

ARTICLE 806.

PD 806.

SEC. 51P-806.101. LEGISLATIVE HISTORY.

PD 806 was established by Ordinance No. 27518, passed by the Dallas City Council on April 22, 2009. (Ord. 27518)

SEC. 51P- 806.102. PROPERTY LOCATION AND SIZE.

PD 806 is established on property located on the northeast line of Myrtle Street between Romine Street and Metropolitan Avenue. The size of PD 806 is approximately 2.02 acres. (Ord. 27518)

SEC. 51P-806.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A 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 51A. In this article, STOOP means a small porch leading to the entrance of a building.

(c) This district is considered to be a residential zoning district. (Ord. 27518)

SEC. 51P-806.104. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 806A: development plan.
- (2) Exhibit 806B: traffic management plan. (Ord. 27518)

SEC. 51P-806.105. DEVELOPMENT PLAN.

(a) For an open enrollment charter school, development and use of the Property must comply with the development plan (Exhibit 806A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, 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.

(c) This district is divided into Subdistricts 1 and 2 as shown on the development plan and as verbally described in the property description, Exhibit A, attached to Ordinance No. 27518. (Ord. 27518)

SEC. 51P-806.106.

MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the R-5(A) Single Family District, subject to the same conditions applicable in the R-5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-5(A) Single Family District is subject to DIR in this district; etc.

(b) The following additional main use is permitted by right:

-- Open-enrollment charter school. [*Maximum number of classrooms is 20.*]

(Ord. 27518)

SEC. 51P-806.107.

ACCESSORY USES.

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. (Ord. 27518)

SEC. 51P-806.108.

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 an open-enrollment charter school in Subdistrict 1, minimum front yard is 16 feet. One ten-foot-by-sixteen-foot stoop is permitted in the front yard.

(2) For an open-enrollment charter school in Subdistrict 2, minimum front yard is 12 feet.

(c) Side and rear yard. For an open-enrollment charter school, minimum side and rear yard is five feet.

(d) Height. In Subdistrict 1, maximum structure height is 20 feet.

(e) Lot coverage. For nonresidential structures, maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(f) Stories. In Subdistrict 1, maximum number of stories is one. (Ord. 27518)

SEC. 51P-806.109. 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.

(b) Open-enrollment charter school. A minimum of 25 off-street parking spaces must be provided in the locations shown on the development plan. (Ord. 27518)

SEC. 51P-806.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 27518)

SEC. 51P-806.111. LANDSCAPING.

(a) For all other uses. Landscaping must be provided in accordance with Article X.

(b) For an open enrollment charter school.

(1) Landscaping. Landscaping must be provided as shown on the development plan.

(2) Buffer. A street landscape buffer strip is not required along Myrtle Street.

(3) Private license granted.

(A) 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.

(B) 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.

(C) 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.

(D) 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.

(4) Parkway landscape permit.

(A) 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.

(B) 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.

(C) 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.

(D) 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.

(E) 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.

(c) Maintenance. Plant materials must be maintained in a healthy growing condition. (Ord. 27518)

SEC. 51P-806.112. SCREENING AND FENCING.

(a) For an open enrollment charter school, screening and fencing must be provided as shown on the development plan.

(b) For an open enrollment charter school, a maximum eight-foot-high fence is permitted along Metropolitan Street and Myrtle Street. (Ord. 27518)

SEC. 51P-806.113. VISIBILITY TRIANGLE.

(a) Except as provided in this section, the visibility triangle regulations in Subsection 51A-4.602(d) apply.

(b) In Subdistrict 1, a minimum 30-foot visibility triangle must be provided at the northeast corner Myrtle Street and Metropolitan Avenue.

(c) Chain link and wrought iron fences are permitted in the required visibility triangles. (Ord. 27518)

SEC. 51P-806.114. TRAFFIC MANAGEMENT PLAN.

(a) In general. The operation of an open enrollment charter school must comply with the traffic management plan (Exhibit 806B).

(b) Queuing. Queuing is only permitted along Myrtle Street as shown on the development plan.

(c) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by November 30, 2011. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the director by November 30th of each year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

- (A) ingress and egress points;
- (B) queue lengths;
- (C) number and location of personnel assisting with loading and unloading of students;
- (D) drop-off and pick-up locations;
- (E) drop-off and pick-up hours for each grade level;
- (F) hours for each grade level; and
- (G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(d) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion. (Ord. 27518)

SEC. 51P-806.115. SIGNS.

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

(b) For an open enrollment charter school, the existing premise sign shown on the development plan is permitted. (Ord. 27518)

SEC. 51P-806.116. 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 of Dallas. (Ord. 27518)

SEC. 51P-806.117. 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.

(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. 27518)

SEC. 51P-806.118. ZONING MAP.

PD 806 is located on Zoning Map No. K-8. (Ord. 27518)

