

4-19-22

ORDINANCE NO. 32189

An ordinance changing the zoning classification on the following property:

BEING Lot 1 in City Block 41/3298; fronting approximately 160 feet on the south line of Jefferson Boulevard; fronting approximately 128 feet on the west line of Rosemont Avenue; and containing approximately 0.38 acre,

from Tract II within Planned Development District No. 87 to Tract II(a) within Planned Development District No. 87; amending Article 87, "PD 87," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code; amending the reconciliation with other ordinances, exhibits, use regulations for Tract II, development standards for Tract II, and preservation criteria for Tract II regulations in Sections 51P-87.103, 51P87.105.1 51P-87.112, 51P-87.113, and 51P-87.114 of Article 87; providing a new tract map; providing tract legal descriptions; 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 change the zoning classification and amend Article 87 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from Tract II within Planned Development District No. 87 to Tract II(a) within Planned Development District No. 87 on the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”).

SECTION 2. That Subsection (b) of Section 51P-87.103, “Reconciliation With Other Ordinances,” of Article 87, “PD 87,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(b) The Property descriptions for Tracts I, II, II(a), III, IV(a), IV(b), IV(c), and IV(d) are described in [the] Exhibit 87E [~~A attached to Ordinance No. 27947~~]. Exhibit 87C is a graphic representation of the tracts in PD 87.”

SECTION 3. That Section 51P-87.105.1, “Exhibits,” of Article 87, “PD 87,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-87.105.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 87A: graphics
- (2) Exhibit 87B: tree list.
- (3) Exhibit 87C: tract map.
- (4) Exhibit 87D: mixed use development parking chart.
- (5) Exhibit 87E: tract legal descriptions.

SECTION 4. That Section 51P-87.112, “Use Regulations for Tract II,” of Article 87, “PD 87,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-87.112. USE REGULATIONS FOR TRACTS II AND II(a).

The following use regulations apply to all property in Tracts II and II(a):

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(1) Uses that were illegal on October 14, 1981, are illegal uses under this article. Nonconforming uses only terminate under the provisions of Sections 51-4.704(a)(1), (2), (3), and (4).

(2) Except as otherwise provided below, uses are limited to those uses permitted in an O-1 Office District.

(3) ~~[A self-service laundry or dry cleaning use is permitted on Lot 1 in City Block 41/3298.~~

~~(4)]~~ Lot 13 in City Block 35/3282 and Lot 11 in City Block 36/3283 must be used as parking for adjacent office uses, or may be developed with uses permitted in an R-7.5 Single-Family District.

(4) Restaurant without drive-in service is a permitted use in Tract II(a). The following restrictions apply to the operation of a restaurant without drive-in service.

(A) Except for maintenance and mechanical equipment, use of rooftops is prohibited.

(B) Solid screening fencing is required between Tract II(a) and a residential use. If a solid screening fence exists on the residential property, fencing on Tract II(a) is not required.

(C) An outdoor seating area is only permitted on the north side of the building at the porte cochere existing on April 27, 2022.

(D) Hours of operation are limited to 6:00 a.m. to 10:00 p.m., Monday through Thursday, and 6:00 a.m. to 11:30 p.m., Friday through Sunday. Outdoor patio hours of operation must cease at 10:00 p.m.

(E) Ingress and egress are prohibited on Rosemont Avenue.

(F) Outdoor speakers and amplification are allowed only on the outdoor patio facing Jefferson Boulevard between the hours of 11:00 a.m. and 9:30 p.m. Sunday through Thursday, and 10:00 a.m. and 10:00 p.m. on Friday and Saturday.”

SECTION 5. That Section 51P-87.113, “Development Standards for Tract II,” of Article 87, “PD 87,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-87.113. DEVELOPMENT STANDARDS FOR TRACTS II AND II(a).

(a) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code, as amended, applicable to an O-1 Office District apply to all property in Tracts II and II(a). In the event of a conflict, the provisions of this section control.

(b) Off-street parking requirements.

(1) Single-family uses must provide at least one off-street parking space for each dwelling unit.

(2) The off-street parking requirements in the Dallas Development Code, as amended, applicable to multiple-family uses in an MF-1 Multiple-Family District apply to multiple-family uses in this tract.

(3) The off-street parking requirements in the Dallas Development Code, as amended, applicable to nonresidential uses in an O-1 Office District apply to nonresidential uses in this tract.

(4) In Tract II(a), for a restaurant without drive-in service in a contributing structure, one space per 225 square feet of floor area is required.

(c) Screening.

(1) In general. Screening is required in the rear and side yards of a nonresidential use constructed after October 14, 1981, if the use is adjacent to a residential use, whether separated by an alley or not. All screening must be at least six feet in height.

(2) Materials. Screening must consist of a solid wood fence, masonry fence, or natural vegetation of an evergreen variety of at least 60 percent density at the time of planting. Natural vegetation must be maintained in a healthy growing condition at all times. [See Sections 51P-87.114(b) and 51P-87.111(b)(2) for more specific standards regarding fences.]

(d) Setbacks. All new buildings and parking areas must be located on or behind the front setback line of the closest main residential building fronting on a north/south street.

(e) Signs.

(1) In general. The provisions for non-business zoning districts in Article VII, "Sign Regulations," apply to all signs in these [this] tracts.

(2) Size restrictions. A detached sign located on a premise fronting on Jefferson Boulevard must have a height of eight feet or less, and an effective area of 32 square feet or less. [See Section 51P-87.114(a)(4) for additional standards applicable to signs.]

(f) Dumpster. In Tract II(a), a screened dumpster must be located along the west perimeter of the Property, adjacent to the alley.”

SECTION 6. That Section 51P-87.114, “Preservation Criteria For Tract II,” of Article 87, “PD 87,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-87.114 PRESERVATION CRITERIA FOR TRACTS II and II(a).

(a) Building placement, form, and treatment.

(1) Awnings. Awnings must be made of fabric and complement the main building in style and color.

(2) Facade materials. Primary facade materials are limited to wood, brick, stone, and stucco.

(3) New or move-in buildings. The scale and style of new and move-in buildings fronting on Jefferson Boulevard must complement the scale and style of surrounding residential structures in this district.

(4) Signs. Signs must not obscure significant architectural features of a building. The shape, materials, color, design, and letter style of signs must be typical of and compatible with the style and period of the architecture of buildings on the same premise and in this district as a whole. [See Section 51P-87.113(e) for additional standards applicable to signs.]

(b) Landscaping. Except as otherwise provided below, the preservation criteria for landscaping in Tract I apply to all property in Tracts II and II(a). For nonresidential uses only:

(1) asphaltic concrete is permitted as a driveway or parking surface material; and

(2) driveways providing ingress and egress from Jefferson Boulevard may have a maximum width of 25 feet.”

SECTION 7. That the tract map, Exhibit 87C, of Article 87, “PD 87,” of Chapter 51P of the Dallas City Code, is replaced by the Exhibit 87C attached to this ordinance.

SECTION 8. That development of this district must comply with the full-scale version of Exhibit 87C (tract map) attached to this ordinance. A reduced-sized version of this plan shall be

provided in Chapter 51P. Permits shall be issued based on information provided on the full-scale version of the plan.

SECTION 9. 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 area to the centerline of all adjacent streets and alleys.

SECTION 10. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 11. 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 12. 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 13. 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:

CHRISTOPHER J. CASO, City Attorney

By Casim Buzels
Assistant City Attorney

Passed APR 27 2022

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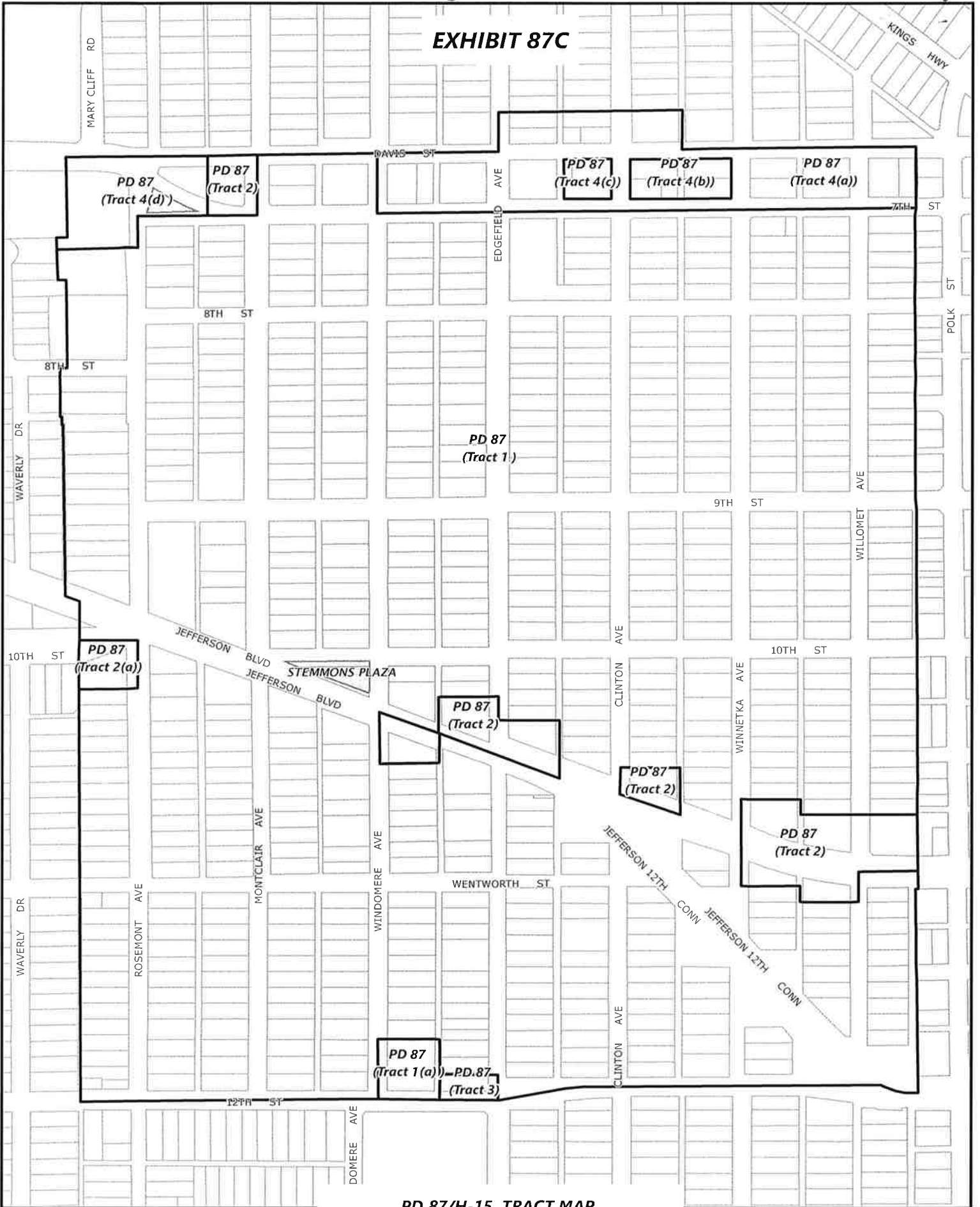
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EXHIBIT A
AOR and new TR 2(a)

TRACT II(a)
(created to under Z212-126)

BEING all of Lot 1 in City Block 41/3298, fronting on the south line of Jefferson Boulevard and the west line of Rosemont Avenue.

EXHIBIT 87C



PD 87/H-15 TRACT MAP

Tracts: 1, 1(a), 2, 2(a) 3, 4(a), 4(b), 4(c), 4(d)
Tract 2 has 4 non-contiguous areas

Z212-126(RM)_PD 87 Amend and new Tract 2(a)



1:4,500

EXHIBIT 87E
PD 87 Winnetka Heights Village
Legal Descriptions

PERIMETER

This Planned Development District does not have a perimeter description, the boundary is comprised of the (8) Tracts within PD 87, an area containing approximately 8,038,422.1823 square feet or 184.5367 acres of land, more or less.

TRACT I

BEING all of City Block 15/3270, bounded by Rosemont Avenue, Seventh Street, Eighth Street and Montclair Avenue;

BEING all of City Block 14/3271, bounded by Montclair Avenue, Seventh Street, Windomere Avenue and Eighth Street;

BEING all of City Block 13/3272, bounded by Windomere Avenue, Seventh Street, Edgefield Avenue, and Eighth Street;

BEING all of City Block 12/3258, bounded by Edgefield Avenue, Seventh Street, Clinton Avenue and Eighth Street;

BEING all of City Block 11/3259, bounded by Clinton Avenue, Seventh Street, Winnetka Avenue and Eighth Street;

BEING all of City Block 10/3260, bounded by Winnetka Avenue, Seventh Street, Willomet Avenue and Eighth Street;

BEING all of City Block 9/3261, fronting on the east line of Willomet Avenue between Seventh and Eighth Streets;

BEING all of City Block 16/3275, bounded by Rosemont Avenue, Eighth Street, Montclair Avenue and Ninth Street;

BEING all of City Block 17/3274, bounded by Montclair Avenue, Eighth Street, Windomere Avenue, and Ninth Street;

BEING all of City Block 18/3273, bounded by Windomere Avenue, Eighth Street, Edgefield Avenue and Ninth Street;

BEING all of City Block 19/3265, bounded by Edgefield Avenue, Eighth Street, Clinton Avenue and Ninth Street;

BEING all of City Block 20/3264, bounded by Clinton Avenue, Eighth Street, Winnetka Avenue and Ninth Street;

BEING all of City Block 21/3263, bounded by Winnetka Avenue, Eighth Street, Willomet Avenue and Ninth Street;

BEING all of City Block 22/3262, fronting on the east line of Willomet Avenue between Eighth and Ninth Streets;

BEING all of City Block 29/3286, bounded by Rosemont Avenue, Ninth Street, Montclair Avenue and Tenth Street;

BEING all of City Block 28/3285, bounded by Montclair Avenue, Ninth Street, Windomere Avenue and Tenth Street;

BEING all of City Block 27/3284, bounded by Windomere Avenue, Ninth Street, Edgefield Avenue and Tenth Street;

BEING all of City Block 26/3279, bounded by Edgefield Avenue, Ninth Street, Clinton Avenue and Tenth Street;

BEING all of City Block 25/3278, bounded by Clinton Avenue, Ninth Street, Winnetka Avenue and Tenth Street;

BEING all of City Block 24/3277, bounded by Winnetka Avenue, Ninth Street, Willomet Avenue and Tenth Street;

BEING all of City Block 23/3276, fronting on the east line of Willomet Avenue, between Ninth and Tenth Streets,

BEING all of City Block 31/3288, bounded by Tenth Street, Windomere Avenue and Jefferson Boulevard;

BEING all of Lots 1 and 2 in City Block 32/3289, fronting on the east line of Windomere Avenue, south of Tenth Street;

BEING all of Lots 5 and 6 in City Block 32/3289, fronting on the west line of Edgefield Avenue, south of Tenth Street;

BEING all of Lots 1 through 4 in City Block 33/3280, fronting on the east line of Edgefield Avenue, south of Tenth Street;

BEING all of Lots 6 through 12 in City Block 33/3280, fronting on the west line of Clinton Avenue, south of Tenth Street;

BEING all of Lots 1 through 7 in City Block 34/3281, fronting on the east line of Clinton Avenue, south of Tenth Street;

BEING all of Lots 9 through 18 in City Block 34/3281, fronting on the west line of Winnetka Avenue, south of Tenth Street;

BEING all of Lots 1 through 9 in City Block 35/3282, fronting on the east line of Winnetka Avenue, south of Tenth Street;

BEING all of Lots 14 through 23 in City Block 35/3282, fronting on the west line of Willomet Avenue, south of Tenth Street;

BEING all of Lots 1 through 10 in City Block 36/3283, fronting on the east line of Willomet Avenue, south of Tenth Street;

BEING all of City Block 40/3287, bounded by Rosemont Avenue, Jefferson Boulevard, Montclair Avenue, and Wentworth Street;

BEING all of City Block 39/3296, bounded by Montclair Avenue, Jefferson Boulevard, Windomere Avenue, and Wentworth Street;

BEING all of Lots 2 through 8 in City Block 38/3295, fronting on the east line of Windomere Avenue, south of Jefferson Boulevard;

BEING all of Lots 9 through 15 in City Block 38/3295, fronting on the west line of Edgefield Avenue, south of Jefferson Boulevard;

BEING all of City Block 37/3294, bounded by Edgefield Avenue, Jefferson Boulevard, Clinton Avenue, and Wentworth Street;

BEING all of City Block 45/3292, bounded by Jefferson Boulevard, Winnetka Avenue, and the Jefferson-Twelfth Street Connection;

BEING all of Lots 2 through 24 in City Block 46/3291, bounded by Winnetka Avenue, Jefferson Boulevard, Willomet Avenue and Twelfth Street;

BEING all of City Block 47/3290, fronting on the east line of Willomet Avenue, south of Jefferson Boulevard,

BEING all of City Block 52/3300, bounded by Rosemont Avenue and Montclair Avenue, south of Wentworth Street;

BEING all of Lots 1 and 1 in City Block 1C/3530, fronting 150 feet on the north line of Twelfth Street and 170 feet on the west line of Rosemont Avenue;

BEING all of Lots 3, 4, and 5 in City Block 1C/3530, fronting 150 feet on the north line of Twelfth Street, and 170 feet on the east line of Rosemont Avenue;

BEING all of City Block 42/3301, bounded by Montclair Avenue and Windomere Avenue, south of Wentworth Street;

BEING all of Lots 6, 7, and 8 in City Block 1B/3530, fronting 150 feet on the north line of Twelfth Street and 170 feet on the west line of Montclair Avenue;

BEING all of Lots 9, 10, and 11 in City Block 1B/3530, fronting 150 feet on the north line of Twelfth Street and 170 feet on the east line of Montclair Avenue;

BEING all of the following Lots 1 through 9 in and Lots 10-18 in City Block 43/3302, bounded by Windomere Avenue and Edgefield Avenue, south of Wentworth Street;

BEING the northern 100 feet of Lots 1 through 3 (also referred to as the mid and the north part of Lots 1-3) in City Block 1A/3528, fronting 100 feet on the west line of Edgefield Avenue, beginning at a point 70 feet north of the north line of Twelfth Street;

BEING all of City Block 44/3293, bounded by Edgefield Avenue, Wentworth Street, Clinton Avenue, and Twelfth Street;

BEING all of City Block 45/3292, bounded by Clinton Avenue, Jefferson-Twelfth Street Connection, Winnetka Avenue, and Twelfth Street;

BEING all of Lots 8 in City Block 1/3318, approximately 151 feet on the west line of Rosemont Avenue;

BEING all of City Block A/3269, fronting 150 feet on the north line of Eighth Street and 200 feet on the west line of Rosemont Avenue;

BEING all of City Block 1/3269, fronting 150 feet on the south line of Eighth Street and 150 feet on the west line of Rosemont Avenue;

BEING all of Lots 1 through 11 in City Block 30/3287, fronting on the west line of Rosemont Avenue, between Eighth Street and Jefferson Boulevard;

BEING all of Lots 2 through 13 in City Block 41/3298, fronting on the west line of Rosemont Avenue, between Jefferson Boulevard and Wentworth Street;

BEING all of Lots 1 through 9 of City Block 53/3299, fronting on the west line of Rosemont Avenue, south of Wentworth Street;

BEING all of Lots 1 and 2 in City Block 2/3268, fronting on the east line of Rosemont Avenue between David and Seventh Street;

BEING all of City Block 3/3267, bounded by Montclair Avenue, Davis Street, Windomere Avenue and Seventh Street, containing approximately 165.15 acres.

TRACT I(a)

BEING the eastern twenty-feet (20') of Lot 7, all of Lots 6 and 5 and the east thirty-feet (30') of Lot 4 in City Block 1A/3528, and being further described as follows:

BEGINNING at the southwest corner of said Thomas tract, being on the east line of S. Windomere Avenue, and the north line of W. 12th Street;

THENCE North (assumed reference bearing), passing at a distance of 3.61 feet an "x" found in concrete, passing at an additional distance of 157.55 feet a wrought iron fence corner, and continuing a total distance of 163.50 feet to a point on said east line of S. Windomere Avenue, and being the southwest corner of a tract of land described in a deed to Jack Delametter, II, as recorded in Volume 99175, Page 4721, of the Deed Records of Dallas County;

THENCE East, a distance of 150.00 feet along the south line of said Delametter tract to a point from which a ½ inch iron rod found bears S 49° 03' 01" E, a distance of 0.95 of one foot, said point being the southeast corner of said Delametter tract;

THENCE South, passing at a distance of 160.21 feet a ½ inch iron rod found, continuing a total distance of 163.50 feet to a point on the aforesaid north line of W. 12th Street, and being the southwest corner of a tract of land described in a deed to LULAC National Education Service Centers, Inc., recorded in Volume 98129, Page 9124, aforesaid Deed Records;

THENCE West, a distance of 150.00 feet along said north line of W. 12th Street to the POINT OF BEGINNING and containing 24,525 square feet or 0.56 of one acre of land.

TRACT II

BEING all of lots 3 and 4 (as originally platted) - replat now being approximately 119 feet of the eastern portion of Lot 1A in City Block 2/3268, fronting Montclair Avenue, between Davis and Seventh Streets;

~~BEING all of Lot 1 in City Block 41/3298, fronting on the south line of Jefferson Boulevard and the west line of Rosemont Avenue;~~

BEING all of lot 1 in City Block 38/3295, fronting on the south line of Jefferson Boulevard and the east line of Windomere Avenue;

BEING all of Lots 3 and 4 in City Block 32/3289, fronting on the north line of Jefferson Boulevard and the west line of Edgefield Avenue;

BEING all of Lot 5 in City Block 33/3280, fronting on the north line of Jefferson Boulevard and the east line of Edgefield Avenue;

BEING all of Lot 8 in City Block 34/3281, fronting on the north line of Jefferson Boulevard and the east line of Clinton Avenue;

BEING all of Lots 10 and 11 in City Block 35/3282, fronting on the north line of Jefferson Boulevard and the east line of Winnetka Avenue;

BEING all of Lots 12 and 13 in City Block 35/3282, fronting on the north line of Jefferson Boulevard and the west line of Willomet Avenue, and a portion of the west half of Lot 1A in City Block 2/3268, fronting on the north line of Jefferson Boulevard and the east line of Willomet Avenue;

BEING all of Lot 25 in City Block 46/3291, fronting on the south line of Jefferson Boulevard and the west line of Willomet Avenue;

BEING all of Lot 1 in City Block 46/3291, fronting on the south line of Jefferson Boulevard and the east line of Winnetka Avenue, containing approximately 6.205 ~~6.866~~ acres.

TRACT II(a)

(created to under Z212-126)

BEING all of Lot 1 in City Block 41/3298, fronting on the south line of Jefferson Boulevard and the west line of Rosemont Avenue.

TRACT III

BEING the southern 50 feet of Lots 1 through 3 in City Block 1A/3528, fronting 50 feet on the west line of Edgefield Avenue, and 150 feet on the north line of Twelfth Street, containing approximately 0.34 acres.

TRACT IV(a)

BEING all of Lots 1 through 4 in City Block 4/3266; Lots 1 and 2 in City Block 5/3257; Lots 1, 2, 17 and 18 in City Block 14/3472; Lots 17 and 18 in City Block 13/3464; Lots 1 through 4 in City Block 7/3255; Lots 1 and 2 in City Block 8/3254, containing approximately 7.82 acres.

TRACT IV(b)

BEING all of Lots 1 through 4 in City Block 6/3256, containing approximately 0.92 acres.

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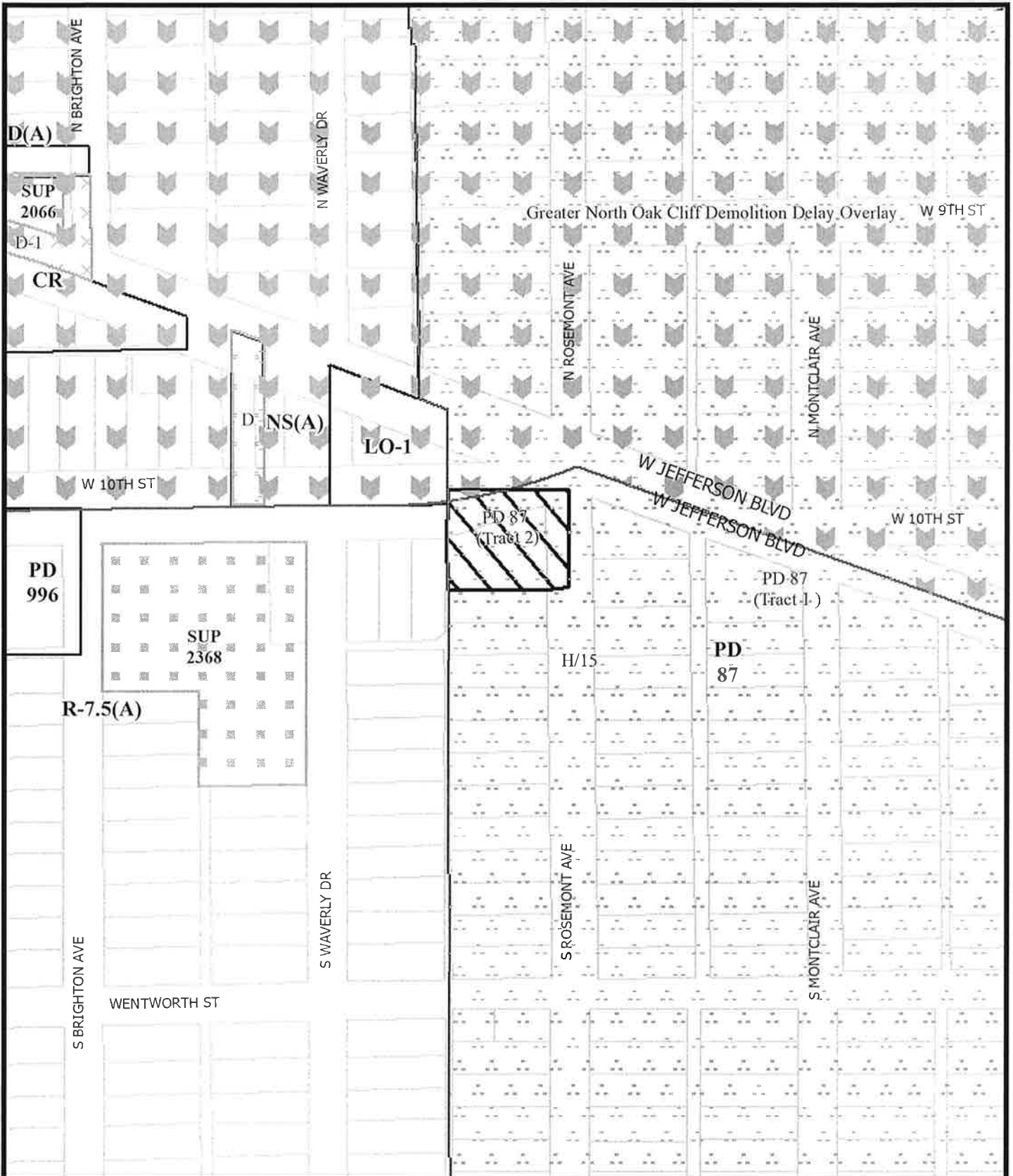
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TRACT IV(c)

BEING all of Lots 3 and 4 in City Block 5/3257, containing approximately 0.43 acres.

TRACT IV(d)

BEING all of (platted) Lot 9 in City Block 1/3318 and a portion of the west half of Lot 1A in City Block 2/3268, containing approximately 2.477 acres.



1:2,400

ZONING MAP

Case no: Z212-126

Date: 1/12/2022



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL APR 27 2022

ORDINANCE NUMBER 32189

DATE PUBLISHED APR 30 2022

ATTESTED BY: