

12-12-12

ORDINANCE NO. 28859

An ordinance amending Division S-50, "PD Subdistrict 50," 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 and landscape plan for Tract I; 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-50, "PD Subdistrict 50," 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-50. PD Subdistrict 50.

SEC. S-50.101.

LEGISLATIVE HISTORY.

PD Subdistrict 50 was established by Ordinance No. 24809, passed by the Dallas City Council on January 9, 2002. Ordinance No. 24809 amended Ordinance No. 21859, PD 193 (the Oak Lawn Special Purpose District), as amended, and Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended.

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SEC. S-50.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 50 is established on property generally fronting on the south line of Harwood Street, on the west line of McKinney Avenue, and on the east line of Cedar Springs Road. The size of PD Subdistrict 50 is approximately 1.5356 acres.

SEC. S-50.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions [~~contained~~] in Chapter 51 and in 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. In this division:[]

(1) SUBDISTRICT means a subdistrict of PD 193.

(2) TRANSPARENCY means the total area of window and door openings filled with glass, expressed as a percentage of the total facade area by story.

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

(c) This subdistrict is considered to be nonresidential zoning district.

SEC. S-50.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit S50A: development plan for Tract II.

(2) Exhibit S50A-1: development and landscape plan for Tract I.

SEC. S-50.104. DEVELOPMENT PLAN.

Development and use of Tract II of the Property must comply with the development plan for Tract II (Exhibit S-50A). Development and use of Tract I of the Property must comply with the development and landscape plan for Tract I (Exhibit S-50A-1). If there is [~~In the event of~~] a conflict between this division and the development plans, this division controls.

SEC. S-50.105.**MAIN USES PERMITTED.**

The only main uses permitted in this subdistrict are those main uses permitted in the HC Heavy Commercial Subdistrict, subject to the same conditions applicable in the HC Heavy Commercial Subdistrict, as set out in Part I of this article. For example, a use permitted only by specific use permit (SUP) in the HC Heavy Commercial Subdistrict in PD 193 is permitted only by SUP in this subdistrict, and a use subject to development impact review (DIR) in the HC Heavy Commercial Subdistrict is subject to DIR in this subdistrict; etc.

SEC. S-50.106.**ACCESSORY USES.**

As a general rule, an accessory use is permitted in any [~~PD~~] subdistrict in which the main use is permitted. Some specific [~~types of~~] accessory uses, however, due to their unique nature, are subject to additional regulations [~~contained~~] in Section 51P-193.108 [~~Part I of this article~~]. For more information regarding accessory uses, consult Section 51P-193.108 [~~PD 193~~].

SEC. S-50.107.**YARD, LOT, AND SPACE REGULATIONS.**

- (a) Front yard. No minimum front yard.
- (b) Side and rear yard. No minimum side and rear yard.
- (c) Minimum lot area per dwelling unit. Minimum lot area per dwelling unit is the same as in the HC Heavy Commercial Subdistrict in PD 193.
- (d) Height. Maximum structure height is 240 feet.
- (e) Lot coverage.
 - (1) Maximum lot coverage on Tract I is 94 percent.
 - (2) Maximum lot coverage on Tract II is 84 percent.
 - (3) Maximum lot coverage on Tract I and Tract II combined is 90 percent.
 - (4) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.
- (f) Maximum floor area.
 - (1) Except as provided in this paragraph, m[M]aximum floor area for all uses in Tract I is 106,000 square feet. If Tract I contains multiple-family uses, maximum floor area for all uses in Tract I is 195,000 square feet.

- (2) Maximum floor area for all uses in Tract II is 195,000 square feet.

SEC. S-50.108. OFF-STREET PARKING AND LOADING.

(a) Consult Part I of this article for the specific off-street parking and loading requirements for each use. ~~[Consult the off-street parking and loading regulations of PD 193 for information about off-street parking and loading generally.]~~

(b) Maneuvering for off-street loading spaces in Tract I may occur within the right-of-way.

SEC. S-50.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-50.110. LANDSCAPING.

(a) Except as otherwise provided in this section, l[andscaping and screening must be provided in accordance with [for as required in] Part I of this article.

(b) For a development greater than 106,000 square feet of floor area in Tract I, landscaping must be provided as shown on the development and landscape plan for Tract I (Exhibit S-50A-1). If any building existing as of December 12, 2012 is fully demolished, landscaping for any new construction must comply with Part I of this article.

(c) Plant materials must be maintained in a healthy, growing condition ~~[at all times]~~.

SEC. S-50.111. SIGNS.

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

SEC. S-50.112. ADDITIONAL PROVISIONS.

(a) All sidewalk crossings across drive entrances on Harwood Street on Tract I must be designated by markings or enhanced paving materials. Markings and enhanced paving materials may be located in within the parkway.

(b) The ~~[entire]~~ Property must be properly maintained in a state of good repair and neat appearance ~~[at all times]~~.

(c[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 [City of Dallas].

(d[e]) ~~[Except as otherwise specified in this division or shown on the development plan,~~
d] Development and use of the Property must comply with Part I of this article.

SEC. S-50.112.1.

ADDITIONAL PROVISIONS FOR TRACT I.

(a) Applicability. This section only applies to a development in Tract I that contains multiple-family uses and exceeds 106,000 square feet of floor area.

(b) Residential tower setback. Any portion of a structure containing multiple-family dwelling units must be a minimum of 55 feet from the eastern boundary of Tract I. This subsection does not apply to portions of a structure that house aboveground parking.

(c) Height.

(1) Except as provided in this subsection, maximum height for all structures is 200 feet measured from ground surface elevation at the northeastern corner of the property. Mechanical equipment, elevator overrides, parapet walls and related equipment and structures may extend an additional 15 feet in height above 200 feet.

(2) Maximum height of any parking structure or portion of a building containing parking is 66 feet measured from existing ground surface elevation at the northeastern corner of the property. Required safety rails and related structures may be located above 66 feet in height.

(d) Density. Maximum number of dwelling units is 180.

(e) Structured parking.

(1) Maximum number of parking spaces inside a structure is 540 spaces.

(2) Any portion of the eastern facade of a structure that contains parking that is located above a portion of a building that contains parking on Tract II must be fully enclosed with no openings.

(f) Screening of open space. Open space that is located on the rooftop above a parking structure must be screened from Tract II with evergreen plant materials that are a minimum of six feet in height upon maturity.

(g) Street level activating uses. A minimum of 6,000 square feet of floor area on the ground level of any building must contain some combination of the following uses:

(1) Bar and restaurant uses.

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(2) Retail uses.

(3) Professional, personal service and custom craft uses, except office use.

(h) Balconies. A minimum of 80 percent of the multiple-family dwelling units must have balconies.

(i) Facade materials. A minimum of 60 percent of the exterior facade of any building must have some combination of the following materials:

(1) Glass.

(2) Metal.

(3) Masonry.

(4) Stone.

(5) Concrete.

(j) Ground level transparency. Street facing facades on the ground level of any building must have a minimum transparency of 50 percent. A minimum of 60 percent of the required minimum transparency area must allow views into the ground-story use to a minimum depth of four feet. Windows must be clear or unpainted, or, if treated, must be transparent or translucent. Spandrel glass and backpainted glass are not considered transparent for purposes of this requirement. This provision does not apply to parking structures.

(k) Minimum private open space. A minimum of 7,500 square feet of private open space must be located on Tract I. The private open space may be located on top of a parking structure.

(l) Screening of rooftop equipment. All mechanical and related equipment located on the rooftop of any building must be screened so as not to be visible from any public right-of-way.

SEC. S-50.113.

COMPLIANCE WITH CONDITIONS [PAVING].

(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.

[SEC. S-50.114. COMPLIANCE WITH CONDITIONS.]

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of [for] a use, in this [PD] 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-50.115. ~~—————~~ ZONING MAP.]

~~PD Subdistrict 50 is located on Zoning Map No. J-7.]”~~

SECTION 2. That the development plan for Tract I, Exhibit S-50A-1 of Division S-50 of Article 193 of Chapter 51P of the Dallas City Code, is replaced by the Exhibit S-50A-1 attached to this ordinance.

SECTION 3. That development of this district must comply with the full-scale version of Exhibit S-50A-1 (development and landscape plan for Tract I) 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.

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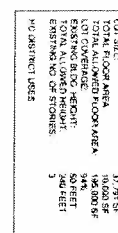
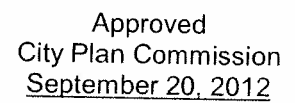
SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed DEC 12 2012



PLANNED
DEVELOPMENT
DISTRICT NO. 16
TRACT 1

LANDSCAPE
DEVELOPMENT PLAN

LDP.

1900 CEDAR SPRINGS
DALLAS, TEXAS
DEVELOPMENT PLAN

gff

Good Fulton & Farrell Architects

2808 Fairmont Street
Suite 300
Dallas, Texas 75201
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214.303.1512/Fax
www.gff.com

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ZONING AND LAND USE

Date: 12/1/2011

MOTION FOR THE HONORABLE ANGELA HUNT

December 12, 2012

Agenda Item No. 67 (Z112-126)

Amend Subdistrict No. 50 of Planned Development District No. 193

Approve CPC recommendation with changes.

I move to close the public hearing and follow the City Plan Commission recommendation for approval subject to the following changes:

1. All sidewalk crossings across drive entrances on Harwood Street on Tract I must be designated by markings or enhanced paving materials. Markings and enhanced paving materials may be located within the parkway.
2. A development in Tract I that exceeds 106,000 is subject to the following additional requirements:
 - a. Maximum height of any parking structure or portion of a building containing parking is 66 feet measured from existing ground surface elevation at the northeastern corner of the property. Required safety rails and related structures may be located above 66 feet in height.
 - b. Maximum height for all structures is 200 feet measured from ground surface elevation at the northeastern corner of the property. Mechanical

equipment, elevator overrides, parapet walls and related equipment and structures may extend an additional 15 feet in height above 200 feet.

- c. Maximum number of parking spaces in a parking structure is 540 spaces.
- d. Any portion of the eastern facade of a structure containing parking on Tract I that is above the portion of a building containing parking on Tract II must be fully enclosed with no openings.
- e. Open space on Tract I that is above the parking structure, must be screened from Tract II with evergreen plant materials that are a minimum of 6 feet in height upon maturity.
- f. Maximum number of dwelling units is 180 units

Z112-126(JH)(Amend PD Subdistrict No. 50) – *ALTERNATE ORDINANCE*
Council Date: 12-12-12
Agenda Item No. 67

Changes to alternate ordinance (per attached motion):

Page 4: Subsection (a) under SEC. S-50.112 “Additional Provisions” is new.
Page 5: Subsections (c), (d), (e), and (f), under SEC. S-50.112.1 “Additional Provisions for Tract 1” are all new.

If you have any further questions, please contact me at 214-670-5477.

Laura Morrison
Assistant City Attorney