

3-23-12

ORDINANCE NO. **28595**

An ordinance amending Division S-78, "PD Subdistrict 78," of Part II, "PD Subdistrict Regulations," of Article 193, "PD 193," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code, as amended; providing a new development plan; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; and

WHEREAS, the city council finds that it is in the public interest to amend Article 193 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That Division S-78, "PD Subdistrict 78," of Part II, "PD Subdistrict Regulations," of Article 193, "PD 193," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"Division S-78. PD Subdistrict 78.

SEC. S-78.101.

LEGISLATIVE HISTORY.

PD Subdistrict 78 was established by Ordinance No. 27367, passed by the Dallas City Council on October 22, 2008.

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SEC. S-78.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 78 is established on property generally bounded by Knight Street, Brown Street, Throckmorton Street, and Fairmount Street. The size of PD Subdistrict 78 is approximately 3.72 acres.

SEC. S-78.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is ~~[In the event of]~~ a conflict, this division controls. If there is ~~[In the event of]~~ a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division, SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a residential zoning district.

SEC. S-78.104. EXHIBIT.

The following exhibit is incorporated into this division: Exhibit S-78A: development plan.

SEC. S-78.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit S-78A). If there is a conflict between the text of this division and the development plan, the text of this division controls.

SEC. S-78.106. MAIN USES PERMITTED.

The only main uses permitted in this subdistrict are those main uses permitted in the MF-2 Multiple Family Subdistrict, subject to the same conditions applicable in the MF-2 Multiple Family Subdistrict, as set out in Part I of this article. For example, a use permitted in the MF-2 Multiple Family Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by specific use permit (SUP); a use subject to development impact review (DIR) in the MF-2 Multiple Family Subdistrict is subject to DIR in this subdistrict; etc.

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SEC. S-78.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

(b) The following accessory uses are prohibited:

- Amateur communication tower.
- Open storage.
- Private stable.

SEC. S-78.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. In the event of a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the MF-2 Multiple Family Subdistrict apply.

(b) Multiple family uses.

(1) Front yard. Minimum front yard is ~~[between]~~ 10 ~~[and 15]~~ feet ~~[as shown on the development plan]~~.

(2) Side and rear yard. Minimum side and rear yards are 10 feet ~~[as shown on the development plan]~~.

(3) Density. The maximum number of dwelling units is 277 ~~[245]~~.

(4) Height. Maximum structure height is 54 ~~[48]~~ feet with an additional 12 feet in height for elevators, ~~[or]~~ mechanical equipment, and clerestory. Parapet walls may extend up to four feet above the maximum structure height.

(5) Lot coverage. Maximum lot coverage is 75 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(6) Stories. ~~[No m]~~ Maximum number of stories for residential uses is four. Maximum number of stories for parking structures is five.

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SEC. S-78.109. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) Multiple family uses.

[(4)] One-and-a-half off-street parking spaces are required for each dwelling unit. Of the required off-street parking spaces, a quarter space per dwelling unit must be reserved for guest parking.

[(2)] ~~For an accessory community center, one space per 500 square feet of floor area is required.]~~

SEC. S-78.110. SIDEWALKS.

A minimum unobstructed sidewalk width of eight feet must be provided along all street frontages.

SEC. S-78.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-78.112. LANDSCAPING.

(a) In general. Except as provided in this section, landscaping and screening must be provided in accordance with Part I of this article.

(b) Tree preservation. Protected trees must be preserved in accordance with Article X. The protective fencing and tree mitigation requirements apply to all uses. No grading may occur and no building permit may be issued to authorize work on the Property until required protective fencing is inspected and approved by the building official.

(c) Height and caliper.

(1) Except as provided in this subsection, parkway trees must have a minimum height of 12 feet and a minimum caliper of three-and-a-half inches measured at a point 12 inches above the root ball at the time of installation.

(2) If the building official determines that a tree with a minimum height of 12 feet will interfere with utilities, a parkway tree may have a minimum height of six feet and a minimum caliper of two inches measured at a point 12 inches above the root ball at the time of installation

(d) Screening. Off-street loading spaces abutting a street must be screened by a minimum three-foot-wide planting area with minimum three-foot-tall evergreen shrubs spaced a minimum of three feet on center.

(e) Maintenance. Plant materials must be maintained in a healthy, growing condition.

SEC. S-78.113. SIGNS.

Signs must comply with the provisions for non-business zoning districts [~~eontained~~] in Article VII.

SEC. S-78.114. URBAN DESIGN ELEMENTS FOR RESIDENTIAL USES.

(a) Entries.

(1) A minimum of 80 percent of the street-facing, street-level dwelling units must have:

(A) individual entries directly from the outside;

(B) street access; and

(C) improved paths connecting the dwelling unit to the sidewalk.

(2) Street-facing, street-level dwelling units with an individual entry may be gated and private yards may be fenced if the fencing is a minimum of 70 percent open.

(3) A minimum of 70 percent of the street-facing, street-level dwelling units must have individual entries, stoops, or porches that are elevated between six and 30 inches above the finished sidewalk grade, measured to the top of the entry, stoop, or porch.

(4) Stoops and porches are encouraged for each street-facing, street-level dwelling unit.

(b) Facades.

(1) To break up the monotony created by long facade walls, street-facing facades must have building articulation with a minimum depth of one foot every 50 feet of length.

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(2) A minimum of two different facade materials must be provided on each street-facing facade.

(c) Architectural elements. Architectural elements, such as the following, must be provided at all building corners and at public entry points: architecturally prominent public entrances, canopies, awnings, attached towers, or turrets.

(d) Pedestrian amenities. A minimum of two of each of the following pedestrian amenities must be provided along each street frontage: benches, trash receptacles, and bicycle racks.

SEC. S-78.115. 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.

(c) Except as otherwise specified in this division or shown on the development plan, development and use of the Property must comply with Part I of this article.

SEC. S-78.116[5]. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

[SEC. S-78.116. ZONING MAP.

~~PD Subdistrict S-78 is located on Zoning Map No. I-7.]”~~

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SECTION 2. That the development plan, Exhibit S-78A of Division S-78 of Article 193 of Chapter 51P of the Dallas City Code, is replaced by the Exhibit S-78A attached to this ordinance.

SECTION 3. That development of this district must comply with the full-scale version of Exhibit S-78A (development plan) attached to this ordinance. A reduced-sized version of this plan shall be provided in Chapter 51P. Permits shall be issued based on information provided on the full-scale version of the plan.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. 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 7. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By

Assistant City Attorney

MAR 28 2012

Passed _____

Exhibit S-78A

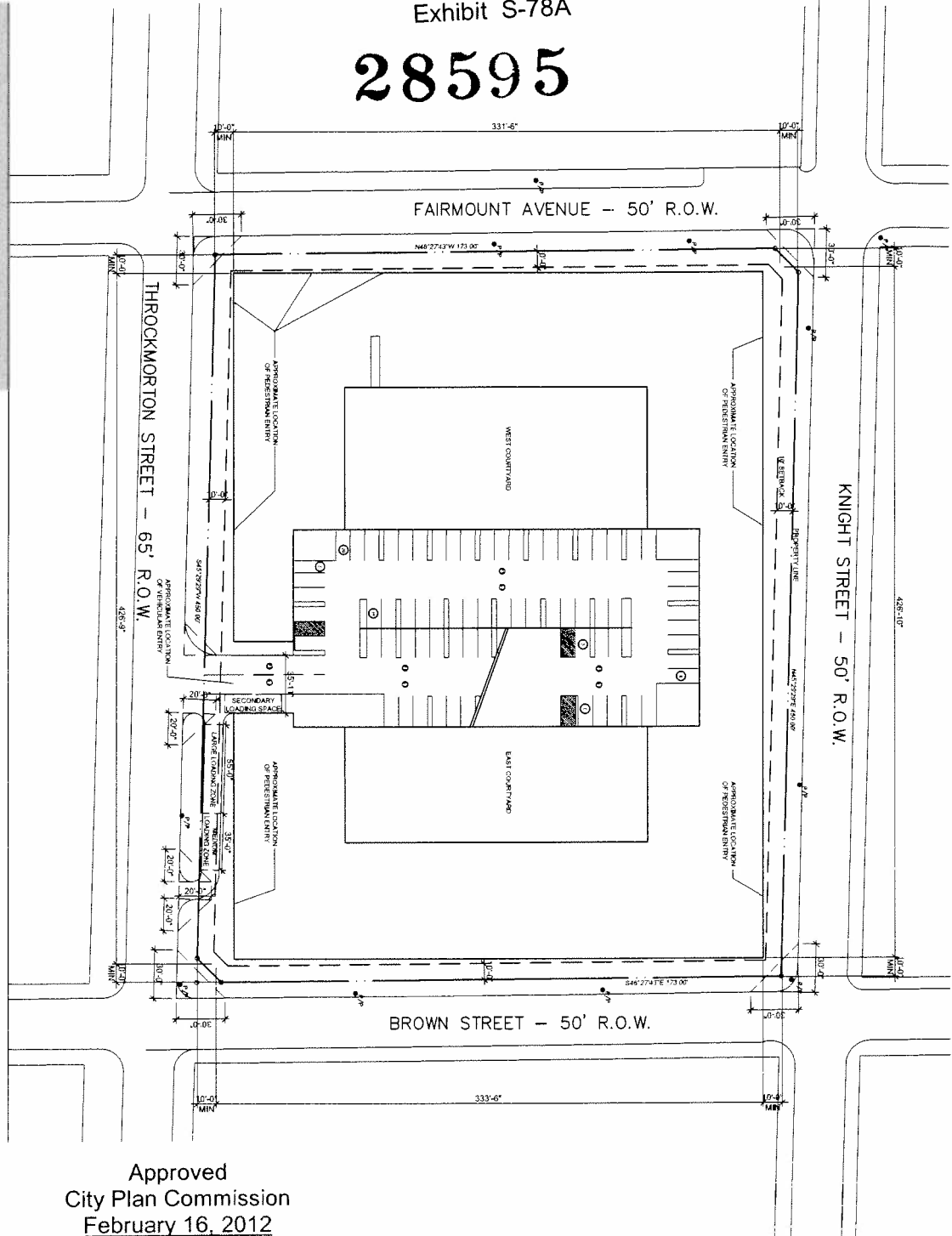
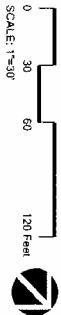
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TCR
TRANSMILL C-207 EXHIBITION

DEVELOPMENT PLAN
Case No: 2112-144
Alexan Fairmount
Dallas, Texas

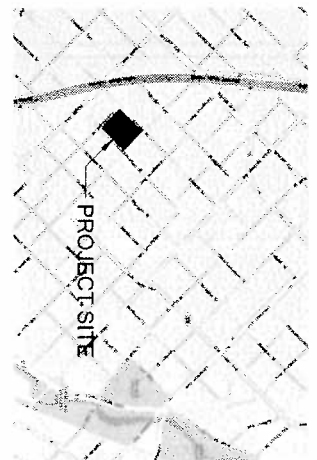
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Date: 03.06.2012
Drawn by: ELB, NSF



Approved
City Plan Commission
February 16, 2012

Planned Development
Subdistrict No. 78

Planned Development
District No. 193

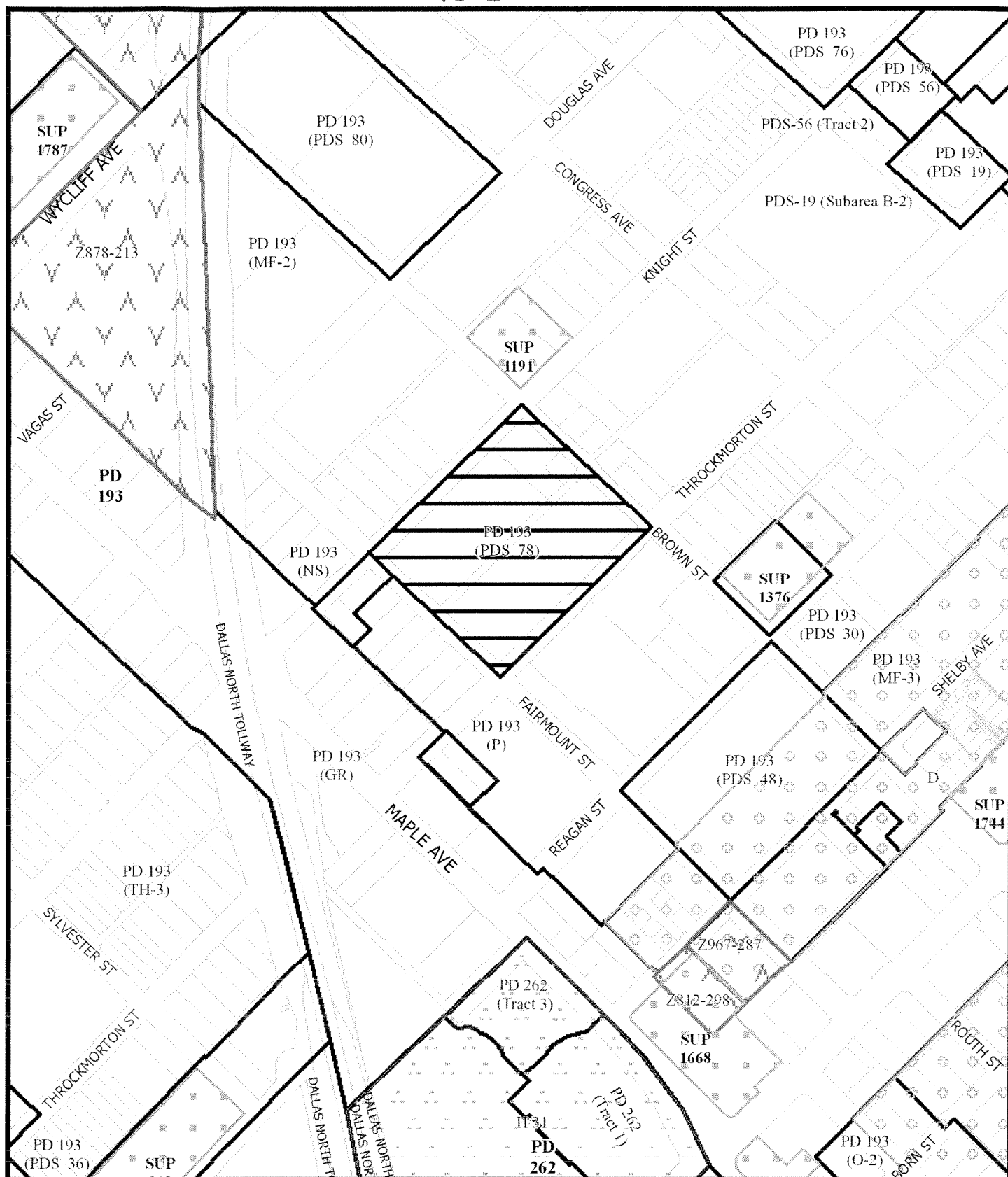


VICINITY MAP

PROJECT DATA

- Lot Area: 162,356 SF, 3.727 AC
- Max. Building Footprint (Including Garage): 105,000 SF
- Max. Lot Coverage: 75%
- Max. Units: 277 Units
- Max. Total Building Area: 288,000 SF
- Max. Units per Acre: 74.32
- Min. Parking Spaces Required: 416
- Parking Spaces per Unit: 1.5
- Max. Height: 54' with exceptions as noted in PD-193, S-781
- Max. Stories: 4 Stories for residential uses, 5 stories for parking structures

1720977



1:3,600

ZONING AND LAND USE

Case no: Z112-144

Date: 1/12/2012