

## **ARTICLE 535.**

### **PD 535.**

#### **C.F. Hawn Special Purpose District No. 3**

##### **SEC. 51P-535.101. LEGISLATIVE HISTORY.**

PD 535 was established by Ordinance No. 23988, passed by the Dallas City Council on August 25, 1999. Ordinance No. 23988 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. (Ord. Nos. 19455; 23988; 25164)

##### **SEC. 51P-535.102. PROPERTY LOCATION AND SIZE.**

PD 535 is established on property generally located on both sides of C.F. Hawn Freeway (U.S. Highway 175) between the T. & N. O. Railroad and Haymarket Road. The size of PD 535 is approximately 132.98 acres. (Ord. Nos. 23988; 25164; 25433; 28691)

##### **SEC. 51P-535.103. DEFINITIONS.**

Unless otherwise stated, the definitions in Chapter 51A apply to this article. In this article:

(1) **FULL CUT-OFF LIGHT FIXTURE** means a light fixture that does not emit light above the fixture's horizontal angle. Full cut-off fixtures direct light down to the ground.

(2) **PARKWAY** means that portion of the street right-of-way located between the street curb and the front lot line.

(3) **SUBDISTRICT** means one of the subdistricts referred to in Section 51P-535.106 of this article.

(4) **THIS DISTRICT** means the entire planned development district created by Ordinance No. 23988. (Ord. Nos. 23988; 25164)

##### **SEC. 51P-535.104. INTERPRETATIONS.**

(a) Unless otherwise stated, all code references are to CHAPTER 51A.

(b) The provisions of Section 51A-4.702, "Planned Development (PD) District Regulations," relating to site plans, conceptual plans, and development plans do not apply to this district.

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

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

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

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only.

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

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. (“DIR” means “development impact review.” For more information regarding development impact review generally, see Division 51A-4.800.)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. (“RAR” means “residential adjacency review.” For more information regarding residential adjacency review generally, see Division 51A-4.800.)

(e) This district is considered to be a nonresidential zoning district. (Ord. Nos. 23988; 25164)

**SEC. 51P-535.105. ZONING CLASSIFICATION CHANGE AND DISTRICT IDENTIFICATION.**

Chapter 51A is amended by changing the zoning classification on the property described in Exhibit A of Ordinance No. 23988 to Planned Development District No. 535, to be known as the C.F. Hawn Special Purpose District No. 3. (Ord. Nos. 23988; 25164)

**SEC. 51P-535.106. CREATION OF SEPARATE SUBDISTRICTS.**

This district is divided into three subdistricts: Subdistricts 1, 2, and 3. The boundaries of all subdistricts are verbally described in Exhibit 535A. A map showing the boundaries of the various subdistricts is labelled Exhibit 535B. In the event of a conflict, the verbal descriptions in Exhibit A of Ordinance No. 23988 and Exhibit 535A control over the graphic description in Exhibit 535B. (Ord. Nos. 23988; 25164)

**SEC. 51P-535.107. MAIN USES PERMITTED.**

(a) Subdistrict 1 (Light Industrial Subdistrict).

(1) Agricultural uses.

-- None permitted.

(2) Commercial and business service uses.

- Building repair and maintenance shop. *[SUP]*
- Bus or rail transit vehicle maintenance or storage facility. *[RAR]*
- Catering service.
- Commercial cleaning or laundry plant. *[RAR]*
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.

- Job or lithographic printing. [RAR]
- Labor hall. [By right when located at least 1000 feet from all conforming residential uses and 500 feet from all “public school” uses; otherwise, by SUP.]
- Machine or welding shop. [SUP]
- Machinery, heavy equipment, or truck sales and services.
- Medical or scientific laboratory. [SUP]
- Technical school.
- Tool or equipment rental. [SUP]
- Vehicle or engine repair or maintenance. [SUP]

(3) Industrial uses.

- Industrial (inside).
- Industrial (inside) for light manufacturing.
- Industrial (outside). [By SUP if “potentially incompatible” (See Subsection (a) of Section 51A-4.203); otherwise, by right with RAR required.]
- Metal salvage facility. [SUP]
- Outside salvage or reclamation. [SUP]

(4) Institutional and community service uses.

- Adult day care facility.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Hospital. [SUP]
- Public or private school. [SUP]

(5) Lodging uses.

- Hotel or motel. [SUP]

(6) Miscellaneous uses.

- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(7) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. [RAR]
- Medical clinic or ambulatory surgical center. [SUP]
- Office.

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

-- None permitted.

(10) Retail and personal service uses.

-- Auto service center. [SUP]  
-- Car wash. [RAR]  
-- Commercial amusement (inside). [SUP]  
-- Commercial parking lot or garage. [RAR]  
-- Drive-in theater. [SUP]  
-- Dry cleaning or laundry store.  
-- Furniture store. [SUP]  
-- General merchandise or food store 3,500 square feet or less.  
-- Home improvement center, lumber, brick, or building materials sales yard. [RAR]  
-- Household equipment and appliance repair.  
-- Motor vehicle fueling station.  
-- Personal service uses.  
-- Restaurant without drive-in or drive-through service.  
-- Restaurant with drive-in or drive-through service. [DIR]  
-- Temporary retail use.  
-- Theater.  
-- Vehicle display, sales, and service. [SUP]

(11) Transportation uses.

-- Commercial bus station and terminal. [RAR]  
-- Heliport. [SUP]  
-- Helistop. [SUP]  
-- Transit passenger shelter.  
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211(10)(E).]

(12) Utility and public service uses.

-- Commercial radio and television transmitting station.  
-- Electrical generating plant. [SUP]  
-- Electrical substation.  
-- Local utilities.  
-- Police or fire station.  
-- Post office.  
-- Radio, television, or microwave tower. [RAR]  
-- Tower/antenna for cellular communication.  
-- Utility or government installation other than listed. [SUP]  
-- Water treatment plant. [RAR]

(13) Wholesale, distribution, and storage uses.

-- Contractor's maintenance yard. [SUP]  
-- Mini-warehouse. [SUP]  
-- Office showroom/warehouse. [SUP]  
-- Trade center.

- Vehicle storage lot. [SUP]
- Warehouse. [RAR]

(b) Subdistricts 2 and 3 (Commercial and Retail Subdistricts).

(1) Agricultural uses.

- None permitted.

(2) Commercial and business service uses.

- Building repair and maintenance shop. [SUP]
- Bus or rail transit vehicle maintenance or storage facility. [RAR]
- Catering service.
- Commercial cleaning or laundry plant. [RAR]
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing.
- Labor hall. [SUP]
- Machine or welding shop. [SUP]
- Machinery, heavy equipment, or truck sales and services. [SUP]
- Medical or scientific laboratory. [SUP]
- Technical school.
- Tool or equipment rental. [SUP]
- Vehicle or engine repair or maintenance.

(3) Industrial uses.

- Industrial (inside). [Subdistrict 3 only]
- Industrial (inside) light manufacturing.

(4) Institutional and community service uses.

- Adult day care facility.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Hospital. [SUP]
- Library, art gallery, or museum.
- Public or private school.

(5) Lodging uses.

- Hotel or motel. [SUP]

(6) Miscellaneous uses.

- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(7) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center. *[SUP]*
- Office.

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

- None permitted.

(10) Retail and personal service uses.

- Ambulance service. *[RAR]*
- Auto service center. *[SUP]*
- Business school.
- Commercial amusement (inside). *[SUP]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store. *[SUP]*
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard. *[RAR]*
- Motor vehicle fueling station. *[SUP]*
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through service. *[DIR]*
- Restaurant without drive-in or drive-through service. *[RAR]*
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. *[SUP]*

(11) Transportation uses.

- Commercial bus station and terminal. *[DIR]*
- Heliport. *[SUP]*
- Helistop. *[SUP]*
- Transit passenger shelter.
- Transit passenger station or transfer center. *[SUP or city council resolution. See Section 51A-4.211(10)(E).]*

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.

- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication.
- Utility or government installation other than listed. [SUP]

(13) Wholesale, distribution, and storage uses.

- Manufactured building sales lot. [SUP]
- Mini-warehouse. [RAR]
- Office showroom/warehouse. [SUP]
- Warehouse. [SUP]

(Ord. Nos. 23988; 25164)

**SEC. 51P-535.108. ACCESSORY USES.**

(a) 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.

(b) The following accessory uses are not permitted in Subdistrict 1:

- Accessory community center (private).
- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Home occupation.
- Private stable.

(c) The following accessory uses are not permitted in Subdistricts 2 and 3:

- Accessory community center.
- Home occupation.
- Private stable.

(Ord. Nos. 23988; 25164)

**SEC. 51P-535.109. YARD, LOT, AND SPACE REGULATIONS.**

(a) Subdistrict 1. The yard, lot, and space regulations of the LI Light Industrial District, contained in Section 51A-4.123(b)(4), apply in this subdistrict. (Note: The yard, lot, and space regulations in this subsection 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 subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(b) Subdistricts 2 and 3. The yard, lot, and space regulations of the LI Light Industrial District, contained in Section 51A-4.123(b)(4), apply in this subdistrict. (Note: The yard, lot, and space regulations in this subsection 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 subsection and Division 51A-4.400, Division 51A-4.400 controls.) (Ord. Nos. 23988; 25164)

**SEC. 51P-535.110.****OFF-STREET PARKING AND LOADING.**

Consult the use regulations contained in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. (Ord. Nos. 23988; 25164)

**SEC. 51P-535.111.****ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. Nos. 23988; 25164)

**SEC. 51P-535.112.****LANDSCAPING.**

(a) Application of section.

(1) Parkway landscaping provisions become applicable to a lot when an application is made for a building permit for construction work that increases building height, floor area ratio, required parking, or nonpermeable coverage of the lot. Parkway improvements on state highways are subject to Texas Department of Transportation approval. If this approval cannot be obtained, parkway improvements must be located within that portion of the required front yard immediately adjacent to the parkway.

(2) Site area landscaping, front yard strip landscaping, screening, and sidewalk provisions become applicable to a lot when an application is made for a building permit for construction work that increases either the floor area ratio, building height, or nonpermeable coverage of the lot by more than 20 percent. For purposes of this section, compliance with Article X must include incorporating two of the following six design standards: enhanced vehicular pavement, permeable vehicular pavement, pedestrian facilities, foundation planting strip, understory preservation, or enhanced pedestrian walkways.

(3) Front yard strip landscaping and screening provisions may be imposed during required development impact or residential adjacency review procedures.

(b) Parkway landscaping. One tree at least three and one-half caliper inches, or two trees at least one and one-half caliper inches, must be provided between the street curb and the sidewalk for each 30 feet of lot frontage, exclusive of driveways, visibility triangles, and access-ways at points of ingress and egress. No underground irrigation system is required for parkway landscaping.

(c) Front yard strip landscaping.

(1) The 10-foot-wide strip of land along the entire length of the front yard and immediately adjacent to the property line must be landscaped as follows:

(A) Forty percent of the surface must be permeable.

(B) Ten percent must be landscaped with trees, shrubs, or a combination of trees and shrubs that have the potential to attain a minimum height of 30 inches within a three year time period.



(C) One tree at least three and one-half caliper inches, or two trees at least one and one-half caliper inches, must be provided between the street curb and the sidewalk for each 30 feet of lot frontage, exclusive of driveways, visibility triangles, and access-ways at points of ingress and egress.

(D) An underground irrigation system must be provided.

(2) Front yard strip landscaping must be approved by the building official.

(d) Site area landscaping. The remainder of the lot must be landscaped in accordance with the provisions contained in Article X. An underground irrigation system must be provided.

(e) Screening.

(1) A six-foot-high solid screening fence must be provided along all rear and side lot lines that are adjacent to residential districts.

(2) Off-street parking must be screened from an abutting street right-of-way with:

(A) a minimum three-foot-high solid fence, with an 18-inch-wide planting bed located on its street side; or

(B) shrubs with the potential to attain a minimum height of 30 inches within a three year time period.

(3) Outside industrial uses, must be screened with a minimum six-foot-high fence with a screening factor of less than 66 percent, and an 18-inch-wide planting bed located on its street side.

(f) Sidewalks. A sidewalk with a minimum width of six feet must be provided in the parkway. On state highways, this sidewalk must be provided in the parkway, subject to Texas Department of Transportation approval. If Texas Department of Transportation approval cannot be obtained, the property is exempt from this requirement.

(g) Completion. All landscaping must be completed in accordance with the provisions contained in Article X.

(h) General maintenance.

(1) Required landscaping must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with the approved landscape plan within 90 days after notification by the city. If a property owner fails to replace landscaping required under this section within 90 days, the property owner shall be subject to a fine of up to \$2,000 per day for each day that the violation exists.

(2) Any damage to utility lines resulting from the negligence of the property owner or his agents or employees in the installation and maintenance of required landscaping in a utility easement is the responsibility of the property owner. If a public utility disturbs a landscaped area located in a utility easement, it is the obligation of the property owner to replace the plant materials within 90 days.

(i) Landscape plan.

(1) A landscape plan must be submitted to and approved by building official prior to the installation of landscaping required by this article.

(2) Upon the submission of a plan for or including the installation of parkway landscaping, the building official shall circulate it to all affected city departments and all utility and communication companies for review and comment. If, after receiving comments from affected city departments and utility and communication companies, the building official determines that the construction and planting proposed is in compliance with this article, and will not be inconsistent with and will not impair the public utility or communications company use of the right-of-way, the building official shall approve the landscape plan; otherwise, the building official shall disapprove the plan.

(3) If the building official disapproves the plan on the basis that the installation of the landscaping within the parkway will be inconsistent with, or will unreasonably impair the public utility or communication company use of the street right-of-way, a new plan incorporating the parkway landscaping requirements within the required front yard shall be submitted to the building official for approval.

(j) Private license granted.

(1) The city council hereby grants a private license to each of the abutting property owners of the property in the C.F. Hawn Special Purpose District No. 3 for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this section. An abutting 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 Chapter 52 of the Dallas City Code, as amended. 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 judgement 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.

(2) To the extent that the provisions contained in this section conflict with the applicable licensing provisions contained in Chapter 43 of the Dallas City Code, the provisions contained in Chapter 43 are waived.

(3) In no event shall the license granted by this section be construed to grant an easement or real property interest of any kind to the licensees. (Ord. Nos. 23988; 25164)

**SEC. 51P-535.113. SIGNS.**

(a) In general. Signs within Subdistricts 1, 2, and 3 must comply with the provisions for business zoning districts contained in Article VII. In addition, all signs within this district must comply with the following regulations.

(b) Non-premise signs. Non-premise signs are prohibited within this planned development district.

(c) Detached premise signs.

(1) Location. No portion of any detached premise sign may be located within 15 feet of the right-of-way line.

(2) Height. No portion of any detached premise sign located within 25 feet of the right-of-way line may exceed 10 feet in height.

(3) Size. No detached sign located within 25 feet of the right-of-way line may exceed 150 square feet in effective area. (Ord. Nos. 23988; 25164)

#### **SEC. 51P-535.114. LIGHTING.**

(a) In general. In addition to the provisions of Section 51A-4.301(e), "Lighting Regulations for Off-street Parking," the following lighting regulations apply within this district.

(b) Glare. Full cut-off luminaries are required for any fixture.

(c) Intensity. The intensity of lighting on the parking surface must be:

(1) an average of at least two footcandles, initial measurement, and at least one footcandle on a maintained basis; and

(2) a minimum at any point of at least 0.6 footcandle initial, and at least 0.4 footcandle maintained or one-third of the average footcandle measurement for the lighted area, whichever is greater.

(d) Light source. Metal halide must be used as the lighting source for lighting required under this section. High pressure sodium may not be used as a lighting source.

(e) Location. Light fixtures within the district must include luminaries located between 10 and 14 feet above grade. (Ord. Nos. 23988; 25164)

#### **SEC. 51P-535.115. ADDITIONAL PROVISIONS.**

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

(b) 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.

(c) Any outside storage area within this district must be screened from the street right-of-way. See Section 51A-4.602(b). (Ord. Nos. 23988; 25164; 26102)

#### **SEC. 51P-535.116. COMPLIANCE WITH CONDITIONS.**

The building official shall not issue a building permit or a certificate of occupancy for a use in this planned development district 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. 23988; 25164; 26102)

#### **SEC. 51P-535.117. ZONING MAP.**

PD 535 is located on Zoning Map No. N-11. (Ord. Nos. 23988; 25164)