

ARTICLE 730.

PD 730.

SEC. 51P-730.101. LEGISLATIVE HISTORY.

PD 730 was established by Ordinance No. 26037, passed by the Dallas City Council on June 22, 2005. (Ord. 26037)

SEC. 51P-730.102. PROPERTY LOCATION AND SIZE.

PD 730 is established on property located on both sides of Bexar Street, between Brigham Lane and C.F. Hawn Freeway, and generally bounded by Macon Street, Stark Avenue, and Hooper Street on the southwest and Macon Street, Stark Avenue, Ghent Street, Hooper Street, and Anderson Street on the east. The size of PD 730 is approximately 7.64 acres. (Ord. Nos. 26037; 27580)

SEC. 51P-730.103. DEFINITIONS AND INTERPRETATIONS.

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

(1) PARKWAY means the portion of a street right-of-way between the projected street curb and the lot line.

(2) PWT DIRECTOR means the director of public works and transportation.

(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 nonresidential zoning district. (Ord. 26037)

SEC. 51P-730.104. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 730A). In the event of a conflict between the text of this article and the conceptual plan, the text of this article controls. Tract 1A is shown on the conceptual plan. (Ord. Nos. 26037; 26524; 27580)

SEC. 51P-730.105. DEVELOPMENT PLAN.

A development plan for each phase of development in this district must be approved by the city plan commission before issuance of any building permit to authorize work in this district for that phase. (Ord. 26037)

SEC. 51P-730.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this district are those main uses permitted in the NC Neighborhood Commercial Subdistrict within PD 595, subject to the same

conditions applicable in the NC Neighborhood Commercial Subdistrict within PD 595, as set out in Article 595, as amended. For example, a use permitted in the NC Neighborhood Commercial Subdistrict within PD 595 only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the NC Neighborhood Commercial Subdistrict within PD 595 is subject to DIR in this district; etc.

(b) The following additional main uses are permitted in this district:

(1) Residential uses.

- Duplex.
- Handicapped group dwelling unit. [*SUP required if spacing component of Section 51A-4.209(3.1) is not met.*]
- Multifamily.
- Single family.

(2) Retail and personal service uses.

- Business school.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard.
- Household equipment and appliance repair.
- Nursery, garden shop, or plant sales.
- Surface parking.
- Temporary retail use.

(Ord. 26037)

SEC. 51P-730.107. 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. 26037)

SEC. 51P-730.108. 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 NC Neighborhood Commercial Subdistrict within PD 595 apply in this district.

(b) Front, side and rear yard.

(1) Except as provided in this subsection, no minimum front, side, or rear yard.

(2) No minimum setback for enclosed parking spaces where automatic garage door openers are installed.

(3) Any structure exceeding 15 feet in height must be set back a minimum of 15 feet where adjacent to a single family district or a single family subdistrict within PD 595 (a "residential district"). If an alley separates a structure from a residential district, the residential district is considered adjacent to the structure. If a street separates a structure from a residential district, the residential district is not considered adjacent to the structure.

(c) Dwelling unit density. Maximum dwelling unit density is 15 units per acre.

(d) Floor area ratio. Maximum floor area ratio is:

- (1) 0.7 for retail uses;
- (2) 1.0 for residential uses;
- (3) 1.5 for office uses; and
- (4) 1.5 for all uses combined.

(e) Height.

(1) In general.

(A) Maximum height. Except as provided in this subsection for Tract 1A, maximum structure height is 36 feet, unless further restricted under Subparagraph B.

(B) Residential proximity slope. Except in Tract 1A, if any portion of a structure is over 30 feet in height, that portion may not be located above a 1-to-3 residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(2) Tract 1A.

(A) In Tract 1A, maximum structure height is 50 feet.

(B) The height limitations imposed by district regulations related to a residential proximity slope do not apply in Tract 1A. Uses in Tract 1A shall not impose a height restriction based on a residential proximity slope in another zoning district.

(f) Lot coverage.

- (1) Maximum lot coverage is 75 percent.
- (2) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size. Minimum lot size is:

- (1) 1,500 square feet for single family structures; and
- (2) 6,000 square feet for duplex structures.

(h) Stories. Maximum number of stories above grade is three.

(i) Single family structure spacing. A minimum separation of 15 feet must be provided between each group of 10 single family structures. (Ord. Nos. 26037; 26524)

SEC. 51P-730.109. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Maneuvering of a vehicle is permitted in the public right-of-way in parking or leaving a required parking space.

(b) Retail and personal service uses.

(1) For a restaurant use, one space per 150 square feet of floor area is required.

(2) For all other retail and personal service uses, one space per 200 square feet of floor area is required.

(c) On-street parking. On-street parking spaces adjacent to a building site may be credited towards the off-street parking requirements of uses on the building site, even if the parking, backing, or maneuvering must be performed in the public right-of-way. On-street parking spaces must be striped in accordance with standard city specifications for off-street parking spaces.

(1) One head-in parking space may be credited for each nine feet of frontage of the building site. Angled head-in parking must be angled more than 60 degrees but less than 90 degrees to the curb. The closest point of any angled head-in parking space may not be located closer than 10 feet to any perpendicular (90 degree) head-in parking space.

(2) One parallel parking space may be credited for each 22 feet of frontage of the building site.

(d) Parking screening. The owner of off-street parking must provide screening in accordance with Section 51A-4.301(f) to separate the parking from a contiguous residential subdistrict. If an alley separates a parking area from a residential subdistrict, the residential subdistrict is considered contiguous to the parking area. If a street separates a parking area from a residential subdistrict, the residential subdistrict is not considered contiguous to the parking area. Screening may be provided in the public right-of-way subject to license requirements for improvements in the right-of-way. (Ord. 26037)

SEC. 51P-730.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 26037)

SEC. 51P-730.111. LANDSCAPING.

(a) Landscape plan. A landscape plan must be submitted with the development plan for each phase of development and approved by the city plan commission before issuance of a building permit.

(1) Landscaping must be provided in accordance with Article X, except that the city plan commission may approve a landscape plan that does not strictly comply with Article X if:

(A) strict compliance with the requirements Article X will unreasonably burden the use of the Property; and

(B) the landscaping as shown on the landscaping plan will not adversely affect neighboring property.

(2) In determining whether to approve a landscape plan that does not strictly comply with Article X, the city plan commission shall consider the following factors:

(A) The extent to which there is residential adjacency.

(B) The topography of the site.

(C) The extent to which landscaping exists for which no credit is given under Article X.

(D) The extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

(b) Parkway landscape license.

(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 placement of street trees and related irrigation in the Bexar Street parkway. 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 parkway landscape permit in accordance with the Dallas Building Code, or Subsection (c) of this section. This private license does not terminate at the end of any specific time period, however, the city council reserves the right to terminate this private 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 licensed area without giving any notice and without the necessity of legal proceedings to obtain possession whenever it 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 threat to public safety. Upon termination of the license by the city council, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the PWT director.

(2) A property owner is not required to comply with any street tree requirement to the extent that compliance is made impossible due to the city council's revocation of the license granted under this subsection.

(3) Upon the installation of street trees and related irrigation systems in the public right-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 the insurance required by this subsection 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 street trees and related irrigation in good repair and condition, keeping the licensed area safe, and refraining from any act or omission that would cause the licensed area to deteriorate 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 street trees and related irrigation.

(5) The granting of a license for street trees and related amenities under this subsection does not release the property owner for liability in the installation or maintenance of trees, landscaping, and related irrigation in the public right-of-way.

(c) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating street trees or related irrigation in the parkway. An application for a parkway landscape permit must be made to the PWT director 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 PWT director and accompanied by plans or drawings showing the area of the parkway affected and the planting and related irrigation proposed.

(2) Upon receipt of the application and any required fees, the PWT 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 PWT 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 PWT director shall issue a parkway landscape permit to the property owner; otherwise, the PWT director shall deny the permit.

(3) A property owner is not required to comply with any street tree requirement to the extent that compliance is made impossible due to the PWT director's denial or revocation of a parkway landscape permit.

(4) A parkway landscape permit issued by the PWT director is subject to immediate revocation upon written notice if at any time the director 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. Upon revocation of the parkway landscape permit by the PWT director, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the PWT director.

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

(d) In general. Plant materials must be maintained in a healthy, growing condition. (Ord. 26037)

SEC. 51P-730.112. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII. (Ord. 26037)

SEC. 51P-730.113. ALLEY ACCESS.

Vehicular access is permitted to and from the Property from a residential alley. (Ord. 26037)

SEC. 51P-730.114. 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. 26037)

SEC. 51P-730.115. 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 PWT director.
- (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, 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. (Ord. 26037)

SEC. 51P-730.116. ZONING MAP.

PD 730 is located on Zoning Map No. L-8. (Ord. 26037)