

1-9-17

ORDINANCE NO. 30304

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block G/1624 located approximately 100 feet southwest of the intersection of McKinney Avenue and Monticello Avenue; fronting approximately 250 feet on the northwest line of McKinney Avenue; and containing approximately 0.97 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. 123 within Planned Development District No. 193; amending 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 by creating a new Division S-123; establishing use regulations and development standards for this planned development subdistrict; 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 subdistrict; 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. 123 within Planned Development District No. 193 on the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”).

SECTION 2. That 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 by adding a new Division S-123 to read as follows:

**“Division S-123. PD Subdistrict 123.**

**SEC. S-123.101. LEGISLATIVE HISTORY.**

PD Subdistrict 123 was established by Ordinance No. \_\_\_\_\_, passed by the Dallas City Council on January 11, 2017.

**SEC. S-123.102. PROPERTY LOCATION AND SIZE.**

PD Subdistrict 123 is established on property generally located along the northwest line of McKinney Avenue, between Monticello Avenue and Hester Avenue. The size of PD Subdistrict 123 is approximately 0.97 acres.

**SEC. S-123.103. 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. In this division:

- (1) **MULTIPLE-FAMILY PROJECT** means a multiple-family development that has one or more portions of a structure greater than 36 feet in height.
- (2) **STOOP** means a small porch leading to the entrance of a residence.
- (3) **SUBDISTRICT** means a subdistrict of PD 193.

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

- (c) This district is considered to be a residential zoning district.

**SEC. S-123.104 EXHIBITS.**

The following exhibits are incorporated into this division:

- (1) Exhibit S-123A: conceptual rendering.
- (2) Exhibit S-123B: development plan.
- (3) Exhibit S-123C: landscape plan.

**SEC. S-123.105. CONCEPTUAL RENDERING.**

For a multiple-family project, development of the multiple-family structure must comply with the conceptual rendering (Exhibit S-123A). If there is a conflict between the text of this article and the conceptual rendering, the text of this article controls.

**SEC. S-123.106. DEVELOPMENT PLAN.**

(a) Except as provided in this section, no development plan is required, and the provisions of Section 51-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) For a multiple-family project, development and use of the Property must comply with the development plan (Exhibit S-123B). If there is a conflict between the text of this division and the development plan, the text of this division controls.

**SEC. S-123.107. 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 SUP, and 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-123.108. ACCESSORY USES.**

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.

**SEC. S-123.109. 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. If there is 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 project.

(1) Front yard.

(A) Minimum front yard is 15 feet.

(B) An additional five-foot front yard setback is required for that portion of a structure over 15 feet in height.

(2) Rear yard.

(A) Minimum rear yard is 12 feet.

(B) An additional five-foot rear yard setback is required for that portion of a structure over 18 feet in height in the area shown on the development plan.

(3) Side yard.

(A) Minimum side yard is 10 feet.

(B) An additional two-foot side yard setback is required for that portion of a structure over 18 feet in height in the area shown on the development plan.

(4) Allowed encroachments into required yards.

(A) Stoops, steps, handrails, guardrails, planters, retaining walls up to a maximum of six feet in height, patios, transformers and other utility equipment, benches, pots, raised planters, sculptures, and other decorative landscape features may be located within the required front, side, or rear yards.

(B) Balconies may encroach into a rear or side yard up to a maximum of five feet if they are a minimum of 10 feet in height above the ground.

(5) Density. Maximum number of dwelling units is 125.

(6) Floor area ratio. Maximum floor area ratio is 3.5:1.

(7) Height.

(A) Except as provided in this subsection, maximum structure height is 75 feet.

(B) Maximum structure height for mezzanine levels is 85 feet in the locations shown on the development plan.

(C) The following structures may project a maximum of 12 feet above the maximum structure height:

(i) Elevator penthouse or bulkhead.

(ii) Mechanical equipment room.

(iii) Visual screens which surround roof mounted mechanical equipment.

(iv) Parapet walls and guard rails, limited to a height of four feet.

(8) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(9) Lot size. No minimum lot size.

(10) Stories. No maximum number of stories.

#### **SEC. S-123.110. OFF STREET PARKING AND LOADING.**

Consult Part I of this article for the specific off-street parking and loading requirements for each use.

#### **SEC. S-123.111. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. S-123.112. 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) Multiple-family project. For a multiple-family project, landscaping must be provided as shown on the landscape plan (Exhibit S-123C).

(c) Fences.

(1) A fence may be located in the front yard if it is at least 40 percent open and does not exceed four feet in height.

(2) A fence may be located in the side and rear yards in the locations shown on the landscape plan. This fence may not exceed six feet in height.

(d) Urban design requirements.

(A) Sidewalks along McKinney Avenue must have a minimum unobstructed width of six feet with a minimum five-foot tree planting zone between the back of the curb and the sidewalk.

(B) A minimum of two of each of the following pedestrian amenities must be provided along McKinney Avenue for each 300 linear feet of street frontage or fraction thereof:

(i) benches;

(ii) trash receptacles; and

(iii) bicycle racks (at least one five-bike rack must be provided).

(C) Ground-level units on McKinney Avenue must have direct access to the sidewalk through private stoops or open space.

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

**SEC. S-123.113 SIGNS.**

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

**SEC. S-123.114. 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) Development and use of the Property must comply with Part I of this article.

**SEC. S-123.115. 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 city.
- (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 thy city, as applicable.”

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 subdistrict must comply with the full-scale versions of Exhibit S-123A (conceptual rendering), Exhibit S-123B (development plan), and Exhibit S-123C (landscape plan) attached to this ordinance. Reduced-sized versions of these plans shall be provided in Chapter 51P. Permits shall be issued based on information provided on the full-scale versions of the plans.

SECTION 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Division S-123 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.

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:

LARRY E. CASTO, City Attorney

By  \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_ JAN 11 2017



30304

GIS Approved

170116

**Exhibit A**

**Legal Description – 4805 McKinney Ave.**

BEING a tract or parcel of land situated in the John W. Smith Survey Abstract No. 1334, City of Dallas, Dallas County, Texas and being all of Lots 20-24, Block G/1624 of Fairland Annex, an addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 1, Page 222, of the Plat Record of Dallas County, Texas (P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found at the Northwest corner of Lot 20, Block G/1624 of said Fairland Annex, being the Southwest corner of Lot 19, Block G/1624 of said Fairland Annex, also being the Southwest corner of a tract of land described to Claudette C. Cole in Volume 84123, Page 2683, Deed Records, Dallas County, Texas, and being in the East line of a 15 foot wide alley as shown on Plat of said Fairland Annex;

THENCE S 66°01'19" E leaving the East line of said 15 foot wide alley, along the common line of said Lots 19 and 20, Block G/1624, a distance of 169.40 feet to a ¾ inch iron rod found at the common corner of said Lots 19 and 20, Block G/1624, and being in the West line of McKinney Avenue having a 60 foot right-of-way;

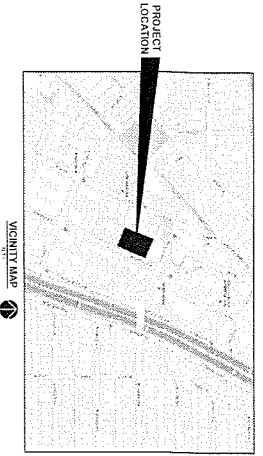
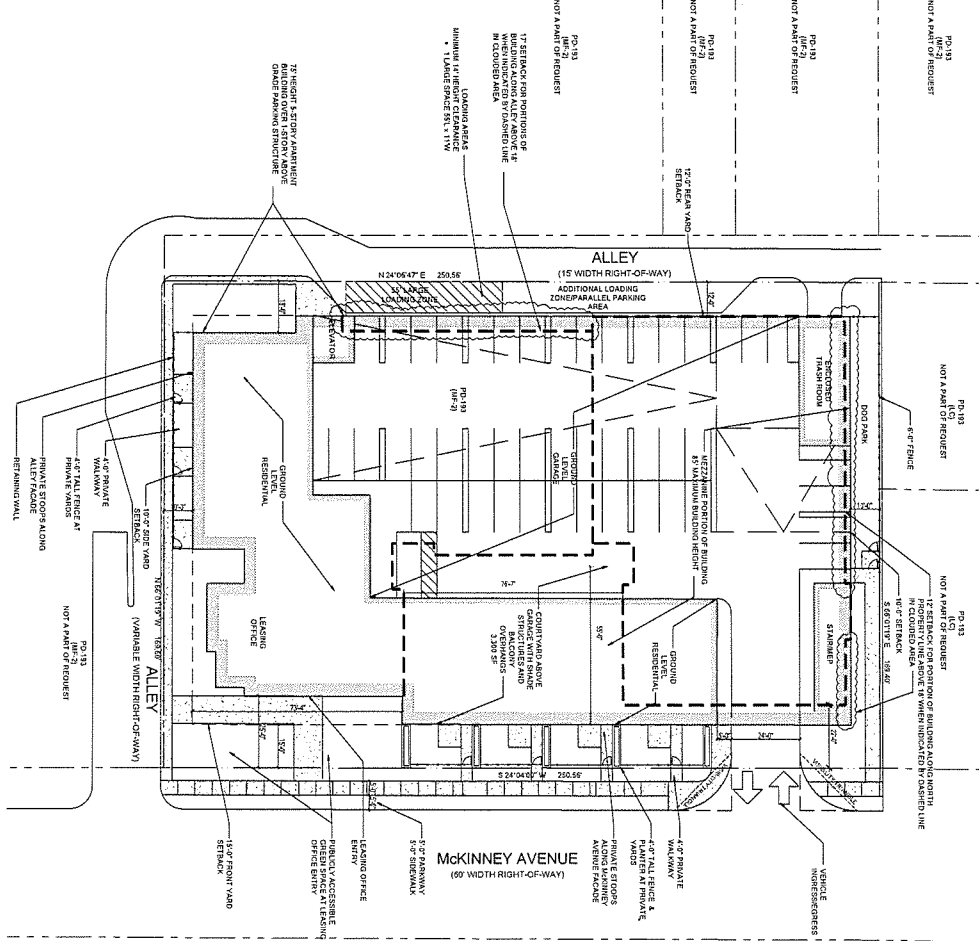
THENCE S 24°04'00" W leaving the common corner of said Lots 19 and 20, Block G/1624, along the West line of said McKinney Avenue and the East lines of Lots 20-24, Block G/1624, a distance of 250.56 feet to an "X" cut set for corner, being the Southeast corner of Lot 24, Block G/1624, and being the Northeast corner of Lot 1A, Block G/1624, Knoxbridge Apartments Phase 2 as recorded in Volume 95110, Page 3945 of the Plat Records, Dallas County, Texas;

THENCE N 66°01'19" W leaving the line of said McKinney Avenue, along the common line of said Lot 24, Block G/1624 a distance of 169.60 feet to an "X" cut set for corner, being the Southwest corner of said Lot 24, Block G/1624, being in the North line of said Lot 1A, Block G/1624, and being in the East line of a 15 foot wide alley as shown on said Plat of Fairland Annex;

THENCE N 24°06'47" E leaving the North line of said Lot 1A, Block G/1624, along the common line of said 15 foot wide alley and said Lots 20-24, Block G/1624 a distance of 250.56 feet to the POINT OF BEGINNING and containing 0.97 acres or 42,468 square feet of land, more or less.

**DEVELOPMENT PLAN**  
McKinney and Monticello  
Dallas, Texas

Job #: 15068.00  
File Name: SP-10 Development plan.dwg  
Date: 11.16.2016  
Drawn by: ELB, RS, RR



PROJECT DATA TABLE	
SITE	42,488 SF, 0.97 AC
DENSITY	125 DWELLING UNITS
LOT COVERAGE	80%
STRUCTURE HEIGHT	75'6" FOR BUILDING MEZZANINE
FLOOR AREA RATIO	3.5:1
MINIMUM PRIVATE OPEN SPACE	300 SF

Planned Development  
District No. 123

Planned Development  
District No. 193

Approved  
City Plan Commission  
November 17, 2016



2805 F-Simmons Street, Suite 300  
Dallas, Texas 75201 | 214.303.1500

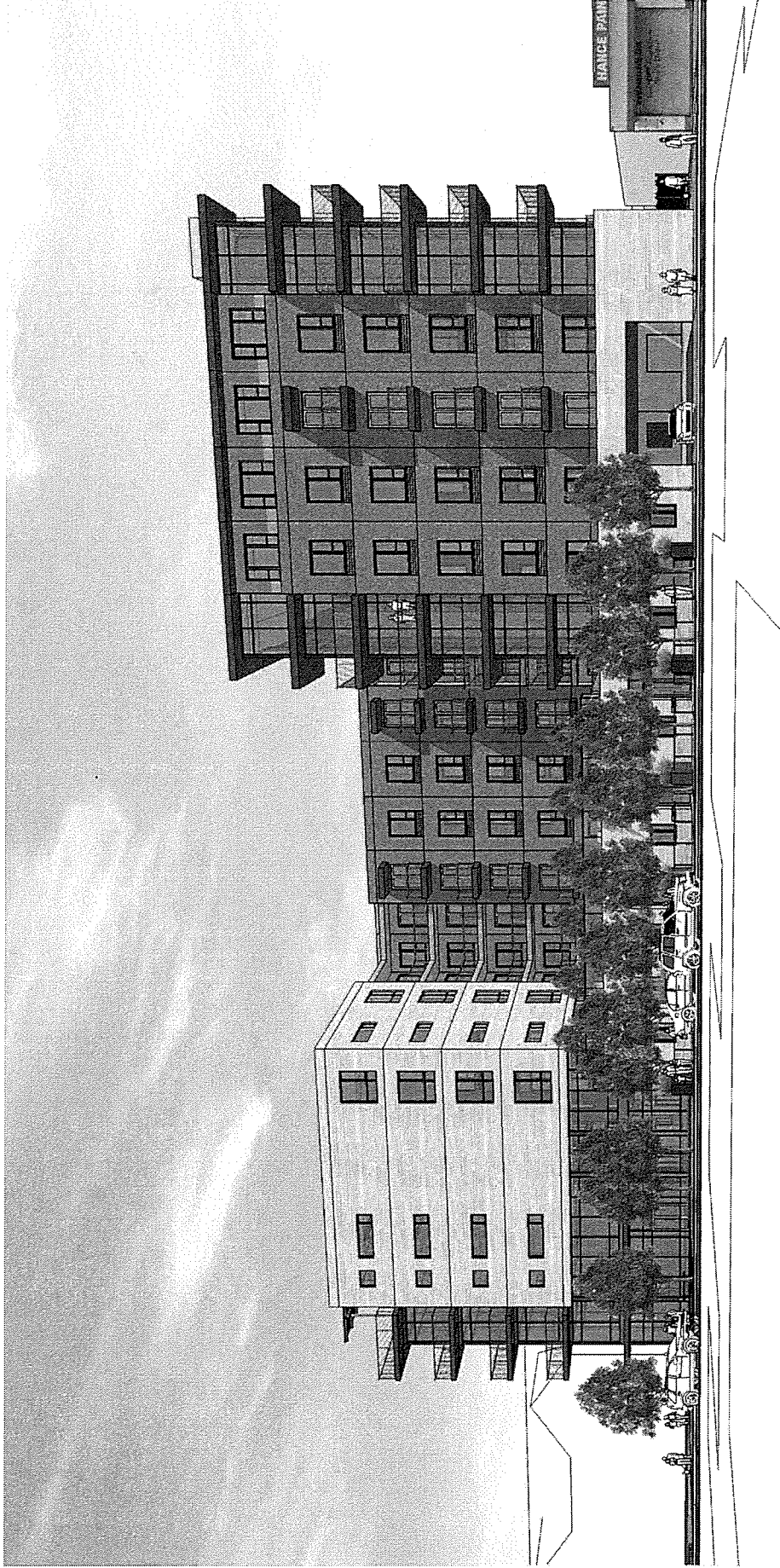
3300 West 7th Street, Suite 110  
Fort Worth, Texas 76107 | 817.303.1500

Z156-299



30304

170116



RENDERING OF EAST BUILDING FACADE

Planned Development  
District No. 123

Planned Development  
District No. 193

DEVELOPMENT RENDERING

McKinney and Monticello  
Dallas, Texas

Job #: 15268.00  
File Name: Development Rendering.dwg  
Date: 10.11.2016  
Drawn by: ELB, LB, JWW

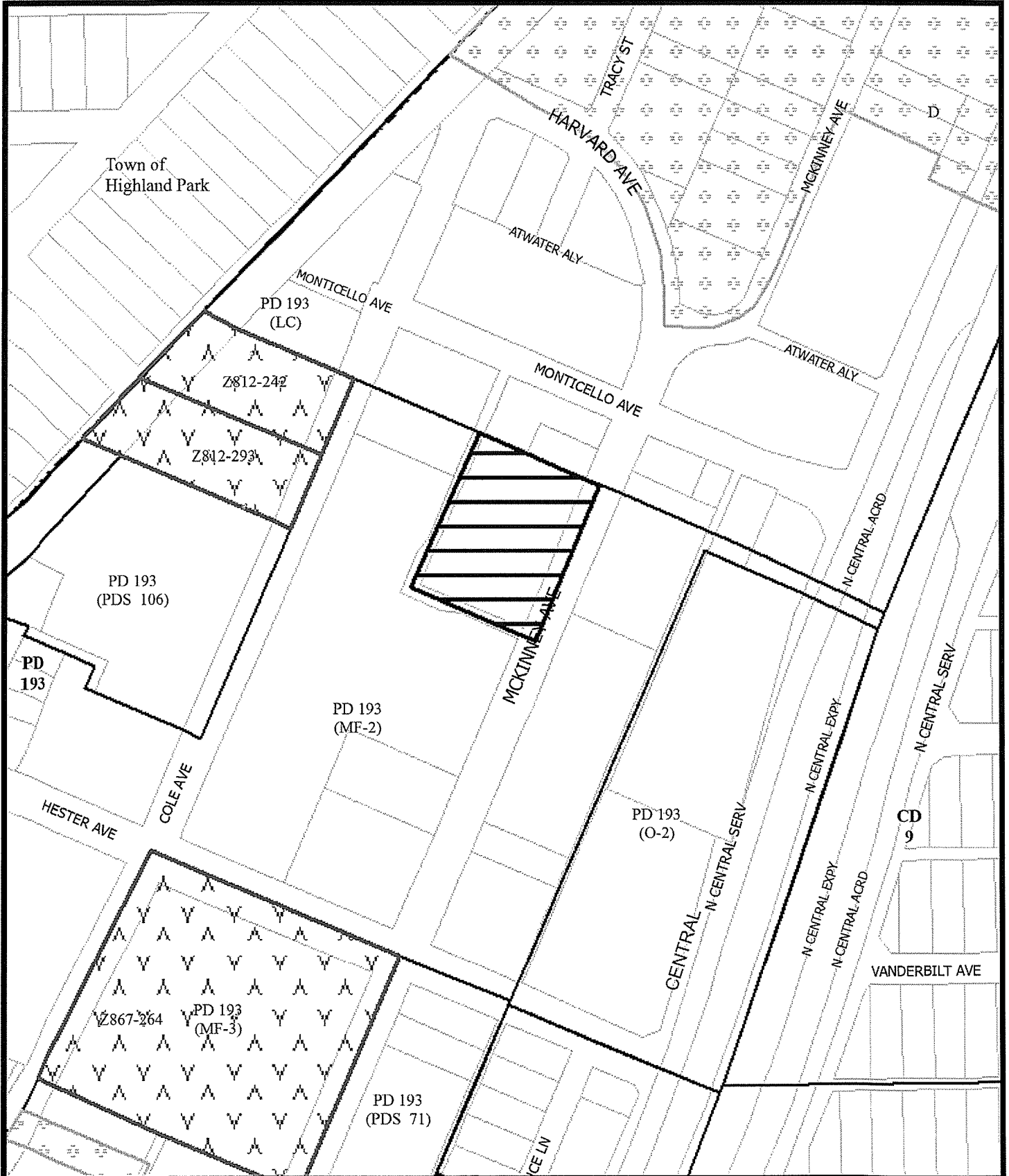


3300 West 7th Street, Suite 110  
Fort Worth, Texas 76107 | 817.303.1500

8 Fairmount Street, Suite 300  
Dallas, Texas 75201 | 214.303.1500

Approved  
City Plan Commission  
November 17, 2016

Z156-299

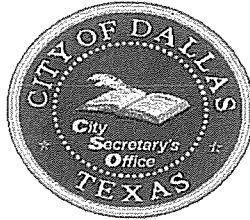


1:2,400

# ZONING MAP

Case no: Z156-299

Date: 11/1/2016



## 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 JAN 11 2017

ORDINANCE NUMBER 30304

DATE PUBLISHED JAN 14 2017

ATTESTED BY: