

## **ARTICLE 410.**

### **PD 410.**

#### **SEC. 51P-410.101. LEGISLATIVE HISTORY.**

PD 410 was established by Ordinance No. 22299, passed by the Dallas City Council on January 11, 1995. Ordinance No. 22299 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Ordinance No. 22299 was amended by Ordinance No. 22650, passed by the Dallas City Council on January 10, 1996, and Ordinance No. 22897, passed by the Dallas City Council on September 26, 1996. (Ord. Nos. 19455; 22299; 22650; 22897; 26042)

#### **SEC. 51P-410.102. PROPERTY LOCATION AND SIZE.**

PD 410 is established on property generally located at the northeast corner of Hillcrest Road and Churchill Way. The size of PD 410 is approximately 4.29 acres. (Ord. Nos. 22299; 26042)

#### **SEC. 51P-410.103. 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.
- (c) This district is considered to be a residential zoning district. (Ord. Nos. 22299; 26042)

#### **SEC. 51P-410.104. CONCEPTUAL PLAN.**

Development and use of the Property must comply with the conceptual plan (Exhibit 410A). In the event of a conflict between the provisions of this article and the conceptual plan, the provisions of this article control. (Ord. Nos. 22299; 26042)

#### **SEC. 51P-410.105. DEVELOPMENT PLAN.**

A development plan must be approved by the city plan commission prior to the issuance of any building permit. Development and use of the Property must comply with an approved development plan. The development plan and any amendments must comply with the conceptual plan and this article. *[The city council approved a development plan and landscape plan (Exhibit 410B) for the Property on September 25, 1996.]* (Ord. Nos. 22299; 22897; 26042)

#### **SEC. 51P-410.106. SPECIAL NOTIFICATION.**

- (a) In addition to notice required by state law and the Dallas Development Code, the director of the department of development services shall notify all owners of real property lying within 500 feet of the boundary of this PD upon application for a specific use permit within this PD.

(b) Any applicant within this PD must send notification by certified mail to the Coalition Review Committee at P.O. Box 670808, Dallas, Texas 75367 of (1) submission of a development plan, or (2) an application to amend a development plan, including minor amendments. (Ord. Nos. 22299; 26042)

**SEC. 51P-410.107. MAIN USES PERMITTED.**

(a) Miscellaneous uses.

-- Temporary construction or sales office.

(b) Residential uses.

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

-- Single family.

(c) Transportation uses.

-- Private street or alley.

-- Transit passenger shelter.

(d) Utility and public service uses.

-- Electrical substation. *[SUP]*

-- Local utilities.

(Ord. Nos. 22299; 26042)

**SEC. 51P-410.108. ACCESSORY USES.**

(a) The following accessory uses are not permitted in this PD:

- Accessory game court (private).
- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste incinerator.
- Accessory amateur communication tower.
- Day home.
- Private stable.

(b) The following accessory use is permitted only within the common area as shown on the conceptual plan:

-- Accessory community center (private).

(Ord. Nos. 22299; 26042)

**SEC. 51P-410.109. DEVELOPMENT STANDARDS.**

(a) Front yard. Minimum front yard setback is five feet.

(b) Side and rear yard.

(1) Minimum side yard setback is three feet on at least one side of a lot. Lots on the Property are permitted to have one side yard with no setback. Residential structures on the Property must be separated by a minimum of three feet.

(2) Minimum rear yard setback from the north property line is 10 feet. Otherwise, the minimum rear yard setback is five feet.

(c) Density. No more than 26 dwelling units are permitted on the Property.

(d) Floor area ratio. No maximum floor area ratio.

(e) Height. Maximum structure height is 36 feet. Maximum number of stories is two.

(f) Lot coverage. Maximum lot coverage is 70 percent for residential structures and 25 percent for nonresidential structures.

(g) Lot size. Minimum lot area is 5,000 square feet.

(h) Electrical service for single family uses. See Section 51A-4.114(8)(B).

(i) Sidewalks. Sidewalks are not required. (Ord. Nos. 22650; 26042)

**SEC. 51P-410.110. OFF-STREET PARKING AND LOADING.**

A minimum of three off-street parking spaces are required per lot. Garages may not be enclosed into a living area unless provisions are made to provide required parking. (Ord. Nos. 22650; 26042)

**SEC. 51P-410.111. ACCESS.**

(a) Ingress and egress must be provided as shown on the conceptual plan.

(b) Within 180 days after the approval of a final plat for the Property by the city plan commission, the westbound lane on Churchill Way at Hillcrest Road must be constructed as shown on the conceptual plan.

(c) A “Right Turn Only” sign and a “Stop” sign oriented toward the interior of the Property must be posted on Birchmont Lane at the egress point onto Hillcrest Road upon completion of the construction of Birchmont Lane, as shown on the development plan. (Ord. Nos. 22650; 26042)

**SEC. 51P-410.112. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. Nos. 22299; 26042)

**SEC. 51P-410.113. LANDSCAPING.**

Landscaping must comply with Article X and the following:

(1) Landscape plan. A landscape plan must be submitted with the development plan and must be approved by the city plan commission prior to the issuance of a building permit. *[The city council approved a development plan and landscape plan for the Property on September 25, 1996.]*

(2) Irrigation. Landscaping must be served by an automatic underground irrigation system.

(3) Perimeter landscaping. Except for areas denoted as visibility triangles on the conceptual plan, a minimum of one large canopy tree and three large evergreen shrubs must be provided in the perimeter landscaping area for each 37 linear feet of Hillcrest Road frontage and for each 25 linear feet of Churchill Way frontage. The perimeter landscaping must be located on the exterior side of the screening wall along each street frontage as shown on the conceptual plan. Trees located within the perimeter landscaping do not apply towards meeting the tree preservation requirements, except that 21 caliper inches of replacement trees planted in the perimeter landscaping area along Hillcrest Road and Churchill Way, beyond the landscaping shown on the development plan and landscape plan, may be applied toward the tree preservation requirements. (Ord. Nos. 22897; 26042)

#### **SEC. 51P-410.114. TREE PRESERVATION.**

The regulations contained in Division 51A-10.130, "Tree Preservation," apply to this PD, except as otherwise provided. This PD is not exempt from the tree preservation regulations by Section 51A-10.131(b).

(1) A minimum of two trees, with a minimum three-inch caliper for each tree, must be present or provided on each lot.

(2) The alternate methods of compliance contained in Section 51A-10.109(a)(2), Section 51A-10.109(a)(3), and Section 51A-10.109(c) are not available, except that replacement trees can be planted within any platted lot within the Property.

(3) In addition to the alternative method of compliance contained in Section 51A-10.109(a)(1), the following alternative methods of compliance are available:

(A) Planting trees in the median of Hillcrest Road. The location of tree planting must be approved by the building official. An underground irrigation system must be installed. The trees must be maintained by the homeowner's association for two years after planting.

(B) Planting trees at Arthur Kramer Elementary School.

(4) Each individual lot may receive final inspection by the building official if a pro rata number of caliper inches of replacement trees per individual lot have been installed or donated (for example, 40 caliper inches per lot if the total caliper inches of replacement trees is 1,045 caliper inches for the 26 lots on the Property). Provided, however, that the total caliper inches of replacement trees (1,045 caliper inches as of July 24, 1996) must be installed or donated no later than September 1, 1999. (Ord. Nos. 22897; 26042)

#### **SEC. 51P-410.115. SCREENING.**

A minimum of six-foot-high screening wall must be installed as shown on the conceptual plan. (Ord. Nos. 22299; 26042)

**SEC. 51P-410.116. HOMEOWNERS' ASSOCIATION.**

Prior to final plat approval, the owner(s) of the Property must execute an instrument creating a homeowners' association for the maintenance of common areas, screening walls, private streets, and landscape areas (including perimeter landscaping areas) and for other functions. This instrument must be approved as to form by the city attorney, approved by the city plan commission, and filed in the Dallas County deed records. (Ord. Nos. 22299; 26042)

**SEC. 51P-410.117. SIGNS.**

Signs must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 22299; 26042)

**SEC. 51P-410.118. ADDITIONAL PROVISIONS.**

(a) Except for the early release program, all proposed infrastructure, including paving, drainage, and appurtenances, must be approved and accepted by the director of public works and transportation prior to issuance of a building permit on the Property.

(b) Barrier free ramps must be installed simultaneously with the paving of the private streets on the Property.

(c) The entire Property must be properly maintained in a state of good repair and neat appearance.

(d) Development and use of the Property must comply with all applicable federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 22259; 26042)

**SEC. 51P-410.119. 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. 22650; 26042)

**SEC. 51P-410.120. COMPLIANCE WITH CONDITIONS.**

The building official shall not issue a building permit or certificate of occupancy for a use in this PD 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. Nos. 22650; 26042)

**SEC. 51P-410.121. ZONING MAP.**

PD 410 is located on Zoning Map No. D-7. (Ord. Nos. 22299; 26042)