

03/23/88

ORDINANCE NO. 19904

An ordinance amending CHAPTERS 51 and 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by changing the zoning classification on the following described property, to-wit:

Being a tract of land in City Blocks 4411 and 4412 located at the north corner of Garland Road and East Lawther Drive, fronting approximately 3,000 feet on the northwest line of Garland Road and fronting approximately 4078 feet on the easterly line of East Lawther Drive and containing 64.63 acres of land,

from an R-10 Single Family District to Planned Development District No. 287 and Planned Development District No. 287-H/38 for a Public Arboretum, a Botanical Regional Park, and Support Uses; establishing use regulations and development standards for this planned development district; providing a penalty not to exceed \$2000; 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 applicable ordinances of the city, have given the required notices and have held the required public hearings regarding the rezoning of the property hereinafter described; and

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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 CHAPTERS 51 and 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, are amended by changing the zoning classification from an R-10 Single Family District to Planned Development District No. 287 for a Public Arboretum, a Botanical Regional Park, and Support Uses on the following described property ("the Property"), to-wit:

Being a tract or parcel of land situated in the City of Dallas, Dallas County, Texas and being a part of the C.A. Lovejoy Survey, Abstract 831, the C.A. Lovejoy Survey, Abstract 830, and the C.A. Lovejoy Survey, Abstract 829, and also being a part of City Blocks 4411 and 4412 in the City of Dallas, and also being part of the tract of land conveyed to E.L. DeGolyer by deed dated March 7, 1939, and recorded in Volume 2116, Page 184, of the Deed Records of Dallas County; and also being those certain tracts of land conveyed to E.L. DeGolyer by the City of Dallas and recorded in Volume 2222, Page 595 of the Deed Records of Dallas County, Texas, and being part of the tracts of land conveyed to Alex Camp by deeds recorded in Volume 1014, Page 128, and Volume 119, Page 557, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the northwesterly line of Garland Road (100 feet wide) with the easterly line of the said C.A. Lovejoy Survey, Abstract No. 831;

THENCE in a southwesterly direction along the said northwesterly line of Garland Road and along a curve to the left having a radius of 1323.24 feet, a central angle of 6°39'11", and an arc length of 153.65 feet to the end of said curve to the left;

THENCE South 33°29' West along the said northwesterly line of Garland Road (100 feet wide), a distance of 1812.10 feet to its intersection with the northeasterly line of Lawther Drive;

THENCE North 59°07'54" West along the northeasterly line of Lawther Drive, a distance of 108.68 feet to an angle point;

THENCE North $79^{\circ}57'54''$ West along the northeasterly line of Lawther Drive, a distance of 119.60 feet to an angle point;

THENCE North $62^{\circ}15'44''$ West along the northeasterly line of Lawther Drive, a distance of 46.08 feet to the beginning of a curve to the right;

THENCE in a northwesterly and northerly direction along the northeasterly line of Lawther Drive and along said curve to the right having a radius of 300.00 feet, a central angle of $46^{\circ}46'$, and an arc length of 244.87 feet to the end of said curve to the right;

THENCE North $15^{\circ}29'44''$ West along the easterly line of Lawther Drive, a distance of 174.37 feet to the beginning of a curve to the right;

THENCE in a northerly direction and along said curve to the right, having a radius of 215.67 feet, a central angle of $32^{\circ}02'20''$, an arc length of 120.60 feet to the end of said curve to the right and the beginning of a curve to the left;

THENCE in a northerly direction along an easterly line of Lawther Drive and along said curve to the left, having a radius of 300.00 feet, a central angle of $50^{\circ}59'49''$ and an arc length of 267.02 feet to the end of said curve to the left;

THENCE North $34^{\circ}27'13''$ West along a northeasterly line of Lawther Drive, a distance of 38.56 feet to the beginning of a curve to the right;

THENCE in a northerly direction along an easterly line of Lawther Drive and along said curve to the right, having a radius of 300.00 feet, a central angle of $32^{\circ}26'10''$, an arc length of 169.84 feet to the end of said curve to the right;

THENCE North $2^{\circ}01'03''$ West along an easterly line of Lawther Drive, a distance of 101.18 feet to the beginning of a curve to the right;

THENCE in a northerly and northeasterly direction along a northeasterly line of Lawther Drive and along said curve to the right, having a radius of 300.00 feet, a central angle of $55^{\circ}07'03''$, and an arc length of 288.60 feet to the end of said curve to the right;

THENCE North $53^{\circ}06'$ East along an easterly line of Lawther Drive, a distance of 66.63 feet to the beginning of a curve to the right;

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THENCE in a northeasterly direction along an easterly line of Lawther Drive and along said curve to the right, having a radius of 300.00 feet, a central angle of $7^{\circ}46'11''$ and an arc length of 40.68 feet to the end of said curve to the right;

THENCE North $60^{\circ}52'11''$ East along an easterly line of Lawther Drive, a distance of 223.19 feet to an angle point;

THENCE North $56^{\circ}59'07''$ East along an easterly line of Lawther Drive, a distance of 67.16 feet to the beginning of a curve to the left;

THENCE in a northeasterly direction along an easterly line of Lawther Drive and along said curve to the left, having a radius of 1432.39 feet, a central angle of $13^{\circ}59'50''$ and an arc length of 349.93 feet to the end of said curve to the left;

THENCE North $42^{\circ}59'17''$ East along an easterly line of Lawther Drive, a distance of 35.47 feet to the beginning of a curve to the left;

THENCE North $32^{\circ}47'17''$ East along an easterly line of Lawther Drive, a distance of 19.37 feet to a point for corner;

THENCE in a northeasterly direction along the northwesterly line of the Camp Survey the following calls:

NORTH $44^{\circ}30'20''$ East, a distance of 331.21 feet to a point for corner;

NORTH $32^{\circ}21'00''$ East, a distance of 368.02 feet to a point for corner;

NORTH $17^{\circ}10'20''$ East, a distance of 347.72 feet to a point for corner;

NORTH $17^{\circ}43'00''$ East, a distance of 39.29 feet to a point for corner;

THENCE South $44^{\circ}10'40''$ East along the southwesterly line of a 39.79 acre tract of land conveyed to J.A. Crow by deed recorded in Volume 3770, Page 212, of the Deed Records of Dallas County, a distance of 1102.80 feet to a point for corner in the northwesterly line of Garland Road;

THENCE South $45^{\circ}00'$ West along the northwesterly line of Garland Road, a distance of 923.40 feet to the beginning of a curve to the left;

THENCE in a southwesterly direction continuing along the northwesterly line of Garland Road and along said curve to the left, having a radius of 1323.24 feet, a central angle of $4^{\circ}51'50''$, and an arc length of 112.32 feet to the place of beginning, and containing 64.63 acres of land.

SECTION 2. That the following use regulations and development standards ("conditions") apply to this planned development district:

1. INTERPRETATIONS: Unless otherwise stated, all references to code sections in this ordinance refer to sections in CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended.
2. DEFINITIONS: Except as otherwise provided in this section, the definitions contained in Chapter 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, apply to this ordinance. In this ordinance:
 - (1) ADMINISTRATIVE/SERVICE AREAS mean portions of the Property and facilities used primarily by the staff of the arboretum and botanical gardens for operating and maintenance activities. Administrative/service areas include offices, meeting rooms, equipment and supply storage areas, and vehicle and equipment maintenance areas.
 - (2) ARBORETUM means a place where many kinds of trees and shrubs are grown; a botanical or tree garden cultivated for educational or scientific purposes.
 - (3) BOTANICAL GARDEN means a place where collections of living and preserved plants and trees are kept and exhibited.
 - (4) CONSERVATORY means a greenhouse for growing or displaying plants for educational or scientific purposes.
 - (5) EDUCATIONAL AREAS mean portions of the Property and facilities used primarily by visitors of the arboretum and botanical gardens. Educational areas include the museum, meeting rooms, the auditorium, the photography studio, the classrooms, the library, the laboratory, the herbarium, and the theater.
 - (6) FLOOR AREA means "floor area" as defined in the Dallas Development Code, as amended, excluding parking structures.
 - (7) GARDEN/GIFT SHOP means a facility for the display and sale of seeds, plants, and other items

related to botany, horticultural, or landscape design, or items related to the public arboretum and botanical garden.

- (8) HERBARIUM means a collection of dried plant specimens for scientific study.
 - (9) HORTICULTURAL DISPLAY CENTER means an area for demonstrations and temporary exhibits of art works or other botanical items relating to horticulture, gardening, and landscape design.
 - (10) MUSEUMS mean the DeGolyer house and the Camp house, and any loan or display of books or objects of art or science located within those houses.
 - (11) SOCIAL FUNCTION means a celebration or gathering, not open to the public, which involves the use of all or a portion of the Property. Weddings, receptions, parties, and meetings are examples of social functions.
 - (12) SPECIAL EVENT means a celebration or gathering, open to the public, which involves the use of the Property and which may include, but not be limited to—entertainment, dancing, music, dramatic productions, parades, sale of merchandise, food, or any combination of these activities.
 - (13) THEATER means a facility for showing motion pictures or for presentations of theatrical performances to an audience inside an enclosed structure. For the purposes of this ordinance, a theater is used exclusively for the purpose of orienting visitors to the public arboretum and botanical garden.
 - (14) TICKET BOOTH means a facility for the sale of entrance passes to the public arboretum and botanical garden and for the display of information related to the public arboretum and botanical garden.
 - (15) TMP means "transportation management plan."
3. CONCEPTUAL SITE PLAN: Use of the Property must comply with the attached conceptual site plan.

4. DETAILED DEVELOPMENT PLAN:

- (a) Generally. A detailed development plan for each tract or portion thereof must be submitted to and approved by the city plan commission prior to the issuance of any building permit for work on that tract. All development must conform with an approved detailed development plan. The detailed development plan must include the site plan requisites listed in Section 51A-4.803(d).
- (b) Elevations. Detailed development plans submitted for Tracts 2 and 3 must include architectural elevation drawings for all structures. Heights must include mean sea level elevations.
- (c) Submission of plans to private entities. Each detailed development plan must be submitted to the designated zoning representative of the Forest Hills, Little Forest Hills, and Emerald Isle neighborhood associations at the same time a detailed development plan is submitted to the park and recreation department.

5. LANDSCAPING REQUIREMENTS:

- (a) Landscape plan. A landscape plan that conforms with Article X of the Dallas Development Code, as amended, must be submitted with each detailed development plan for the portions of Tracts 2, 6, and 7 that are not botanical gardens, and must be approved by the city plan commission prior to the issuance of a permit for construction of any parking use on those tracts.
- (b) Screening.
 - (1) A screen of evergreen plant materials that is no less than six feet high must be provided in the special landscape buffer on Tracts 2 and 6 along Garland Road, as shown on the attached landscape buffer plan.
 - (2) On Tract 7, a screen of evergreen plant materials that is no less than six feet high must be provided within the special landscape buffer between the alley to the north of the Property and any vehicle and maintenance areas, as shown on the attached landscape buffer plan.

- (3) The evergreen plant materials required in Paragraph (1) must be planted within one year of the passage of this ordinance and must reach a height of six feet within three years of the date they are planted.
- (4) Existing plant materials that serve a screening function within the special landscape buffers must be retained until new plant materials provide approximately equivalent screening attributes.

6. USES:

- (a) Purposes. The Property within this planned development district is currently developed as a facility with an arboretum, botanical gardens, a museum, meeting rooms, surface parking, a ticket booth, temporary refreshment stands, and areas to rent for weddings, receptions, and meeting rooms. The setbacks and special landscaping buffers required by this ordinance provide adequate buffering between this planned development district and the surrounding area. The uses provided for in this ordinance are permitted only to the extent that they benefit and serve the needs of the Property as a public arboretum and botanical garden. It is the uniqueness of this facility that makes this planned development district appropriate. Because of this uniqueness, the granting of this zoning should not be viewed as a precedent for commercial development of this Property or the surrounding area. Every effort should be made to preserve existing trees wherever possible and to replace any trees which must be removed with appropriate trees. If the public arboretum and botanical garden ceases to exist, the director of planning and development shall notify the city plan commission, and a public hearing shall be called to determine proper zoning.
- (b) Permitted uses. Only the following uses are permitted on the Property:
 - (1) The entire Property. Arboretum and botanical gardens, special events, and social functions. The outside sale of alcoholic beverages is prohibited except in the outdoor seating area of the food service facilities located on Tract 3.

- (2) Tract 1. Ticket booth, public restrooms, and equipment storage.
 - (3) Tract 2. Surface parking, structured above-grade and below-grade parking.
 - (4) Tract 3. Auditorium, meeting rooms, library, theater, offices, greenhouses, assembly halls, conservatory, herbarium, restaurant with alcoholic beverages and entertainment, and garden/gift shop.
 - (5) Tract 4a. Offices, garden/gift shop, and meeting rooms.
 - (6) Tract 4b. The original entrance gates to the DeGolyer house.
 - (7) Tract 5. Ticket booth, offices, meeting rooms, and museum.
 - (8) Tract 6. Surface parking.
 - (9) Tract 7. Surface parking, library, laboratories, herbarium, offices, classrooms, vehicle and equipment maintenance area, equipment and supply storage, photographic studio, loading and delivery area, and meeting rooms.
- (c) Guidelines for the building official. Offices, laboratories, and a photographic studio are permitted only to the extent that they are actually associated with the operation of the arboretum and botanical gardens. Food service facilities and the garden/gift shop are permitted only to the extent that they serve the visitors of the arboretum and botanical gardens. The food service facilities and garden/gift shop may not have any exterior advertising signs visible from the street, nor may they have additional public hours of operation separate from the public hours of the arboretum and botanical gardens. The food service facilities and garden/gift shop may not be advertised in handbills sent to the general public or in notices in a newspaper or radio or television, except as a part of an advertisement for the entire arboretum and botanical gardens. All visitors to the food service facilities or garden/gift shop must obtain admission to the Property on the same basis as any other visitor,

except for persons attending social functions. The vehicle and equipment maintenance area is only permitted for the purpose of maintaining the vehicles and equipment of the arboretum and botanical gardens.

- (d) Rental for private use. The arboretum and botanical gardens may not be closed for private rental or private use during public operating hours. Private rental or private use of a portion of the Property is permitted during public operating hours. The park and recreation board shall determine the extent to which portions of the Property may be available for private rental or private use at other times.

7. FLOOR AREA:

- (a) No more than 197,070 square feet of floor area is permitted on the Property.
- (b) The maximum total permitted floor area for each category of use on the Property is as follows:

<u>Use Category</u>	<u>Maximum Floor Area</u> (in square feet)
Greenhouses (includes conservatory)	64,530
Food service facilities Inside floor area	8,900
Garden/gift shop Storage area	2,600
Retail area	8,700
Education-related uses (includes public restrooms, museum, meeting rooms, auditorium, orientation theater, photography studio, classrooms, library, botanical research laboratory, herbarium, and horticultural display center)	74,920
Administrative/service uses (includes staff offices, public restrooms, equipment and supply storage, vehicle and equipment maintenance area, and public restrooms)	37,420

- (c) The maximum total permitted floor area for use categories located on Tracts 1, 3, 4a, 5, and 7 is as follows:

<u>Use Categories on Tract 1</u>	<u>Maximum Total Floor Area (in square feet)</u>
Ticket booth	600
Public restrooms	720
Equipment storage	480

<u>Use Categories on Tract 3</u>	<u>Maximum Total Floor Area (in square feet)</u>
Retail area for garden/ gift shop	7,600
Storage area for garden/ gift shop	1,900
Food service facilities	8,900
Education-related uses (includes public restrooms, meeting rooms, auditorium, orientation theater, library, and horticultural display center)	42,700
Administrative/service uses (includes staff offices and meeting rooms)	21,780
Greenhouses and conservatory	42,930

<u>Use Categories on Tract 4a</u>	<u>Maximum Total Floor Area (in square feet)</u>
Garden/gift shop	1,200
Education-related uses (includes museum and meeting rooms)	12,500

Administrative/service uses (includes offices, meeting rooms, and public restrooms)	4,500
Greenhouses	600

<u>Use Categories on Tract 5</u>	<u>Maximum Total Floor Area (in square feet)</u>
Education-related uses (includes museum and meeting rooms)	3,550
Administrative/service uses (includes offices, meeting rooms, and public restrooms)	5,500

<u>Use Categories on Tract 7</u>	<u>Maximum Total Floor Area (in square feet)</u>
Education-related uses (includes public restrooms, meeting rooms, classrooms, botanical research laboratory, herbarium, and library)	14,370
Administrative/service uses (includes offices, vehicle and equipment storage, vehicle and equipment maintenance area, loading and delivery area, and meeting rooms)	5,640
Greenhouses	21,600

8. SPECIAL EVENTS: All special events must comply with the Dallas Park and Recreation Department Special Events Policy of 1983, as amended. A copy of this policy shall be kept in a permanent file in the office of the city secretary.

9. HEIGHT:

- (a) Residential proximity slope. No structure on the Property may penetrate a residential proximity slope, as defined in the Dallas Development Code, as amended.
- (b) Maximum height. Unless further restricted under Subsection (a), maximum structure heights are as follows:
 - (1) No structure on Tracts 1, 4a, 4b, 5, 6, and 7 may exceed 30 feet in height.
 - (2) No structure on Tract 2 may exceed 499 feet above mean sea level or 24 feet in height.
 - (3) No structure on Tract 3 may exceed 540 feet above mean sea level, or 60 feet in height. No floor space above 30 feet in height may be accessible for other than maintenance purposes.

10. SETBACKS:

- (a) Except as otherwise provided in this condition, a 30-foot setback must be provided from the Property line.
- (b) A setback of 100 feet must be provided on Tract 7 along the boundary adjacent to the alley for vehicle and equipment maintenance uses.
- (c) A setback of 30 feet at the northeast boundary of Tract 2 must be provided for a distance of 500 feet in a southward direction. A setback of 100 feet must be provided at the southeast boundary of Tract 2 along Garland Road.

11. COVERAGE: The maximum permitted coverage of the Property, including all buildings, structures, and nonpermeable surfaces, is 25 percent.

12. OFF-STREET PARKING:

- (a) General requirement. Four hundred fifty parking spaces must be provided on the Property. Four hundred seventy additional parking spaces must be provided either on the Property or off-site through the TMP required under Condition No. 13. Remote parking may be provided within two miles of the Property.

- (b) Special events. Additional spaces must be provided for special events in accordance with the TMP. Remote parking for special events may be provided within seven miles of the Property. The total number of off-street parking spaces (including both on-site and off-site spaces) must be adequate, as provided in the most recently approved TMP, to serve all visitors to special events on the Property.

13. TRANSPORTATION MANAGEMENT PLAN:

- (a) In general. A transportation management plan (TMP) for this planned development district must be prepared by the owner of the Property or its agent. The TMP is a document containing strategies and mechanisms the owner or its agent must implement to insure the fluidity of vehicular movement on and surrounding the Property. The TMP must also offer methods of safely accommodating the transportation of visitors to and from remote parking locations in a safe and efficient manner while minimizing impacts on adjacent neighborhoods.

- (b) Information required. If remote parking is provided to meet the off-street parking requirement, the TMP must contain the information required for a special parking application in the special parking regulations of the Dallas Development Code, as amended, except that a consent letter signed by the owner(s) of each remote site may be substituted for the remote parking agreement otherwise required under Section 51A-4.324 to authorize remote parking for special events. The TMP must also contain the following:

- (1) A schedule of special events and an estimate of the number of remote parking spaces required to accommodate visitors of the event.
- (2) A list of and the location of remote parking sites for special event days, the number of spaces needed for all uses on the Property at each remote site, the consent of the owner of each remote site for its use, and the distance of each remote site from the Property.

- (3) The method, type, and quantity of vehicles to be used to transport visitors to and from the remote parking locations, and their frequency and hours of operation.
 - (4) The routes to be used by the transporting vehicles.
 - (5) Methods to be used to prevent visitor parking on neighborhood streets and to direct vehicles to remote parking sites from the Property.
 - (6) Promotional strategy outlining the educational and instructional material on remote parking availability and describing how this material will be conveyed to the visitor before coming to the Property.
- (c) Approval. The initial TMP is attached to and made a part of this ordinance as "Exhibit A." Updates to the TMP must be submitted to and approved by the director of transportation. The director shall furnish the city plan commission and the park and recreation board with copies of all approved TMP updates.
- (d) Updates. Updates must address the issues in the TMP, detail the current level of development on the Property, demonstrate that current remote parking agreements are consistent with parking demand, and contain survey results and analyses. The first update must be submitted on or before December 1, 1989. Subsequent updates are required every three years thereafter for a period of time not to exceed twelve years, unless directed otherwise by the director of planning and development based upon the director's determination that usage patterns have stabilized and proper implementation of the TMP has been accomplished. The city council shall establish a fee schedule to enable the department of transportation to recover its expenses incurred in monitoring and reviewing the TMP updates.
- (e) Surveys.
- (1) Parking demand and supply must be surveyed for the following four events during the year:

- (A) Major special event of the year (the special event attracting the greatest number of visitors to the Property).
 - (B) Another event of the year.
 - (C) Two non-event weekends of the year.
- (2) The surveys during special events must include five peak days. The surveys must measure and evaluate the remote parking operation and traffic conditions on and near the Property using methods and times approved by the director of transportation. The survey and analysis must be undertaken by the owner or its agent using the services of a professional engineer skilled in transportation engineering. The survey must be approved by the director of transportation. If the director of transportation certifies to the director of planning and development that any of the following improvements or actions are needed to facilitate safe access to and from the Property, the owner or its agent must construct and make operative those improvements or take those actions within 18 months of the date of certification:
- (A) Stop signs.
 - (B) Traffic signals.
 - (C) Pavement markings.
 - (D) Additional storage space at the entrance to the Property at Garland Road and Whittier Avenue.
 - (E) A free right turn lane on Garland Road,
 - (F) Implementation of a plan approved by the director of transportation to prevent visitor parking on neighborhood streets.
- (3) Surveys must be completed and resubmitted at the same time as the TMP updates.
- (f) Implementation. The TMP must be implemented by March 12, 1988.

14. ACCESS: The number and location of driveways, deceleration lanes, and acceleration lanes on Garland Road must be approved by the directors of transportation and public works. No access is permitted to East Lawther Drive. The primary visitor access to the Property must be from Garland Road and Whittier Avenue, as shown on the attached exhibit labeled "Alternative 6."
15. SIGNS: All signs must comply with the provisions for nonbusiness zoning districts contained in the Dallas Development Code, as amended. Special purpose signs, as defined in the Dallas Development Code, as amended, are permissible only along Garland Road.
16. SUBDIVISION PLAT: Prior to the issuance of a building permit for work on any portion of the Property, a subdivision plat for the entire Property must be approved by the city plan commission and filed for record with the county clerk. The plat must create one lot covering the entire Property.
17. PAVING: The surfacing of all aisles, maneuvering areas, parking spaces, and emergency accessways must, at a minimum, consist of an all-weather and drainable material which is approved by the director of public works. Permeable surfaces are permitted.
18. NOISE:
 - (a) The noise regulations contained in Section 51A-6.102 apply to all uses on the Property except insofar as they are expressly modified by this ordinance.
 - (b) A public address system used at special events may only operate from 10:00 a.m. until 10:30 p.m.
 - (c) Social functions may only occur from 7:00 a.m. until 12:00 midnight.
 - (d) Concerts must be performed on the concert lawn shown on the attached conceptual site plan. A concert may be no more than four hours in duration, and may not occur or continue after 10:30 p.m.
 - (e) The maximum average sound pressure level on any day, as measured on the A scale over a 15 minute period at the residential bounding property line described in Subsection (f), may not exceed 65 decibels.

- (f) The residential bounding property line for purposes of Subsection (e) is described as follows:

BEGINNING at the intersection of the southeast line of Garland Road and the southeastward prolongation of the centerline of Lawther Drive;

THENCE in a northeastward direction along the southeast line of Garland Road to a point for corner at the intersection of the southeast line of Garland Road and the southeastward prolongation of the common line between City Blocks 4412 and 8/4413;

THENCE in a northwestwardly direction along said line and continuing along the common block line to a point for corner on the southeast line of a 10 foot wide public alley;

THENCE in a northeastwardly direction along said alley line, a distance of 10 feet to a point for corner in a line, said line being the southeastward prolongation of the northeast line of a 10 foot wide alley adjacent to the common line between City Blocks 4412 and 3/4413;

THENCE in a northwestwardly direction along said line and its northwestward prolongation to a point of termination on the southeast line of Lawther Drive.

- (g) Noises that do not exceed the maximum decibel limits in Subsection (e) shall not be construed as "loud and raucous" noises within the meaning of Chapter 30 of the Dallas City Code, as amended. In the event of a conflict between the provisions of this ordinance and other noise regulations applicable to the city generally, including but not limited to those contained in Section 51A-6.102 and in Chapter 30 of the Dallas City Code, as amended, the provisions of this ordinance control.
- (h) All noise levels must comply with park and recreation department policies at all times.

19. LIGHTING:

- (a) Lighting required. Lighting of the parking area is required beginning one-half hour after sunset.

and continuing throughout the hours of use. If only a portion of a parking area is offered for use after dark, lighting must be provided for only that part; however, the portion offered for use must be clearly designated.

(b) Maximum mounting height.

- (1) If any portion of a light source is more than 10 feet high, that portion may not be located above a residential proximity slope as defined in the Dallas Development Code, as amended.
- (2) No light fixture may exceed the maximum height permitted in the tract in which it is located.

(c) Minimum mounting height.

- (1) The minimum mounting height for all light fixtures is governed by the Dallas Electrical Code requirements for the voltage supplied.
- (2) Light fixtures located in parking lots must be protected with islands, curbs, or other similar barriers approved by the building official if the light fixture is less than 18 feet high.

(d) Light trespass.

- (1) Luminaries emitted from lighting serving the Property may not exceed 0.1 footcandle at any point five feet or more onto an adjoining lot in a residential district.
- (2) The light source of any lighting serving the Property may not be visible five feet above ground level at the property line of an adjoining lot in a residential district.

20. FIREWORKS: No fireworks displays are permitted on the Property.

21. ROAD IMPROVEMENTS:

- (a) Construction plans for the improvements to the intersection of Garland Road and Whittier Avenue must be approved by the director of public works and the state department of highways and public

transportation. The construction must be completed in accordance with the TMP for the Property.

- (b) The Garland Road median must be a minimum of four feet back-to-back, and contain a 12-foot left turn acceleration lane as shown on the attached exhibit labeled "Alternative 6." The left turn lane must have a standard transition, and the left turn acceleration lane must have a 400-foot transition.
22. MASTER PLAN. The Master Plan for the Dallas Arboretum and Botanical Gardens, as amended, is a reference for development of the Property. A copy of the Master Plan must be on file with the department of parks and recreation. In the event of inconsistencies between the Master Plan and the provisions of this ordinance, the provisions of this ordinance control.
23. ENVIRONMENTAL ASSESSMENT: An environmental assessment must be furnished to and approved by the department of health and human services within 12 months after the passage of the ordinance. The owner of the Property is responsible for furnishing the assessment to the department. (For so long as the Property is owned by the City of Dallas, the park and recreation department shall be responsible for furnishing the assessment to the department of health and human services.) The assessment must be conducted by an independent organization with no direct or indirect organizational ties or previous financial ties to the owner of the Property or its agents.
24. GENERAL REQUIREMENTS: Development of the Property must comply with the requirements of all ordinances, rules, and regulations of the City of Dallas.

SECTION 3. That CHAPTERS 51 and 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, are amended by changing the zoning classification to Planned Development District No. 287-H/38 on the following described property ("the DeGolyer Estate"), to-wit:

TRACT I

BEING a tract of land situated in the C.A. Lovejoy Survey, Abstract No. 831, Dallas County, Texas and being in Block 4411, Official City Numbers, and being a portion of the land conveyed to Southern Methodist University, a Texas non-profit corporation, by the DeGolyer Foundation by deed dated October 21, 1974 and recorded in Volume 74229, Pages 0967-0972 and also described in Volume 76190 at Page 1081, a conveyance to the City of Dallas, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the northwest line of Garland Road with the northeast line of Lawther Drive;

THENCE North $32^{\circ} 57' 00''$ East along the northwest line of said Garland Road, a distance of 1346.81 feet to a point for corner;

THENCE North $57^{\circ} 03' 00''$ West at right angles to Garland Road, a distance of 386.34 feet to the POINT OF BEGINNING;

THENCE South $71^{\circ} 36'$ West, a distance of 150.00 feet to a point;

THENCE North $18^{\circ} 24'$ West, a distance of 150.00 feet to a point;

THENCE North $63^{\circ} 24'$ West, a distance of 68.16 feet to a point;

THENCE North $26^{\circ} 36'$ East, a distance of 125.03 feet to a point;

THENCE North $63^{\circ} 24'$ West, a distance of 9.14 feet to a point;

THENCE North $26^{\circ} 36'$ East, a distance of 5.44 feet to a point;

THENCE North $63^{\circ} 24'$ West, a distance of 5.78 feet to a point;

THENCE North $26^{\circ} 36'$ East, a distance of 37.29 feet to a point;

THENCE South $63^{\circ} 24'$ East, a distance of 5.70 feet to a point;

THENCE North $26^{\circ} 36'$ East, a distance of 71.61 feet to the beginning of a curve to the right having a central angle of $90^{\circ} 00' 00''$ and a radius of 60.00 feet;

THENCE along said curve to the right, an arc length of 94.25 feet to a point;

THENCE North $26^{\circ} 36'$ East, a distance of 380.00 feet to a point;

THENCE South $63^{\circ} 24'$ East, a distance of 197.40 feet to a point;

THENCE South $26^{\circ} 36'$ West, a distance of 184.35 feet to a point;

THENCE South 63° 24' East, a distance of 40.00 feet to a point;
 THENCE South 26° 36' West, a distance of 220.00 feet to a point;
 THENCE North 63° 24' West, a distance of 7.90 feet to a point;
 THENCE South 26° 36' West, a distance of 275.00 feet to the
 POINT OF BEGINNING, and containing 179,232 square feet of land
 or 4.1146 acres of land, more or less.

TRACT II

BEING a tract of land situated in the C.A. Lovejoy Survey, Abstract No. 831, Dallas County, Texas and being in Block 4411, Official City Numbers, and being a portion of the land conveyed to Southern Methodist University, a Texas non-profit corporation, by the DeGolyer Foundation by deed dated October 21, 1974 and recorded in Volume 74229, Pages 0967-0972 and also described in Volume 76190 at Page 0181, a conveyance to the City of Dallas, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the northwest line of Garland Road with the northeast line of Lawther Drive;

THENCE North 32° 57' 00" East along the northwest line of said Garland Road, a distance of ~~1189.79~~ feet to the POINT OF BEGINNING;

THENCE South 68° 00' West, a distance of 100.00 feet to a point;

THENCE North 22° 00' West, a distance of 60.00 feet to a point;

THENCE North 68° 00" East, a distance of 100.00 feet to a point;

THENCE South 22° 00' East, a distance of 60.00 feet to the POINT OF BEGINNING, and containing 6,000 square feet or 0.1377 acres of land, more or less.

SECTION 4. Preservation criteria. The following guidelines will serve as the basis for the certificate of appropriateness review on the DeGolyer Estate. These guidelines define the most important physical elements of the DeGolyer house's unique physical appearance, and state the

appropriate means of preserving these elements in future maintenance, rehabilitation, or restoration.

- (a) Surface materials. Only masonry and/or stucco of equal texture, grain, color, and module size to that of the existing main structure may be used in the reconstruction, renovation, or repair of the opaque elements of each elevation. The same material, size, and profile must be used in the reconstruction, renovation, or repair of wood elements of each elevation.
- (b) Fenestrations and openings. Existing openings in all facades must remain intact and new openings are not permitted unless required for public safety. The relationship existing between the walls, roof, window openings, and doors must be maintained.
- (c) Additions. No additions should be made to the exterior of the existing house, and the existing building footprint should not be altered. Any additions that may, for compelling reasons, be required, must be reviewed for compatibility in the certificate of appropriateness process, and must maintain the same massing, materials, and fenestration patterns as the resource structure. Additions must be located only in unobtrusive locations, and must not obscure or interfere with significant vistas to or from the resource structure.
- (d) Roof. The slope, configuration, and surface pattern of the existing roof must be maintained. All existing extensions and parapets must be preserved and no new vertical or horizontal extensions are allowed except for heating, ventilating, or air conditioning units. Roofing materials comparable to those on the existing roof must be used to replace or repair the roof if the roof area to be replaced or repaired is visible from ground level.
- (e) Embellishments and detailing. All ornamental and decorative detailing must remain intact. Any reconstruction, renovation, or replacement of detailing or trim must be identical in composition, texture, color, and placement to the extent practicable.
- (f) Color. The color of the existing facade materials must remain as it currently is or as it was when originally constructed. Any painting or use of new materials for alterations, repairs, and maintenance

must comply with the coloring of existing materials or, if demonstrated by research and documentation, of the original paint scheme.

(g) New structures in historic gardens.

- (1) New structures, other than those landscaping elements of six feet or less in height, are prohibited within the no-build zone of the historic gardens, except for the pergola to be constructed adjacent to the west courtyard.
 - (2) The following require a certificate of appropriateness:
 - (A) The construction of the pergola adjacent to the west courtyard.
 - (B) Changes in view corridors, including landscape elements of less than six feet in height, from the historic gardens shown on the attached conceptual plan.
 - (C) Placement and configuration of all exterior utilities and service equipment.
 - (D) Changes to the existing historic garden walls and fountains.
 - (E) Placement of heating, ventilating, or air conditioning units on the roof.
 - (3) Planting elements within the historic gardens do not require a certificate of appropriateness.
- (h) Signs. All signs must be compatible with the architectural qualities of the existing main structure.
- (i) Original entry gates. The original entry gates on Garland Road must be protected and retained at their existing location. Only materials of equal texture, grain, color, and module size may be used for reconstruction, renovation, or repair of the opaque elements of the existing gates.

SECTION 5. That the establishment of Historic Overlay District No. 38 (the DeGolyer Estate) shall not affect the underlying zoning classification of the Property. In the event

of a conflict between the regulations governing Planned Development District No. 287 and those governing Historic Overlay District No. 38, the regulations governing Historic Overlay District No. 38 control.

SECTION 6. That all paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the director of public works.

SECTION 7. That 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 ordinance, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the City of Dallas.

SECTION 8. That the director of planning and development shall correct Zoning District Map Nos. H-9 & I-9 in the offices of the city secretary, the building official, and the department of planning and development to reflect the changes in zoning made by this ordinance.

SECTION 9. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2000.

SECTION 10. That CHAPTERS 51 and 51A of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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SECTION 11. 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 12. That this ordinance shall take effect immediately from and after its passage, in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:

ANALES LIE MUNCY, City Attorney

By Mark V. [Signature]
Assistant City Attorney

MAR 23 1988

Passed _____

Zoning File No. 2878-101/8425-E

1037J

881010

NOTE: THE APPROVED TMP MUST BE ATTACHED HERE AS "EXHIBIT A."

19904

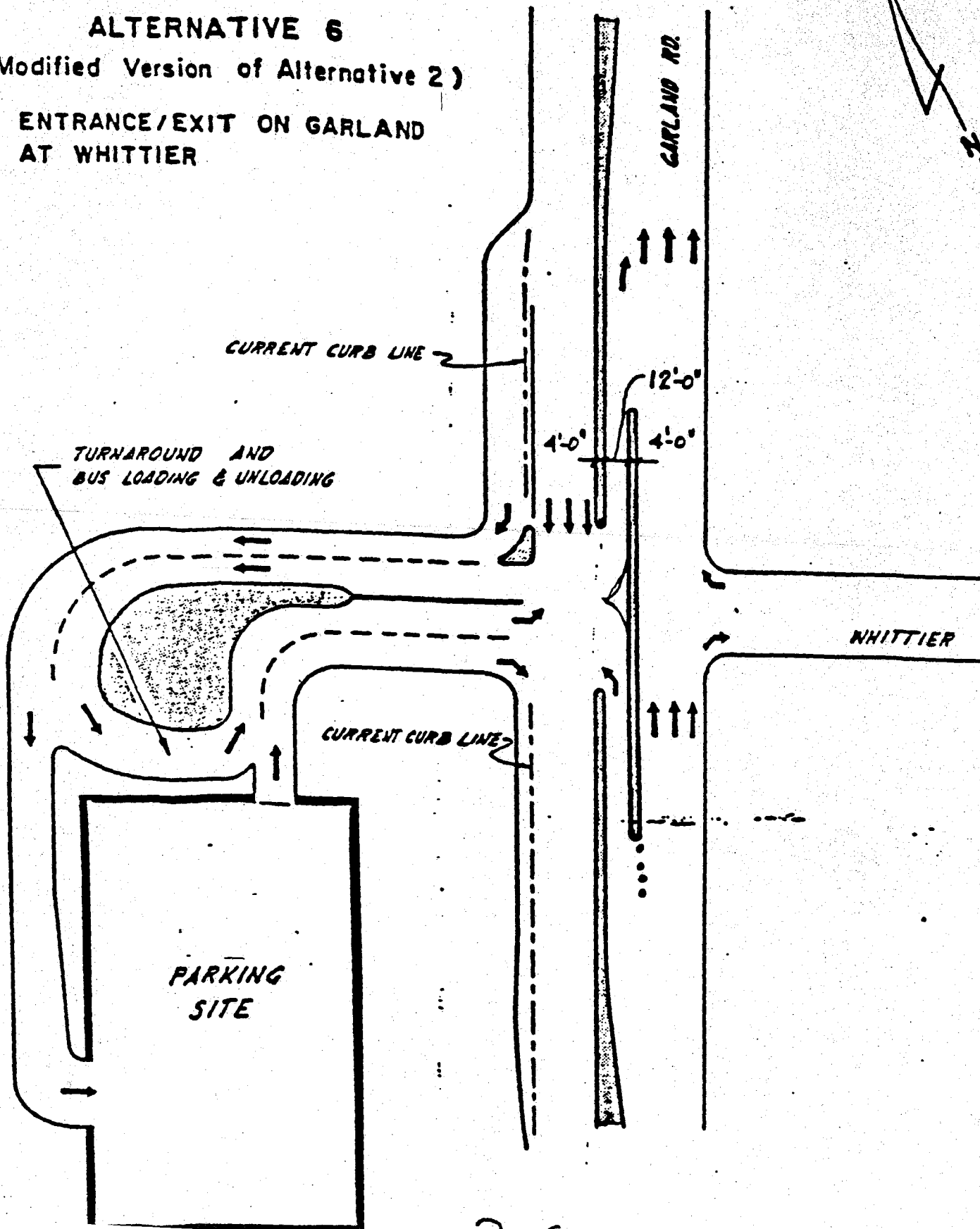
881040

ARBORETUM SITE

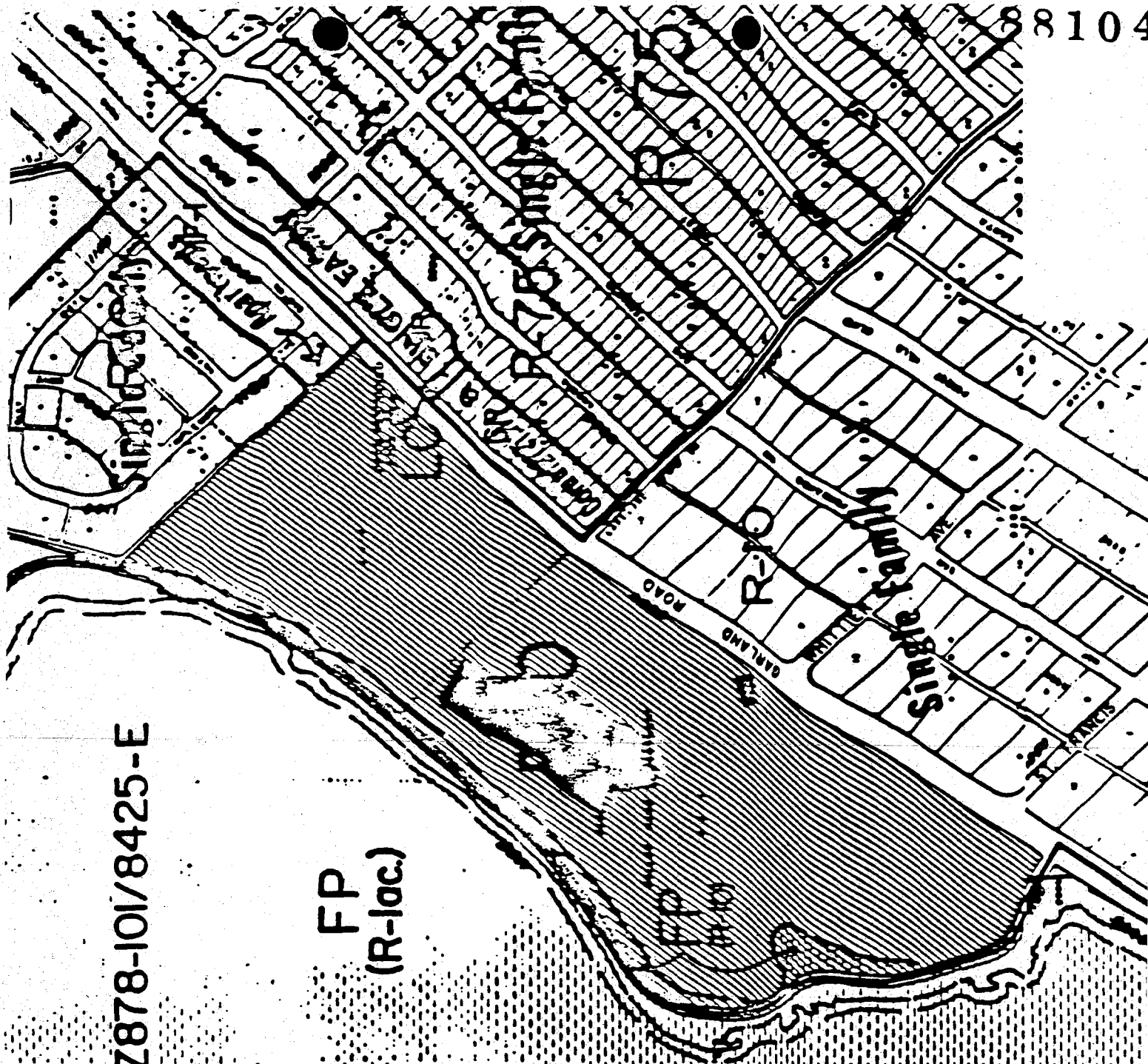
ALTERNATIVE 6

Modified Version of Alternative 2)

**ENTRANCE/EXIT ON GARLAND
AT WHITTIER**



755



Z878-101/8425-E

FP
(R-100)

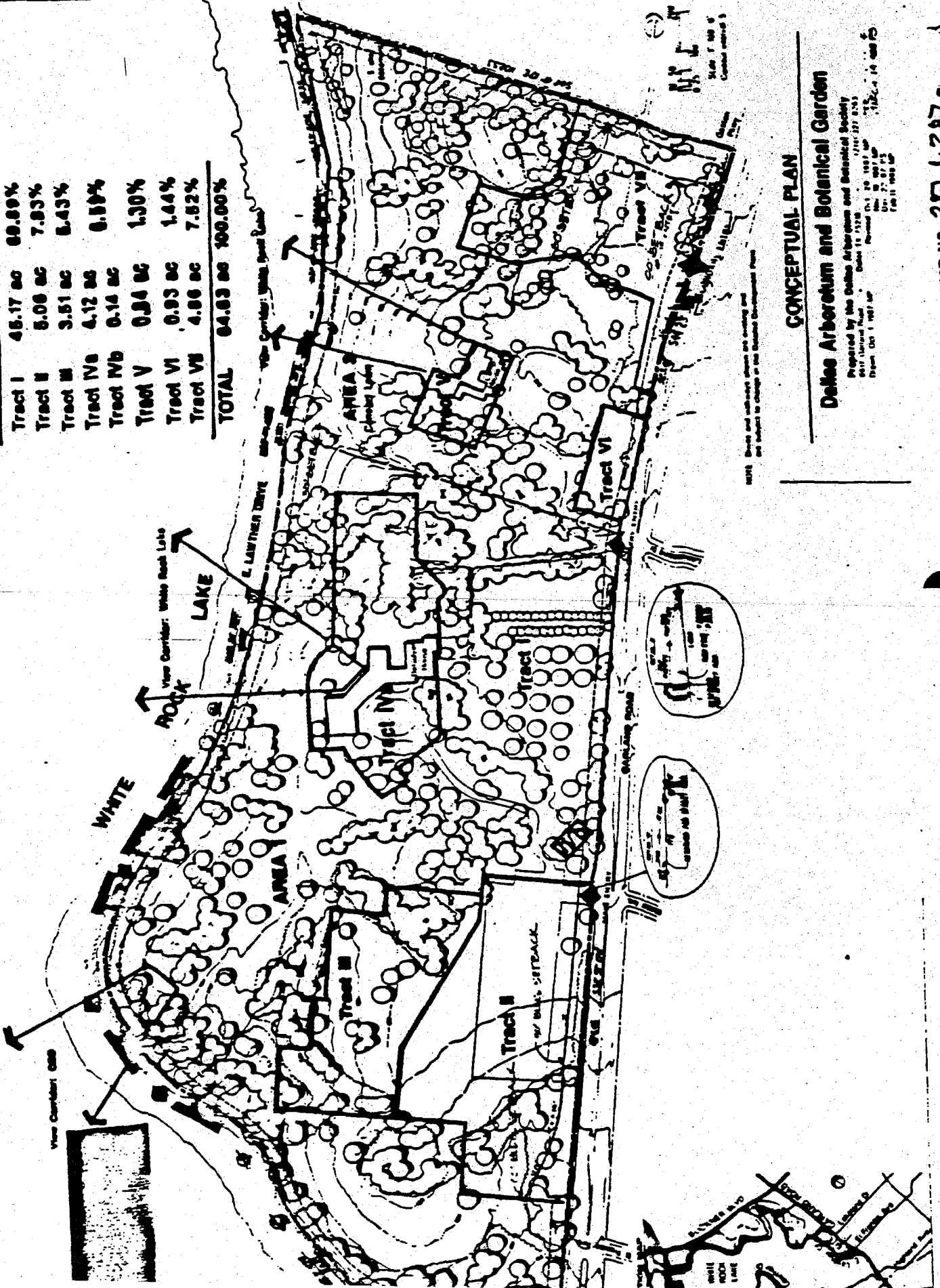
FP
(R-100)

FP

ANY

DATA SUMMARY

Tract I	45.17 ac	89.89%
Tract II	5.06 ac	7.93%
Tract III	3.51 ac	6.43%
Tract IVa	4.12 ac	8.59%
Tract IVb	0.14 ac	0.27%
Tract V	0.84 ac	1.30%
Tract VI	0.93 ac	1.44%
Tract VI	4.86 ac	7.52%
TOTAL	64.63 ac	100.00%



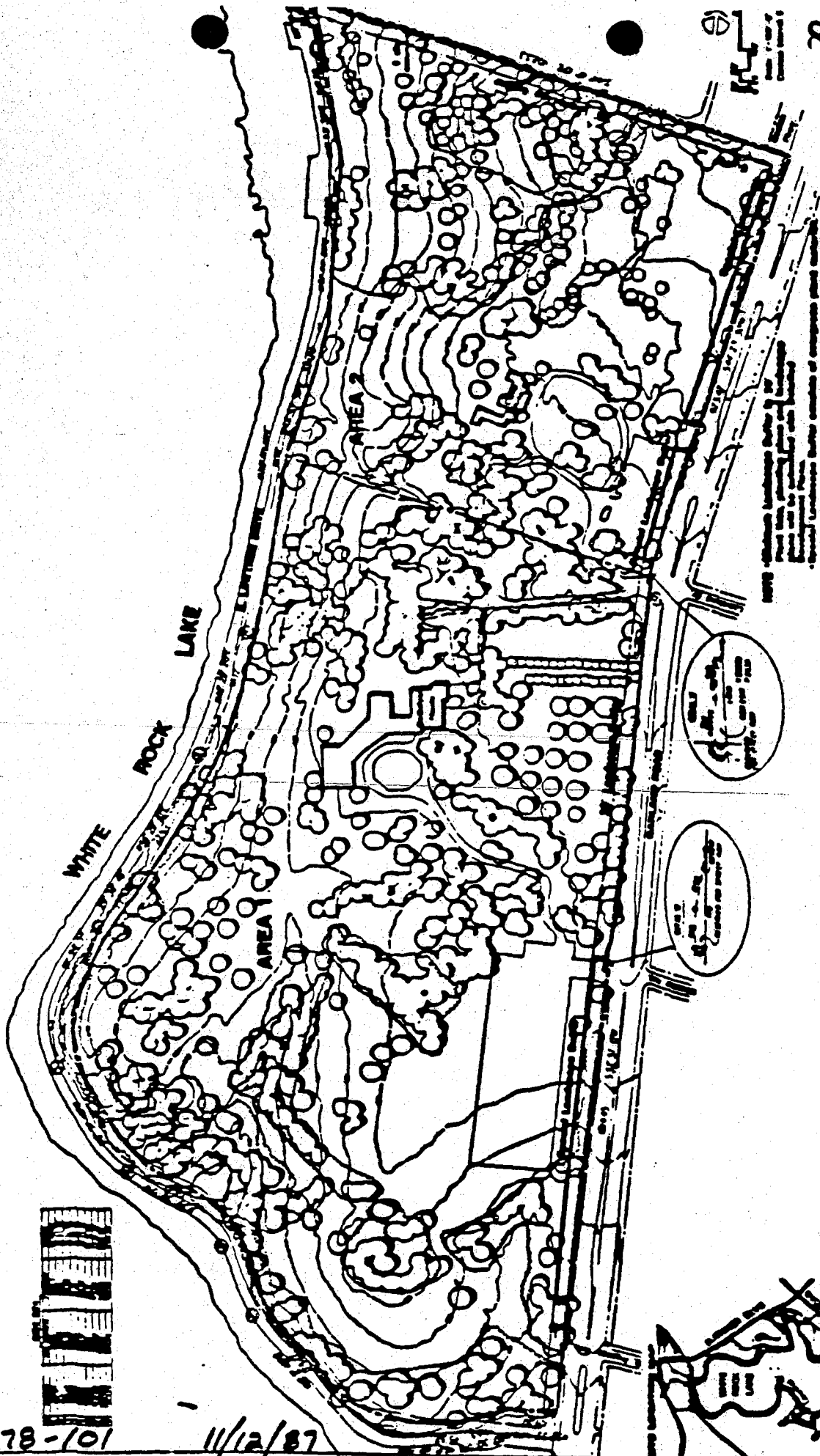
CONCEPTUAL PLAN

Dallas Arboretum and Botanical Garden

Prepared by the Dallas Arboretum and Botanical Society
 6617 Lakewood Road Dallas, TX 75214
 Phone: (214) 343-1111
 Fax: (214) 343-1112

PLANNED DEVELOPMENT DISTRICT NO. 207 & 207-3

2878-101/8425-E



LANDSCAPE BUFFER PLAN

Dallas Arboretum and Botanical Garden

Prepared by the Dallas Arboretum and Botanical Garden
 1000 Preston Road, Dallas, Texas 75201
 Date: 11/12/87

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11/12/87