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

THURSDAY, May 3, 2018

Live/Work Use

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 residential uses in combination with nonresidential uses. The intent of this code amendment is to allow residential uses in conjunction with a work use in compatible zoning districts that otherwise do not allow a residential use, providing a business owner the opportunity to live where they work.

UPDATED INFORMATION:

During the ZOAC meeting on April 19, 2018, members proposed that in addition to the previously recommended districts of Office Districts: NO(A), LO-1,2,3; Retail Districts: NS(A), and CR; Industrial Districts: LI and IR; and in Mixed Use Districts: MU-2 and MU-3, to also allow in Office Districts: MO-1,2,3; and GO(A); Retail District: RR.

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

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
- 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.

PROPOSAL:

Definition:

Live/Work use means an interior space with one dwelling unit combined with any 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; Office Districts; 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 and IR Industrial Research Districts are generally located adjacent to residential communities.
 - Mixed Use Districts (MU-2 and MU-3) allow multifamily along with nonresidential uses. The Live/work use will allow nonresidential use to be combined with a single family use.
- Not to be allowed in: and Industrial Districts: CS and IM
 - CS Commercial Service Districts are not intended to be located in areas with low and mid density residential uses and introducing residential would not be conducive to intended uses for the area.

- IM Industrial Manufacturing Districts allow uses that are not at all compatible with residential uses. Many of the uses allowed in the IM Districts 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
- Business owner or an employee of the business and their family are allowed to live in the dwelling unit. The dwelling unit cannot be rented to someone who is not working in the related business/work.
- Parking per Chapter 51 and 51A for the nonresidential use. No additional parking is required for the residential use.
- Must meet Building Code and Fire Code
- Live/Work use is considered a nonresidential use

APPENDEX

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>

CURRENT CODE:

Defintions:

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.

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.

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).