

Amendments to Article XIII

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Request:

Consideration of amending Chapter 51A of the Dallas Development Code, Article XIII - Form Districts.

Background:

- On February 25, 2009, the City Council adopted an ordinance amending Chapter 51A of the Dallas City Code to add an Article XIII creating new "Form Districts" for walkable mixed use developments at a range of densities. (DCA 078-011)
- On August 12, 2015, the City Council approved revisions to Article XIII, "Form Districts" (DCA 134-003). The topics were:
  - non-conforming structures allowed to expand up to 35% within the development envelope
  - artificial lots applicable for landscaping in Article XIII
  - planting zones to allow for conflict with utilities
  - blocks and block length measurements
  - pedestrian passage width
- On June 13, 2018, the City Council approved revisions to Article XIII, "Form Districts" (DCA 178-002). The topics were:
  - access to transit—clarification for a rail transit station
  - self-service storage uses by SUP
  - administrative waivers to front setback requirements because of utilities or street easements
  - story height definition as an exterior dimension relative to façade and pedestrian scale
  - stoops and front porches allowed in apartment development type
  - structured parking transparency regulations
  - single family districts clarified to include D, TH, CH, and RTN districts
  - street frontage requirement relief by City Plan Commission based on hardship
  - planting zone clarification to allow location of small trees in lieu of street trees
  - off-street loading to be located behind parking setback
- Members of Current Planning met on March 21, 2018, to discuss the past revisions to Article XIII, "Form Districts" and prepare for a third round of revisions.

- In April 2018, Current Planning staff began numerous and ongoing meetings with other departments to discuss the proposed changes to Article XIII. The insight from Building Inspection came from their experience interpreting and implementing Article XIII, Transportation to provide feedback with respect to parking, and Planning and Urban Design giving perspective on the proposed changes from an understanding of the intent of current language as they were instrumental in the creation of Article XIII.
- Current Planning and Building Inspection staff met with City Plan Commissioners (who were interested in, and had worked with, Article XIII) and members from the Article XIII Task Force that was key in the establishment and approval of Article XIII, to review the proposed changes and receive feedback.
- Current Planning staff hosted three, city wide, community meetings on March 20, March 25, and April 1, 2019. The community meetings provided an opportunity to inform the public about the proposed amendments as well as receive input on the proposal. The largest areas in the city with a base of Article XIII are in Planned Development District No. 468, the Oak Cliff Gateway; Planned Development District No. 887, Valley View/Galleria; and Planned Development District No. 595, South Dallas/Fair Park. The meetings were held at Hitt Auditorium, the North Dallas Chamber of Commerce, and the Martin Luther King, Jr. Community Center.
- On Thursday, April 4, 2019, the Zoning Ordinance Advisory Committee considered amending Chapter 51A of the Dallas Development Code, Article XIII - Form Districts. The committee voted to move forward with minimum lot area for duplexes in the Manor House development type, parking, and image replacement in the Townhouse development type. Street designation, Medical use in the ground story of Townhouse Stacked, Single-Story Shopfront in the district Walkable Urban Residential-Low, and self-service storage parking will be deliberated at the next meeting.

**Intent:**

The proposed changes to Article XIII intend to provide clarity, consistency, and predictability for the neighborhoods, developers, and redevelopment in communities subject to Article XIII by addressing issues that commonly arise when identifying street designation and cleaning up cumbersome and confusing language.

**General Information:**

Form-based codes aim to encourage diverse land uses, promote a mix of housing types, foster community buy-in, champion local architecture, and cement the character of an area to elevate the distinguished qualities that create a sense of place. Dallas elected to implement form-based development through a hybrid method in which Article XIII was added to the existing City Code. Therefore, the zoning code was left intact, while certain geographic areas are subject to the regulations of Article XIII. Due to the concurrent nature of existing zoning and form districts, issues have been identified as form districts were established within the city.

## Staff Analysis:

### 1) Street Designation

Many development standards within Article XIII are determined by the classification of street type. Currently, street designation is determined on a lot by lot basis. This methodology allows for lots with frontage on the same blockface to have inconsistent street designations. This proposal intends to make the block, rather than the lot, the determining factor when assigning street designation. The proposed code amendments will create a method of assigning a consistent street designation along an entire blockface.

SEC. 51A-13.703(c) Primary Street Designation.

~~(1) Applying the standards in this subsection, the building official shall determine whether streets are considered primary or side streets.~~

~~(2) If a lot abuts only one street, the street is a primary street. Any street within a SH overlay is also considered a primary street.~~

~~(3) If a lot runs from one street to another and has double frontage, both streets are primary streets.~~

~~(4) If a lot is located on a corner, one street is a primary street and one street is a side street, except as provided in Paragraph (5). The primary street is:~~

~~(A) the street abutting the longest face of the block; or~~

~~(B) the street parallel to the alley within the block.~~

~~(5) When a lot is located on a corner, both streets are primary streets if:~~

~~(A) a majority of the lots on the shorter block face are platted perpendicularly to the longer face of the block;~~

~~(B) there are two primary streets designated on a regulating plan; or~~

~~(C) the applicant designates both streets as primary streets.~~

(1) Definitions in this section are:

(A) CONSIDERATION means a measured comparison of a blockface to the adjacent blockfaces at each of its endpoints.

(B) CORRIDOR means the blockfaces on the same side of the street as the subject blockface separated by a street, alley, or other right of way.

(2) Street designation for each lot frontage shall be determined by the classification of the subject blockface. The classification of each blockface shall be determined by the following method:

(A) The longest blockface in each consideration is designated as a primary street.

(B) If a blockface fails to be designated as a primary street after all considerations, then that blockface is designated as a side street.

(C) If the longest blockface is equal in length to another blockface in the same consideration, then both blockfaces shall be designated as primary streets.

(D) If all blockfaces are equal in length, then the street designation is determined by the following rule:

(i) If a block contains an alley, any blockface parallel to the alley will be designated as a primary street and any blockface not parallel to the alley will be designated as a side street.

(ii) If there is no alley, then the subject blockface shall match the street designation of the corridor.

(iii) If the corridor consists of multiple street designations, then the subject blockface shall match the street designation of the blockface across the street.

(iv) If the blockface across the street is unable to be identified through this process, then the subject blockface shall be classified as a side street.

The Zoning Ordinance Advisory Committee expressed concern at the previous meeting regarding undue hardship with respect to the methodology in which primary and side streets are designated. Specifically, in instances where a shorter blockface ought to behave like a primary street and vice versa. A process to appeal to the building official was suggested. Potential challenges with an appeal process to change street designation are threefold.

First, the proposal is to transition street designation from a lot by lot basis to a block by block basis. Because the entire block would be affected by the change of street designation, consensus by property owners of the entire block would be required. Furthermore, in some cases street designation is determined by the designation of other blockfaces. An appeal to change the designation of a block may impact designation beyond the block in question as the proposed changes consider the entire area subject to Article XIII.

Second, the consistency of the corridor would be broken up as the development standards for front setback area, required street frontage, parking setback, ground story transparency, entrance, and blank wall area would be altered along the blockfaces of the lone block subject to the change. Street designation ought to create predictable, pedestrian friendly corridors rather than give preference of orientation along thoroughfares.

Third, the expectation and projection of street designation would be skewed by an ability for rogue blocks to opt out of the provisions that guide the rest of Article XIII. Over time, the development standards in place will dictate the streetscape and sustainability of walkable, thriving corridors. Currently, street designation in Article XIII is in an unpredictable and subjective state. Lots are ever changing as they can be consolidated and subdivided. The design standards of Article XIII on which structures, corridors, and communities are constructed depend on street designation. Blocks, bound by right of way, form a far more reliable and predictable base in which development and community building can be forecasted.

## 2) Medical Use in the Ground Story of Townhouse Stacked

Currently when office uses are allowed in a development type medical uses are also allowed, except in the ground story of Townhouse Stacked (Ts). Staff is unable to find an instance where Medical uses occur in the ground story of Townhouse Stacked (Ts). Section 51A-13.306(d)(4)(A)(i) defines Medical use in Article XIII as a use providing medical or surgical care to patients. Some uses may offer overnight care. Section 51A-13.306(d)(4)(A)(ii) offers examples of permitted uses in Medical as blood plasma donation center, medical or dental laboratory, hospital, urgent care, or emergency medical office, medical, dental office, or chiropractor's office, and ambulatory surgical center. The proposal would allow these uses in the ground story of Townhouse Stacked (Ts). Townhouse Stacked (Ts) is not allowed in the Residential Transition (RTN) district.

Townhouse Stacked (Ts) does not permit on-site surface parking between the building and the street. Garages are also not permitted to face the primary street. Medical use requires 1 parking space per 222 square feet whereas Office use requires 1 parking space per 333 square feet. A medical use of 666 square feet would require 3 parking spaces whereas an office use of 666 square feet would require 2 parking spaces. Other uses allowed in Townhouse Stacked (Ts) are community service by Specific Use Permit, museum, library, single-family living, multifamily living, and group living. Community service requires 1 parking space per 200 square feet. Single-family living requires 1.5 spaces per single-family living unit. Multifamily living requires 1.15 to 2 parking spaces depending on the number of bedrooms per unit. Group living requires 0.25 parking spaces per bed plus 1 parking space per 200 square feet of office with no less than 4 parking spaces.

*[see chart on next page]*

### Use Chart

PRINCIPAL USE	USE CATEGORY	Mixed Use Shopfront	Single-Story Shopfront	General Commercial	Apartment	Townhouse Stacked	Townhouse	Manor House	Single-family House	Civic Building	Open Space Lot	Additional Regulations	
		Mu	Ss	Gc	Apt	Ts	Th	Mh	Sf	Civ	O		
		Ground Story	Upper Stories	Ground Story	All Stories	All Stories	Ground Story	Upper Stories	All Stories	All Stories	All Stories		
Residential	Single-family living		■			■	■	■	■	■		(c)(1), (c)(2)	
	Multifamily living		■		■	■	■	■	■				
	Group living		■		■	■	■	■	■			(c)(1)	
Civic	Community service, except as listed below:	□	□	□	□		□			□			
	<i>Museum, library</i>	■	■	■	■		■			■		(c)(3)	
	Day care	■	■	■	■					■		(c)(3)	
	Educational	■	■	■	■					■		(c)(3)	
	Government service, except as listed below:	■	■	■	■					■		(c)(3)	
	<i>Detention center, jail, or prison</i>				□					□			
	Park or Open space										■		
	Social service	□	□	□	□								(c)(8)
	Transit station	■	■	■	■					■			
Utilities										■		(c)(4)	
Place of Worship	Place of Worship	■	■	■	■					■			
Office	Medical	■	■	■	■		■						
	Office	■	■	■	■		■						
Retail	Drive-thru facility	□		□	□							(c)(9)	
	Restaurant or Bar	■		■								(c)(5)	
	Retail sales	■		■								(c)(5)	
	Vehicle sales	■		■									
Service and Entertainment	Commercial amusement (inside)	□	□	□	□								
	Indoor recreation	■	■	■	■								
	Personal service, except as listed below:	■	■	■	■								
	<i>Animal care</i>	■	■	■	■							(c)(6)	
Commerce	Commercial parking	■	■		■						□		
	Passenger terminal limited to a Helistop		□		□								
	Overnight lodging		■		■							(c)(7)	
	Self-service storage		□		□								
Fabrication	Light manufacturing				■								
	Research and development				■								
	Vehicle service				■								

Key: ■ = Permitted □ = Specific Use Permit Blank Cell = Not Permitted

### 3) Development Types Allowed in a District

The proposal is to allow office and medical uses in the development type Single-Story Shopfront (Ss) by right in the district Walkable Urban Residential-Low (WR-3, WR-5) exclusively along thoroughfares. Medical and office uses are allowed by right in the development types: Mixed Use Shopfront (Mu), Single-Story Shopfront (Ss), and General Commercial (Gc). Office uses are currently allowed in the ground story of the development type Townhouse Stacked (Ts). Therefore, office uses are allowed by right only in the districts Walkable Urban Mixed Use-Low (WMU-3, WMU-5), Walkable Urban Mixed Use-Medium (WMU-8, WMU-12), Walkable Urban Mixed Use-High (WMU-20, WMU-40), Walkable Urban Residential-Low (WR-3, WR-5), and Walkable Urban Residential-Medium (WR-8, WR-12). Medical uses are only allowed by right only in the districts Walkable Urban Mixed Use-Low (WMU-3, WMU-5), Walkable Urban Mixed Use-Medium (WMU-8, WMU-12), Walkable Urban Mixed Use-High (WMU-20, WMU-40). In the district Walkable Urban Residential (WR), medical use is not allowed, and office use is only allowed in the ground story of the development type Townhouse Stacked (Ts). The proposed change would allow both office and medical uses to be housed in the development type Single-Story Shopfront (Ss) exclusively along thoroughfares in the district Walkable Urban Residential-Low (WR-3, WR-5). This would limit both the uses and location of the development type Single-Story Shopfront (Ss) in the district Walkable Urban Residential-Low (WR-3, WR-5).

Discussion from the previous meeting prompted staff to investigate instances in which Office and Medical uses, along thoroughfares, in Single-Story Shopfront development types exist in Walkable Urban Residential-Low districts. A number of such cases exist in Planned Development District No. 468. However, many more such establishments exist in districts that allow Office and Medical uses in Single-Story Shopfront development types by right, are in Shopfront Overlays, or both. The ability for such establishments to enter compliance is already available through an application to be within a Shopfront Overlay. Although the request is not guaranteed, nor without cost, the process would be transparent through normal property owner notification and public hearing in order to grant the ability to utilize Office and Medical in Walkable Urban Residential-Low districts. The proposal at hand is to allow Office and Medical uses, along thoroughfares, in Single-Story Shopfront development types in Walkable Urban Residential-Low districts by right.

**SEC. 51A-13.304. DEVELOPMENT TYPES.**

**(a) General.**

**(1) Development Types by District.**

	Mixed Use Shopfront	Single-Story Shopfront	General Commercial	Apartment	Townhouse Stacked	Townhouse	Manor House	Single-Family House	Civic Building	Open Space Lot
District	Mu	Ss	Gc	Apt	Ts	Th	Mh	Sf	Civ	O
Walkable Urban Mixed Use (WMU)										
Low (WMU-3, WMU-5)	■	■	■	■	■	■	■		■	■
Medium (WMU-8, WMU-12)	■		■	■	■				■	■
High (WMU-20, WMU-40)	■		■	■					■	■
Walkable Urban Residential (WR)										
Low (WR-3, WR-5)		■*		■	■	■	■		■	■
Medium (WR-8, WR-12)				■	■	■			■	■
High (WR-20, WR-40)				■					■	■
Residential Transition (RTN)						■	■	■	■	■
Shopfront (-SH) Overlay over any WMU or WR district	■	■							■	■

\* office and medical allowed only along thoroughfare

#### 4) Self-service Storage Parking

The current standard for self-service storage is 1 parking space per 1,000 square feet of floor area up to 20,000 square feet and 1 parking space per 4,000 square feet of floor area over 20,000 square feet. The standard in Chapter 51A is 6 spaces. Estimates for the average size of self-service storage facilities range from 40,000 square feet to 60,000 square feet. Under the current standard, a 40,000 square foot self-service storage facility would require 25 parking spaces and a 60,000 square foot self-service storage facility would require 30 parking spaces. The studies researched by staff have concluded that the current parking requirement is excessive and incompatible with Article XIII. Therefore, staff would recommend the parking requirement for self-service storage to be 6 spaces.