

**Residential Proximity Slope**

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Consideration of amending Chapter 51A-4.702(a)(8)(A) of the Dallas Development Code with consideration to be given to the application of Residential Proximity Slope in Planned Development Districts.

**Background:**

Currently, Section 51A-4.702(a)(8)(A) of the Dallas Development Code states the Residential Proximity Slope must be “expressly incorporated into the height regulations of the Planned Development District ordinance”.

The “standard language” generally incorporated into a Planned Development District to provide for Residential Proximity Slope (RPS) reads as follows:

“If any portion of a structure is over 26 feet in height, that portion of the structure may not be located above a residential proximity slope.”

In order to clarify and make clear that the “standard language” currently incorporated in PDs is sufficient, an amendment to the language in the Development Code, Sec.51A-4.702(a)(8)(A) is proposed.

To be clear, this “standard language” is not necessary in a PD if the PD refers to a base zoning district that initiates RPS in that base zoning district’s height regulations. The “standard language” is only written in a PD when height is specified in the PD.

**Proposal:**

Amend Section 51A-4.702(a)(8)(A) of the Dallas Development Code as follows:

(8) Residential proximity slope.

(A) The residential proximity slope defined in Section 51A-4.412 governs development in a PD only to the extent set forth in ~~that it is expressly incorporated into~~ the height regulations of the PD ordinance.

This change makes it clear that Residential Proximity Slope is applicable in Planned Development Districts when written into the height regulations of the PD.

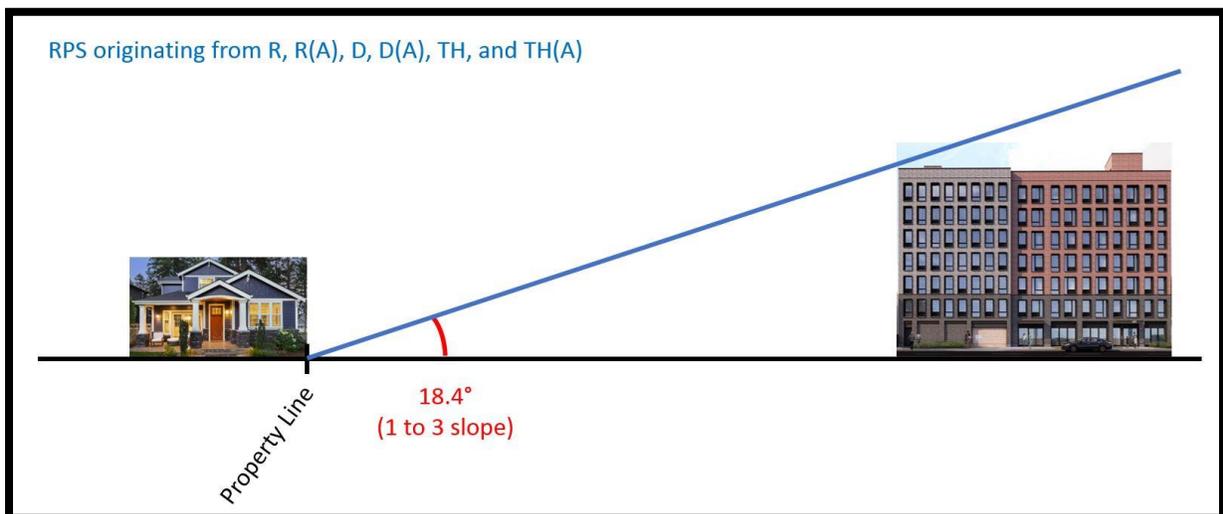
**General Information:**

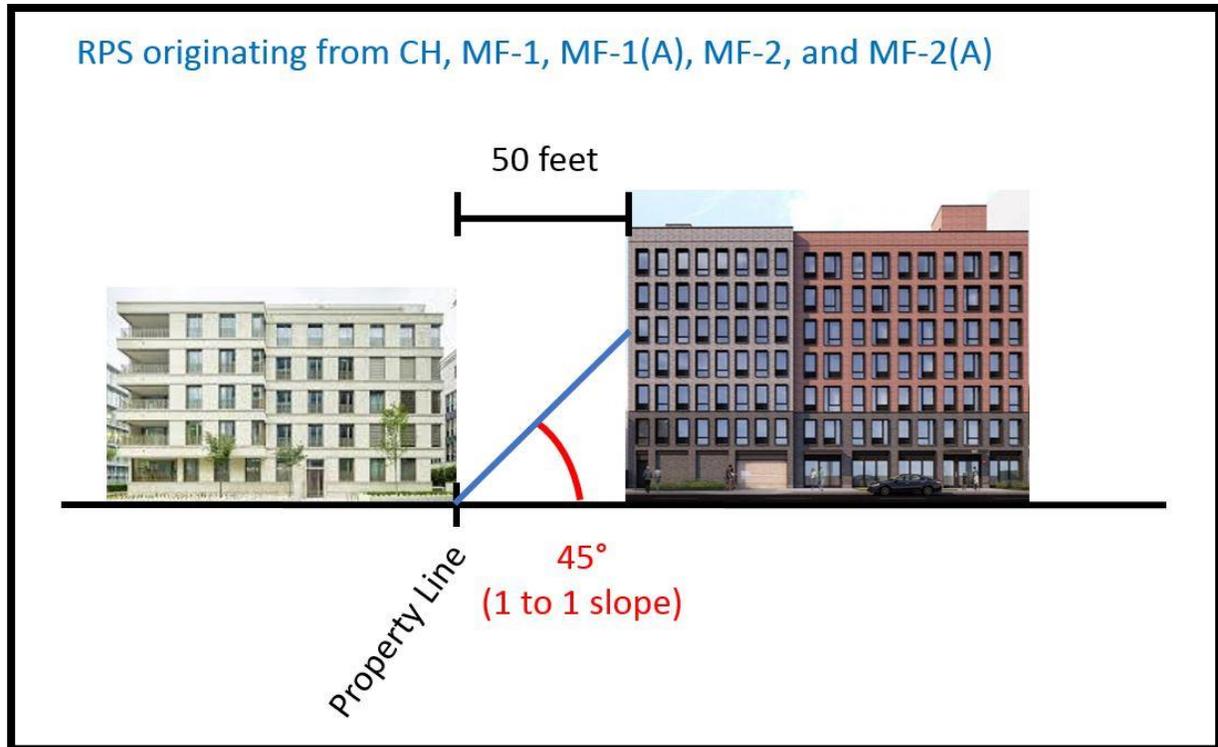
Residential proximity slope is a plane projected upward and outward that restricts the height of a building such that no building may be taller than that plane.

The angle and extent of projection of the residential proximity slope depends on the zoning district of the site of origination.

- RPS originates from zoning districts R, R(A), D, D(A), TH, and TH(A) is projected at a 1 to 3 slope that continues infinitely.
- RPS originates from zoning districts CH, MF-1, MF-1(A), MF-2, and MF-2(A) is projected at a 1 to 1 slope but terminates at a horizontal distance of 50 feet from the site of origination.
- Exemptions to RPS include local utility transmission and distribution lines and supporting structures, mounted cellular antennas, tower/antenna for cellular communication, elevator penthouse or bulkhead, mechanical equipment room, cooling tower, tank designed to hold liquids, ornamental cupola or dome, skylights, clerestory, visual screens which surround roof mounted mechanical equipment, chimney and vent stacks, amateur communications tower, parapet wall (limited to a height of four feet), and an amateur communications tower.

Each zoning district which initiates RPS contains the language in the yard, lot, and space regulations that if any portion of a structure is over 26 feet in height, that portion of the structure may not be located above a residential proximity slope. (SEE APPENDIX 1)





**Current Code:**

SEC. 51A-4.412. RESIDENTIAL PROXIMITY SLOPE.

(a) Definitions of general terms. In this section:

(1) PRIVATE PROPERTY means any property not dedicated to public use, except that "private property" does not include the following:

- (A) A private street or alley.
- (B) Property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.
- (C) A railroad right-of-way.
- (D) A cemetery or mausoleum.

(2) RESTRICTED BUILDING OR STRUCTURE means the building or structure whose height is restricted by a residential proximity slope.

(3) SITE OF ORIGINATION means any private property in:

(A) an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; or

(B) an identifiable portion of a planned development or conservation district, which portion is restricted to residential uses not exceeding 36 feet in height. See the sections in this chapter governing planned development and conservation districts for specific guidance as to how to treat identifiable portions of those districts.

(b) Residential proximity slope defined. The residential proximity slope is a plane projected upward and outward from every site of origination as defined in Subsection (a). Specifically, the slope is projected from the line formed by the intersection of:

- (1) the vertical plane extending through the boundary line of the site of origination; and
- (2) the grade of the restricted building or structure.

(c) Angle and extent of projection. The angle and extent of projection of the residential proximity slope depends on the zoning category of the site of origination as follows:

ZONING CATEGORY	ANGLE OF PROJECTION	EXTENT
R, R(A), D, D(A), TH, and TH(A)	18.4° (1 to 3 slope)	Infinite.
CH, MF-1, MF-1(A), MF-2, and MF-2(A)	45° (1 to 1 slope)	Terminates at a horizontal distance of 50 feet from the site of origination.

(d) Calculation of height restrictions. The horizontal distances used to calculate the height restrictions imposed by the residential proximity slope may be determined by using the lot, block, and right-of-way dimensions as shown on the official plat or zoning maps of the city, or by scale measurement of the distances on such official maps. All dimensions and methodology used in determining the distance measurement are subject to the approval of the building official.

(e) Exemption. Certain structures are exempt from the residential proximity slope. See Section 51A-4.408. (Ord. Nos. 19455; 19786; 20308; 21663; 26578)

**Example of RPS Language in a PD:****(6) Height.****(A) Maximum height.**

(i) Subdistricts 1 and 5. Unless further restricted under Subparagraphs (B) or (C), maximum structure height is as follows:

<b>MAXIMUM STRUCTURE HEIGHT SUBDISTRICTS 1 AND 5</b>		
<b>Base (No MUP)</b>	<b>MUP with Mix (No Retail)</b>	<b>MUP (with Retail)</b>
30 feet	50 feet	80 feet

(ii) Subdistrict 4. Unless further restricted under Subparagraphs (B) or (C), maximum structure height is 45 feet.

(B) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: the following structures may project a maximum of 12 feet above the slope or a maximum of 12 feet above the maximum structure height, whichever is less:

- (i) Elevator penthouse or bulkhead.
- (ii) Mechanical equipment room.
- (iii) Cooling tower.
- (iv) Tank designed to hold liquids.
- (v) Ornamental cupola or dome.
- (vi) Skylights.
- (vii) Clerestory.
- (viii) Visual screens that surround roof mounted mechanical equipment.
- (ix) Chimneys and vent stacks.
- (x) Parapet wall, limited to a height of four feet.

**PD No. 15 Height Requirements:**

(d) Height.

(1) Maximum structure height.

(A) For structures located within 240 feet of Northwest Highway, maximum structure height is 240 feet.

(B) For structures located between 240 feet north of Northwest Highway and the north Property line, maximum structure height is 96 feet.

(2) Residential proximity slope. Residential proximity slope defined in Section 51A-4.412 applies to the Property.

(3) Projections.

(A) The following architectural elements may project up to six feet above the maximum structure height:

(i) Elevator or stair penthouse or bulkhead.

(ii) Mechanical equipment room.

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

## APPENDIX 1

**SEC. 51A-4.115. CLUSTERED HOUSING (CH) DISTRICT.**

(4) Yard, lot, and space regulations.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section [51A-4.412.](#)) Exception: Except for chimneys, structures listed in Section [51A-4.408](#)(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

**SEC. 51A-4.116. MULTIFAMILY DISTRICTS.**

(a) MF-1(A) and MF-1(SAH) districts.

(b) MF-2(A) and MF-2(SAH) districts.

(c) MF-3(A) district.

(d) MF-4(A) district.

(4) Yard, lot, and space regulations.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section [51A-4.412.](#)) Exception: Except for chimneys, structures listed in Section [51A-4.408](#) (a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

**SEC. 51A-4.121. OFFICE DISTRICTS.**

- (a) Neighborhood office [NO(A)] district.
- (b) LO(A) districts (LO-1, LO-2, and LO-3).
- (c) MO(A) districts (MO-1 and MO-2).
- (d) General office [GO(A)] district.
  - (4) Yard, lot, and space regulations.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section [51A-4.408\(a\)\(2\)](#) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

**SEC. 51A-4.122. RETAIL DISTRICTS.**

- (a) Neighborhood service [NS(A)] district.
- (b) Community retail (CR) district.
- (c) Regional retail (RR) district.
  - (4) Yard, lot, and space regulations.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section [51A-4.408\(a\)\(2\)](#) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

**SEC. 51A-4.123. COMMERCIAL SERVICE AND INDUSTRIAL DISTRICTS.**

- (a) Commercial service (CS) district.
- (b) Light industrial (LI) district.
- (c) Industrial/research (IR) district.
- (d) Industrial manufacturing (IM) district.
- (4) Yard, lot, and space regulations.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section [51A-4.408\(a\)\(2\)](#) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

**SEC. 51A-4.125. MIXED USE DISTRICTS.**

- (d) MU-1 and MU-1(SAH) districts.
- (e) MU-2 and MU-2(SAH) districts.
- (f) MU-3 and MU-3(SAH) districts.
- (4) Yard, lot, and space regulations.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section [51A-4.408\(a\)\(2\)](#) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

**SEC. 51A-4.126. MULTIPLE COMMERCIAL DISTRICTS.**

- (d) MC-1 district.
- (e) MC-2 district.
- (f) MC-3 and MC-4 districts.
- (4) Yard, lot, and space regulations.
- (E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section [51A-4.408\(a\)\(2\)](#) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

**SEC. 51A-4.127. URBAN CORRIDOR DISTRICTS.**

- (c) UC districts.
- (4) Yard, lot, and space regulations.
- (E) Height.

(iii) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section [51A-4.408\(a\)\(2\)](#) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

**SEC. 51A-4.502. INSTITUTIONAL OVERLAY DISTRICT.**

- (b) Special yard, lot, and space regulations.
- (3) If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. Exception: Structures listed in Section [51A-4.408\(a\)\(2\)](#) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.