CITY PLAN COMMISSION   **THURSDAY, AUGUST 6, 2020**
                                                         Planner: Nathan Warren

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.

ZOAC 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.

- 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 amending Chapter 51A-4.702(a)(8)(A) of the Dallas Development Code.

- 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.
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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 "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. Section 51A-4.702(a)(8)(A) was the subject of litigation in a case that argued RPS was not "expressly incorporated" enough into the language in a planned development district. The proposed change to this provision in the Dallas Development Code 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.

The "standard language" above is not necessary 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 <u>set forth in</u> ~~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.

Zoning Ordinance Advisory Committee (ZOAC) Meeting Minutes July 9, 2020

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

Motion to approve DCA190-009. This motion simply clarifies the application of Residential Proximity Slope in Planned Development Districts, not indicative of a policy change.

Motion: Hall
   2nd: MacGregor

Result: Passed: 8-0
                For: Murphy, MacGregor, Bagley, Behring, Hall, Johnson, Castella and Rieves
                Against: none
                Absent: none