

# Memorandum



DATE June 12, 2015

TO Members of the Economic Development Committee: Tennell Atkins (Chair), Rick Callahan (Vice Chair), Adam Medrano, Lee Kleinman, Jerry R. Allen, Scott Griggs

SUBJECT **Proposed Amendments to Chapter 51A, Article XIII, "Form Districts"**

On June 15, 2015 you will be briefed on proposed amendments to Article XIII, "Form Districts." Article XIII was approved on February 10, 2008, to establish zoning to encourage walkable, mixed use development consistent with *forwardDallas!* The proposed amendments are intended to address issues with block perimeters, block face, and non-conforming buildings and structures. The briefing materials are attached for your review.

Ryan S. Evans  
First Assistant City Manager

C: Honorable Mayor and Members of City Council  
A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Eric D. Campbell, Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
David Cossum, Director Sustainable Development and Construction  
Rick Galceran, P.E., Director, Public Works  
Sana Syed, Managing Director, Public Information Office  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# **Proposed Amendments to Chapter 51A Article XIII Form Districts**

**Economic Development Committee**

**June 15, 2015**



# BACKGROUND

- February 2008 Dallas adopted Article XIII Form Districts
- This is the first amendment to Form Districts
- ZOC discussed 6 times from October through December
- On December 18, 2014 ZOC recommended to CPC
- On February 5, 2015 CPC recommended approval

# **BACKGROUND**

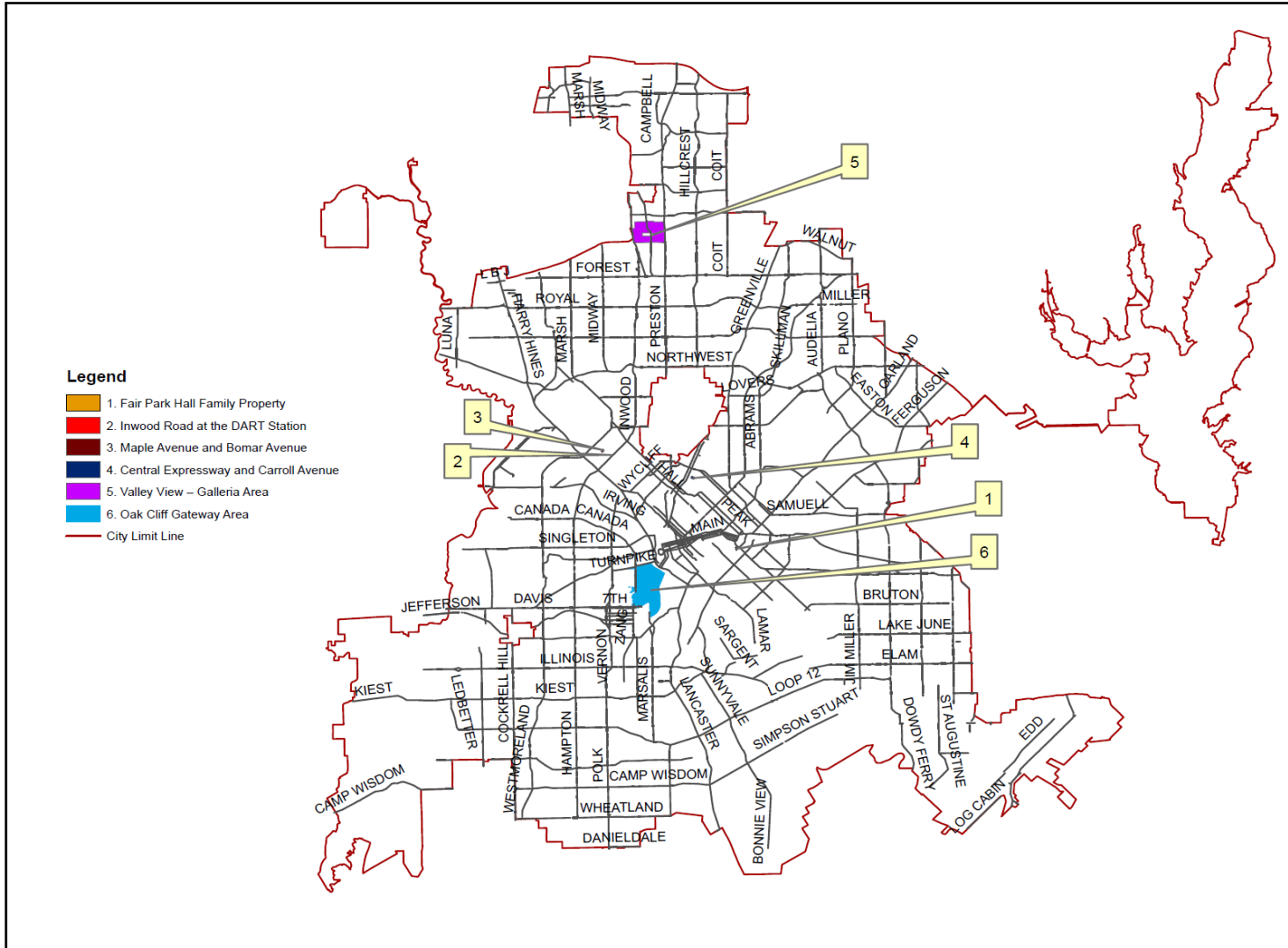
## **4 Existing Article XIII Form Districts**

- Fair Park Hall Family property (Z090-218) (Council District – 7)  
Mix of WR-5 & WMU-5 Districts w/ Height Overlay
- Inwood at the DART Station (Z123-312) (Council District – 2)  
WMU-8 w/ Shopfront Overlay
- Maple and Bomar (Z112-228) (Council District – 2)  
WR-5 District
- Central and Carroll (Z101-319) (Council District – 2)  
WMU-8 District

## **2 PD's with Article XIII as base**

- Galleria - Valley View (Z123-186) (Council District – 11)  
PD 887 allowing WR & WMU districts, modifications to open space, thoroughfare, setbacks, height allowances
- Oak Cliff Gateway (Z067- 203) (Council District – 1)  
PD 468 allowing RTN, WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, WR-3, a Parking District, Mixed Use Districts, a Height Overlay and 4 Shopfront Overlays

# BACKGROUND



# BACKGROUND

- There have been several requests for form districts but they were amended to be a PD because the site was unable to meet the form based standards.

# ISSUES

After reviewing the plans for the PD's that were adopted, Staff observed the issues most often encountered in meeting form district standards were:

- **BLOCK PERIMETERS and BLOCK FACE**
- **NON-CONFORMITY**
- **ARTIFICIAL LOTS**
- **UTILITY CONFLICTS**
- **PEDESTRIAN PASSAGE**

# BLOCK PERIMETER AMENDMENTS

## Current:

- A block size is measured by block perimeter which may not exceed 1,600 linear feet (the total of each street R.O.W. around the entire block) or 2,400 linear feet under certain conditions.
- Any blockface greater than 500 feet must include a public pedestrian passage



## A Block in Deep Ellum

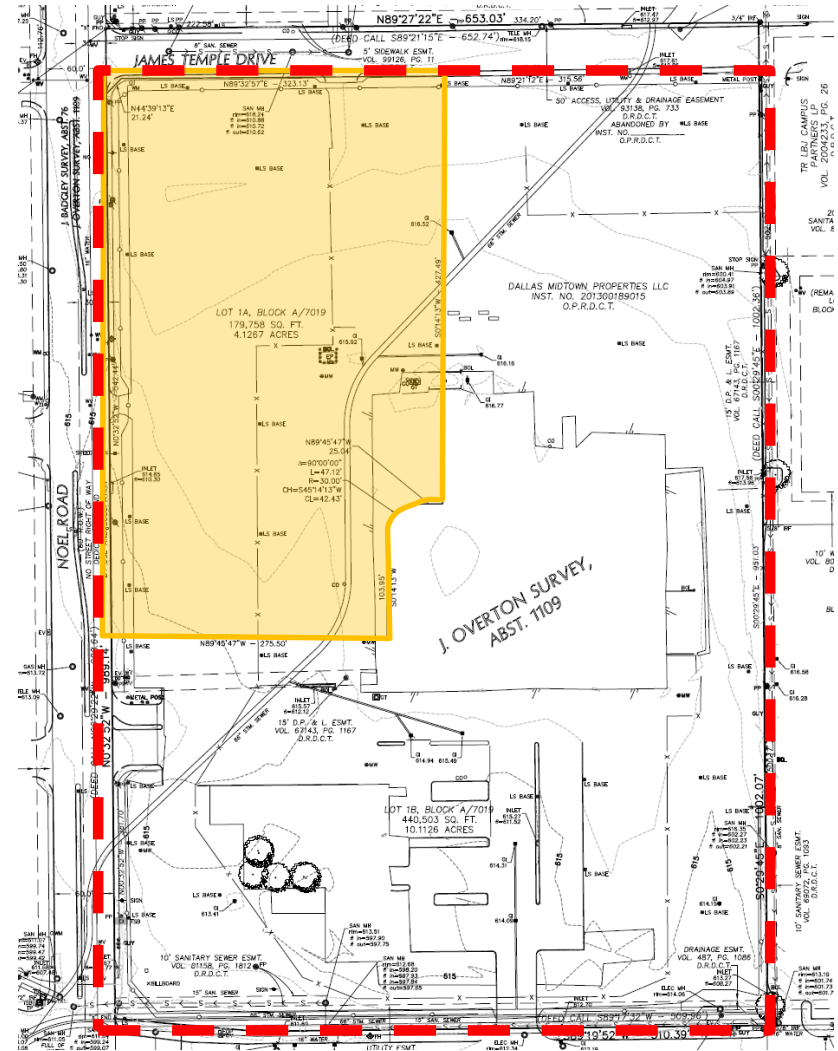
- 1,316 foot block perimeter



# BLOCK PERIMETER AMENDMENTS

## Current:

- The block regulations do not allow or promote infill development
- Many blocks in Dallas were built for automobile, and exceed the 1,600' and 2,400' allowed perimeter
- Developers have no alternative but to create a PD to implement form-based when unable to meet block perimeter requirements because neither CPC or BDA can alter the requirements of Article XIII



# BLOCK PERIMETER AMENDMENTS

## Proposed Amendment:

- Delete Block Perimeter measurement
- Blockface to be used for measurement
- 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
  - No blockface may be greater than 500 feet in length without being broken or interrupted by an alley, street, or pedestrian passage to provide through access to another alley, street or pedestrian passage.
  - Individual lots with less than 100 feet of street frontage are exempt from the above requirement
- Total additions less than 35 percent of the original floor area existing as of [date of passage] do not trigger compliance with Blockface length

# BLOCK PERIMETER AMENDMENTS

## Proposed Amendment:

- The building official may issue a waiver to the blockface if it's found that the spirit and intent of this subsection has been met and:
  - the property shares a property line with a cemetery, Dallas Area Rapid Transit right-of-way, a railroad, a levee, or a natural feature; or
  - the location and size of the existing structure on the property prevents the property from being developed in accordance with Blockface length

# NON-CONFORMITY AMENDMENTS

## Current:

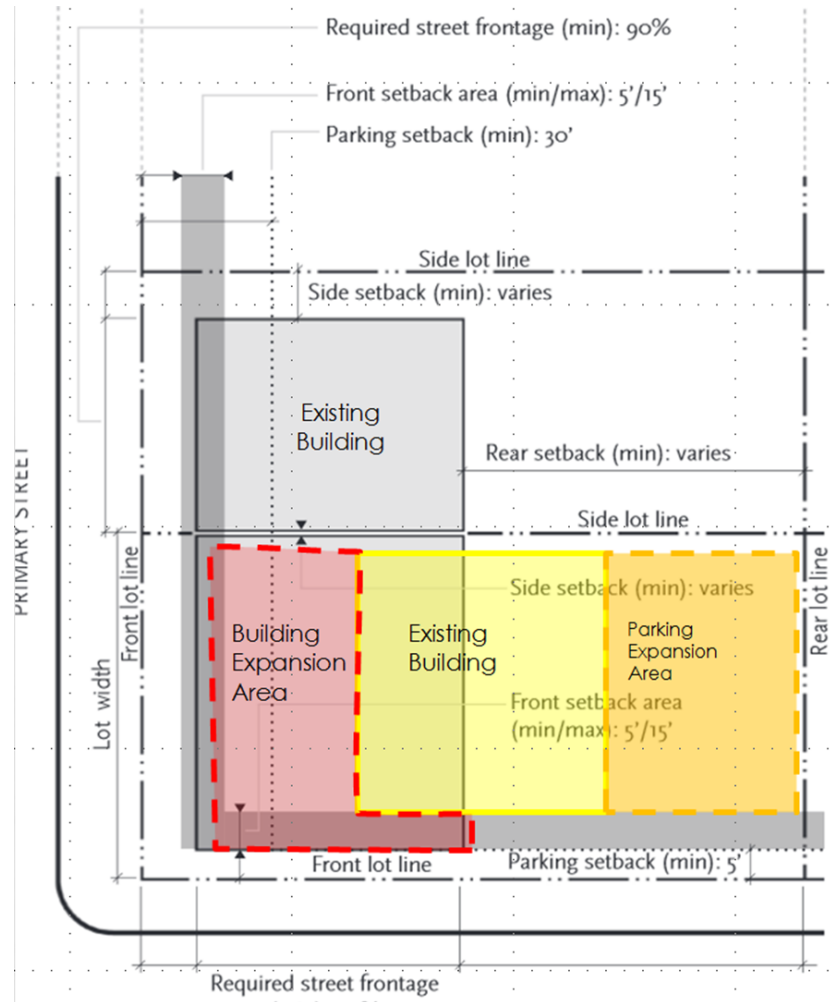
- Definition does not provide specific measurements or standards to determine if work on a nonconforming structure would cause the structure to become more nonconforming (as to the yard, lot, and space regulations).

# NON-CONFORMITY AMENDMENTS

## Proposed Amendment

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

# NON-CONFORMITY AMENDMENTS



# ARTIFICIAL LOT AMENDMENTS

## Current:

- Artificial lots are not recognized under Article XIII
- For example: linear parks, such as hike and bike trails or Trinity River Corridor, must make entire span of open space come into compliance, when only a small portion is being developed for a trail head or parking lot.

## Proposed Amendment:

- For building sites over two acres in size, the current artificial lot provisions in Sec. 51A-10.122 apply.

# UTILITY CONFLICTS

## Current:

- Article XIII specifies that “where **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. The replacement small tree must be planted **every 20 feet on center, on average.**”
- Not all utilities are overhead
- The replacement small trees cannot always be planted 20 feet on center and need to allow flexibility for locating.

## Proposed Amendment:

Where ~~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. The replacement small tree must be planted every 20 feet on center, on average in the tree planting zone or to the building setback, but no closer than 10' from the building front, to avoid utility lines .



# PEDESTRIAN PASSAGE AMENDMENTS

## Current:

Pedestrian Passage width is narrow, creating a passage that is perceived to be unsafe and lacks space to provide pedestrian amenities.



# PEDESTRIAN PASSAGE AMENDMENTS

## Proposed Amendments:

- Pedestrian passage must have a minimum average width of 18 feet with a minimum 12 feet wide at all times.
- By allowing an average width, allows for flexibility for site conditions.



# Next Steps

- Schedule for City Council Agenda

# Appendix

# ARTIFICIAL LOT AMENDMENTS

## Current Sec. 51A-10.122 Artificial Lots

(A) In general. If the building site is over two acres in size, the applicant may request that the building official create an artificial lot to satisfy the requirements of this division. The building official shall not create an artificial lot which would, in his or her opinion, violate the spirit of the landscape regulations. Any artificial lot. created by the building official must:

- (1) wholly include the area on which the construction work is to be done;  
and
- (2) have an area that does not exceed 50 percent of the area of the building site.

(B) In city parks over five acres. In City parks over five acres in size, the director of park and recreation may create an artificial lot to satisfy the requirements of this division. Any artificial lot created by the director of park and recreation must wholly include the area on which the construction work is to be done.

(C) Platting not required. An artificial lot need not be platted; however, it must be delineated on plans approved by the building official prior to the issuance of a building permit.