

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-67.101.1. PURPOSE.

This article provides standards tailored to meet the needs of the Elm Thicket Northpark Neighborhood which is an area of historical and cultural importance and significance to the citizens of the City of Dallas. The general objectives of these standards are to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and, in part, to achieve the following:

- (1) Accommodate the existing mix of uses in the area.
- (2) Protect the internal stable residential neighborhood.
- (3) Preserve and enhance the historical and cultural significance of the area.
- (4) Strengthen neighborhood identity. (Ord. 32324)

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

PD 67 is established on property generally located west of Robin Road, east of Lemmon Avenue, north of Mockingbird Lane, and south of Kelton Drive. The size of PD 67 is approximately 395.22 acres. (Ord. Nos. 15189; 25344; 25423; 29890; 32324)

SEC. 51P-67.103. DEFINITIONS AND INTERPRETATIONS.

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

(1) **CO-LOCATED DRIVEWAY** means a driveway adjacent to the side property line, meeting the edge of a driveway on the adjacent lot.

(2) **DAY-NIGHT SOUND LEVEL (Ldn)** means the A-weighted equivalent sound level for a 24-hour period with an additional 10 decibels imposed on the equivalent sound levels for night time hours of 10:00 p.m. to 7:00 a.m. Day-Night Sound Level can be expressed as

$Ldn = 10 \log (1 / 24 (15 (10Ld/10) + 9 (10((Ln + 10)/10)))$ where:

Ldn = day-night sound level (dBA)

Ld = daytime equivalent sound level (dBA)

Ln = nighttime equivalent sound level (dBA)

(3) GABLE ROOF means a roof having a triangular wall section at the ends of a roof with a minimum pitch of 4:12, bounded by the two roof slopes and the ridge pole which is positioned at the centerline of two eaves.

(4) HIP ROOF means a roof with a minimum pitch of 4:12 having sloping edges and sides.

(5) MAJOR MODIFICATION means reconstruction, alteration, or renovation of a single family or duplex structure that exceeds 50 percent of the structure area as determined by the Dallas Central Appraisal District, or any increase in the floor area of a structure if the expansion is over 50 percent of the floor area of the existing structure.

(6) NEW CONSTRUCTION means construction of a structure that did not exist as of October 12, 2022.

(7) RIBBON DRIVEWAY means a driveway consisting of two parallel paved surfaces.

(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 a residential zoning district. (Ord. Nos. 25423; 32324)

SEC. 51P-67.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 67A: existing land use map.
- (2) Exhibit 67B: Tract II height zone map.
- (3) Exhibit 67C: Tract III parking district site plan.
- (4) Exhibit 67D: Tract II landscape buffer area.
- (5) Exhibit 67E: Tract V development plan for K. B. Polk Elementary School.
- (6) Exhibit 67F: overall and tract property descriptions.
- (7) Exhibit 67G: tract map. (Ord. Nos. 29890; 32324)

SEC. 51P-67.104. TRACTS.

This PD is divided into five Tracts: Tract I, Tract II, Tract III, Tract IV, and Tract V as described in the overall and tract property descriptions (Exhibit 67F) and shown on the tract map (Exhibit 67G). (Ord. Nos. 15189; 23873; 25283; 25344; 25423; 32324)

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

(a) In general. Except as provided in this section, 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 R-7.5(A) Single-Family District and with duplex uses and other

permitted uses regulated by the requirements of the D(A) Duplex District, with the development of vacant property and redevelopment of existing property governed by the provisions of Section 51P-67.110 below.

(b) Single family and duplex structures.

(1) Height.

(A) Maximum residential structure height is 25 feet. No portion of the residential structure may be greater than 30 feet above grade.

(B) Maximum accessory structure height is 15 feet. No portion of the accessory structure may be greater than 20 feet above grade.

(2) Lot coverage. Maximum lot coverage is 40 percent for residential structures.

(3) Roofs. When the height of a roof is above 20 feet, 90 percent of the roof of the main structure must be hip and gable. (Ord. Nos. 25219; 25423; 29890; 32324)

SEC. 51P-67.106.

TRACT II USES AND DEVELOPMENT STANDARDS.

(a) In general. Except as provided in this section, for properties located between University Boulevard and 200 feet south of the property line, the NS(A) Neighborhood Service District uses and development standards apply.

(b) R-5(A) uses. Uses permitted in the R-5(A) Single Family District are permitted, and the development standards of the R-5(A) Single Family District apply to those uses.

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

(d) Multifamily uses. Except as provided in this subsection, multifamily uses are permitted, and the development standards of the MF-2(A) Multifamily District apply to those uses.

(1) Development plan. A development plan must be approved by the city plan commission before issuance of any building permit for multifamily 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) Front yard. 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. Fences are prohibited within the required front yard.

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

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

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

(7) Noise mitigation. Buildings occupied with multifamily 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) Parking garage. 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) Landscape buffer. A landscaped buffer area must be provided in that portion of Linnet Lane as shown on the Tract II landscape buffer area (Exhibit 67D). This landscaped buffer area must be shown on the development plan and must comply with the following requirements:

(A) 60 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 materials 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 must 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 must be spaced more than 50 feet apart. Lighting must comply with the requirements of Section 51A-4.301(e)(2)(C).

(10) Private license granted.

(A) The city council hereby grants a revocable, non-exclusive private license to the owners or tenants (with the written consent of the owner) of all property in Tract II for the exclusive purpose of authorizing compliance with the right-of-way landscaping requirements of this section. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a right-of-way landscape permit. This private license shall not terminate at the end of any specific time period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city council of the need for the termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installation in the public rights-of-way to the satisfaction of the city.

(B) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this subsection.

(C) Upon the installation of the landscaping and related amenities, such as irrigation systems, in the public right-of-way, the owner or tenant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this paragraph, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the police must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(D) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and for keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs to or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(11) Right-of-way landscape permit.

(A) It is the responsibility of the property owner to apply for and obtain the required right-of-way landscape permit before locating trees, landscaping, or related amenities in the right-of-way. An application for a right-of-way landscape permit must be made to the building official. The application must be in writing on a form approved by the building official and accompanied by plans or drawings showing the area of the right-of-way affected and the planting and other amenities proposed.

(B) Upon receipt of the application and any required fees, the building official 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 building official determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the building official shall issue a right-of-way landscape permit; otherwise the building official shall deny the permit.

(C) A property owner is not required to comply with any right-of-way landscaping requirement of this subsection if compliance is made impossible due to the building official's denial of a right-of-way landscape permit.

(D) A right-of-way landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official 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 of this section if compliance is made impossible due to the building official's revocation of a right-of-way landscape permit.

(E) The issuance of a right-of-way landscape permit under this subsection does not excuse the property owner, his agents, or employees, from liability for the installation or maintenance of trees or other amenities in the public right-of-way.

(e) Skybridges. Skybridges as defined in Chapter 51A are prohibited on Tract II.

(f) Signs. Signs located on the Property must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 23873; 25219; 25423; 32324)

SEC. 51P-67.107.

TRACT III USES AND DEVELOPMENT STANDARDS.

(a) In general. Except as provided in this section, 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 R-5(A) Single[-]Family District and with duplex uses and other permitted uses regulated by the requirements of the D(A) Duplex 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(A) Parking District uses subject to the approved Tract III parking district site plan (Exhibit 67C).

(b) Duplex uses. Duplex use is permitted on property fronting Roper Street and Mabel Avenue.

(c) Single family and duplex structures.

(1) Height. Maximum structure height is 25 feet. No portion of the structure may be greater than 30 feet above grade.

(2) Lot coverage. Maximum lot coverage is 40 percent for residential structures.

(3) Roofs. When the height of a roof is above 20 feet, 90 percent of the roof of the main structure must be hip and gable. (Ord. Nos. 25219; 25423; 29890; 32324)

SEC. 51P-67.108.

TRACT IV USES AND DEVELOPMENT STANDARDS.

(a) In general. Except as provided in this section, 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 R-7.5(A) Single Family District and with duplex uses and other permitted uses regulated by the requirements of the D(A) Duplex District, with the development of vacant property and the redevelopment of property governed by the provisions of Section 51P-67.110 below.

(b) Single family and duplex structures.

(1) Height. Maximum structure height is 25 feet. No portion of the structure may be greater than 30 feet above grade.

(2) Maximum lot coverage. Maximum lot coverage is 40 percent for residential structures.

(3) Roofs. When the height of a roof is above 20 feet, 90 percent of the roof of the main structure must be hip and gable. (Ord. Nos. 23873; 25219; 25423; 32324)

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

(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.

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

(A)

(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, IV, AND V.

Any vacant property may be developed in accordance with the provisions of the zoning district classification designated for the property. The requirements of D(A) Duplex District apply for development of vacant area and redevelopment of existing structures on property indicated as vacant or church on the "Existing Land Use" map. Redevelopment of existing structures on Tract V may be permitted with an approved development plan. (Ord. Nos. 25283; 25423; 32324)

SEC. 51P-67.110.1. ACCESSORY USES.

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. (Ord. 32324)

SEC. 51P-67.110.2. DESIGN STANDARDS FOR RESIDENTIAL USES.

(a) Purpose. The design standards for residential uses are intended to guide new construction and major modifications to preserve and enhance the existing single family neighborhood.

(b) Applicability for single family uses. The design standards in this section apply to new construction and major modification of single family uses.

(1) Roofs. Only hip and gable roofs are permitted on the main structure if the structure height exceeds 20 feet above grade.

(A) Flat and shed roofs must not be visible from the street unless it comprises 10 percent or less of the visible area of the street facing facade.

(B) Mansard, gambrel, and barrel vault roofs are not permitted.

(2) Driveways.

(A) Types and placement.

(i) Both flat surface and ribbon driveways are permitted.

(ii) Ribbon driveways must consist of two parallel paved surfaces, two to three feet wide, at least three feet apart.

(iii) Co-located driveways must consist of a minimum eight-foot to maximum 10-foot wide driveway adjacent to the side property line, meeting the edge of an eight- to 10-foot wide driveway on the adjacent lot.

(iv) The director may waive the driveway placement requirement if compliance with this paragraph would prevent the development of a lot due to easement or utility conflicts.

(B) Width. Except as provided in this section, the minimum driveway width is eight feet and the maximum width is 20 feet at the property line.

(C) Driveway curb cuts. The minimum allowable curb radius is five feet. The maximum allowable curb cut radius is 10 feet. Driveway radii may not intrude onto the frontage of adjacent lots. (Ord. 32324)

SEC. 51P-67.110.3. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 32324)

SEC. 51P-67.111. FENCING AND SCREENING.

(a) Except as provided in this section, the visual obstruction regulations in Section 51A-4.602(d) apply.

(b) Fencing or screening placed between co-located driveways is prohibited. (Ord. Nos. 15189; 25423; 32324)

SEC. 51P-67.112. ADDITIONAL PROVISIONS.

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

(b) 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. (Ord. Nos. 15189; 25283; 25423; 26102; 32324)

SEC. 51P-67.113. 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 city.

(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. (Ord. Nos. 15189; 25423; 32324)