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**ZONING ORDINANCE ADVISORY COMMITTEE**  
**DALLAS DEVELOPMENT CODE AMENDMENT**  
**FILE NO. DCA 178-001**

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**THURSDAY, May 17, 2018**

**Live/work**

**Planner: Vasavi Pilla**

**REQUEST:**

Consideration of amending the Dallas Development Code, Chapters 51 and 51A, to define and establish regulations for a live/work use.

**BACKGROUND:**

Recent zoning change requests from property owners to change the zoning from an IR Industrial Research District or an LI Light Industrial District to a Mixed Use District or a Planned Development District mainly to allow a residential use in combination with a nonresidential uses.

The intent of this code amendment is to allow someone to live at their place of business.

**UPDATED INFORMATION:**

After further discussions with Building Inspection (BI), we determined the best way to allow a live/work situation would be to allow the live portion as an accessory use to the main use allowed in certain districts.

Therefore, a specific accessory use called a "Live unit" would be defined as a dwelling unit contained within the main building occupied by the nonresidential use allowed in that district.

- It would be accessory to the main use and may occupy no more than 50% of the total floor area.
- Parking per Chapter 51 and 51A for the floor area of the nonresidential use (not including the floor area of the live unit). One additional parking is required for the residential use.
- Cannot be sold separately (by metes and bounds).
- Allowed in: Office Districts: NO(A), LO-1,2,3, MO-1,2,3; and GO(A); Retail Districts: NS(A), CR and RR; Industrial Districts: LI and IR; and in Mixed Use Districts: MU-2 and MU-3.

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## **RESEARCH/STAFF ANALYSIS:**

Currently live/work use is only allowed in several Planned Development Districts. Live/work units are allowed in an MU-1 District because a mixed-use development could consist of a single family and a nonresidential use and MU-2 District and MU-3 District allow multifamily and nonresidential use.

The PDs that allow live/work units are: PD No. 316; PD No. 317; PD No. 468; PD No. 595; PD No. 714; PD No. 808; PD No. 811; PD No. 812; PD No. 891; PD No. 908; and PD No. 929. Of these:

- Half define a live/work unit as
  - an interior space that combines residential with office or retail and personal service uses.
- The other half define a live/work unit as
  - an interior space *with street level access* that combines residential with office or retail and personal service uses.
- All consider live/work units as a nonresidential use
- One PD does not allow the live/work to be combined with an alcoholic beverage establishment or a restaurant.

Nine surrounding cities were researched: Allen, Arlington, Cedar Hill, Duncanville, Fort Worth, Irving, McKinney, Plano and Richardson.

- Eight cities allow live/work in some capacity
- Generally define live/work as a dwelling unit that is also used for work purposes with the work component restricted to office, artist's workshop, studio, personal service or other similar uses and the work component is required to be located on the street level.
- One city allows the residential to be combined with a manufacturing use.
- Live/work is generally allowed in:
  - Central/Downtown/Business Districts
  - Special Purpose/ Planned Development Districts
  - Mixed-Use Districts
- One city allows live/work in Medium Density Residential and Multi-Family Districts.

Eleven Index Cities were researched: Austin, Baltimore, Boston, Columbus, El Paso, Fort Worth, Philadelphia, Phoenix, San Diego, San Jose, and San Antonio

- 10 have live/work (Austin's has not been adopted yet, it is currently in the draft stage)
- Boston live/work spaces are mainly for artists space, regulated by Boston Redevelopment Authority
- Generally allow the live/work use in:
  - Central/Downtown/Business Districts
  - Special Purpose and Overlay Districts
  - Mixed-Use Districts
  - Commercial/Retail Districts
  - two cities allow in manufacturing and industrial districts
- Parking (Austin, Baltimore, El Paso, and San Jose):
  - Based on sq. ft. of the structure
  - One per dwelling unit
  - Two cities: park as per the commercial use

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- Unit size (Austin, Baltimore, Phoenix and San Diego)
    - Minimum 300 sq. ft. for residential purpose
    - 25% of the total building area for commercial purpose
    - Not to exceed one third of the total floor area for the living purpose
    - Minimum 750 sq. ft to maximum of 33% floor area for residential purpose
  - Owner occupancy (Boston, El Paso, San Jose)
    - Either the owner or the employee must occupy the residential unit.

Staff contacted the cities (Arlington, Boston, El Paso and San Jose) that require business owner or an employee of the business to live in the residential portion of the live/work use.

- Arlington: In live/work use, a certificate of occupancy (CO) is issued for the business. During the issuance of the CO, they require that the person who is occupying to be the owner or someone related to the business. If the business is not in operation, the business will get a violation letter, the business has 30 days to remediate the citation. The living unit: vacant or not; employee and employer relations, etc are code compliance issues.
- Boston: live/work spaces in Boston are for the certified artists at an affordable rent/price. The Mayor's Office of Arts and Culture, the Boston Planning & Development Agency (BPDA), and the Department of Neighborhood Development actively involved in this program. BPDA works with developers to create more artist housing, and monitors compliance of artist housing that has an income restriction. The Mayor's Office of Arts and Culture oversees the artist certification process. The artist certification is good for eight years, and you can get recertified.
- San Jose: Majority of the live/work units are used only for the living purpose without the work component. City code does not require a percentage for the working or limitation on the living portion. The living space does not require a CO. They did not issue any COs for the COs in the past few months. As per the Planner, not having a minimum percentage requirement for the work and living spaces, majority of the live/work units are being converted into residential units without the business/work use.
- El Paso: waiting for their response

## **PROPOSAL:**

### Definition:

Live unit means a dwelling unit contained within the main building occupied by the nonresidential use allowed in that district.

### Zoning District allowed:

- Allowed in: Office Districts: NO(A), LO-1,2,3, MO-1,2,3; and GO(A); Retail Districts: NS(A), CR and RR; Industrial Districts: LI and IR; and in Mixed Use Districts: MU-2 and MU-3.
  - NO(A) Neighborhood Office and LO Limited Office Districts predominantly serve community needs and typically are located adjacent to single family, duplex and townhouse neighborhoods.
  - NS(A) Neighborhood Service Districts are generally located adjacent to single family neighborhoods, serving neighborhoods and community needs by providing supporting services.
  - CR Community Retail Districts provide retail, personal service, and office uses at a scale and intensity compatible with residential communities.

- MO Mid-range Office Districts and GO General Office Districts serve city-wide needs, typically located in multistory high-rise buildings.
  - RR Regional Retail Districts provide for the development of regional-serving retail, personal service and office uses, with heavy traffic patterns, not intended to be located near low density residential development.
  - LI Light Industrial Districts provide for light industrial office, research and development, and commercial uses in an industrial park setting. This district is designed to be located in areas appropriate for industrial development which may be adjacent to residential communities.
  - IR Industrial Research Districts provide for research and development, light industrial, office, and supporting commercial uses in an industrial research park setting. This district is not intended to be located in areas of low and medium density residential development.
  - Mixed Use Districts (MU-2 and MU-3) allow multifamily along with nonresidential uses.
- Not allowed in: CS and IM
    - CS Commercial Service Districts provide for the development of commercial and business serving uses that may involve outside storage, service, or display. This district is not intended to be located in areas of low and medium density residential development.
    - IM Industrial Manufacturing Districts provide for heavy industrial manufacturing uses with accompanying open storage and supporting commercial uses. This district is not intended to be located in or near areas of residential development. Many of the uses allowed are only allowed by SUP because they are determined to be “potentially incompatible uses” and must be reviewed on an individual basis. For example: metal product treatment or processing, petroleum product refining, radioactive waste disposal services etc.

Additional Provisions:

- No more than 50% of the total floor area allowed for residential use.
- Parking per Chapter 51 and 51A for the floor area of the nonresidential use (not including the floor area of the live unit). One additional parking is required for the residential use.
- Cannot be sold separately (by metes and bounds).
- Must meet Building Code and Fire Code.

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**APPENDIX:**

**CURRENT CODE:**

**Definitions:**

**BUILDING** means a structure for the support or shelter of any use or occupancy.

**DWELLING UNIT** means one or more rooms designed to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.

**FAMILY** means individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

**RESIDENTIAL USES** means those uses defined in Section 51A-4.209.

**NONRESIDENTIAL USE** means any main use that is not listed in Section 51A-4.209.

**SEC. 51A-4.217. ACCESSORY USES.**

(a) General provisions.

(1) An accessory use must be a use customarily incidental to a main use. A use listed in Sections 51A-4.201 through 51A-4.216 may be an accessory use if the building official determines that the use is customarily incidental to a main use and otherwise complies with this section. Except as otherwise provided in this article, an accessory use must comply with all regulations applicable to the main use.

(2) Except as otherwise provided in this article, an accessory use must be located on the same lot as the main use.

(3) Except as otherwise provided in this article, accessory uses listed in Subsection (b) or in Sections 51A-4.201 through 51A-5.216 are subject to the following area restrictions: If the use is conducted outside, it may not occupy more than five percent of the area of the lot containing the main use. If the use is conducted inside, it may not occupy more than five percent of the floor area of the main use. Any use which exceeds these area restrictions is considered to be a separate main use.

(4) Except as otherwise provided in Subsection (b), an accessory use is permitted in any district in which the main use is permitted.

(5) Except as provided in this paragraph, an alcohol related establishment that is customarily incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, is not limited to the five percent area restriction in Section 51A-4.217(a)(3), and will be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on-premise consumption. Accessory microbrewery, micro-distillery, or winery uses and accessory alcoholic beverage manufacturing uses may not occupy more than 40 percent of the total floor area of the main use. Any use that exceeds these area restrictions is considered a separate main use.

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations and restrictions outlined below:

**51A-4.217 (b)(8) Home occupation.**

(A) Definition: An occupation that is incidental to the primary use of the premises as a residence and conducted on the residential premises by a resident of the premises.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

- (C) Required off-street parking: None.
- (D) Required off-street loading: None.
- (E) Additional provisions:
  - (i) A person who engages in a home occupation shall not:
    - (aa) use any advertisement, sign, or display relating to the home occupation on the premises;
    - (bb) use the street address of the premises on any advertisement, sign, or display off the premises;
    - (cc) employ more than one person on the premises, other than residents of the premises;
    - (dd) have an employee, other than residents of the premises, who works on the premises more than four hours in any given week;
    - (ee) conduct any activities relating to the home occupation, including activities on any porch, deck, patio, garage, or unenclosed or partially enclosed portion of any structure, unless conducted entirely inside the main structure;
    - (ff) involve more than 3 people on the premises at one time, other than residents of the premises;
    - (gg) generate loud and raucous noise that renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort;
    - (hh) sell or offer products of the home occupation at or on the premises;
  - (ii) generate vehicular traffic that unreasonably disrupts the surrounding residents' peaceful enjoyment of the neighborhood; or
    - (jj) generate parking congestion that unreasonably reduces the availability of on-street parking spaces on surrounding streets.
  - (ii) A home occupation may not occupy more than 25 percent or 400 square feet of the total floor area of the main structure, whichever is less. This area restriction controls over the area restriction of Subsection (a)(3).

**SINGLE FAMILY RENTAL REGISTRATION PROGRAM:**

As per the program, owners of rental properties (single family homes, duplexes and condo units) in the City of Dallas will be required to register their properties annually by submitting a registration application, a non-refundable fee of \$43.00 and an annual Owner's Self Inspection Checklist with the affidavit for each dwelling or unit. The program also requires the City of Dallas to conduct a comprehensive inspection every five year.

<http://dallascityhall.com/departments/codecompliance/Pages/Rental-Registration.aspx>