

## ARTICLE 388.

### PD 388.

#### Tenth Street Neighborhood

##### SEC. 51P-388.101. LEGISLATIVE HISTORY.

PD 388 was established by Ordinance No. 21850, passed by the Dallas City Council on October 13, 1993. Ordinance No. 21850 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Ordinance No. 21850 was amended by Ordinance No. 22852, passed by the Dallas City Council on August 28, 1996, and Ordinance No. 24895, passed by the Dallas City Council on April 10, 2002. (Ord. Nos. 19455; 21850; 22852; 24895; 25850)

##### SEC. 51P-388.102. PROPERTY LOCATION AND SIZE.

PD 388 is established on property generally bounded by Eighth Street, a D.P.&L. Company right-of-way, Clarendon Drive, Fleming Avenue, and I-35 (South R.L. Thornton Freeway). The size of PD 388 is approximately 87 acres. (Ord. Nos. 21850; 25850)

##### SEC. 51P-388.103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions.

- (1) ADDITION means an enclosed living space added to a main structure.
- (2) APPLICANT means an owner of property within this district, or an owner's duly authorized agent.
- (3) CERTIFICATE OF APPROPRIATENESS means a certificate issued by the city in accordance with Section 51A-4.501 to authorize the alteration of the physical character of real property in the district or any portion of the exterior of a structure in the district, or the placement, construction, maintenance, expansion, or removal of any structure in or from the district.
- (4) COLUMN means the entire column including the base and capital, if any.
- (5) COMMISSION means the Landmark Commission of the city.
- (6) CORNERSIDE FACADE means a building facade facing a side street.
- (7) CORNERSIDE YARD means a side yard that abuts a street.
- (8) DEPARTMENT OF THE INTERIOR STANDARDS means the set of Historic Preservation standards established by the U.S. Department of the Interior National Park Service.
- (9) DIRECTOR means the director of the department of development services or that person's representative.
- (10) DISTRICT means the Tenth Street Historic Overlay District. This district contains the property described in Section 1 of Ordinance No. 21850, as amended.

(11) ERECT means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw, or otherwise construct.

(12) FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.

(12.1) GYMNASIUM means a facility for indoor sports.

(13) NEW CONSTRUCTION means new structures built or moved on the Property.

(14) MAIN BUILDING means a building on a lot intended for occupancy by the main use.

(15) PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.

(16) PROTECTED FACADE means a facade that must maintain its original appearance, as near as practical.

(17) REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

(b) Interpretations.

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

(2) Section 51A-2.101, "Interpretations," applies to this article.

(3) The following rules apply in interpreting the use regulations in this article:

(A) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(B) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(4) For purposes of determining the applicability of regulations in this article and in Chapter 51A triggered by adjacency or proximity to another zoning district, and for purposes of interpreting the DIR and RAR requirements of Division 51A-4.800, this district is considered to be a residential zoning district. (Ord. Nos. 24895; 25850)

**SEC. 51P-388.104. CREATION OF SEPARATE TRACTS.**

This district is divided into four tracts, hereafter referenced as "Tract 1," "Tract 2," "Tract 3," and "Tract 4," which are described in Exhibit A of Ordinance No. 24895. A map showing the boundaries of the four tracts is provided as Exhibit 388A. (Ord. Nos. 24895; 25850; 26458)

**SEC. 51P-388.105.**

**DEVELOPMENT PLAN.**

Development and use of Tracts 4A, 4B, and 4C must comply with the development plans (Exhibit 388B). In the event of a conflict, between the provisions of this article and the development plans, the provisions of this article control. (Ord. Nos. 24895; 25850)

**SEC. 51P-388.106.**

**MAIN USES PERMITTED.**

(a) Main uses permitted on Tract 1.

- Duplex.
- Single family.
- Cemetery or mausoleum.
- Child-care facility. [SUP]
- Church.
- Foster home. [SUP]
- Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(3.1) is not met.]
- Public or private school. [SUP]

(b) Main uses permitted on Tract 2.

(1) Commercial and business service uses.

- Building repair and maintenance shop.

(2) Institutional and community service uses.

- Cemetery or mausoleum.
- Child-care facility. [SUP]
- Church.
- Community service center. [SUP]
- Foster home. [SUP]
- Library, art gallery, or museum. [SUP]
- Public or private school. [SUP]

(3) Office uses.

- Financial institution without drive-in window.
- Office.
- Medical clinic or ambulatory surgical center.

(4) Recreation uses.

- Public park, playground, or golf course.

(5) Residential uses.

- Duplex.
- Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(3.1) is not met.]

- Multifamily. *[Above retail buildings only.]*
- Single family.

(6) Retail and personal service uses.

- Custom print shop.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- Hardware store 3,500 square feet or less.
- Household equipment and appliance repair.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Stationary shop/book store.
- Temporary retail use.
- Theater.

(7) Utility and public service uses.

- Police or fire station.
- Post office.

(c) Main uses permitted on Tract 3.

- All uses permitted on Tract 2.
- Motor vehicle fueling station.

(d) Main uses permitted on Tracts 4A, 4B, and 4C.

(1) Institutional and community service uses.

- Child-care facility. *[SUP]*
- Church. *[Tract 4A and 4B only. If Tract 4A is used as a church, parking must be provided in accordance with Section 51A-4.204(4).]*
- Community service center. *[Tract 4A only.]*
- Foster home. *[SUP]*

(2) Recreation uses.

- Gymnasium. *[Tract 4A only.]*

(3) Residential uses.

- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*

(4) Retail and personal service uses.

- Surface parking. *[Tract 4C may only be used for surface parking.]*

(Ord. Nos. 24895; 25850)

**SEC. 51P-388.107.****ACCESSORY USES.**

As a general rule, an accessory use is permitted in any tract in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. (Ord. Nos. 21850; 24895; 25850)

**SEC. 51P-388.108.****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 contained in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard setback. All main buildings must have a front yard setback that is within five percent of the average setback of other main buildings in the same blockface. Documentation establishing average setbacks must be submitted by the applicant for a building permit.

(b) Rear and side yard setback.

(1) Except as provided in Paragraph (2), rear and side yard setbacks must be within five percent of the average setback of other main buildings in the same blockface. Documentation establishing average setbacks must be submitted by the applicant for a building permit.

(2) No side yard setback requirement applies to lots that are 30 feet or less in width.

(3) Setbacks are illustrated in Exhibit 388C.

(c) Special exception. The board of adjustment may grant a special exception to the setback requirements in this article if the board finds, after a public hearing, that the special exception will not adversely affect the neighboring properties, the improvement is within the general building patterns of the neighborhood, and the special exception will preserve the historic nature of the neighborhood. In granting a special exception to the setback requirements, the board may impose any other reasonable condition that would further the purpose and intent of the setback requirements of this article.

(d) Height. Maximum structure height is 36 feet.

(e) Lot coverage.

(1) Except as provided in Paragraph (3), maximum lot coverage is:

(A) 60 percent for residential structures; and

(B) 25 percent for nonresidential structures.

(2) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(3) Maximum lot coverage for Tract 4A is 75 percent. Maximum lot coverage for Tract 4B is 75 percent.

(f) Width. The width of a single family structure may not exceed 42 feet or be more than 20 percent greater than the average width of single family structures on the blockface.

(g) Lot size. Minimum lot area for residential use is 2,000 square feet for single family structures, and 6,000 square feet for duplex structures. (Ord. Nos. 21850; 24895; 25850)

**SEC. 51P-388.109. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. Nos. 24895; 25850)

**SEC. 51P-388.110. SIGNS.**

Signs must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 24895; 25850)

**SEC. 51P-388.111. PARKING FOR TRACTS 4A, 4B, AND 4C.**

A minimum of 35 parking spaces for Tracts 4A, 4B, and 4C must be provided in the location shown on the development plans. Required off-street parking for uses in Tracts 4A and 4B may be located in Tract 4C. Landscaping for Tract 4C need not comply with Article X, but must be approved by the landmark commission. If Tract 4A is used as a church, parking must be provided in accordance with Section 51A-4.204(4), and the development plans must be amended. (Ord. Nos. 24895; 25850)

**SEC. 51P-388.112. ALTERATIONS.**

A person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code and this article. All alterations to the Property must comply with the preservation criteria provided as Exhibit 388D. (Ord. Nos. 24895; 25850)

**SEC. 51P-388.113. PENALTY.**

A person who violates a provision of this article, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the city may, in accordance with state law, provide civil penalties for a violation of this article, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property. (Ord. Nos. 24895; 25850)

**SEC. 51P-388.114. GENERAL REQUIREMENTS.**

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

(b) 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.

(c) The building official shall not issue a building permit or certificate of occupancy for a use in this PD or in this historic overlay district 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. (Ord. Nos. 24895; 25850)

**SEC. 51P-388.115. ZONING MAP.**

PD 388 is located on Zoning Map No. L-7. (Ord. Nos. 21850; 25850)