

FILE NUMBER: DCA 178-009

DATE INITIATED: December 14, 2017

TOPIC: Code amendment for a live/work accessory use

CITY COUNCIL DISTRICTS: All

CENSUS TRACTS: All

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

SUMMARY: The proposal will provide an opportunity for a person to be able to live at their place of business in certain zoning districts that otherwise would not allow a residence in combination with a nonresidential use.

ZOAC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

Background:

- The Zoning Ordinance Advisory Committee (ZOAC) considered this issue at four public meetings: April 5, 2018, April 19, 2018, May 5, 2018 and on May 17, 2018, recommended the proposal move to City Plan Commission (CPC).

GENERAL INFORMATION/STAFF ANALYSIS

Property owners near the Design District and surrounding areas have requested zoning changes from an IR Industrial Research District or an LI Light Industrial District to a Mixed Use District or a Planned Development District in order to allow a residential use in combination with their work or business.

The concept of living at the place of business is not a new concept. Working and living at the same place is one of the oldest forms of housing. For centuries, families were living on the same property as they conducted their business. With the advent of the industrial revolution, construction of highways, new modes of mobility, and zoning codes requiring separation of uses, this form of living became uncommon and in some places illegal. This trend is changing due to advances in technology, traffic congestion, increase in oil prices, etc. Cities are allowing people to live at the place of work, these units are typically referred to as live/work units¹.

Currently, the combination of live/work is allowed in an MU-1 Mixed Use District, because single family uses are allowed in conjunction with the nonresidential uses in that district. Some Planned Development Districts (PD) allow live/work as specifically defined and regulated in that PD. Staff researched the surrounding cities, index cities and PDs that allow live/work units.

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 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

1. *Leaning Toward Live-Work Units*, http://leanurbanism.org/wp-content/uploads/2014/06/Khoury_LiveWork.pdf

- Generally, live/work is considered a dwelling unit in combination with a 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 their 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 in the process adopting a land development code)
- Boston live/work spaces are mainly for artists space, and 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 development code draft, 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 development code draft, 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:

The intent of this code amendment is to allow a residential use in conjunction and accessory to a work or business use (nonresidential use) in certain zoning districts that otherwise do not allow a residential use; providing a business owner the opportunity to live where they work.

Per Code, an accessory use must be a use customarily incidental to a main use and may not occupy more than five percent of the floor area of the main use. In this proposal, the residential component or "live unit" is a "Specific accessory use" with its own regulations

allowed to be customarily incidental and used in combination with a nonresidential main use allowed in that zoning district.

Because this is an accessory use and incidental to the main use, without the main use (nonresidential use), the live unit (residential use) will not be permitted.

Definition:

Live unit means a dwelling unit accessory to any nonresidential use allowed in that district.

Districts:

- This accessory use would be permitted in the following districts because a single family residential use is not currently allowed in these districts and by allowing a live unit accessory to an allowed nonresidential use you have the opportunity to live where you work.
 - Residential Districts: MF-3(A) and MF-4(A)
 - Office Districts: NO(A), and LO-1(A), LO-2(A), LO-3(A), MO-1(A), MO-2(A), and GO(A);
 - Retail Districts: NS(A), CR and RR;
 - Industrial Districts: LI and IR;
 - Mixed Use Districts: MU-2 and MU-3;
 - Multiple Commercial Districts: MC-1, MC-2, MC-3, and MC-4;
 - Urban Corridor Districts: UC-1, UC-2, and UC-3.
- However, it would not be an allowed accessory use in CS Commercial Service Districts and IM Industrial Manufacturing Districts, because:
 - 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.
- Additionally, it would not be an allowed accessory use in the following districts as these districts already allow a single family use.
 - Residential Districts: A(A), R-1(A), R-1/2(A), R- 5(A), R-7.5 (A), R-10(A), R-16 (A), R-13(A), D(A), TH-1(A), TH-2(A), TH-3(A), CH, MF-1(A), 2(A), and MH (A).
 - Central Area Distracts: CA-1(A) and CA-2(A);
 - Mixed Use Districts: MU-1.

- Nor would it be allowed in a P(A) Parking District, as this is an accessory use to the main use and the only main uses permitted in this district are gas drilling and surface parking.
- Form Districts will be reviewed separately in upcoming Code amendments.

Additional Provisions:

- Only one live unit per lot.
- May be attached or detached.
- Maximum floor area for the dwelling unit is 50 percent of the total combined floor area of the live unit and the main use to which the live unit is accessory.
- 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.
- Only the property owner, business owner, or an employee of the business and their family members are allowed to live in the dwelling unit.
- Cannot be sold separately (by metes and bounds).

Zoning Ordinance Advisory Committee (ZOAC) Meeting Minutes
May 17, 2018

Motion to accept staff recommendations for amendments to Chapter 51 and 51A to define and establish regulations for a live/work use with the following additional regulations:

- 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 space is required for the residential use.
- Only the business owner, property owner, or an employee of the business and their family members are allowed to live in the dwelling unit.
- Accessory to the main use and may occupy no more than 50% of the total floor area.
- Can be attached or detached.

Motion: Murphy

2nd: Chad Benedict

Result: Passed: 5-0
For: Shidid, Murphy, Benedict, Gomez, and Behring
Against: none
Absent: Mack, Brown

DRAFT Live Unit

ORDINANCE NO. _____

7-10-18

ORDINANCE NO. _____

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code by amending Section 51-4.217; amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section 51A-4.217; providing a definition and provisions for a live unit use; providing a penalty not to exceed \$2000; 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 Subsection (b), "Specific Accessory Uses," of Section 51-4.217, "Accessory Uses," of Division 51-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Paragraph (18), "Live Unit," to read as follows:

"(18) Live unit.

(A) Definition: A dwelling unit accessory to any nonresidential use allowed in that district.

(B) District restrictions: This accessory use is not permitted in A, R-1ac, R-1/2ac, R-5, R-7.5, R-10, R-16, R-13, D, TH-1, TH-2, TH-3, MF-1, MF-2, MH, CA-1, CA-2, P, HC and I-3 districts.

(C) Required off-street parking: One additional space is required for the accessory use in excess of the required off-street parking for the floor area of nonresidential use.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The maximum floor area for the dwelling unit is 50 percent of the total combined floor area of the live unit and the main use to which the live unit is accessory.

(ii) Units cannot be sold separately by metes and bounds.

(iii) One live unit allowed per lot.

(iv) Live unit residency is restricted to the property owner, business owner, or an employee of the business and their family members.”

SECTION 2. That Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory Uses,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (18), “Live Unit,” to read as follows:

“(18) Live unit.

(A) Definition: A dwelling unit accessory to any nonresidential use allowed in that district.

(B) Districts restrictions: This accessory use is not permitted in A(A), R-1(A), R-1/2(A), R-5(A), R-7.5(A), R-10(A), R-16(A), R-13(A), D(A), TH-1(A), TH-2(A), TH-3(A), CH, MF-1(A), MF-2(A), MH(A), CA-1(A), CA-2(A), MU-1, P(A), CS and IM districts.

(C) Required off-street parking: One additional space is required for the accessory use in excess of the required off-street parking for the floor area of nonresidential use.

(D) Required off-street loading: None.

(C) Floor area: Except as otherwise provided in the use regulations, the maximum floor area for the dwelling unit is 50 percent of the total combined floor area of the live unit and the main use to which the live unit is accessory. This floor area restriction controls over the floor area restrictions in Subsection 51A-4.217(a)(3).

(E) Additional provisions:

(i) Units cannot be sold separately by metes and bounds.

(ii) One live unit allowed per lot.

(iii) Live unit residency is restricted to the property owner, business owner, or an employee of the business and their family members.”

SECTION 3. That the director of sustainable development and construction shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code.

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. 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 7. 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:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____