

ARTICLE 67.

PD 67.

SEC. 51P-67.101. LEGISLATIVE HISTORY.

PD 67 was established by Ordinance No. 15189, passed by the Dallas City Council on May 24, 1976. Ordinance No. 15189 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas. Ordinance No. 15189 was amended by Ordinance No. 23873, passed by the Dallas City Council on May 5, 1999; Ordinance No. 25219, passed by the Dallas City Council on April 9, 2003; Ordinance No. 25283, passed by the Dallas City Council on June 11, 2003; and Ordinance No. 25344, passed by the Dallas City Council on August 13, 2003. Ordinance No. 25344 rezoned a .71-acre portion of the Property from PD 67 to PD 659. (Ord. Nos. 10962; 15189; 23873; 25219; 25283; 25344; 25423)

SEC. 51P-67.102. PROPERTY LOCATION AND SIZE.

PD 67 is established on property generally located west of Roper Street, east of Lemmon Avenue, north of Mockingbird Lane, and south of Stigall Street. The size of PD 67 is approximately 92.22 acres. (Ord. Nos. 15189; 25344; 25423; 29890)

SEC. 51P-67.103. 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. (Ord. 25423)

SEC. 51P-67.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 67A: existing land use map.
- (2) Exhibit 67B: height zone map.
- (3) Exhibit 67C: parking district site plan.
- (4) Exhibit 67D: landscape buffer area.
- (5) Exhibit 67E: development plan for K. B. Polk Elementary School. (Ord. 29890)

SEC. 51P-67.104. TRACTS.

This PD is divided into five Tracts: Tract I, Tract II, Tract III, Tract IV, and Tract V. A metes and bounds description of each tract is contained in Ordinance No. 15189, as amended by Ordinance Nos. 23873, 25283, and 25344. (Ord. Nos. 15189; 23873; 25283; 25344; 25423)

SEC. 51P-67.105. TRACT I USES AND DEVELOPMENT STANDARDS.

Land use must remain as indicated on the "Existing Land Use" map (Exhibit 67A), with single-family uses and other permitted uses regulated by the requirements of the Single-Family Dwelling District 7,500 Square Feet and with duplex uses and other permitted uses regulated by the requirements of the Duplex Dwelling District, with the development of vacant property and redevelopment of existing property governed by the provisions of Section 51P-67.110 below. *[Note: The land use map has not been amended to reflect the changes made by: (1) Ordinance No. 25283, which removed property from Tract III and created a new Tract V; (2) Ordinance No. 25344, which removed a portion of Tract III along Lemmon Avenue and Webster Avenue, north of Thedford Street, from the PD; and (3) Ordinance No. 29890, which removed a portion of Tract III along Roper Street.]* (Ord. Nos. 25219; 25423; 29890)

SEC. 51P-67.106. TRACT II USES AND DEVELOPMENT STANDARDS.

(a) Except as provided below, NS Neighborhood Service District uses and development standards apply. Signs located on the Property must comply with the provisions for non-business zoning districts contained in Article VII.

(b) For multiple-family uses, development must comply with the following regulations:

(1) A development plan must be approved by the city plan commission before issuance of any building permit for multiple-family uses. A development plan approved by the commission subject to conditions shall not be considered as finally approved. Until a revised development plan is finally approved by the city plan commission, the development plan approved subject to conditions shall be deemed denied.

(2) A minimum 15-foot front yard setback must be provided along University Boulevard. A minimum 10-foot front yard setback must be provided along all other streets.

(3) Fences are prohibited within the required front yard.

(4) Maximum dwelling unit density is 39 units per acre.

(5) Maximum structure heights and number of stories are as shown on the height zone map (Exhibit 67B).

(6) Vehicular access to and from Roper Street is prohibited.

(7) Buildings occupied with multiple-family uses must be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of a dwelling unit, do not exceed 45 Ldn. For purposes of this condition, habitable space means space in a structure for

living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

(8) No portion of a parking garage may be visible from University Boulevard, Roper Street, and Linnet Lane. Visibility will be measured at a point five feet above the abutting street surface.

(c) Skybridges as defined in Chapter 51A are prohibited on Tract II. (Ord. Nos. 23873; 25219; 25423)

SEC. 51P-67.107. TRACT III USES AND DEVELOPMENT STANDARDS.

Land use must remain as indicated on the "Existing Land Use" map with single-family uses and other permitted uses regulated by the requirements of the Single-Family Dwelling District 5,000 Square Feet and with duplex uses and other permitted uses regulated by the requirements of the Duplex Dwelling District and with the development of vacant property and the redevelopment of property governed by the provisions of Section 51P-67.110 below. Lots 27 through 31 of City Block M/2603 may be used for P Parking District uses subject to the approved site plan (Exhibit 67C). (Ord. Nos. 25219; 25423; 29890)

SEC. 51P-67.108. TRACT IV USES AND DEVELOPMENT STANDARDS.

(a) Uses permitted in the R-5 Single-Family District are permitted on Tract IV, and the development standards of the R-5 Single-Family District apply to those uses.

(b) Duplex uses are permitted, and the development standards of the D Duplex District apply to those uses.

(c) Multiple-family uses are permitted, and, except as provided in this subsection, the development standards of the MF-2 Multiple-Family District apply to those uses.

(1) A development plan must be approved by the city plan commission before issuance of any building permit for multiple-family uses. A development plan approved by the commission subject to conditions shall not be considered as finally approved. Until a revised development plan is finally approved by the city plan commission, the development plan approved subject to conditions shall be deemed denied.

(2) Minimum front yard setback is 10 feet.

(3) Fences are prohibited within the required front yard.

(4) Maximum dwelling unit density is 39 units per acre.

(5) Maximum structure heights and number of stories are as shown on the height zone map.

(6) Vehicular access to and from Roper Street is prohibited.

(7) Buildings occupied with multiple-family uses must be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of a dwelling unit,

do not exceed 45 Ldn. For purposes of this condition, habitable space means space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

(8) No portion of a parking garage may be visible from University Boulevard, Roper Street, and Linnet Lane. Visibility will be measured at a point five feet above the abutting street surface.

(9) A landscaped buffer area must be provided in that portion of Linnet Lane shown on Exhibit 67D. This landscaped buffer area must be shown on the development plan and must comply with the following requirements.

(A) Sixty percent of the area must contain trees, shrubs, vines, flowers, or ground cover vegetation. A minimum of five trees must be planted within the buffer area. These trees must have a caliper of at least two and one-half inches and must be spaced no closer than 50 feet apart, measured from trunk to trunk. All plant material must be recommended for local use by the director of parks and recreation.

(B) The landscaped buffer area must be irrigated and drained by automatic irrigation and permanent drainage systems installed to comply with industry standards.

(C) Pedestrian scale lighting must be provided and located in the landscaped buffer area. The light standards may not exceed 10 feet in height and be spaced more than 50 feet apart. Lighting must comply with the requirements of Section 51A-4.301(E)(2)(c)(i) through (iii).

(D) The city council hereby grants a private license to the owners of all property in Tract IV for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this paragraph. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a landscape permit in accordance with the Dallas Building Code. This private license shall not terminate at the end of any specific time period, however, the city council retains the right to terminate this license whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or whenever the purpose or use of this license is likely to become a nuisance.

(E) It is the responsibility of the property owner to apply for and obtain the required right-of-way landscape permit before locating plant materials in the right-of-way. An application for a right-of-way landscape permit must be made to the director of public works and transportation before any plant materials are located in the right-of-way. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the right-of-way affected and the construction and planting proposed.

(F) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a right-of-way landscape permit; otherwise the director shall deny the permit.

(G) A right-of-way permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the right-of-way authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way.

The property owner is not required to comply with any right-of-way landscaping requirement if compliance is made impossible due to the director's revocation of a right-of-way landscape permit.

(H) The issuance of a landscape permit under this paragraph does not excuse the property owner, his agents, or employees, from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of-way.

(d) Skybridges as defined in Chapter 51A are prohibited on Tract IV.

(e) Signs located on the Property must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 23873; 25219; 25423)

SEC. 51P-67.109. TRACT V USES AND DEVELOPMENT STANDARDS.

(a) Main uses. The only main uses permitted in Tract V are:

(1) a public school other than an open-enrollment charter school (permitted by right);
and

(2) all other main uses permitted in the R-5(A) Single Family and Duplex Districts subject to the same conditions applicable to uses in those districts set out in Chapter 51A. For example, if a use is permitted only by specific use permit (SUP) in the R-5(A) Single Family and Duplex Districts in Chapter 51A, it is permitted only by SUP in this district; if a use is subject to development impact review (DIR) in the R-5(A) Single Family and Duplex Districts in Chapter 51A, it is subject to DIR in this district; etc.

(b) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(c) Development plan. For a public school, development and use of the property must comply with the development plan (Exhibit 67E). In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control. For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(d) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, this subsection controls.

(1) Front yard.

(A) For a public school, minimum front yard is as shown on the development plan.

(B) For all other uses, minimum front yard must comply with the yard, lot, and space regulations applicable in the R-5(A) Single Family District.

(2) Side and rear yards.

(A) For a public school, minimum side and rear yards are as shown on the development plan.

(B) For all other uses, side and rear yards must comply with the yard, lot, and space regulations applicable in the R-5(A) Single Family District.

(3) Density. R-5(A) Single Family District regulations apply.

(4) Floor area ratio. R-5(A) Single Family District regulations apply.

(5) Height.

(A) For a public school, maximum height is 44 feet.

(B) For all other uses, R-5(A) Single Family District regulations apply.

(6) Lot coverage. Maximum lot coverage for a public school is 52 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(7) Lot size.

(A) For a public school, no minimum lot size.

(B) For all other uses, R-5(A) Single Family District regulations apply.

(8) Stories. R-5(A) Single Family District regulations apply.

(e) Off-street parking and loading. Consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use. Off-street parking and loading for a public school use is allowed in the required yards. The parking lot screening required in Section 51A-4.602 is not required in this district.

(f) Environmental performance standards. See Article VI.

(g) Landscaping.

(1) Landscaping for new construction must be provided in accordance with the development plan.

(2) Plant material must be maintained in a healthy, growing condition.

(h) Signs. Signs must comply with the provisions for non-business zoning districts in Article VII. A pole sign is allowed in the required front yard as shown on the development plan.

(i) Additional provisions.

(1) The entire property must be properly maintained in a state of good repair and neat appearance.

(2) Development and use of the property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(j) Compliance with conditions. The building official shall not issue a building permit or certificate of occupancy for a use in this phase until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 25283; 25423; 26102)

SEC. 51P-67.110. DEVELOPMENT OF VACANT AREA AND REDEVELOPMENT OF EXISTING STRUCTURES ON TRACTS I, III, AND V.

Any vacant property may be developed in accordance with the provisions of the zoning district classification designated for the property. Approval of any use of vacant property not permitted by the zoning district classification designated for the property must be determined by a public hearing before the city plan commission and the city council in accordance with Section 34 of the Comprehensive Zoning Ordinance. The filing fee, however, will be based on the amount of land area involved in the amendment in accordance with the fee schedule established for zoning changes. Redevelopment of existing structures on Tract V may be permitted with an approved development plan. (Ord. Nos. 25283; 25423)

SEC. 51P-67.111. VARIANCE PROCEDURE.

The board of adjustment has the authority to grant variances from the terms of Ordinance No. 15189, as amended, in accordance with regulations and procedures specified in Section 29 of the Comprehensive Zoning Ordinance, in the following matters:

(1) To hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by the building inspection division in the enforcement of this article.

(2) Permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum sidewalk or setback standards, off-street parking, off-street loading, and visibility obstruction regulations where the literal enforcement of the provision of this article would result in an unnecessary hardship, and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape, or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standards established by this article may not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor may such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this article to other parcels of land in this district.

(3) Authorize the use of a structure or portion thereof or incorporate a portion of the main structure for servants or caretakers quarters in this district when, in the opinion of the board, such structure or portion thereof will be used by bona fide servants or caretakers and will not be rental accommodations.

(4) Permit such variances of fence heights when, in the opinion of the board, such fences will not adversely affect neighboring property. Variances of fence heights providing screening around parking facilities area excluded. (Ord. Nos. 15189; 25423)

SEC. 51P-67.112. PAVING.

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications to the satisfaction of the director of public works and transportation. (Ord. Nos. 15189; 25283; 25423; 26102)

SEC. 51P-67.113. COMPLIANCE WITH CONDITIONS.

No certificate of occupancy may be issued by the building official until there has been full compliance with this article and any applicable provisions of the zoning ordinance and the building codes. (Ord. Nos. 15189; 25423)