition along property lines adjoining Greenville Avenue and Abrams Road.

(b) Tract II. An eight-foot-high wood and masonry fence must be erected along property lines adjoining Abrams Road and Firelog Lane within Tract II. (Ord. Nos. 16581; 25423; 27472)

SEC. 51P-44.118. ACCESS.

Vehicular access to the area within this PD must be located as shown on the development plans. (Ord. Nos. 15175; 25423)

SEC. 51P-44.119. BUILDING EXTERIOR.

All exterior walls of buildings on Tracts I, II, and IV must be masonry and wood construction. Exterior walls of buildings on Tract III must be masonry construction. (Ord. Nos. 16581; 25423)

SEC. 51P-44.120. OPEN SPACE.

Required open space, designated on Tract IV of the development plan as park areas, and which may contain the ordinary facilities provided in a public park or playground, must be located as shown on the development plan. A minimum of five acres of open space must be provided on Tract IV. (Ord. Nos. 15175; 25423)

SEC. 51P-44.121. DEDICATIONS.

A thoroughfare with 80 feet of right-of-way, located as shown on the development plan, must be dedicated to public use. On Tract IV, all streets, 15-foot alleys or vehicular access, and two and one-half foot alley easements must be dedicated to public use. The subdivision plat must provide for a necessary right-of-way dedication along the west line of Abrams Road and must provide for a minimum of 30 feet

of right-of-way dedication along the easterly line of Greenville Avenue for the future widening of Greenville Avenue. (Ord. Nos. 15175; 25423)

SEC. 51P-44.122. PAVING.

All driveways, entrances, parking areas, and all dedicated streets, alleys and alley easements must be paved in accordance with the requirements of the department of public works and transportation. In Tract IV, all 15-foot alleys or vehicular access with abutting two and one-half foot easements must be paved to a width of 20 feet. The developer must bear the total cost of installation and maintenance of all such improvements, including curb and guttering structures which may be required by the department of public works and transportation. (Ord. Nos. 15175; 25423)

SEC. 51P-44.123. UTILITIES AND DRAINAGE.

All on-site utilities must be located underground in accordance with all requirements of departments of the city. Each single-family attached dwelling on Tract IV must have separate utilities as required by city departments. All necessary drainage structures must be installed and maintained at the sole cost and expense of the developer in accordance with the requirements of the department of public works and transportation. (Ord. Nos. 15175; 25423; 26102)

SEC. 51P-44.124. LIGHTING.

All light poles in residential areas must be 10 feet in height. No light pole on Tracts III or IIIA may exceed 20 feet in height. (Ord. Nos. 16581; 25423; 27472)

SEC. 51P-44.125. PEDESTRIAN WALKWAYS.

All pedestrian walkways must be paved in accordance with the requirements of the department of public works and transportation. (Ord. Nos. 16581; 25423)

SEC. 51P-44.126. REFUSE CONTAINMENT.

All containers for litter and refuse must be visually screened by planted or masonry screens on all sides except a side adjacent to an alley or easement used for garbage pickup. (Ord. Nos. 15175; 25423)

SEC. 51P-44.127. PROPERTY OWNERS' ASSOCIATION REQUIRED.

In connection with the area designated as Tract IV on the development plan, proper evidence showing the execution and filing of covenants creating a property owners' association must be submitted to the city plan commission prior to the sale of any lot or tract within Tract IV. The creation and structure of this association must be approved by the city plan commission and city attorney prior to the sale of any lot or tract and must be filed for record with the county clerk. The covenants must provide the following:

(1) Each owner of property within Tract IV shall be a member of the property owners' association and have rights to the use of all common facilities and easements within this tract.

(2) The property owners' association must be responsible for the operation and continued maintenance of all common facilities and easements with the exception of easements dedicated to public use as shown on the development plan.

(3) Continued maintenance of the common areas must be financed through assessment of the members of the property owners' association in a sufficient amount to insure adequate maintenance.

(4) The covenants must be binding upon all the owners of property within Tract IV and run with the land. (Ord. Nos. 15175; 25423)

SEC. 51P-44.128. FIRE LANES.

All structures developed on Tracts I, II, III, and IIIA must be provided with an approved automatic sprinkler system, or the developer may designate, mark, and maintain an approved 20-foot-wide, hard surfaced, fire lane easement in accordance with the city's fire code. Fire lanes must be provided in accordance with the requirements of the fire department. (Ord. Nos. 15175; 25423; 27472)

SEC. 51P-44.129. CARPORTS.

Carports located on Tract IV may be enclosed if the following conditions are met:

(1) The garage door must have an automatic control installed that is maintained in working condition.

(2) The garage door may not encroach into the public right-of-way. (Ord. Nos. 19882; 25423)

SEC. 51P-44.130. COMPLIANCE WITH CONDITIONS.

The building official shall not issue a certificate of occupancy for a use in this district until there has been full compliance with this article and with all applicable provisions of the comprehensive zoning ordinance and the building codes. (Ord. Nos. 15175; 25423)

SEC. 51P-44.131. ZONING MAP.

PD 44 is located on Zoning Map No. D-9. (Ord. Nos. 19994; 25423)