

ORDINANCE NO. 27120

An ordinance changing the zoning classification on the following property:

Being generally bounded by Marsalis Avenue on the east, Edgemont Avenue on the south, the alley west of Cedar Oaks Boulevard on the west, the line extending westward from Winter Street and Winter Street on the north, the alley west of Arizona Avenue on the west, and 18th Street on the north, and containing approximately 48.38 acres,

by establishing Neighborhood Stabilization Overlay District No. 8 (Cedar Oaks); 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. 8 on the following property (“the Property”):

Being generally bounded by Marsalis Avenue on the east, Edgemont Avenue on the south, the alley west of Cedar Oaks Boulevard on the west, the line extending westward from Winter Street and Winter Street on the north, the alley west of Arizona Avenue on the west, and 18th Street on the north, and containing approximately 48.38 acres.

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

1. FRONT YARD SETBACK: Minimum front yard is 34 feet, except that minimum front yard in the 1400 block of Alaska Avenue is 40 feet.
2. CORNER SIDE YARD SETBACK: Minimum corner side yard is 20 feet.
3. HEIGHT: The height of the structure may not exceed the height plane, which is 24 feet at the front building line.
4. GARAGE LOCATION: Garages must be to the rear of the single family structure.

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.

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SECTION 6. That the director of development services shall correct Zoning District Map Nos. L-7 and M-7 in the offices of the city secretary, the building official, and the department of development services to reflect the changes in zoning made by this ordinance.

SECTION 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 8. 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.

SECTION 9. 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 10. 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 MAR 26 2008

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Z078-140 (MF)

EXHIBIT 'A'

