

**FILE NUMBER:** DCA134-003

**DATE INITATED:** October 2, 2014

**TOPIC:** Revisions to Article XIII

**COUNCIL DISTRICT:** All

**CENSUS TRACT:** All

---

**PROPOSAL:** Consideration of amending Chapter 51A of the Dallas Development Code, Sections 51A-13.102, 51A-13.201, 51A-13.303, 51A-13.501, and 51A-13.502 of Article XIII, "Form Districts," to amend regulations pertaining to non-conforming structures, artificial lots, planting zones, and new block perimeters.

**SUMMARY:** This proposal is for amendments to Article XIII, Form-based code regulations. The Zoning Ordinance Committee considered the amendments over six meetings, with input from the public. Current regulations have prevented some developments from using Article XIII due to restrictions on block lengths, and lack of clarification for non-conforming structures. Restrictions for pedestrian passage dimensions, revision to allow for planting zones for both above and below ground utilities, and the allowance for artificial lot provisions used in Chapter 51A were introduced by staff.

**CPC RECOMMENDATION:**     Approval

**STAFF RECOMMENDATION:**   Approval

## **BACKGROUND**

City of Dallas Form-based Code (Article XIII) was approved on February 10, 2008, to establish standard zoning to encourage walkable, mixed use development consistent with the *forwardDallas!* Vision. Article XIII provides a tool kit of zoning options to allow for a range of densities and a variety of locations, and create a balance between flexibility and predictability to reduce the need for planned development districts.

Staff presented several issues for discussion at the ZOC meetings. Current regulations have prevented some developments from using straight Article XIII due to restrictions of block lengths, and lack of clarification for non-conforming structures, restrictions for pedestrian passage dimensions, revision to allow for planting zones for both above and below ground utilities, and the allowance for artificial lot provisions used in Chapter 51A were introduced from staff.

On February 5, 2015, City Plan Commission approved staff and Zoning Ordinance Committee recommended changes.

On June 15, 2015, Council's Economic Development Committee recommended moving the proposed amendments forward to City Council.

## **PROPOSED AMENDMENTS**

**Non-conforming structures.** Many districts that are rezoned to form-based zoning, have structures built under Chapter 51 and 51A standards, with different yard, lot, space regulations. The public reached out to staff after the rezoning of the Galleria/Valley View project, explaining the existing non-conforming definition is not clear on how an existing structure becomes more or less nonconforming based on new development standards of form-based zoning:

*(S) Division 51A-4.700, "Zoning Procedures," except that Paragraph (1) of Section 51A-4.704(c), "Nonconforming Structures," is replaced by the following text: "Except as provided in Subsection 51A-4.704(c)(2), a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to building placement, building height, building facade, garage placement, open space, or landscaping regulations."*

To improve clarification, staff proposed expanding the non-conforming structures definition to allow for some expansion to an existing non-conforming structure without having to come into complete compliance of Article XIII, until more than 35% expansion has occurred.

**Artificial Lots.** Recently, there were a few open space and parks within a rezoning study changing zoning to Article XIII. Currently, artificial lot provisions are allowed under Chapter 51A, but were not included in Article XIII. By not allowing artificial lots within Article XIII, any open space or park over two acres must bring the entire site into compliance with zoning regulations, instead of just the portion of the project with new development.

**Planting Zones.** Staff was asked to look at expanding the planting zone in reference to utility regulations. The proposed changes would remove the word “overhead” when referencing utilities, therefore all utilities whether overhead or below grade would be considered utilities. Further, when utilities and required tree plantings are in conflict, the proposed revisions allow for two small trees to be planted instead of a single large tree, as is currently required. These proposed revisions give an alternative when planting zone landscaping requirements and utility lines are in conflict.

**Blocks.** Since the implementation of Article XIII, applicants that would like to rezone to Article XIII were unable to due to block definition requirements. The current definition of a block length requires the entire block to be considered, even if the proposed development is limited to only a portion of the entire block. A proposed infill development would be unable to meet current block length requirements if the entire block was greater than 2,400 perimeter feet. The proposed change will allow for properties within a block, which do not take up the entire block, to redevelop by requiring the infill project to introduce pedestrian passages to promote circulation through the block.

**Pedestrian Passage.** The revisions to the pedestrian passage were proposed to further promote and support the proposed revisions to Blocks. Current regulations require an eight foot minimum Pedestrian Passage width, staff has proposed increasing the Pedestrian Passage width to an average of 18 feet, with a minimum allowed width of 12 feet, to allow for variation throughout the site. The proposed increase from eight feet to 18 feet would prevent narrow passages between buildings, giving greater security to the pedestrian while promoting more usable space for outdoor uses, such as, patios or gathering spaces. The proposed revision to the Pedestrian Passage requires an overall average of an 18 feet wide passage; if a portion of the passage must be reduced to 12 feet wide due to site limitations, another section of the passage would need to be increased to 24 feet wide, to create an average width of 18 feet.

**CPC Action – February 5, 2015**

**Motion:** It was moved to recommend **approval** of amending Chapter 51A of the Dallas Development Code, Sections 51A-13.102, 51A-13.201, 51A-13.303, 51A-13.501, and 51A-13.502 of Article XIII, “Form Districts,” to amend regulations pertaining to non-conforming structures, artificial lots, planting zones, and new block perimeters with the following modifications: 1) Section 51A-501(a)(4) in Section 4 of the ordinance to read as follows: “Where local utilities exist or are proposed, two small trees may replace a required large canopy tree except where a mixed-use shopfront or single-story shopfront is proposed or required. If the replacement small trees are not able to be planted within the planting zone due to a conflict with utilities, the replacement small trees must be planted between the planting zone and the building setback, but no closer than 10’ from the building front to avoid utility lines. Replacement small trees must be planted as evenly spaced as the utility conflict will allow.”, 2) Subparagraph(a)(4)(A) in Section 5 to read as follows: “the property shares a property line with a cemetery, Dallas Area Rapid Transit right-of-way, a railroad, a levee, or a natural feature such as floodplain, escarpment, waterways, or similar features...”, and 3) The last sentence of the “Pedestrian Passage” paragraph in Section 6 to read as follows: “A pedestrian passage must be dedicated and accessible to the public.”.

Maker: Murphy  
Second: Shidid  
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Rodgers, Shidid,  
Anantasomboon, Lavallaisaa, Tarpley, Schultz, Peadon,  
Murphy, Ridley

Against: 0  
Absent: 4 - Culbreath, Bagley, Shellene, Abtahi  
Vacancy: 0

**Speakers:** None

7-16-15

ORDINANCE NO. \_\_\_\_\_

An ordinance Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51A-13.102, 51A-13.303, 51A-13.501, and 51A-13.502; providing additional definition of nonconforming structure; allowing for artificial lots in open space requirements; amending planting zone requirements; amending block perimeter requirements; amending pedestrian passage widths; 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 this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 51A-13.102, "Applicability," of Division 51A-13.100, "General Provisions," of Article XIII, "Form Districts," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding new Romanettes (i), (ii), and (iii) to read as follows:

(i) Except as provided in this Subparagraph, total additions to existing non-conforming structures less than or equal to 35 percent of the original floor area existing as of [date of passage] must comply with the use and placement requirements and the height and elements requirements in Section 51A-13.304 for each development type.

(aa) Additions are not required to comply with maximum setback requirements and minimum story requirements.

(bb) An addition that is attached to the original structure is not required to comply with minimum story height and is not required to have an entrance on a primary street.

(cc) Additions must be constructed within the buildable envelope but are not required to fill the entire buildable envelope.

(ii) An addition that exceeds 35 percent of the floor area existing as of [date of passage] must comply with Article XIII regulations.”

SECTION 2. That Section 51A-13.201, “Defined Terms,” of Division 51A-13.200, “Definitions,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is renumbered and amended by adding new definitions, “Block Face” and “Buildable Envelope,” to read as follows:

“(6) BLOCK FACE means one side of a street between two consecutive intersections. Measurement of a block face is measured along the inner edges of each street right-of-way or pedestrian passage.”

“(7) BUILDABLE ENVELOPE means the three dimensional form within which the horizontal and vertical elements of a structure must be built to comply with the use and placement requirements and with the height and elements requirements in Section 51A-13.304 for each development type.”

SECTION 3. That Section 51A-13.303, “Open Space,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Subsection (d), “Artificial Lot,” to read as follows:

“(d) Artificial Lot. For building sites over two acres in size, the artificial lot provisions in Section 51A-10.122 may apply.”

SECTION 4. That Paragraph (4), of Subsection (a), “Planting Zone,” of Section 51A-13.501, “General Provisions,” of Division 51A-13.500, “Minor Streets and Streetscapes,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

~~“(4) Where local [overhead] utilities exist or are proposed, two small trees may replace a required large canopy tree except where a mixed-use shopfront or single-story shopfront is proposed or required. If [t]he replacement small trees are not able to be planted within the planting zone due to a conflict with utilities, the replacement small trees must be planted [every 20 feet on center, on average] within the door yard, but no closer than 10 feet from the building facade to avoid utility lines. Replacement small trees must be planted as evenly spaced as the utility conflict will allow.”~~

SECTION 5. That Section 51A-13.502, “New Minor Streets,” of Division 51A-13.500, “Minor Streets and Streetscapes,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(a) [New] Block[s] and Street Standards.

(1) Except as otherwise provided in this subsection, in WR and WMU districts, no block face may be greater than 500 feet in length without an alley, street, or pedestrian passage providing through-access to another alley, street, or pedestrian passage. If it is not possible to connect to another alley, street, or pedestrian passage, because one does not exist, through-access must be provided by pedestrian passage to a rear property line.

(2) Individual lots with less than 100 feet of street frontage are exempt from the requirement in Paragraph (1).

(3) Total additions less than 35 percent of the original floor area existing as of [date of passage] do not trigger compliance with Paragraph (1).

(4) The building official may issue a waiver to the requirement in Paragraph (1) if building official finds that the spirit and intent of this subsection has been met and:

(A) the property shares a property line with a cemetery, Dallas Area Rapid Transit right-of-way, a railroad, a levee or a natural feature such as floodplain, escarpment, waterways, or similar features; or

(B) the location and size of the existing building on the property prevents the property from being developed in accordance with Paragraph (1).

~~“(1) The following block length standards apply during the subdivision process when the existing parcel of land or block is greater than the block perimeters described in this section.~~

~~(2) Block perimeters may not exceed 1,600 linear feet as measured along the inner edges of each street right of way. The block may be broken by a civic building in accordance with Section 51A-13.304(j), "Civic Building," and an open space lot in accordance with Section 51A-13.304(k), "Open Space Lot," provided the lot containing the civic building or open space lot is at least 50 feet wide and provides perpetual pedestrian access through the block.~~

~~(3) Block perimeters may exceed this limit, up to a maximum of 2,400 linear feet, only if one or more of the following conditions apply:~~

~~(A) the block has at least one block face on a street not considered a minor street;~~

~~(B) the block has a mid block alley constructed in accordance with Section 51A-13.502(b)(5), "Alley," that connects to another street;~~

~~(C) the block has a pedestrian passage available at all times to the general public, constructed in accordance with Section 51A-13.502(b)(7), "Pedestrian Passage," that connects to another street; or~~

~~(D) the block contains valuable natural features or significant historic resources that should not be crossed by a street.~~

~~(4) Any single blockface longer than 500 feet must include a pedestrian passage interrupts the block perimeter at a minimum of every 500 linear feet. The pedestrian passage must be constructed in accordance with Section 51A-13.502(b)(7), "Pedestrian Passage," and be accessible to the general public at all times.]"~~

SECTION 6. That the text in Paragraph (7), "Pedestrian Passage," of Subsection (b), "Street Cross-Sections," of Section 51A-13.502, "New Minor Streets," of Division 51A-13.500, "Minor Streets and Streetscapes," of Article XIII, "Form Districts," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

**"(7) Pedestrian Passage.**

The following requirements apply to the construction of a ~~mid-block~~ pedestrian passage. The passage must connect from a ~~one~~ street to another street, a pedestrian passage, or an alley. If another street, pedestrian passage, or alley does not exist, making connection to one these impossible, the passage must connect to a rear property line. Required building side setbacks may be used to accommodate the pedestrian passage. A pedestrian passage must be dedicated and accessible to the public."

SECTION 7. That the graphic in Paragraph (7), "Pedestrian Passage," of Subsection (b), "Street Cross-Sections," of Section 51A-13.502, "New Minor Streets," of Division 51A-13.500, "Minor Streets and Streetscapes," of Article XIII, "Form Districts," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is replaced with the following graphic:



SECTION 8. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 9. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 10. 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 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

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

Passed \_\_\_\_\_