

9-14-16

ORDINANCE NO. 30189

An ordinance amending Article 795, "PD 795," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code; amending the exhibit, development plan, main uses permitted, yard, lot, and space regulations, off-street parking and loading, landscaping, signs, and additional provisions regulations in Sections 51P-795.105, 51P-795.107, 51P-795.108, 51P-795.110, 51P-795.111, 51P-795.113, 51P-795.114, and 51P-795.116 of Article 795; providing a Tract 2 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 795 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That Section 51P-795.105, "Exhibit," of Article 795, "PD 795," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"SEC. 51P-795.105. EXHIBITS.

The following exhibits are [~~is~~] incorporated into this article:

- (1) Exhibit 795A: conceptual plan.
- (2) Exhibit 795B: Tract 2 development plan."

SECTION 2. That Section 51P-795.107, "Development Plan," of Article 795, "PD 795," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"SEC. 51P-795.107. DEVELOPMENT PLAN.

(a) In general. Except as provided in this section, a[~~A~~] development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and a development plan, the text of this article controls.

(b) Tract 2. Development and use of Tract 2 must comply with the Tract 2 development plan (Exhibit 795B). If there is a conflict between the text of this article and the Tract 2 development plan, the text of this article controls."

SECTION 3. That Subsection (b), "Tract 2," of Section 51P-795.108, "Main Uses Permitted," of Article 795, "PD 795," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"(b) Tract 2. The following uses are the only main uses permitted:

- Handicapped group dwelling unit. [*SUP required if spacing component of Section 51A-4.209.(3.1) is not met.*]
- Local utilities.
- [~~— Office.~~
- ~~— Retirement housing.~~]
- Single family."

SECTION 4. That Section 51P-795.110, “Yard, Lot, and Space Regulations,” of Article 795, “PD 795,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-795.110. 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) In general. Setbacks are not required between tracts.
- (b) Perimeter buffer. A 10-foot landscape buffer, measured from the edge of right-of-way, must be provided along Church Road. Except for fences and screening walls, structures are not permitted within 15 feet of Church Road. On Tract 1, except for fences and screening walls, structures are not permitted within 15 feet of Skillman Street.
- (c) Front yard.
 - (1) Tract 1.
 - (A) For handicapped group dwelling unit, single family, and local utility uses, minimum front yard is 15 feet.
 - (B) For all other uses, minimum front yard is 25 feet.
 - (2) Tract 2.
 - (A) Except as provided in this paragraph, f[F]or handicapped group dwelling unit and single family uses, minimum front yard is 15 feet.
 - (B) For local utility uses, minimum front yard is 20 feet.
 - (C) For a shared access development~~[all other uses]~~, minimum front yard is 25 feet.
 - (3) Tract 3. Minimum front yard is 15 feet.
 - (4) Tract 4. Minimum front yard is 15 feet.

(d) Side yard.(1) Tract 1.

(A) For local utility uses, minimum side yard is five feet.

(B) For retirement housing and financial institution uses, minimum side yard is 10 feet.

(C) For handicapped group dwelling unit and single family uses, no side yard is required; however, if a side yard is provided, minimum side yard is five feet.

(2) Tract 2.(A) Local utility uses. ~~[For local utility uses, m]~~ Minimum side yard is five feet.(B) ~~[For office use on a lot abutting a residential district, minimum side yard is 20 feet. For all other office uses, minimum side yard is 10 feet.~~~~(C) For retirement housing uses, minimum side yard is 10 feet.~~~~(D)] Handicapped group dwelling unit and single family uses. Except as provided in this paragraph, ~~[For handicapped group dwelling unit and single family uses,]~~ no side yard is required; however, if a side yard is provided, minimum side yard is five feet.~~(C) Shared access development.(i) Structures less than 16 feet in height must be a minimum of five feet from the side property line.(ii) Structures greater than two stories must be a minimum of 10 feet from the side property line.(iii) Pergolas or shade structures must be a minimum of one foot from the side property line.(3) Tracts 3 and 4. The yard, lot, and space regulations for the R-7.5(A) Single Family District apply.(e) Rear yard.(1) Tract 1.

(A) For handicapped group dwelling unit, single family, and local utility uses, minimum rear yard is five feet.

(B) For retirement housing and financial institution uses, minimum rear yard is 20 feet.

(2) Tract 2.

~~[(A) For handicapped group dwelling unit, single family, and local utility uses, m]~~ Minimum rear yard is five feet.

~~[(B) For office uses on a lot abutting a residential district, minimum rear yard is 20 feet. For all other office uses, minimum rear yard is 10 feet.]~~

~~(C) For retirement housing uses, minimum rear yard is 10 feet.]~~

(3) Tracts 3 and 4. The yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(f) Density.

(1) Tract 1.

(A) For handicapped group dwelling unit and single family uses, maximum dwelling unit density is nine units per acre.

(B) For retirement housing uses, maximum number of dwelling units or suites is 250.

(2) Tract 2.

(A) Except as provided in this paragraph, f[F]or handicapped group dwelling unit and single family uses, maximum dwelling unit density is nine units per acre.

(B) A maximum of 17 dwelling units are allowed in a shared access development.~~[For retirement housing uses, maximum density is 20 dwelling unit or suites per acre.]~~

(3) Tracts 3 and 4. The yard, lot, and space regulations for the R-7.5(A) Single Family District apply

(g) Floor area ratio.

(1) For office uses, maximum floor area ratio is 0.5:1.

(2) For all other uses, no maximum floor area ratio.

(h) Height.(1) Tract 1.

(A) For handicapped group dwelling unit, single family, and local utility uses, maximum structure height is 36 feet in height or 570 feet above sea level, whichever is less.

(B) For retirement housing and financial institution uses, maximum structure height is 60 feet when measured from the lowest finished floor to the highest roof eave, or 570 feet above sea level to the highest roof eave, whichever is less. The highest ridge of the roof may not exceed 28 feet above the highest eave.

(2) Tract 2.

~~[(A) For handicapped group dwelling unit, single family, and local utility uses,]~~ M~~[m]~~aximum structure height is 36 feet in height or 570 feet above sea level, whichever is less.

~~[(B) For office uses, maximum structure height is 24 feet in height or 565 feet above sea level, whichever is less.~~

~~(C) For retirement housing uses, maximum structure height is 36 feet in height or 570 feet above sea level, whichever is less, in the location shown on the conceptual plan.]~~

(3) Tract 3.

(A) Maximum height is 24 feet within 50 feet~~[feet]~~ of the west property line, not to exceed 570 feet above sea level, to the highest eave.

(B) Maximum height is 36 feet beyond 50 feet~~[feet]~~ from the west property line, not to exceed 575 feet above sea level to the highest eave.

(4) Tract~~[Track]~~4. Maximum structure height is 36 feet.(i) Lot coverage.

(1) Tract 1. Maximum lot coverage is 50 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(2) Tract 2.

(A) Except as provided in this paragraph, maximum lot coverage is 65 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(B) For a shared access development, maximum overall lot coverage is 65 percent. Maximum lot coverage for individual lots within a shared access development is 80 percent.

(3) Tracts 3 and 4. The yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(j) Lot size.

(1) Except as provided in this subsection, for handicapped group dwelling unit and single family uses with no side yard, minimum lot size is 2,000 square feet.

(2) Except as provided in this subsection, for handicapped group dwelling unit and single family uses with a minimum side yard of five feet, minimum lot size is 5,000 square feet.

(3) For retirement housing, local utility, financial institution, and office uses, no minimum lot size.

(4) For handicapped group dwelling unit and single family uses in a shared access development, minimum lot size is 3,000 square feet.

(k) Stories.

(1) For handicapped group dwelling units and single family uses in Tract 1, maximum number of stories above grade is two.

(2) For local utility uses in Tract 1, maximum number of stories above grade is one.

(3) For retirement housing uses in Tract 1, maximum number of stories above grade is five.

(4) For all other uses, no maximum number of stories.”

SECTION 5. That Section 51P-795.111, "Off-Street Parking and Loading," of Article 795, "PD 795," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Subsection (e) to read as follows:

"(e) For a shared access development in Tract 2, a minimum of six visitor parking spaces are required."

SECTION 6. That Section 51P-795.113, "Landscaping," of Article 795, "PD 795," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"SEC. 51P-795.113. LANDSCAPING.

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

(b) Section 51A-10.125(b)(5)(A) does not apply to underground or structured parking spaces.

(c) Trees with a caliper of six inches or greater located in the tree preservation zone as shown on the conceptual plan must be preserved. The qualifying trees within the preservation zone must be placed in a Tree Preservation Easement when platted. If Tract 1 is developed with handicapped group dwelling unit or single family uses, one eight-inch pecan tree may be removed from the tree preservation area if at least one pecan tree that measures a minimum of 24 inches is preserved and placed in the Tree Preservation Easement.

(d) Sidewalks must be provided along Church Road and Skillman Street with a minimum unobstructed width of six feet.

(e) Except as provided in this subsection, for a shared access development in Tract 2, landscaping must be provided in accordance with the landscaping requirements for shared access developments in districts other than single family districts.

(1) Each individual lot within the shared access development must contain a minimum of two trees with at least one being a large canopy tree. The other tree may be a small tree.

(2) A tree protection plan that meets the requirement of Section 51A-10.136 must be approved by the building official before obtaining a building permit for any development in Tract 2.

(3) A minimum of 6,500 square feet of land, as shown on Exhibit 795B, must be designated as landscape area. Permeable pavement does not count as landscape area.

(f) Plant materials must be maintained in a healthy, growing condition.”

SECTION 7. That Subsection (b), “Tract 2,” of Section 51P-795.114, “Signs,” of Article 795, “PD 795,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(b) Tract 2.

~~[(1) Except as provided in this subsection,] S[s]igns must comply with the provisions for a non-business zoning district in Article VII.~~

~~[(2) For office uses, signs must comply with the provisions for a business zoning district in Article VII.~~

~~(3) For retirement housing uses, one monument sign is permitted for each street frontage.~~

~~(A) The maximum sign height is eight feet.~~

~~(B) No setback is required for the sign.~~

~~(C) Signs must comply with visibility obstruction regulations.~~

~~(D) The maximum effective area of a sign is 60 square feet.~~

~~(E) The location of the signs must be shown on the development plan.]”~~

SECTION 8. That Section 51P-795.116, “Additional Provisions,” of Article 795, “PD 795,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-795.116. 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.

(c) No delivery vehicles are permitted on the Property between 8:00 p.m. and 8:00 a.m. (the next day), Monday through Saturday, and 7:00 p.m. and 9:00 a.m. (the next day) on Sundays.

(d) Dumpsters must be at least 30 feet from the perimeter Property line, must be screened by a solid masonry wall with a minimum height of 12 feet, and must be shown on the development plan.

(e) In Tract 2, office uses existing on September 14, 2016 are not subject to amortization by the board of adjustment.

(f) The following standards apply to a shared access development in Tract 2.

(1) For lots on the northern property line:

(A) Windows on a third floor that face to the north must be glass block, translucent, or at a height of seven feet or greater from the story below.

(B) Balconies are prohibited.

(C) Northern facades must have at least one change in plane at least 24 inches from the northernmost facade, at intervals of not more than 25 feet, with a change of plane with a width of at least 10 feet.

(D) Northern facades must consist of a minimum of 85 percent brick or stone material, excluding doors, windows, or other openings.

(2) For lots located on the western property line, windows on a third story fronting to the west must be glass block, translucent, or at a height of seven feet or greater from the story below.

(3) A minimum six-foot high solid masonry wall must be constructed along Skillman Street, except for driveway openings.”

SECTION 9. That development of this district must comply with the full-scale version of Exhibit 795B (Tract 2 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 10. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.


SECTION 11. That 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 12. 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 13. 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.

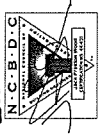
APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By  _____
Assistant City Attorney

Passed SEP 14 2016

David Weekley Homes



SITE INFORMATION

ZONING: PD795, TRACT 2
 TRACT AREA: 1.89 ACRES
 MAXIMUM LOT COUNT: 17

MAXIMUM LOT COVERAGE
 TOTAL TRACT: 65%
 SINGLE LOT: 80%

MINIMUM LOT SIZE 3,000 sqft

FRONT YARD: 25'
 SIDE YARD: 10'
 REAR YARD: 5'

PARKING REQUIREMENTS
 GARAGE SPACES: 2 per UNIT
 GUEST SPACES: 6

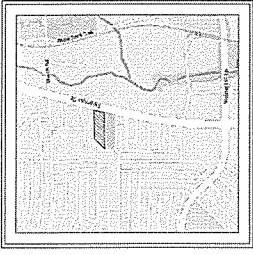
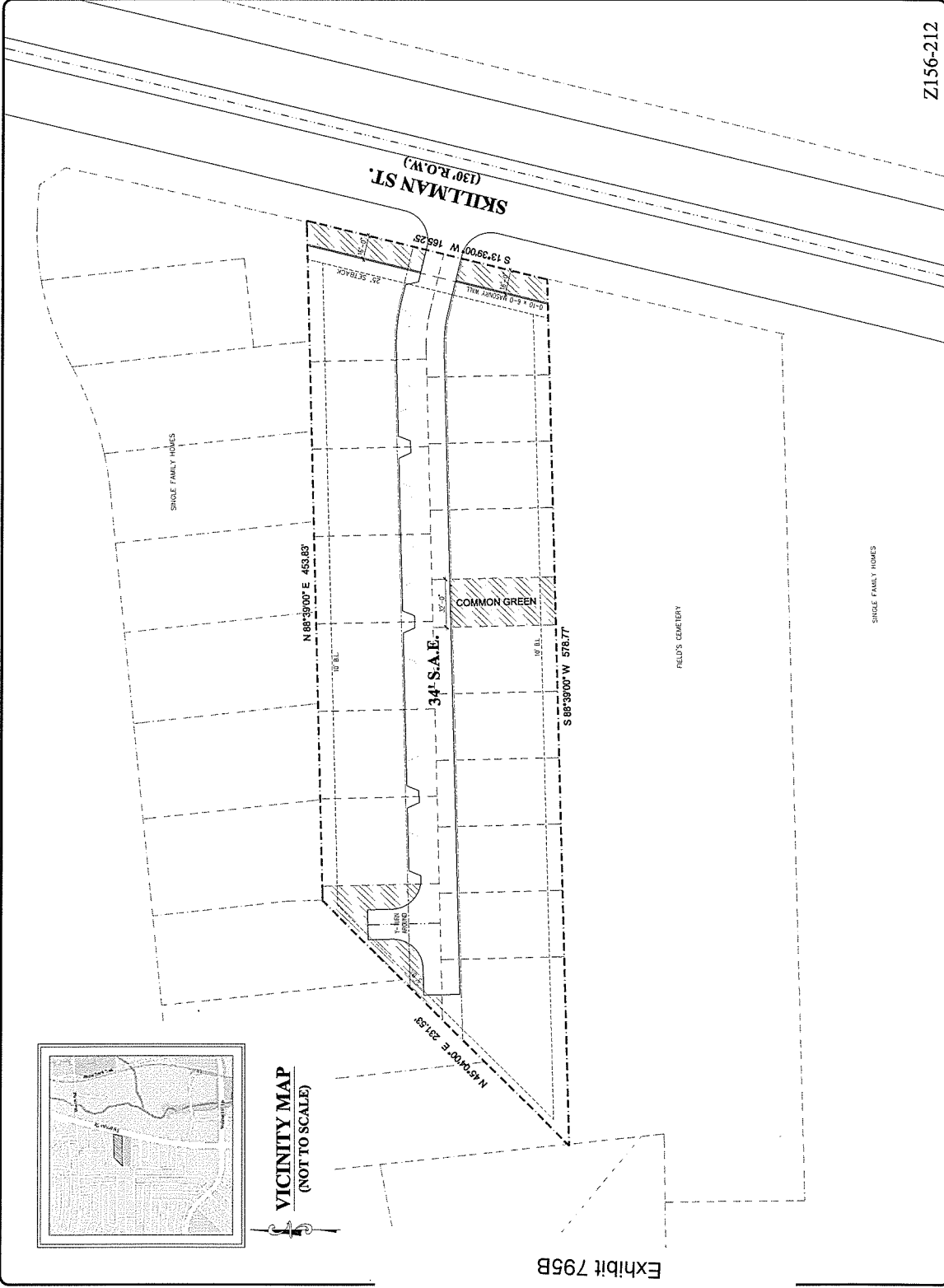
LANDSCAPING per PD CONDITIONS
 6' HIGH PERIMETER WOOD FENCE
 MASONRY WALL FACING R.O.W.

OPEN AREA / COMMON SPACE
 (46,514 sqft TOTAL)

DEVELOPMENT PLAN

HIGHLANDS WEST
 7485 SKILLMAN STREET
 DALLAS, TX

By: PE
 7-19-16 1087 8-2-16
 Scale: 1"=60'-0" 1"=30'-0"



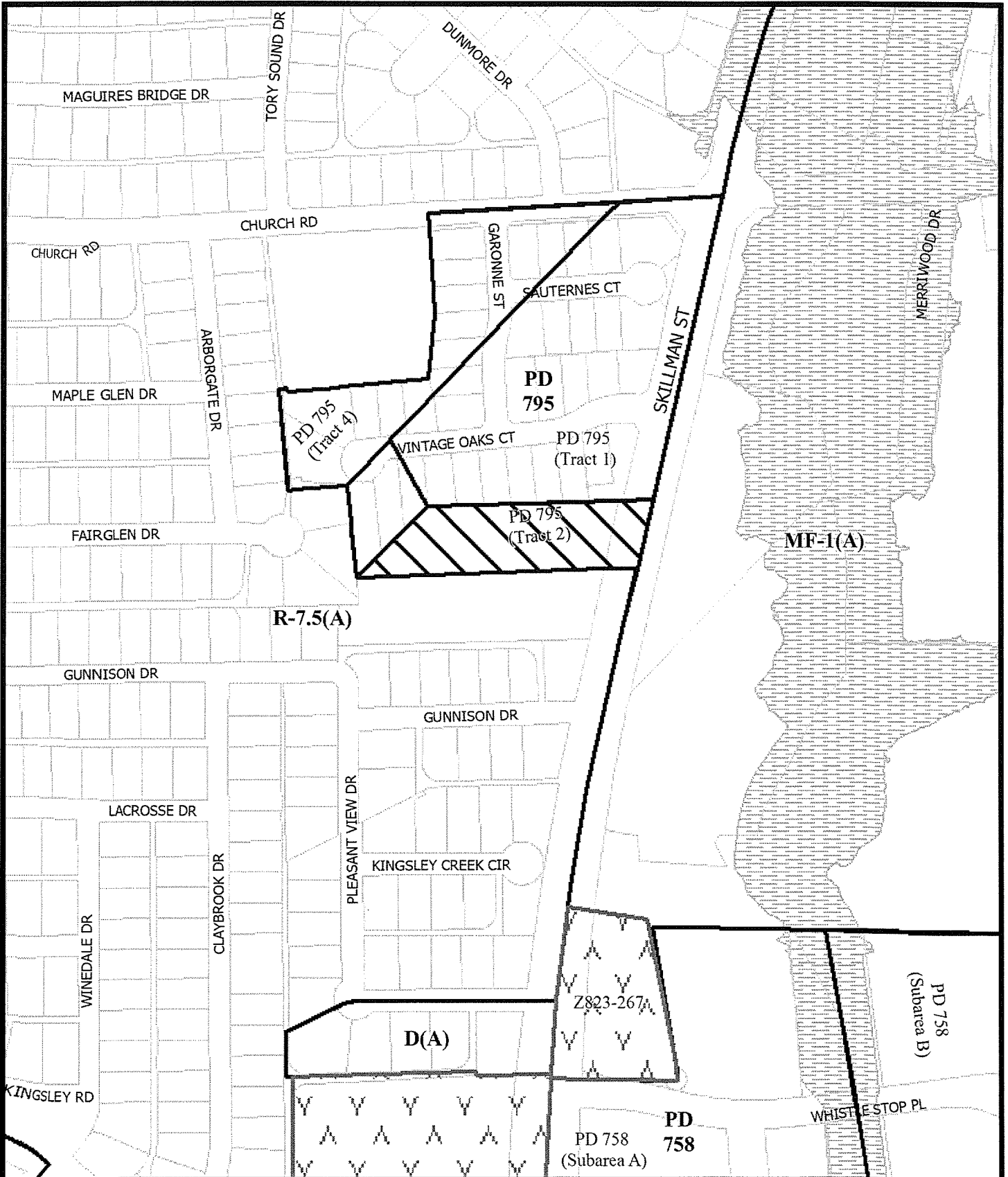
VICINITY MAP
(NOT TO SCALE)

Exhibit 795B

Z156-212

Planned Development
District No. 795

Approved
City Plan Commission
August 4, 2016



1:3,600

ZONING MAP

Case no: Z156-212

Date: 3/23/2016



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL SEP 14 2016

ORDINANCE NUMBER 30189

DATE PUBLISHED SEP 17 2016

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose G. Liss".