An ordinance amending Historic District Overlay No. 31 (Old Parkland Hospital); amending Article 262, "PD 262," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code, as amended; amending the development plan regulations in Section 51P-262.105, the landscape plan regulations in Section 51P-262.106, the use, floor area, height, and setback regulations in Section 51P-262.108, the off-street parking regulations in Section 51P-262.109, the roadway improvement regulations in Section 51P-262.111, the preservation criteria in Section 51P-262.112, the Maple Avenue transportation center regulations in Section 51P-262.114, and the paving regulations in Section 51P-262.116 of Article 262; providing a new conceptual plan; replacing the Entry Feature Plan (Exhibit 262B) with a development plan; providing a landscape plan; 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 Historic District Overlay No. 31 and Article 262 as specified herein; Now, Therefore,

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

SECTION 1. That Article 262, "PD 262," of Chapter 51P, "Dallas Development Code:
Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"ARTICLE 262.

PD 262.

SEC. 51P-262.101. LEGISLATIVE HISTORY.

PD 262 was established by Ordinance No. 19432, passed by the Dallas City Council on January 7, 1987. Ordinance No. 19432 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Ordinance No. 19432 was amended by Ordinance No. 19459, passed by the Dallas City Council on February 11, 1987, and Ordinance No. 22379, passed by the Dallas City Council on April 12, 1995.

SEC. 51P-262.102. PROPERTY LOCATION AND SIZE.

PD 262 is established on property generally located at the west corner of Maple Avenue and Oak Lawn Avenue. The size of PD 262 is approximately 8.9522 acres.

SEC. 51P-262.103. DEFINITIONS AND INTERPRETATIONS.

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

SEC. 51P-262.104. CONCEPTUAL PLAN.

A conceptual plan[including Schemes A and B] dividing the Property into Tracts 1 and 2 is labelled Exhibit 262A. Utilization of the Property must comply with[either Scheme A or B of] the conceptual plan.
SEC. 51P-262.105. DEVELOPMENT PLAN.

(a) Development plan for Tract A and Tract B. In general. Development and use of Tract A and Tract B as shown on the development plan must comply with the development plan (Exhibit 262B). Tracts A and B of the development plan encompass most of the Tract 1 and a portion of the Tract 2 shown on the conceptual plan. Tract C shown on the development plan constitutes the remainder of the Property.

(b) Development plan for Tract C. For Tract C, a development plan(s) in compliance with the conceptual plan [incorporating either Scheme A or Scheme B] must be submitted to and approved by the city plan commission prior to the issuance of any building permit for construction on Tract C of the Property. A development plan must include the site plan requisites listed in Section 51-4.803(d) [and must indicate selection of Scheme A or Scheme B]. In deciding whether to approve or deny a development plan, the city plan commission shall follow the standards set out for the director of development services in Section 51-4.803.

(c) Special standards for Tract 2. In reviewing a development plan [for Tract 2 or any portion thereof], the city plan commission shall consider the following:

(1) Additional density and massing in Tract 2 should be distributed so as to minimize any negative impact on the historic resources in the environmental zone on the Property.

(2) Any new construction in Tract 2 should be so situated as to protect significant public spaces and building facades in the environmental zone.

(c) Conflict. In the event of a conflict between the text of this article and any approved development plan, the text of this article controls.

SEC. 51P-262.106. LANDSCAPE PLAN.

(a) Landscape plan for Tract A and Tract B. Landscaping in Tract A and Tract B as shown on the landscape plan must be provided as shown on the landscape plan (Exhibit 262D).

(b) Landscape plan for Tract C. For Tract C, a landscape plan in conformance with the requirements of Part I of Article 193, must be submitted with each development plan and approved by the city plan commission prior to the issuance of any building permit for construction on Tract C [of the Property].

(c) Timing of installation. Landscaping must be installed in accordance with the approved landscape plan within six months after the issuance of a certificate of occupancy for any structure on the portion of the Property covered by the landscape plan.
(d) **Maintenance.** All plant materials must be maintained in a healthy, growing condition [at all times].

(e) **Conflict.** In the event of a conflict between the text of this article and any approved landscape plan, the text of this article controls.

**SEC. 51P-262.107.** **RESERVED [SITE PLANS].**

[If the existing floor area on Tract 1, as shown on Scheme A, is reduced below 89,308 square feet, the Property must be developed in accordance with Scheme B. If 89,308 square feet or more of floor area is retained on Tract 1, as shown on Scheme A, then the Property must be developed in accordance with Scheme A.]

**SEC. 51P-262.108.** **USES, FLOOR AREA, HEIGHT, AND SETBACKS.**

(a) **Tract 1 as shown on the conceptual plan.**

(1) **Uses.** The only uses permitted are those uses permitted by right in a GR General Retail Subdistrict, as defined in [the] Part I of Article 193, except that;

   (A) motor vehicle related uses are not permitted, and

   (B) a utility or government installation other than listed use is permitted only by specific use permit.

(2) **Floor area.** Minimum permitted floor area is [as follows]:

   (A) Scheme A—89,308 square feet.

   (B) Scheme B—53,534 square feet.

(3) **Height.** No additional height to any portion of the existing structures is permitted.

(4) **Setbacks.** Setbacks for any portion of the existing structures must be maintained, except that the installation of a perimeter fence, chillers, and a screening wall on the south side of the building near the 1935 addition facing Oak Lawn Avenue are permitted as shown on the conceptual plan. The screening wall must match the first floor facade of the current adjacent structure in height and materials.

(5) **Open space.** The existing trees and open space must remain as indicated on the conceptual plan.
(b) Tract 2 as shown on the conceptual plan.

(1) Uses. The only uses permitted are those uses permitted by right in a General Retail Subdistrict, as defined in the Part I of Article 193, except that:

(A) motor vehicle related uses are not permitted, and

(B) a utility or government installation other than listed use is permitted only by specific use permit.

(2) Floor area. Maximum permitted floor area is as follows:

(A) Scheme A—861,575 square feet.

(B) Scheme B—726,384 square feet.

(3) Height. No structure may exceed 240 feet in height, as defined in the Dallas Development Code, except that no additional height to any portion of the existing structures is permitted.

(4) Setbacks.

(A) Oak Lawn Avenue. Except for fences, and except as shown on the conceptual plan, any new construction on Tract 2 as shown on the conceptual plan adjacent to Oak Lawn Avenue must be set back at least as far from the property line as Existing Building A as shown on the conceptual plan (conform to the existing building setback line) for that portion of Tract 2 that abuts Oak Lawn Avenue. An additional setback of no less than 36 feet must be provided for that portion of a structure that exceeds 505 feet above mean sea level.

(B) Dallas North Tollway and Reagan Street. Any new structures on Tract 2 as shown on the conceptual plan must be set back from the Dallas North Tollway and Reagan Street pursuant to the provisions of Part I of Article 193 for structures in a General Retail Subdistrict.

(c) Tracts 1 and 2 as shown on the conceptual plan.

(1) Floor area ratio (FAR).

(A) Maximum permitted floor area ratio for Tracts 1 and 2 as shown on the conceptual plan combined is as follows:

(i) Scheme A—2.44.

(ii) Scheme B—2.0.
(B) Any property dedicated for right-of-way pursuant to this article is included for purposes of computing maximum permitted floor area.

(2) Lot coverage. Maximum permitted lot coverage for Tracts 1 and 2 as shown on the conceptual plan combined is 80 percent, including above-grade parking structures.

SEC. 51P-262.109. OFF-STREET PARKING.

Off-street parking on the Property must be provided for each use in accordance with the provisions of Part I of Article 193. The basement area is exempt from parking requirements when devoted to support uses including storage, mail room, break rooms, and workout facilities. For the purpose of this section, a basement is a story that is primarily below grade. Any reduction in the required parking provided for in Part I of Article 193 must occur in the following sequence:

1. Contributions to the Oak Lawn Transit Management Organization Fund, for a maximum reduction of 10 percent.
2. Implementation of a Transportation Management Plan and/or mixed use parking pursuant to a provision of the mixed use development parking chart contained in Part I of Article 193.

SEC. 51P-262.110. RESERVED [TRANSPORTATION SYSTEMS MANAGEMENT (TSM)—SCHEME-A].

[(a) Generally. If the Property is developed pursuant to Scheme A, the owner(s) shall establish and operate a TSM program to encourage transit, carpool, vanpool, and other trip reduction alternatives consistent with the objectives of the Oak Lawn Transportation Plan adopted in October, 1983. A specific TSM action program designed to meet these trip reductions must be submitted to the city commission concurrently with the submission of the first development plan submitted. An annual report documenting the TSM effort and trip reduction results must be furnished to the director of public works and transportation. The TSM program must maintain trips at 2.0 FAR level.

(b) Reports. The first annual report must be submitted within two years after the issuance of the first certificate of occupancy on the Property and must be submitted annually thereafter until otherwise directed by the director of public works and transportation. The final report must be submitted two years after the issuance of the certificate of occupancy which would permit occupancy of 90 percent of the final building shown on the development plan(s).]
SEC. 51P-262.111. ROADWAY IMPROVEMENTS.

(a) Oak Lawn Avenue. The owner(s) must dedicate property (not to exceed 10 feet) for right-of-way, as approved by the director of public works and transportation, for an additional westbound lane on Oak Lawn Avenue from Maple Avenue to Dallas North Tollway.

(b) Right-turn lane. The owner(s) must dedicate the necessary right-of-way for a right-turn lane from southbound Maple Avenue to westbound Oak Lawn Avenue to the extent the dedication is roughly proportional to the need for the right-of-way created by the development of the Property.

(c) Maple Avenue median. Prior to the issuance of any building permit on the Property, the owner(s) shall fund the construction of the Gateway Plan as shown on Exhibit 262B.

(d) Reimbursement for traffic control signs and markings. Prior to the issuance of any certificate of occupancy on the Property, the owner(s) shall reimburse the department of public works and transportation for the cost of installing traffic control signs and markings on adjacent streets necessitated by this development.

SEC. 51P-262.112. PRESERVATION CRITERIA.

(a) Environmental zone/protected public space. That area designated as Tract 1 [cf Scheme-A] on the conceptual plan is considered the protected public space or environmental zone. All buildings and facades in this area are subject to the following preservation criteria and any changes to such buildings and facades must be approved through the certificate of appropriateness process contained in the Dallas Development Code.

(1) Surface materials.

(A) Any renovations or reconstruction of the facades must employ a brick similar in color, module size, and texture to the existing brick. Existing brick may not be painted unless the brick and mortar joints have deteriorated to a point where they must be replaced and the new brick color cannot reasonably match the old color.

(B) Any renovations or reconstruction of existing trim and detailing on protected facades must employ materials (concrete, cut stone, etc.) similar in color, module size, and texture to the existing trim and detailing. Existing masonry elements may not be painted.

(2) Fenestrations and opening.

(A) Existing window and door openings in the facades must be preserved.
(B) Reflective, mirrored, or tainted glass is not permitted in openings in the facades. Existing wooden windows should be preserved and reconditioned if at all possible. They may be replaced with metal or vinyl clad frame windows if they express previous colors, mullion patterns, window lights, and frame profile. New window openings may be created only in order to comply with health and safety code provisions.

(C) Existing door openings in facades must be preserved as door openings unless they are not part of the original design. New door openings may be created only in order to comply with health and safety code provisions. Doors must be compatible with the character of the building, and may not be made entirely of glass. Solid wood or a mixture of wood and glass doors are required.

(3) Roof.

(A) The character, configuration, and slope of the existing roofs must be maintained and preserved.

(B) No new vertical addition is allowed above the existing buildings in the environmental zone. All existing gables and parapets on the protected facades must be preserved. Mechanical equipment may be placed on the roofs if the placement, configuration, and color is reviewed and approved through the certificate of appropriateness process.

(4) Porches and balconies.

(A) Existing porches and balconies on facades in the environmental zone must be maintained and preserved. Porches and balconies may not be enclosed except by mesh screening. Canvas and other fabric awnings are permitted, within the acceptable color range.

(B) All columns or railings that are part of a porch or balcony configuration must be preserved.

(5) Embellishments and detailing. The following embellishments and detailing must be preserved and maintained. Any reconstruction, renovation, or replacement of these items, due to irreversible damage, must be as similar in composition, texture, color, and size as practicable.

(A) Window mullions.

(B) Cornices.

(C) Parapets and gables.

(D) Columns and railings.

(E) Window sills.
(F) Decorative detailing.

(6) Color:

(A) Existing brick and trim detailing must remain unpainted. Brick may be painted a compatible color only if existing brick and mortar joints are beyond repair and the new brick color cannot reasonably match the old color. The color of any additions, repairs, or alterations to the buildings must coincide as nearly as practicable to the original brick color.

(B) Any cleaning of the brick and trim must follow United States Department of the Interior guidelines, as stated in the Secretary of the Interior's "Standards for Rehabilitation."

(C) Accent colors may be used on window frames, mullions, and doors, but must comply with the hue, value, and chroma content of the Munsell Color System as outlined in the Munsell Book of Color, Neighboring Hues Collection, 1973.

(7) Signs. All exterior signs and graphics must be reviewed and approved for compatibility through the certificate of appropriateness process. Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

(8) New construction.

(A) Existing front and side yard setbacks must be preserved and no new building construction is allowed in the environmental zone, except: [in the courtyards adjacent to Tract 2 following approval by the landmark committee in the certificate of appropriateness process.]

(i) the installation of chillers.

(ii) erection of a screening wall on the south side of the building near the 1935 addition facing Oak Lawn Avenue as shown on the conceptual plan, and

(iii) construction of a maximum six-foot-tall security fence, with vertical elements to be spaced no more than six inches apart on center, surrounding the environmental zone as shown on the development plan.

(B) The existing courtyards that face the protected public space must be preserved and maintained.

(9) Tree preservation.

(A) The existing mature tree cover must be preserved.
(B) Surface parking lots are prohibited in the protected area in order to protect the existing tree root systems. A circular drive for access to Building A as shown on the development plan may be permitted if it will not adversely affect the tree root systems; limited parking may occur along the drive. Grass or groundcover must be used throughout the environmental zone to further protect the trees. Any paving surface used to preserve the trees must be approved by the building official.

(C) Any tree listed in the inventory of existing trees (Exhibit 262C) must be replaced with one of the same variety within six months of its loss, with a four-inch minimum caliper dimension for any single tree. Replacements must be placed within the original tree canopy area.

(D) Prior to the issuance of a building permit for construction on Tract 1 as shown on the conceptual plan, a [landscape] plan for maximum protection of all the trees must be submitted to and approved by the city plan commission and filed with the landmark commission [committee].

(b) New construction on Tract 2 as shown on of the conceptual plan.

(1) New construction on Tract 2 as shown on of the conceptual plan which is physically attached to existing structures located in the environmental zone will affect [and impact] the structures located in the environmental zone. Therefore, the following items must be approved by the landmark commission in accordance with the Secretary of the Interior's Standards for Rehabilitation:

(A) Facade materials for new construction on Tract 2 which is physically attached to existing structures located in the environmental zone [Buildings A or B must be compatible in texture, color, and module size to the materials in the existing buildings].

(B) The relationship of glass to opaque areas of new facades [must be compatible with the rhythm of solid-to-void extant on the protected structures].

(C) Window articulation [must respond to the existing structures and should correspond in scale in any new construction. No continuous glass or spandrel and glass curtain walls are allowed].

(D) The cornice lines articulated on existing structures located in the environmental zone [Buildings A and B] must also be reflected in any new construction fronting Reagan, Maple, or Oak Lawn Avenues and attached to the buildings located in the environmental zone.

(E) Detailing, materials, and solid-to-void relationships for any new construction that is physically attached to existing structures located in the environmental zone [Buildings A or B must be reviewed for compatibility by the landmark committee].
(2) Any new construction on Tract 2 as shown on the conceptual plan not a part of a structure which is physically attached to a structure located in the environmental zone is exempt from the certificates of appropriate process.

SEC. 51P-262.113. SIGNS.

All signs must comply with the provisions for business zoning districts contained in Article VII. No non-premise signs are permitted.

SEC. 51P-262.114. RESERVED [MAPLE AVENUE TRANSPORTATION CENTER].

[Prior to the issuance of any building permit for construction on the Property, the owner(s) must install a transportation center on Maple Avenue in accordance with the Oak Lawn Transportation Plan.]

SEC. 51P-262.115. GENERAL REQUIREMENTS.

Utilization of the Property must comply with the requirements of the Oak Lawn Special Purpose District (Article 193) and all other applicable ordinances, rules, and regulations of the city.

SEC. 51P-262.116. PAVING.

Except as provided in this section, 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. Alternative materials, including crushed granite, may be used for drives and parking areas in the environmental zone, subject to the approval of the director of development services as routine maintenance. The director may require a report from the city arborist and an engineering analysis to support any request for alternative materials.

SEC. 51P-262.117. 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 applicable ordinances, rules, and regulations of the city.
SEC. 51P-262.118. ZONING MAP.

PD 262 is located on Zoning Map No. I-7."

SECTION 2. That the conceptual plan, Exhibit 262A of Article 262, "PD 262," of Chapter 51P of the Dallas City Code, is replaced by the conceptual plan labelled Exhibit 262A and attached to this ordinance.

SECTION 3. That Exhibit 262B, "Considerations for Entry Feature Development at Oak Lawn," of Article 262, "PD 262," of Chapter 51P of the Dallas City Code is replaced with the development plan labelled Exhibit 262B and attached to this ordinance.

SECTION 4. That development of this district must comply with the full-scale versions of the conceptual plan, development plan, and landscape plan attached to this ordinance. Reduced-sized versions of these plans shall be provided in Chapter 51P. Permits shall be issued based on information provided on the full-scale versions of the plans.

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 Chapter 51P of the Dallas City Code, 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 [Signature]
Assistant City Attorney

FEB 28 2007

Passed
EXHIBIT 262-A
CONCEPTUAL PLAN

Planned Development
District No. 262

Approved
City Plan Commission
February 2, 2007
Planned Development
District No. 262

Approved
City Plan Commission
February 2, 2007