

ORDINANCE NO. 27274

An ordinance changing the zoning classification on the following property:

BEING all of Blocks A/2964, B/2964, D/2964, and 1/2965 and Lots 1 through 20 in Block C/2964, Lots 1 through 9 and Lot 32 in Block 3/2965, and Lots 1 through 3 in Block 2/2965, generally located on the north side of Mockingbird Lane, including both sides of Dalewood Lane, Westbrook Lane, Galemeadow Circle, Rockview Lane, Dalewood Circle, and Green Tree Lane, and containing approximately 40.13 acres,

by establishing Neighborhood Stabilization Overlay District No. 9 (Dalewood); 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. 9 on the following property ("the Property"):

BEING all of Blocks A/2964, B/2964, D/2964, and 1/2965 and Lots 1 through 20 in Block C/2964, Lots 1 through 9 and Lot 32 in Block 3/2965, and Lots 1 through 3 in Block 2/2965, generally located on the north side of Mockingbird Lane, including both sides of Dalewood

Lane, Westbrook Lane, Galemeadow Circle, Rockview Lane, Dalewood Circle, and Green Tree Lane, and containing approximately 40.13 acres.

The Property is illustrated in Exhibit A, which is attached to and made a part of this ordinance.

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 30 feet.
2. CORNER SIDE YARD SETBACK: Minimum corner side yard is 26 feet.
3. INTERIOR SIDE YARD SETBACK:
  - (a) Minimum interior side yard setback for the left side of the property as seen from the street is five feet.
  - (b) Minimum interior side yard setback for the right side of the property as seen from the street is five feet.
  - (c) The minimum total of the left and right interior side yard setbacks is 15 feet. This provision does not apply to lots with a corner side yard.
4. HEIGHT: The height of the structure may not exceed the height plane, which is 22 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 the director of development services shall correct Zoning District Map No. G-9 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.

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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           AUG 13 2008

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EXHIBIT 'A'

