

ORDINANCE NO. 27945

An ordinance amending Ordinance No. 27560, passed by the Dallas City Council on June 10, 2009, which amended Ordinance No. 19910, passed by the Dallas City Council on March 23, 1988, which established Conservation District No. 1 (the Kings Highway Conservation District); moving five lots from Subareas 3 to Subarea 2; amending the interpretations and definitions in Section 4 and the regulations, development standards, and conservation criteria for Subarea 2 in Section 11; providing a new Exhibit B (Subarea Descriptions/Subarea Map); 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 this amendment to the Dallas City Code; and

WHEREAS, the city council finds that it is in the public interest to amend Conservation District No. 1 (the Kings Highway Conservation District) as specified in this ordinance; Now, Therefore,

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

SECTION 1. That Subsection (b) of Section 4, "Interpretations and Definitions," of Ordinance No. 19910, "Conservation District No. 1 (Kings Highway Conservation District)," as amended, is amended by adding new Paragraphs (1.1), "Antique Shop," (1.2), "Art Gallery," (3.1), "Bed and Breakfast," and (21.1), "Remote Surface Parking Lot," to read as follows:

"(1.1) ANTIQUE SHOP means an establishment for the retail sale of articles such as glass, china, furniture, or similar furnishings and decorations that have value and significance as a result of age, design, or sentiment.

(1.2) ART GALLERY means an establishment where original works of art or limited editions of original works of art are bought, sold, loaned, appraised, or exhibited to the general public.

(3.1) BED AND BREAKFAST means a lodging use that has no more than five guest rooms; provides accommodations for periods not to exceed five nights; serves no meals other than breakfast; and is a member of, or certified by, a recognized bed and breakfast association such as the National Bed and Breakfast Association (NBBA) or Historic and Hospitality Accommodation of Texas.

(21.1) REMOTE SURFACE PARKING LOT means a nonstructural passenger-vehicle parking facility where at least 30 percent of its parking spaces are subject to remote parking agreements and where the remaining parking spaces may serve as off-site parking for a valet service that may charge a fee."

SECTION 2. That Section 11, "Subarea 2-Duplex," of Ordinance No. 19910, "Conservation District No. 1 (the Kings Highway Conservation District)," as amended, is amended to read as follows:

"SECTION 11. Subarea 2-~~duplex~~ mixed use.

(a) Density. No maximum number of dwelling units. [~~No more than one dwelling unit is permitted per 3,000 square feet of lot area.~~]

(b) Height. Maximum structure height is 50 feet [~~No structure may exceed 30 feet in height~~].

(c) Landscape regulations. Fifty percent of the area between the street and the building line must be landscaped with live plant materials.

- (d) Lot coverage.
- [~~(1)~~] The maximum lot coverage for residential uses is 80 [~~45~~] percent.
- [~~(2)~~] ~~The maximum lot coverage for other permitted uses is 25 percent.~~
- [~~(3)~~] ~~If a residential use is located on the same lot with another permitted use, the maximum lot coverage is 45 percent.]~~
- (e) Lot size. No minimum lot size.
- [~~(1)~~] ~~The minimum lot area for residential uses is 6,500 square feet.~~
- [~~(2)~~] ~~The minimum lot width for residential uses is 60 feet.~~
- [~~(3)~~] ~~The minimum lot depth for residential uses is 100 feet.]~~
- (f) Setbacks.
- (1) Front yard.
- (A) Except as provided in this paragraph, [The] minimum front yard [setback] is 10 ~~25~~ feet.
- (B) For lots fronting on Davis Street or Kings Highway, minimum front yard is 0 feet and maximum front yard is 10 feet. A minimum of 75 percent of the street facing-facade must be located within the area between the minimum and maximum front yard setback. The remaining street-facing facade (25 percent) is not required to comply with the maximum front yard setback.
- (2) Side and rear yard. No [The] minimum side or [and] rear yard, [setback is five feet for residential uses.
- [~~(3)~~] ~~The minimum side yard setback for other permitted uses is 10 feet.~~
- [~~(4)~~] ~~The minimum rear yard setback for other permitted uses is 15 feet.]~~
- (g) Floor area ratio. Maximum floor area ratio is 2.0.
- (h) Stories. A maximum of four [~~two~~] stories are permitted.
- (i[~~h~~]) Uses. The following uses are permitted in Subarea 2:
- (1) Agricultural uses.
- None permitted.

- (2) Commercial and business service uses.
- (A) Catering service.
 - (B) Custom business services.
- (3) Industrial uses.
- None permitted.
- (4) Institutional and community service uses.
- (A) Child-care facility, (B[b]y SUP only.)[.]
 - (B) Church.
 - ~~(C) Community home for disabled persons.]~~
- (5) Lodging uses.
- (A) Bed and breakfast.
- (6) Miscellaneous uses.
- None permitted.
- (7) Office uses.
- None permitted.
- (8[2]) Recreation uses.
- (A) Public park, playground, or golf course.
- (9[3]) Residential uses.
- (A) Duplex.
 - (B) Handicapped group dwelling unit. (SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.)
 - (C) Multifamily.
 - (D) Retirement housing.

(E[B]) Single family.

(10) Retail and personal service uses.

(A) Antique shop.

(B) Art gallery.

(C) Dry cleaning or laundry store.

(D) Furniture store.

(E) General merchandise or food store. (By right if 50,000 square feet of floor area or less; otherwise by SUP.)

(F) Nursery, garden shop, or plant sales.

(G) Personal service uses.

(H) Remote surface parking lot.

(I) Restaurant without drive-in or drive-through service. (RAR)

(J) Theater. (By SUP only.)

(11[4]) Transportation uses.

(A) Transit passenger shelter, ~~(B[by SUP only.])~~

(12[5]) Utility and public service uses.

(A) Local utilities.”

SECTION 3. That the Exhibit B (Subarea Descriptions/Subarea Map) attached to Ordinance No. 27560 is replaced by the Exhibit B attached to this ordinance.

SECTION 4. That the director of sustainable development and construction shall correct Zoning District Map Nos. K-6 and L-6 in the offices of the city secretary, the building official, and the department of sustainable development and construction to reflect the changes in zoning made by this ordinance.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 6. 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 7. 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 8. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with 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 _____

AUG 11 2010

EXHIBIT B

AMENDMENT TO CD 1_CONSERVATION DISTRICT 1 – PROPERTY DESCRIPTION

SUBAREA I

Being all of City Blocks E/3466; 24/3475; A/3552; B/3553; 4/3455; 1/3453; 5/3456; 2/3454; B/3560; A/3559; 20/3473; B/3477; A/3478; 1/4621; 3/4623; 3-A/4623; 19/3468; 23/3470; 22/3469; 18/3467; 15/3466; and Lots 12, 13, and 14 of City Block 5/3838 and Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of City Block 13/3464; and Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of City Block 21/3474; and Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of City Block 17/3472; and Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of City Block 25/3476; and Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 of City Block 16/3471; and Lot 7 and the parts of Lots 5, 6, 8, 9, 10, 11 and 12, fronting on the northwest side of Polk Street of City Block 3477; and Lots 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of City Block 14/3465; and Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, of City Block 11/3458; and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, and 20 of City Block 10/3457; and Lots 9, 10, 11, 12, 13, and 14 of City Block 7/3461; and Lots B, 28, 29, 30, 31, 32, 33, and 34 of City Block 3/3459; and Lots 10, 11, 12, 13, and C of City Block 6/3460; and Lots 10, 11, 12, 13, and 14 of City Block 12/3463; and Lots 6, 9 and 10 of City Block 2/4622 excluding the area of Lot 9 in City Block 2/4622 located in Subarea VI.

SUBAREA 2

Being all of Lots 1, 2, 3, 4, and part of Lot 5 fronting approximately 50 feet on the west side of Tyler Street having a maximum depth of approximately 163 feet, and part of Lot 6 fronting 50 feet on the west side of Tyler Street having a maximum depth of 127.96 feet and part of Lot 12 fronting 80.58 feet on the southeast side of Polk Street having a maximum depth of 97.47 feet, and part of Lot 11 fronting 80.58 feet on the southeast side of Polk Street having a maximum depth of approximately 55.0 feet, and part of Lot 10 fronting 22.78 feet on the east side of Polk Street with a maximum depth of 13.78 feet of City Block 3477; and Lots 1, 2, 3, 4, 9, 10, 11, 12, and 13.

SUBAREA 3

Being all of Lots 1, 2, 3, 4, 5, 6, 7, and 8 of City Block 16/3471; and Lots 1, 2, 3, 4, 5, 6, 7, and 8 of City Block 11/3485; and Lots 4, 5, 6, 7, 8, and part of Lot 3 fronting 62.95 feet on the west side of Polk Street of City Block 8/3462; and Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9 of City Block 12/3463; and Lots 1, 2, 3, 4, 5, 6, 7, 8, 19, and 20 of City Block 7/3461; and Lots 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 of City Block 3/3459; and Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9 of City Block 6/3460.

SUBAREA 4

Being all of Lot 1 of City Block 2/4622, excluding the western 48.57 feet of Lot 1 fronting on Kings Highway to a depth of 100 feet located in Subarea VI.

SUBAREA 5

Being all of Lots 8, 9, and 10 of City Block 14/3465; and Lots 11, 12, 13, and 14 of City Block 1/3457.

SUBAREA 6

BEGINNING at the southeast intersection of Kings Highway, a 50 foot ROW and Mary Cliff Road, a 50 foot ROW, said point being the northwest corner of Lot 5, Block 2/4622;

THENCE N 89°25'38" E, a distance of 435.39 feet, along the south line of said Kings Highway, to a point for corner;

THENCE S 00°09'10" E, departing the south line of Kings Highway, a distance of 99.79 feet;

THENCE S 89°33'13" W, a distance of 47.52 feet, to a point in the east line of Lot 2, Block 2/4622;

THENCE S 00°05'52" E, along the west line of said Lot 2, Block 2/4622, a distance of 89.63 feet, to a point at the intersection of the northwest corner of Lot 9, Block 2/4622 and the southeast corner of Lot 2, Block 2/4622;

THENCE S 88°36'56" W, along the south line of said Lot 2, Block 2/4622, a distance of 51.70 feet;

THENCE S 00°05'29" W, a distance of 49.90 feet;

THENCE N 88°39'17" E, a distance of 51.90 feet, to a point for corner in the east line of Lot 9, Block 2/4622;

THENCE S 00°42'05" E, along the common line of Lot 9 and Lot 10, Block 2/4622, a distance of 137.97 feet, to a point on the north line of Kyle Avenue a 50 foot ROW;

THENCE S 88°43'09" W, a distance of 291.43 feet, along the north line of Kyle Avenue;

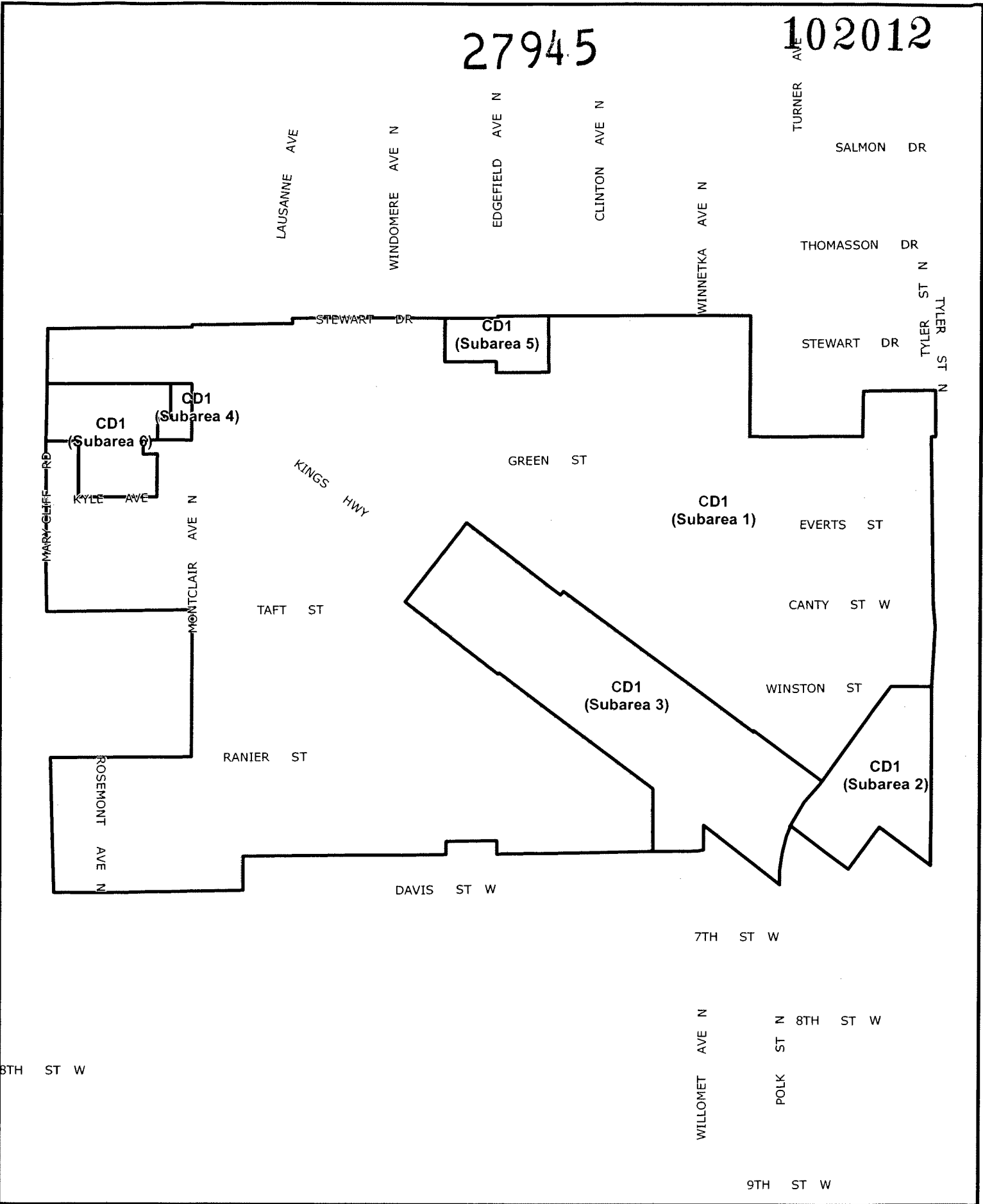
THENCE N 00°42'05" W, a distance of 187.63 feet, along the common line of Lots 6 and 7 of Block 2/4622;

THENCE S 88°55'36" W, a distance of 95.64 feet along the common line of Lots 5 and 6 of Block 2/4622 to a point on the east line of Mary Cliff Road;

THENCE N 00°14'16" W, a distance of 194.02 feet along the east line of Mary Cliff Road to return to the Point of Beginning and containing 3.013 acres of land.

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102012



1:5 539

CD 1
Subarea Map