FILE NUMBER: DCA190-009   **DATE INITIATED:** March 5, 2020

TOPIC: Residential Proximity Slope in Planned Development Districts

CITY COUNCIL DISTRICTS: All   **CENSUS TRACTS:** All

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

SUMMARY: The proposed amendment to the Dallas Development Code intends to make a clarification regarding the application of the Residential Proximity Slope (RPS) in Planned Development Districts.

CPC RECOMMENDATION: <u>Approval</u>.

STAFF RECOMMENDATION: <u>Approval</u>.

BACKGROUND

- On February 6, 2020, a three-member memo was submitted requesting an item be placed on the City Plan Commission agenda for authorization of public hearing for a development code amendment to consider amending Residential Proximity Slope in Planned Development Districts.

- On March 5, 2020, City Plan Commission (CPC) authorized the hearing for a development code amendment.

- On June 18, 2020, and July 9, 2020, the Zoning Ordinance Advisory Committee (ZOAC) considered the amendment.

- On July 9, 2020, ZOAC voted to recommend the proposal move to CPC. ZOAC was clear that their motion simply clarified the application of the Residential Proximity Slope in Planned Development Districts and was not indicative of a policy change.

- On August 6, 2020, the City Plan Commission (CPC) considered the proposed amendment and recommended approval.

- On September 21, 2020, the Transportation and Infrastructure Committee received a memo on the proposed amendments and recommended forwarding it to City Council for consideration.

GENERAL INFORMATION:

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 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."

The 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. An RPS originating from R, R(A) Single Family Districts, D, D(A) Duplex Districts, or TH, TH(A) Townhouse Districts is projected at a 1 to 3 slope that continues infinitely. An RPS originating from CH Clustered Housing Districts or MF-1, MF-1(A), MF-2, and MF-2(A) Multifamily

Districts is projected at a 1 to 1 slope but terminates at a horizontal distance of 50 feet from the site of origination.

To clarify that the language incorporated in Planned Development District ordinances is sufficient to enforce residential proximity slope, an amendment to the language in the Development Code, Sec.51A-4.702(a)(8)(A) is proposed. The proposal relieves the City of having to "expressly incorporate" residential proximity slope into a Planned Development District. Instead, with this amendment, residential proximity slope will apply in any Planned Development District to the extent that the PD conditions state that it applies.

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. The proposed change relieves the city of having to "expressly incorporate" RPS into a PD. Instead, with this change, RPS will apply in any PD to the extent that the PD conditions state that it applies, no matter the specific language used in the PD conditions.

CPC ACTION

August 6, 2020

Motion: It was moved to recommend **approval** 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.

Maker: Murphy
Second: Jung
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Johnson, Shidid, Carpenter, Jackson, Blair, Jung, Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 10

Speakers: None

CPC RECOMMENDATION

Section 51A-4.702(a)

    (8) Residential proximity slope.

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