

9-12-12

ORDINANCE NO. 28782

An ordinance changing the zoning classification on the following property:

BEING City Blocks 1/7089, 2/7089, 1/7092, 2/7092, 3/7092, 4/7092, 5/7092, 6/7092, 7093, 7094, A/7095, B/7095, C/7095, 7096, B/7097, and C/7097, and parts of Lots 25, 26, 27, 28, 49, 50, 51, 52, 65, 66, 67, 68, 69, 70, 71, 72, 85, 86, 87, and 88 in City Block 7093 generally bounded by Canada Drive on the north, Gulden Lane on the east, Pueblo Street and Toronto Street on the south, and Sylvan Avenue on the west; excluding a portion of SUP 1894; and containing approximately 43.737 acres,

by establishing Neighborhood Stabilization Overlay District No. 13 (La Bajada); providing procedures and regulations for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property hereinafter described; and

WHEREAS, the city council finds that it is in the public interest to establish this neighborhood stabilization overlay district; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the zoning classification is changed by establishing Neighborhood Stabilization Overlay District No. 13 on the property described in Exhibit A (“the Property”), which is attached to and made a part of this ordinance.

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SECTION 2. That, except as provided in Section 51A-4.507, the following regulation applies to single family structures within this neighborhood stabilization overlay district:

1. HEIGHT: The height of the structure may not exceed the height plane, which is 27 feet at the front building line.

See also Section 51A-4.704(c), as amended, which currently states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations, but that the right to rebuild a structure that is nonconforming as to the yard, lot, and space regulations ceases if the nonconforming structure is destroyed by the intentional act of the owner or the owner's agent.

SECTION 3. That, pursuant to Section 51A-4.701 of Chapter 51A of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the centerline of all adjacent streets and alleys.

SECTION 4. That the establishment of this neighborhood stabilization overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 5. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 7. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

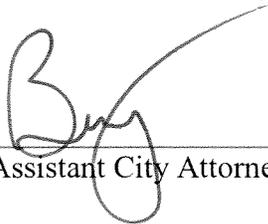
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SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By  _____
Assistant City Attorney

Passed _____ SEP 12 2012

GIS Approved

Exhibit A

Legal Description

Being a tract of land comprised of City Blocks 1/7089, 2/7089, 1/7092, 2/7092, 3/7092, 4/7092, 5/7092, 6/7092, 7093, 7094, A/7095, B/7095, C/7095, 7096, B/7097, C/7097 of the following described property ("the Property"), to wit:

BEGINNING at the point of intersection of the centerline of Topeka Avenue (west boundary) and Canada Drive;

THENCE in an easterly direction along the centerline of Canada Drive for approximately 510 feet to the projected centerline of Topeka Avenue (east boundary);

THENCE in a southerly direction along the centerline of Topeka Avenue for approximately 135 feet to the point of intersection with the SW line of the Trinity River levee easement;

THENCE in an easterly direction along the SW line of the Trinity River levee easement for approximately 495 feet to the point of intersection with the mid-point of City Block 1/7092 Lot 18;

THENCE in a northerly direction from the mid-point of City Block 1/7092 Lot 18 for approximately 141 feet to the projected centerline of Canada Drive;

THENCE in an easterly direction along the centerline of Canada Drive crossing Bataan Street, Cornet Boulevard, Herbert Street, and Wake Street to the point of intersection with the projected centerline of Gulden Lane;

THENCE in a southerly direction along the centerline of Gulden Lane to the point of intersection with the projected centerline of Pueblo Street;

THENCE in a westerly direction along the centerline of Pueblo Street projected to the point of intersection with the centerline of Bataan Street; said line is crossing Pastor Street, Herbert Street and Delta Street; also following along a common dividing line between the south parts and the middle parts of Lots 49-52 in City Block 7093, said line being approximately 53.3 feet north of the north line of Fairfield Street;

THENCE in a southerly direction along the centerline of Bataan Street to the projected point of intersection with the centerline of Toronto Street;

THENCE in a westerly direction along the centerline of Toronto Street to the point of intersection with the centerline of Parvia Avenue;

THENCE in a northerly direction along the centerline of Parvia Avenue to the point of intersection with the common line between Lots 61 and 62 of City Block 7094;

THENCE in a westerly direction along the common line, and continuing along the westerly projection of the common line to the point of intersection with the centerline of Topeka Avenue;

THENCE in a northerly direction along the centerline of Topeka Avenue to the point of intersection with the easterly projected common line between Lots 15 and 16 of City Block 7094;

THENCE in a westerly direction along said common line to the point of intersection with the common line between Lots 11 and 12 of City Block 4/7101;

THENCE in a northerly direction along the common line between City Block 4/7101 Lots 12 – 15 and City Block 7094 Lots 12 – 17 and continuing along the common line between City Block 3/7101 Lots 1 – 9A on the west and City Block 7094 Lots 3 – 14 on the east to the point of intersection with the common line between Lots 2 and 3 of City Block 7094;

THENCE in an easterly direction along said common line to the point of intersection with the projected centerline of Topeka Avenue;

THENCE in a northerly direction along the centerline of Topeka Avenue to the projected centerline of McBroom Street;

THENCE in a westerly direction along the centerline of McBroom Street to the point of intersection with the SW corner of City Block B/7097 N 39 feet Lot 12;

THENCE in a northerly direction along the common line between City Block D/7100 Lots 1 – 12 on the west and City Block B/7097 Lots 1 – 12 on the east to the point of intersection with the projected centerline of Morris Street;

THENCE in an easterly direction along the centerline of Morris Street to the projected centerline of Topeka Avenue;

THENCE in a northerly direction along the centerline of Topeka Avenue and its northerly prolongation to the point of intersection with the centerline of Canada Drive, THE PLACE OF BEGINNING, and containing approximately 43.737 acres.