

11-9-12

ORDINANCE NO. 28842

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Blocks 2966 and 2967; fronting approximately 206 feet on the north line of Northwest Highway; fronting approximately 1,358.53 feet on the east line of the Dallas Area Rapid Transit rail line; and containing approximately 4.569 acres,

from a CR Community Retail District and an R-7.5(A) Single Family District to Planned Development District No. 875; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 875; establishing use regulations and development standards for this planned development district; 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 the rezoning of the property described in this ordinance; and

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 the zoning classification is changed from a CR Community Retail District and an R-7.5(A) Single Family District to Planned Development District No. 875 on the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”).

SECTION 2. That Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Article 875 to read as follows:

**“ARTICLE 875.**

**PD 875.**

**SEC. 51P-875.101. LEGISLATIVE HISTORY.**

PD 875 was established by Ordinance No.\_\_\_\_\_, passed by the Dallas City Council on November 14, 2012.

**SEC. 51P-875.102. PROPERTY LOCATION AND SIZE.**

PD 875 is established on property located at the northwest corner of Northwest Highway and Lawther Drive. The size of PD 875 is approximately 4.569 acres.

**SEC. 51P-875.103. DEFINITIONS AND INTERPRETATIONS.**

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

(1) BLADE SIGN means an attached premise sign projecting perpendicularly from a main building facade and visible from both sides.

(2) STOOP means a small porch leading to the entrance of a residence.

(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 to be a residential zoning district.

**SEC. 51P-875.104.****EXHIBIT.**

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The following exhibit is incorporated into this article: Exhibit 875A: development plan.

**SEC. 51P-875.105.****DEVELOPMENT PLAN.**

Development and use of the Property must comply with the development plan (Exhibit 875A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

**SEC. 51P-875.106.****MAIN USES PERMITTED.**

The only main uses permitted are those main uses permitted in the MF-2(A) Multifamily District, subject to the same conditions applicable in the MF-2(A) Multifamily District, as set out in Chapter 51A. For example, a use permitted in the MF-2(A) Multifamily District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MF-2(A) Multifamily District is subject to DIR in this district; etc.

**SEC. 51P-875.107.****ACCESSORY USES.**

(a) 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.

(b) The following accessory uses are not permitted:

- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste incinerator.

**SEC. 51P-875.108.****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 Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard.

- (1) Except as provided in this subsection, minimum front yard is 15 feet.
- (2) The following may project up to five feet into a front yard:

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- (A) 20 percent of the facade of a main structure.
- (B) Cantilevered roof eaves.
- (C) Balconies.
- (D) Stoops and stairs that do not exceed eight feet in width and four feet in height.

(3) In no event can a combination of items listed Paragraph (2) create a setback of less than 10 feet.

(4) The following may be located in the front yard:

- (A) Fences and retaining walls with a maximum height of four feet.
- (B) Railings for stairs, stoops, porches, and patios with a maximum height of 42 inches.

(5) A fence located in a front yard must have a surface that is at least 50 percent open.

(b) Side and rear yard.

(1) Except as provided in this subsection, minimum side and rear yard is 10 feet.

(2) No setback is required for a bridge connecting the Property to the adjacent DART rail station.

(3) The following may project up to five feet into a rear yard:

- (A) Cantilevered roof eaves.
- (B) Balconies.
- (C) Stoops and stairs that do not exceed eight feet in width and four feet in height.
- (D) Railings for stairs, stoops, porches, and patios with a maximum height of 42 inches.

(4) Fences located in a side or rear yard may not exceed six feet in height.

(c) Density. Maximum number of dwelling units is 350.

- (d) Floor area ratio. No maximum floor area ratio.
- (e) Height.
  - (1) Maximum structure height is 75 feet measured to the mid-point of the roof.
  - (2) Height is determined by measuring grade from the average corner grade of the exterior corners of a building after construction.
  - (3) Residential proximity slope does not apply.
  - (4) The following structures may project a maximum of 12 feet above the maximum structure height:
    - (A) Elevator penthouse or bulkhead.
    - (B) Mechanical equipment room.
    - (C) Cooling tower.
    - (D) Tank designed to hold liquids.
    - (E) Ornamental cupola or dome.
    - (F) Skylights.
    - (G) Clerestory.
    - (H) Visual screens that surround roof mounted mechanical equipment.
    - (I) Chimney and vent stacks.
    - (J) Parapet wall, limited to a height of four feet.
  - (5) All roof mounted mechanical equipment must be screened.
- (f) 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.
- (g) Lot size. No minimum lot size.
- (h) Stories. Maximum number of stories above grade is six.

**SEC. 51P-875.109.****OFF-STREET PARKING AND LOADING.**

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) For multifamily uses, one space per bedroom is required, with a minimum of one space per dwelling unit required and a maximum of 1.5 spaces per dwelling unit required.

(c) For an accessory community center (private), one space per 1,000 square feet of floor area is required.

(d) Parking structures must have ingress to and egress from Northwest Highway and Lawther Drive. All levels of a parking structure must be accessible from each ingress/egress point.

**SEC. 51P-875.110.****DESIGN STANDARDS FOR STREET FRONTAGES.**

(a) Purpose. Continuous facades along street frontages often have negative impacts on community aesthetics, pedestrian circulation, and the scale and rhythm of streetscapes. These design standards are intended to ensure that continuous facades that are located along well-traveled pedestrian ways are compatible with the surrounding area and mitigate the negative impact of continuous facades, while allowing creativity, flexibility, and variety in design.

(b) Facade wall changes. Facade walls must have one or more of the following changes:

(1) Changes of color, texture, or material, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.

(2) No more than 80 percent of the area of a street facade wall, exclusive of fenestration, may consist of a single color.

(3) Changes in plane with a depth of at least 24 inches, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.

(c) Materials.

(1) A minimum of 50 percent of the exterior wall material, excluding doors, windows, and recessed or projected areas for porches, balconies, and entries, of those facades facing a public street must be stone, including cultured stone, up to the level of the first residential level floor plate.

(2) A minimum of 60 percent of the exterior wall material, excluding doors, windows, and recessed or projected areas for porches, balconies, or entries, of those facades above the level of the first residential level floor plate facing a public street must be of a masonry or stucco material, including but not limited to brick, stone, cultured stone, stucco, or fiber cement exterior cladding material.

(d) Enhanced pedestrian building entrances. A minimum of one visible and usable building entrance is required per street frontage. The entrance must be clearly identified using an awning, paving treatments, a change in roofline, porticos, arcades, arches, integral planters, a stoop, or front porch. Unique color treatments or similar means may be approved provided the same effect is achieved. Enhanced pedestrian building entrances must face the street and be recessed a minimum of four feet from the facade or provide covering extending a minimum of four feet from the facade.

(e) Prohibition of roof-top terraces, courtyards, and patios.

(1) Except as provided in this subsection, roof-top terraces, courtyards, and patios are prohibited.

(2) A roof-top courtyard is permitted on the roof of a parking structure.

#### **SEC. 51P-875.111. ENVIRONMENTAL PERFORMANCE STANDARDS.**

(a) In general. Except as provided in this section, see Article VI.

(b) Prohibited light fixtures and sources. The following light fixtures and sources are prohibited if the direct light emitted from the light fixtures or sources is visible from adjacent properties:

(1) Low pressure sodium and mercury vapor light sources.

(2) Cobra-head type fixtures having dished or drop lenses or refractors which house other than incandescent sources.

(3) Searchlights and other high intensity narrow-beam fixtures.

(c) Lighting design requirements. Outdoor lighting must primarily be used to provide safety, accent key architectural elements, or emphasize public art or landscape features. All lighting fixtures must meet the following requirements:

(1) Fixture (luminaire).

(A) The light source must be concealed.

(B) All fixtures must be full cutoff fixtures in order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties.

(C) Fixtures must be mounted in such a manner that the cone of light is contained on-site and does not cross any property line on the perimeter of the Property.

(D) The maximum height for fixtures in a pedestrian area is 10 feet above the sidewalk.

(E) At least one pedestrian street light must be provided for every 50 linear feet of frontage along a public street.

(2) Light source (lamp).

(A) Only incandescent, fluorescent, metal halide, LED, or color corrected high-pressure sodium light sources may be used.

(B) The same light source type must be used for the same or similar types of lighting throughout the district.

(d) Specific lighting standards.

(1) Security lighting.

(A) Building-mounted security light fixtures, such as wall packs, must be shielded and may not project above the roof line of a building.

(B) Security lighting fixtures must not face residential uses adjacent to the Property.

(C) Security lighting fixtures must not be substituted for parking area or walkway lighting.

(D) Security lighting fixtures are restricted to loading, storage, service, and similar locations.

(2) Accent lighting. Only lighting used to accent architectural elements, landscaping, or art may be directed upward, provided that the fixture is located, aimed, or shielded to minimize light spill into the night sky.

(3) Entrances and exits. All entrances to, and exits from, buildings must be lighted to ensure the safety of persons and the security of the building.



(4) Excessive illumination.

(A) Lighting that substantially interferes with the use or enjoyment of any other property is prohibited.

(B) Lighting must not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers.

**SEC. 51P-875.112. LANDSCAPING.**

(a) In general. Except as provided in this section, landscaping must be provided in accordance with Article X.

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

(c) Street trees. Required street trees along Northwest Highway may be located in the area within 30 feet of the right-of-way line.

**SEC. 51P-875.113. TREE PRESERVATION, REMOVAL, AND REPLACEMENT.**

(a) In general. Except as provided in this section, tree preservation, removal, and replacement must be provided in accordance with Article X.

(b) Tree conservation areas.

(1) Protected trees located in a tree conservation area, as shown on the development plan, within a 100-year flood plain may be counted towards mitigation at a ratio of one inch of replacement tree for every two inches of conserved protected trees.

(2) Protected trees located in a tree conservation area, as shown on the development plan, not located in a 100-year flood plain may be counted towards mitigation at a ratio of one inch of replacement tree for every one inch of conserved protected trees.

**SEC. 51P-875.114. SIDEWALKS.**

(a) In general. Except as provided in this section, sidewalks must be provided in accordance with Article VIII.

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(b) Northwest Highway. Subject to approval by the director, a sidewalk with a minimum width of 10 feet must be constructed along the Northwest Highway frontage from the DART right-of-way line to the intersection of Northwest Highway and Lawther Drive. If the sidewalk is located in a front yard, the property owner must dedicate a sidewalk easement to the city to assure its availability to the public as a permanent pedestrian right-of-way.

**SEC. 51P-875.115.                    SIGNS.**

(a) In general. Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) Blade sign.

- (1) A maximum of one blade sign is permitted.
- (2) The maximum effective area for the blade sign is 30 square feet.
- (3) The blade sign may not be internally illuminated.
- (4) The blade sign may not be located lower than 12 feet above street level as measured at the lowest point of the sign.
- (5) The blade sign may not project into the right-of-way.
- (6) The blade sign may not be located within 50 feet of another projecting sign.

**SEC. 51P-875.116.                    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.

**SEC. 51P-875.117.                    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.

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(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.”

SECTION 3. That, pursuant to Section 51A-4.701 of Chapter 51A of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the area to the centerline of all adjacent streets and alleys.

SECTION 4. That development of this district must comply with the full-scale version of Exhibit 875A (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 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 875 in Chapter 51P.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 7. 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 8. 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.

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SECTION 9. 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 Casey B. Myers  
Assistant City Attorney

Passed NOV 14 2012

## PROPERTY DESCRIPTION

GIS Approved

Being a tract of land situated in the D.A. Murdock Survey, Abstract No. 997, Dallas County, Texas and being part of City of Dallas Blocks 2966 and 2967, City of Dallas, Dallas County, Texas and further being all of Lots 1 and 2, Block 2967 of the Woodrow Duncan Subdivision, an addition to the City of Dallas as recorded in Volume 50, Page 97, Deed Records, Dallas County, Texas, and all of that certain tract of land conveyed to Robert L. Duncan as recorded in Volume 96141, Page 69, Deed Records, Dallas County, Texas, and all of that certain tract of Land conveyed to Duncan's Shopping Center, Inc. as recorded in Volume 71163, Page 395, Deed Records, Dallas County, Texas, and all of that certain tract of land conveyed to Woodrow W. Duncan and Lena Duncan as recorded in Volume 5236, Page 231, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a  $\frac{1}{2}$  iron rod found for corner situated in the intersection of the westerly line of Lawther Drive as recorded in Volume 50, Page 97, Deed Records, Dallas County, Texas (80' right-of-way) and the northerly line of Northwest Highway as recorded in Volume 1644, Page 69, Deed Records, Dallas County, Texas (180' right-of-way);

THENCE South  $60^{\circ}47'01''$  West, along the northerly line of said Northwest Highway, a distance of 206.00 feet to a  $\frac{5}{8}$ " iron rod set for corner situated in the easterly line of Dallas Area Rapid Transit as recorded in Volume 88083, Page 4905 and Volume 90177, Page 4219, Deed Records, Dallas County, Texas (D.A.R.T.) a variable width right-of-way;

THENCE North  $13^{\circ}43'23''$  West, along the easterly line of said Dallas Area Rapid Transit, a distance of 1358.53 feet to a  $\frac{5}{8}$ " iron rod set for corner;

THENCE South  $45^{\circ}12'59''$  East, departing the easterly line of said Dallas Area Rapid Transit and along the southerly line of that certain tract conveyed to the City of Dallas, a distance of 200.00 feet to a  $\frac{5}{8}$ " iron rod set for corner;

THENCE South  $22^{\circ}42'59''$  East, along the easterly line of that certain tract of land conveyed to the City of Dallas as recorded in Volume 442, Page 572, Deed Records, Dallas County, Texas, a distance of 550.00 feet to a  $\frac{5}{8}$ " iron rod set for corner situated in the westerly line of said Lawther Drive;

THENCE along the westerly line of said Lawther Drive the following courses and distances:

South  $10^{\circ}12'59''$  East, a distance of 441.00 feet to a PK nail set for corner;

South  $21^{\circ}42'59''$  East, a distance of 60.00 feet to a PK nail set for corner;

South  $30^{\circ}12'59''$  East, a distance of 94.00 feet to the Point of Beginning and containing 199,030 square feet or 4.569 acres of land.

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**PROJECT DATA:**

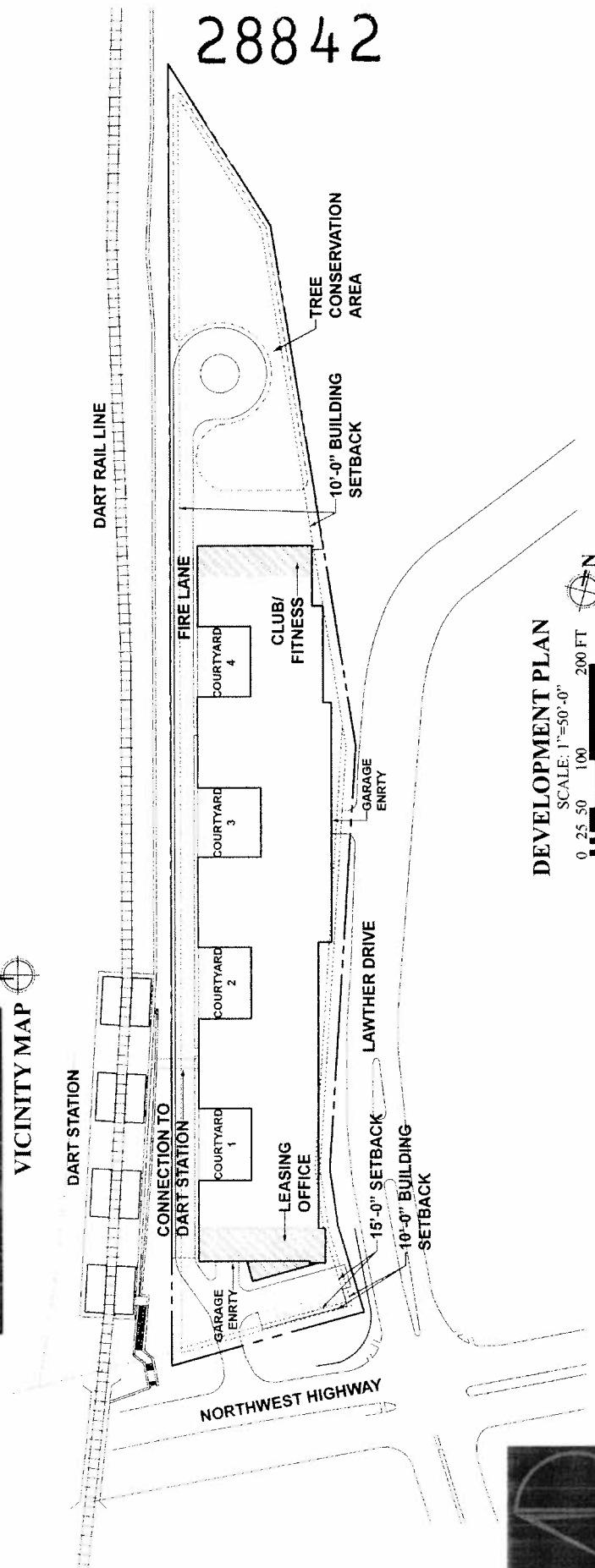
SITE AREA: 4.569 ACRES  
 MAXIMUM NUMBER OF UNITS: 350  
 MAXIMUM HEIGHT: 75 FEET  
 PARKING: ONE SPACE PER BEDROOM  
 MAX. REQ. OF 1.5 SPACES PER UNIT  
 FRONT YARD SETBACK: MINIMUM OF 10 FEET  
 LIMITED TO 20% OF THE FRONTAGE  
 OTHERWISE 15 FEET MINIMUM  
 SIDE AND REAR YARD SETBACK: 10 FEET  
 LOT COVERAGE 75%



VICINITY MAP

Planned Development  
District No. 875

Approved  
City Plan Commission  
October 4, 2012

**DEVELOPMENT PLAN**

SCALE: 1"=50'-0"

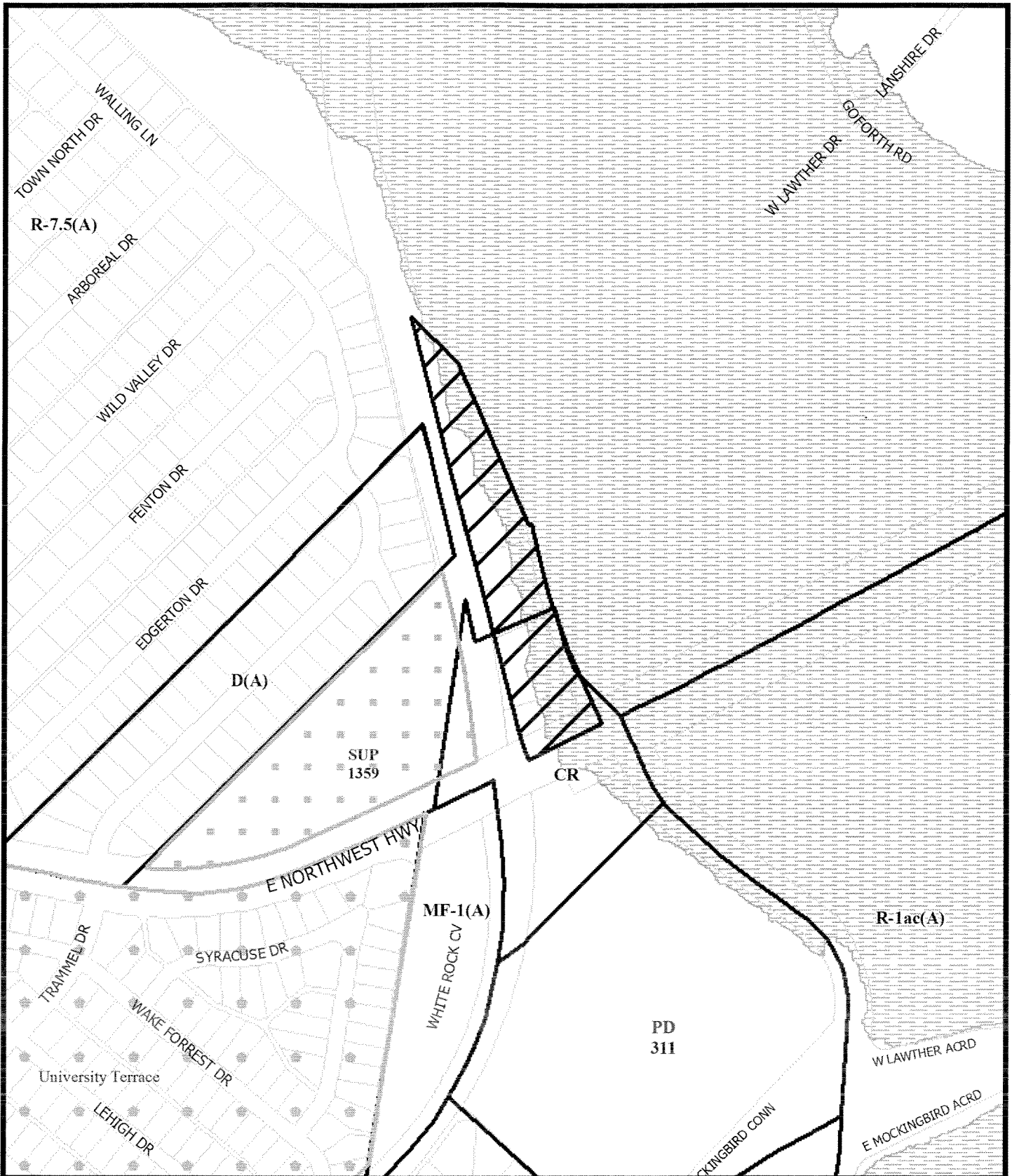
0 25 50 100 200 FT



LAWTHER MULTI-FAMILY DEVELOPMENT

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1:4,800

# **ZONING AND LAND USE**

Case no: **Z112-158**

Date: **10/22/2012**