

ORDINANCE NO. _____

An ordinance changing the zoning classification on the following property:

BEING both sides of Greenville Avenue generally bounded by Richmond Avenue on the north, Belmont Avenue on the north, Hope Street on the east, Bryan Street on the south, Henderson Avenue on the southwest, Ross Avenue on the southwest, and Summit Avenue on the west, but excluding Planned Development District No. 691,

from a CR Community Retail District to Planned Development District No. ____; amending Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code by creating a new Article ____; establishing use regulations and development standards for this planned development 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 described in this ordinance; and

WHEREAS, the city council finds that it is in the public interest to establish this planned development district; Now, Therefore,

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

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

SECTION 2. That Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Article _____ to read as follows:

“ARTICLE _____.

PD _____.

SEC. 51P-_____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No._____, passed by the Dallas City Council on _____.

SEC. 51P- _____.102. PROPERTY LOCATION AND SIZE.

PD ____ is established on property located on both sides of Greenville Avenue between Belmont Avenue and Bryan Street. The size of PD ____ is approximately _____ acres.

SEC. 51P- _____.103. PURPOSE.

The purpose of this district is to ensure the compatibility of uses with adjacent residential neighborhoods and to reduce the incidence of crime by discouraging an over-proliferation of regional-serving, late-night venues.

SEC. 51P- _____.104. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article:

(1) LATE-HOURS ESTABLISHMENT means a retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m. See also Subsection 51P-____.113(c).

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

SEC. 51P- ____ .105. DEVELOPMENT PLAN.

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.

SEC. 51P- ____ .106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. For example, a use permitted in the CR Community Retail District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the CR Community Retail District is subject to DIR in this district; etc.

(b) The following use is permitted only by SUP:

-- Late-hours establishment. *[See Subsection 51P- ____ .113(c).]*

SEC. 51P- ____ .107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific 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.

SEC. 51P- ____ .108. 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. If there is a conflict between this section and Division 51A-4.400, this section controls.)

The yard, lot, and space regulations for the CR Community Retail District apply.

SEC. 51P- ____ .109. OFF-STREET PARKING AND LOADING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P- ____ .110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P- ____ .111. LANDSCAPING.

- (a) Landscaping must be provided in accordance with Article X.
- (b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P- ____ .112. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. 51P- ____ .113. ADDITIONAL PROVISIONS.

(a) In general. The Property must be properly maintained in a state of good repair and neat appearance.

(b) Compliance. 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.

(c) Late-hours operations.

(1) Except for late-hours establishments operating under a valid specific use permit, all services for the public must be stopped and all customers must be removed from the property between 12 a.m. (midnight) and 6 a.m. An establishment that offers services to the public or that has customers remaining on the property between 12 a.m. (midnight) and 6 a.m. is considered a late-hours establishment.

(2) Except for late-hours establishments operating under a valid specific use permit, illuminated signs must be shut-off between 12 a.m. (midnight) and 6 a.m. An establishment that has illuminated signs between 12 a.m. (midnight) and 6 a.m. is considered a late-hours establishment.

(3) No occupancy shall have nonconforming rights to operate between 12 a.m. (midnight) and 6 a.m. or to have illuminated signs between 12 a.m. (midnight) and 6 a.m. All occupancies must come into compliance with this subsection by __(date)__.

SEC. 51P-____.114. COMPLIANCE WITH CONDITIONS.

(a) 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.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, 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.

SEC. 51P-____.115. ZONING MAP.

PD _____ is located on Zoning Map No. _____.”

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 area to the centerline of all adjacent streets and alleys.

SECTION 4. That the director of development services shall correct Zoning District Map No. _____ 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 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article _____ in Chapter 51P.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 7. That the zoning ordinances of the City of Dallas and 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 8. 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 9. 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 _____