

## **ARTICLE 16.**

### **PD 16.**

#### **SEC. 51P-16.101. LEGISLATIVE HISTORY.**

PD 16 was established as a special permit by Ordinance No. 10660, passed by the Dallas City Council on October 7, 1964. Ordinance No. 10660 amended the basic Zoning Ordinance No. 5238, passed by the Dallas City Council on August 28, 1951. Ordinance No. 10660 was amended by Resolution No. 64-6566, passed by the Dallas City Council on November 30, 1964, and Ordinance No. 10838, passed by the Dallas City Council on January 25, 1965. The special permit created by Ordinance No. 10660 was converted to PD 16 by the Comprehensive General Zoning Ordinance No. 10962, passed by the Dallas City Council on March 29, 1965. An eight acre portion of PD 16, located at the northeast corner of Preston Road and LBJ Freeway, was rezoned to the SC Shopping Center District on January 6, 1969, by Ordinance No. 12398. Subsequently, Ordinance No. 10660 was amended by Ordinance No. 14718, passed by the Dallas City Council on October 21, 1974, and Ordinance No. 16791, passed by the Dallas City Council on December 10, 1980. (Ord. Nos. 5238; 10660; 10838; 10962; 12398; 14718; 16791; 24637; 26102; 26119; Res. 64-6566)

#### **SEC. 51P-16.102. PROPERTY LOCATION AND SIZE.**

PD 16 is established on property located on the east side of Preston Road, north of LBJ Freeway. The size of PD 16 is approximately 5.757 acres. (Ord. Nos. 10660; 12398; 24637; 26119)

#### **SEC. 51P-16.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations contained 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.

(c) This district is considered to be a nonresidential zoning district. (Ord. Nos. 24637; 26119)

#### **SEC. 51P-16.104. DEVELOPMENT PLAN.**

Development and use of the Property must comply with the development plan (Exhibit 16A). In the event of a conflict between the text of this article and the development plan, the text of this article controls. (Ord. 26119)

#### **SEC. 51P-16.105. 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 RR Regional Retail District, subject to the same conditions applicable in the RR Regional Retail District, as set out in Chapter 51A. For example, a use permitted in the RR Regional Retail 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 RR Regional Retail District is subject to DIR in this district; etc.

(b) The following uses are prohibited:

- Machinery, heavy equipment, or truck sales and services.
- Extended stay hotel or motel.
- Overnight general purpose shelter.
- Animal shelter or clinic without outside runs.
- Animal shelter or clinic with outside runs.
- Pawn shop.
- Swap or buy shop.
- Commercial bus station and terminal.
- Heliport.
- Helistop.
- Railroad passenger station.
- Mini-warehouse.

(Ord. Nos. 10660; 24637; 26119)

#### **SEC. 51P-16.106. 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. 26119)

#### **SEC. 51P-16.107. 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 RR Regional Retail District apply.

(b) Front yard. A minimum front yard setback of 25 feet must be provided after required dedications for street purposes, except that pump islands for motor vehicle fueling stations may be located 20 feet from the street property line and an open canopy may be located 12 feet from the street property line.

(c) Side yard. Except as otherwise provided in this subsection, no side yard setback is required for a retail and personal service use. A side yard setback of 10 feet must be provided adjacent to a side street on a corner lot. A side yard setback of 20 feet must be provided for pump islands. If a lot or tract adjoins a single family, duplex, or multifamily district and is not separated by an alley, then the following minimum side yard, whichever is smaller, must be provided:

- (1) 10 feet; or
- (2) the greater of five feet or 10 percent of the average width of the lot.

(d) Height. Maximum structure height is 50 feet, measured from the top of the sidewalk adjacent to the main building entry (or from grade at that location if there is no sidewalk). The additional height limitations imposed by residential proximity slope requirements set forth in Section 51A-4.122 do

not apply to this Property if the site of origination does not have a residential use. (Ord. Nos. 10660; 24637; 26119)

**SEC. 51P-16.108. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. 26119)

**SEC. 51P-16.109. SIGNS.**

(a) Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII. Except as provided in this section, no signs or billboards are permitted other than those pertaining to the occupancy of the premises or commodities sold on the premises, which must be of the flat wall, parapet wall, marquee, ground, or pole type.

(b) Except as provided below, no sign may exceed 28 feet, 9 inches in height.

(c) No pole sign may exceed 36 square feet in area for any exposed single surface or 72 square feet in area for double exposed surfaces. If the pole sign contains more than two surfaces, the maximum permitted area for all surfaces combined is 72 square feet.

(d) No flat wall, parapet wall, marquee, or pole type sign may project into or overhang the right-of-way of any public thoroughfare by more than 18 inches.

(e) All billboard and ground signs must be located a minimum of 25 feet from all property lines. In addition, these signs may not be located closer to an adjacent residential district than a distance equal to twice the height of the proposed sign.

(f) The total exposed surface of all signs facing and/or visible from a dedicated street which may be placed on any lot, site, or tract may not exceed in square feet the product of four times the lineal feet of street frontage of that lot, site, or tract. In the event a tract has frontage on more than one street and signs are to be placed along these additional frontages, then the frontages are considered front yards and must meet all of the requirements for a front yard.

(g) Flashing, revolving, rotating, or intermittently-lighted signs are prohibited. (Ord. Nos. 10660; 24637; 26119)

**SEC. 51P-16.110. SCREENING.**

The following screening is required on the Property:

(1) A minimum seven-foot-high masonry wall of face brick or decorative masonry must be provided along the west line of the 50-foot buffer strip required in Section 51P-16.116. The owner of the Property on which the wall is or should be located is responsible for construction and maintenance of this screening wall.

(2) A solid fence must be built and maintained along those property lines adjacent to residentially zoned properties. This fence may not exceed four feet in height in the front yard or be less than six feet in height in the rear and side yards. (Ord. Nos. 10660; 10838; 24637; 26119)

**SEC. 51P-16.111. PAVING.**

All driveways, entrances, and parking areas must have a minimum surfacing of six inches of compacted gravel and two coats of penetration asphalt. The owner of the Property on which these improvements are or should be located shall bear the total cost and maintenance of these improvements, including curb and drainage structures that may be necessary. (Ord. Nos. 10660; 24637; 26119)

**SEC. 51P-16.112. OFF-STREET PARKING AND LOADING.**

(a) 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) Paved off-street parking must be provided at the following minimum ratios: one space for every 200 square feet of retail and personal service floor area (other than restaurant); one space for every 300 square feet of office floor area; one space for every 150 square feet of floor area used for medical clinics or ambulatory surgical centers or restaurants; and one space for each unit of a motel or hotel. All parking arrangements and means of ingress and egress must be approved by the department of public works and transportation. (Ord. Nos. 10660; 24637; 26119)

**SEC. 51P-16.113. SIDEWALKS.**

A public sidewalk must be provided along all street frontages in accordance with the specifications of the department of public works and transportation. (Ord. Nos. 10660; 24637; 26119)

**SEC. 51P-16.114. PAGING DEVICES AND OUTDOOR LOUDSPEAKERS.**

Paging devices and outdoor loudspeakers are prohibited. (Ord. Nos. 16791; 24637; 26119)

**SEC. 51P-16.115. COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications adopted for such purpose, and the same must be done 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, 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. Nos. 10660; 24637; 26102; 26119)

**SEC. 51P-16.116. LANDSCAPING.**

(a) Except as provided in this section, landscaping must be provided as shown on the landscape plan (Exhibit 16B). All parking lot trees on the eastern border of the parking lot adjacent to the 50-foot buffer strip must be provided, and this part of the landscape plan may not be amended by the minor amendment process. A temporary certificate of occupancy may be issued prior to completion of the required landscaping for a time not to exceed 120 days after June 14, 2006; all landscaping must be installed by this date.

(b) A 50-foot buffer strip for landscaping purposes only must be provided along the east side of the Property as shown on the development plan and landscape plan, in accordance with a beautification easement approved and recorded in Volume 421, Page 1350, in the Deed Records of Dallas County, Texas, as amended.

(1) Access to the 50-foot buffer strip must be available from the Property for maintenance purposes. Portable or temporary means of access may be used to satisfy the access requirement.

(2) Automatic irrigation must be installed within the 50-foot buffer strip within 120 days after June 14, 2006 or prior to the issuance of a certificate of occupancy for any use on the Property, whichever is earlier.

(3) Drainage improvements approved by the Building Official must be installed in the 50-foot buffer strip within 120 days after June 14, 2006 or prior to the issuance of a certificate of occupancy for any use on the Property, whichever is earlier. The owner of the Property must submit the engineering plans for the proposed drainage system to the engineering division of the development services department for review and approval. These plans must be sealed by a licensed engineer who is registered to practice in the state of Texas. The proposed drainage system must be adequate for its purpose and must comply with all city requirements including but not limited to discharge velocity, erosion control, and positive drainage.

(4) In the event that plantings within the 50-foot buffer strip die and/or must be removed as a result of disease, insect infestation, or other biological or natural causes that threaten an entire species (e.g. oak wilt, chestnut blight, Dutch elm disease), alternative equivalent species for replacement purposes may be approved by the city arborist. Any landscaping that is removed because of disease or death, must be replaced unless the city arborist determines that a replacement tree would not survive in the 50-foot buffer strip.

(c) A 10-foot perimeter landscape buffer is not required on portions of the Property that are adjacent to residentially zoned property developed with a nonresidential use. The 10-foot perimeter landscape buffer may be located within the 50-foot buffer area on the eastern side of the Property.

(d) Plant materials must be maintained in a healthy, growing condition. (Ord. Nos. 10660; 24637; 26102; 26119; 26374; Res. 64-6566)

**SEC. 51P-16.117. 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.

(c) Lighting must be provided to illuminate the parking area between the east side of the building and the 50-foot landscape buffer screen wall. This lighting must be illuminated from sunset to sunrise. The light level spilling over from this parking area onto the east Property line may not exceed one foot candle. (Ord. 26119)

**SEC. 51P-16.118. ZONING MAP.**

PD 16 is located on Zoning Map No. D-7. (Ord. Nos. 24637; 26119)