

ORDINANCE NO. 29033

An ordinance changing the zoning classification on the following property:

BEING City Blocks 1/2057 and 4/2060 bounded by Brown Street, Knight Street, Fairmount Street, and Douglas Avenue; and containing approximately 3.55 acres,

from an MF-2 Multiple Family Subdistrict within Planned Development District No. 193 (the Oak Lawn Special Purpose District) to Planned Development Subdistrict No. 78 within Planned Development District No. 193; 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; creating a Tract II within Planned Development Subdistrict No. 78; providing a new conceptual 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 the rezoning of the property described in this ordinance and this amendment to the Dallas City Code; and

WHEREAS, the city council finds that it is in the public interest to change the zoning classification and 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 the zoning classification is changed from an MF-2 Multiple Family Subdistrict within Planned Development District No. 193 to Planned Development Subdistrict No. 78 within Planned Development District No. 193 on the property described in Exhibit A, which is attached to and made a part of this ordinance.

SECTION 2. 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.

SEC. S-78.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 78 is established on property generally bounded by Douglas Avenue [~~Knight Street~~], Brown Street, Throckmorton Street, and Fairmount Street. The size of PD Subdistrict 78 is approximately 7.27 [~~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 a conflict, this division controls. If there is 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.

(e) This subdistrict is divided into two tracts: Tract I and Tract II.

SEC. S-78.104.**EXHIBITS.**

The following exhibits are [is] incorporated into this division:

- (1) Exhibit S-78A: Tract I development plan.
- (2) Exhibit S-78B: Tract II conceptual plan.

SEC. S-78.105.**CONCEPTUAL PLAN.**

Development and use of Tract II must comply with the Tract II conceptual plan (Exhibit S-78B). If there is a conflict between the text of this division and the conceptual plan, the text of this division controls.

SEC. S-78.105.1.**DEVELOPMENT PLAN.**

(a) Tract I. Development and use of Tract I [~~the Property~~] must comply with the Tract I 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.

(b) Tract II. A development plan must be approved by the city plan commission before issuance of any building permit to authorize work in Tract II. 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.

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.

(A) Minimum front yard is 10 feet.

(B) In Tract II stoops are allowed to encroach five feet into the front yard setback.

(2) Side and rear yard. Minimum side and rear yards are 10 feet.

(3) Density.

(A) Tract I. The maximum number of dwelling units is 277.

(B) Tract II. The maximum number of dwelling units is 370.

(4) Height.

(A) Tract I. Maximum structure height is 54 feet. ~~[with an additional 12 feet in height for]~~

(B) Tract II. Maximum structure height is 75 feet.

(C) E[e]levators, mechanical equipment, and clerestory may extend up to 12 feet above the maximum structure height. 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.

(A) Tract I. Maximum number of stories for residential uses is four. Maximum number of stories for parking structures is five.

(B) Tract II. Maximum number of stories for residential uses is five. Maximum number of stories for parking structures is six.

(7) Building separation and courtyards. In Tract II, Section 51P-193.107(a)(3)(E)(ii), (iii), and (iv) do not apply.

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. 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.

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 division [~~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.

29033

(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 [~~contained~~] in Article VII.

SEC. S-78.114.**URBAN DESIGN ELEMENTS FOR RESIDENTIAL USES.**(a) Entries.

(1) In each tract, a [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) In each tract, a [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.

(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. 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.”

29033

131004

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 S-78B (Tract II conceptual 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 a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

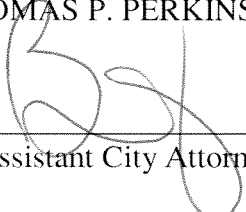
SECTION 6. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. 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 8. 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

JUN 12 2013

Passed _____

29033

PDS 78**PERIMETER**

Description, of a 9.489 acre (413,347 square foot) tract of land situated in the James A. Sylvester Survey, Abstract No. 1383, Dallas County, Texas; said tract being all of Block 4/2060 and Block 1/2057; said 9.489 acre tract being more particularly described as follows:

BEGINNING; at the intersection of the centerline of Fairmount Street (a 50-foot wide right-of-way) and the centerline of Douglas Avenue (a 50-foot right-of-way);

THENCE, North 45 degrees, 22 minutes, 39 seconds East, along the said centerline of Douglas Avenue, a distance of 500.02 feet, to a point for corner at the intersection of the said centerline of Douglas Avenue and the centerline of Brown Street (a 50-foot wide right-of-way);

THENCE, South 46 degrees, 28 minutes, 21 seconds East, along the said centerline of Brown Street, a distance of 827.09 feet, to a point for corner at the intersection of the said centerline of Brown Street and the centerline of Throckmorton Street (a 60-foot wide right-of-way);

THENCE, South 45 degrees, 22 minutes, 39 seconds West, along the said centerline of Throckmorton Street, a distance of 500.02 feet, to a point for corner at the intersection of the said centerline of Throckmorton Street and the said centerline of Fairmount Street;

THENCE, North 46 degrees, 28 minutes, 21 seconds West, along the said centerline of Fairmount Street, a distance of 827.09 feet to the POINT OF BEGINNING and containing, 413,347 square feet or 9.489 acres of land, more or less.

TRACT I

BEING all of City Block 1/2057 bounded by Knight Street, Brown Street, Throckmorton Street and Fairmount Street, and containing approximately 3.72 acres.

TRACT II

Description, of a 3.727 acre tract of land situated in the James A. Sylvester Survey, Abstract No. 1383, Dallas County, Texas; said tract being all of Lots 1-18, Block 4/2060, Clifton Place Addition, an addition to the City of Dallas County, Texas according to the plat recorded in Volume 1, Page 438 of the Map Records of Dallas, Texas; said tract also being all of that tract of land described in General Warranty Deed with Vendor's Lien to Holly 2 Investments, Inc. recorded in Instrument No. 200600164608 of the Official Public Records of Dallas County, Texas, all of that tract of land described as Tract I and Tract II in Special Warranty Deed with Vendor's Lien to 2624 Douglas Partners, LP recorded in Instrument No. 20070051786 of said Official Public Records, all of that tract of land described in Statutory Warranty Deed to Theodore H. Dahm and Margaret G. Dahm recorded in Volume 2003009, Page 10310 of the Deed Records of Dallas County, Texas, all of that tract of land described in Warranty Deed with Vendor's Lien to John T. Wharton recorded in Volume 80008, Page. 1292 of said Deed Records,

29033

all of that tract of land described in Warranty Deed to Richard Tom Garrison recorded in Volume 2004090, Page 4856 of the said Deed Records, all of that tract of land described in Warranty Deed with Vendor's Lien to Richard T. Garrison recorded in Volume 2005081, Page 8362 of said Deed Records, all of that tract of land described in Quit Claim Deed to Mark E. Jones recorded in Volume 88057, Page 533 of said Deed Records, all of a 15-foot Alley abandoned (to be abandoned) across said Block 4/2060 said 3.727 acre tract being more particularly described as follows:

BEGINNING, at a "+" cut in concrete found at the intersection of the southeast right-of-way line of Douglas Avenue (a 50-foot wide right-of-way) and the said southwest right-of-way line of Brown Street (a 50-foot wide right of way); said point being the north corner of said Block 4/2060;

THENCE, South 46 degrees, 28 minutes, 21 seconds East, along said southwest line of Brown Street, passing at a distance of 173.00 feet a 1/2-inch iron rod with "PACHECO KOCH" cap found at the north corner of said 15-foot Alley, passing at a distance of 188.00 feet a 1/2-inch iron rod with "PACHECO KOCH" cap found for the east corner of said 15-foot Alley, continuing in all a total distance of 361.00 feet to a 1/2-inch iron rod found at the intersection of said southwest line of Brown Street and the northwest right-of-way line of Knight Street (a 50-foot wide right-of-way); said point being the east corner of said Block 4/2060;

THENCE, South 45 degrees, 22 minutes, 39 seconds West, along said northwest line of Knight Street, passing at a distance of 200.00 feet, a 1/2-inch iron rod found for the south corner of said Tract II and the east corner of said Mark E. Jones tract, passing at a distance of 300.00 feet, a 3/8-inch iron rod found for the south corner of said Mark E. Jones tract and the east corner of said Richard Tom Garrison tract, continuing in all a total distance of 450.00 feet to a "+" cut in concrete found for corner at the intersection of said northwest line of Knight Street and the northeast right-of-way line of Fairmount Street (a 50-foot wide right-of-way); said point being the south corner of said Block 4/2060;

THENCE, North 46 degrees, 28 minutes, 21 seconds West, along said northeast line of Fairmount Street, passing at a distance of 173.00 feet, a 1/2-inch iron rod with "PACHECO KOCH" cap found at the south corner of said 15-Foot Alley, passing at a distance of 188.00 feet a "+" cut in concrete found for the west corner of said 15-foot Alley, continuing in all a total distance of 361.00 feet to a 100D nail found at the intersection of said northeast line of Fairmount Street and said southeast line of Douglas Avenue; said point being the west corner of said Block 4/2060;

THENCE, North 45 degrees, 22 minutes, 39 seconds East, along said southeast line of Douglas Avenue, a distance of 450.00 feet to the POINT OF BEGINNING and containing, 162,366 square feet or 3.727 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

29033

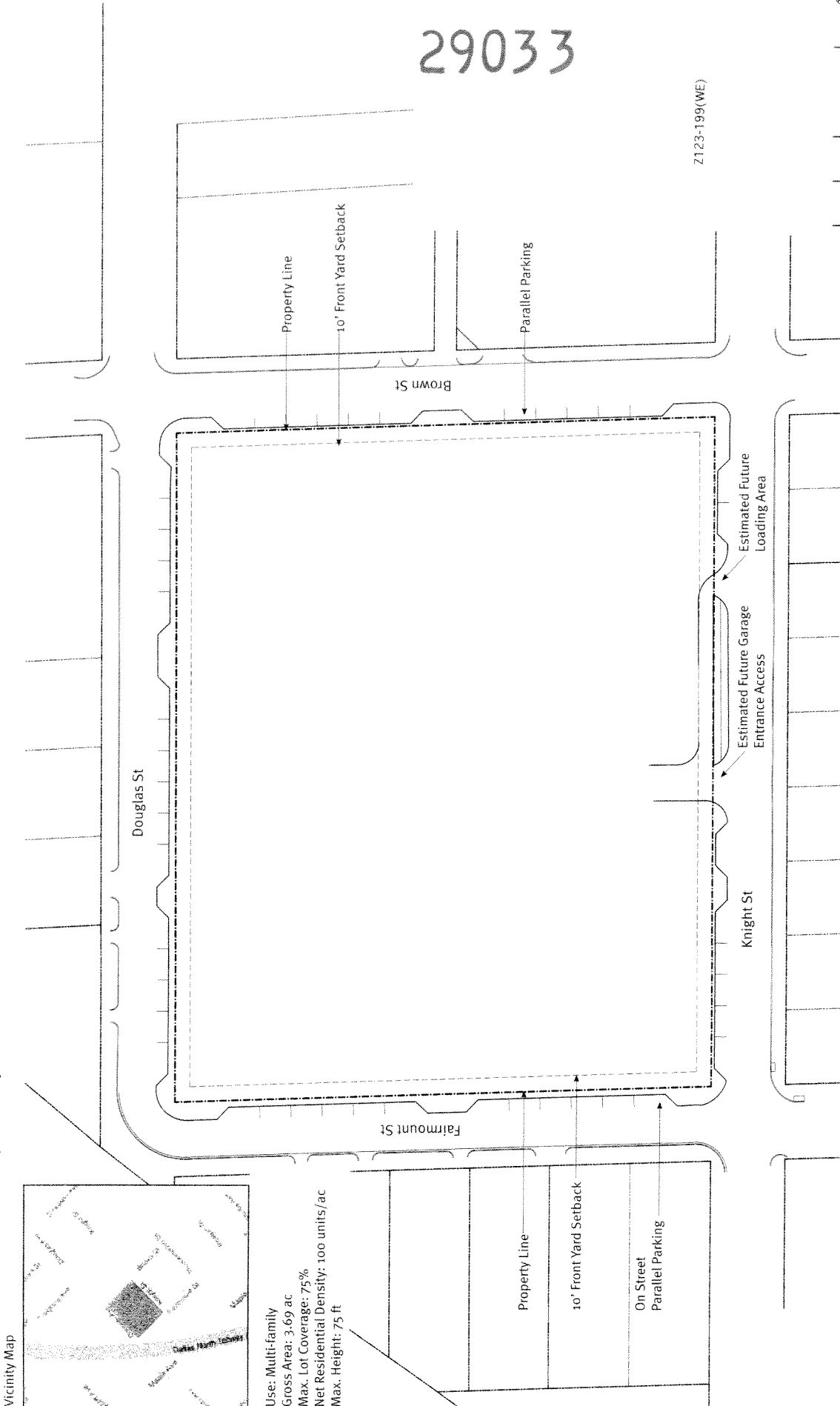


01.08.2013	2012085	IC
Copyright © JHP 2012 For Regulatory Approval, Plans or Construction. Make Aboard Registration No. 29033 of the Association No. 1959		

Planned Development
Subdistrict No. 78

Planned Development
District No. 193

Approved
City Plan Commission
May 2, 2013



Use: Multi-family
Gross Area: 3.69 ac
Max. Lot Coverage: 75%
Net Residential Density: 100 units/ac
Max. Height: 75 ft

Conceptual Plan
Scale 1" = 60' - 0"

Trammell Crow Residential

Fairmount at Douglas
Dallas, Texas

JHP

131004



1:3,600

ZONING AND LAND USE

Case no: **Z123-199**

Date: 4/17/2013