Memorandum

Date: January 23, 2009

To: Honorable Members of the Housing Committee: Steve Salazar, Chair, Carolyn R. Davis (Vice Chair), Tennell Atkins, Dr. Elba Garcia, Vonciel Jones Hill, Angela Hunt, Linda Koop, Pauline Medrano

Subject: Form Based Zoning

On January 27, 2009, staff will brief the Housing Committee on a proposed code amendment to establish form based zoning in the Dallas Development Code. This code amendment is a key implementation item of the forwardDallas/Comprehensive Plan. Attached is a presentation with a summary of the outstanding issues that need Council input and direction.

Please contact Theresa O'Donnell at 214-670-4127 should you need additional information.

A.C. Gonzalez
Assistant City Manager

c: The Honorable Mayor and Members of the City Council
Mary K. Suhrm, City Manager
Thomas P. Perkins, Jr., City Attorney
Deborah Watkins, City Secretary
Craig Kinton, City Auditor
Judge C. Victor Lander, Judiciary
Ryan S. Evans, First Assistant City Manager
Forest Turner, Interim Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Ramon F. Miguez, P.E., Assistant City Manager
David Cook, Chief Financial Officer
Jeanne Chipperfield, Director, Budget Services
Theresa O'Donnell, Director of Development Services
Helena Stevens-Thompson, Assistant to the City Manager
Jerry Killingsworth, Director of Housing
Form-based Zoning

Housing Committee
January 27, 2009
Items of discussion

- Drive-through facilities
- Residential ground floor height
- Regulating plans
- Parking reductions
- Compact parking spaces
- Residential Transition Neighborhood district
- Open Space
- Transitional uses
- Height regulations
- Eligibility Test/Critical Mass
Issue # 1 – Critical Mass
Where can the new districts be used?

Will these new districts be a useful tool for City Council to bring about needed change in priority redevelopment areas?

Council Study Group recommends;

- Redevelopment of aging deteriorated multi-family and commercial properties
- Mixed-use, transit-oriented developments
- Conversion of obsolete industrial land
- Trinity River Corridor
- Southern Sector
Parcels of any size are eligible for the WMU District. There is no minimum acreage required for an application for WMU zoning. The WMU district is intended for locations where a sufficient critical mass of dense, walkable urban mixed use development exists or is definitively planned. This critical mass is present when:

(A) the surrounding area consists of at least 40 acres of existing or definitively planned WMU or WR zoning, high density multi-family zoning, multiple use zoning, or planned development zoning with equivalent characteristics;

(B) the surrounding area consists of at least 25 acres proposed by an adopted area plan pursuant to forwardDallas! for WMU or WR zoning, high density multi-family zoning, multiple use zoning, or planned development zoning with equivalent characteristics; or

(C) the applicant demonstrates that the surrounding area is at least 25 acres and is or will be a mix of dense residential, commercial, and other uses that will achieve the intent of this article for increased walkability, reduced vehicular trip generation, and reduced parking demand.

The WMU districts are intended for use in the vicinity of rail transit stations, immediately adjacent to the Central Business District, and in the 23 study areas of the Trinity River Comprehensive Plan. These districts are also appropriate for major job centers and concentrations of multifamily housing where an area plan pursuant to forwardDallas! has been adopted.
Council Study Group

The WMU District is intended to encourage much needed development in the Southern Sector, in the Trinity River Corridor, around transit stations, and in revitalizing aging, deteriorated multifamily or commercial projects throughout the city. The WMU districts envision walkable, urban, mixed-use developments that increase pedestrian activity and transit use. The WMU Districts are not appropriate for use in locations where the City Council determines that height, density, parking reductions could adversely impact nearby, stable single-family neighborhoods.

* note:
Graduated parking reductions are an incentive for developers to assemble larger tracts
Impact of Parking Reductions

• Parking reductions are important in optimizing dense, walkable neighborhoods that offer the variety and amount of urban amenities that effectuate pedestrian activity, increased transit ridership and decreased reliance on single occupant automobile use

• However, significant parking reductions for small or isolated tracts can result in spill-over parking that negatively impact adjacent neighborhoods or businesses.
Council Study Group
Modified Parking Reductions

Maximum parking reductions depend on site area to address concerns about parking spill over.

<table>
<thead>
<tr>
<th>Site Area</th>
<th>Max. Parking Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 5 Acres</td>
<td>10%</td>
</tr>
<tr>
<td>5 to 10 Acres</td>
<td>20%</td>
</tr>
<tr>
<td>10 to 15 Acres</td>
<td>30%</td>
</tr>
<tr>
<td>15 to 40 Acres</td>
<td>40%</td>
</tr>
<tr>
<td>Over 40 Acres</td>
<td>50%</td>
</tr>
</tbody>
</table>
Planning vs. Zoning

- Vision Illustration is a broad brush approach to identifying possible areas of change and areas of stability as supported by citizens involved in forwardDallas!

- Areas appropriate for walkable, mixed-use, growth, urban neighborhoods and redevelopment opportunities have been designated by specific colors.
Mockingbird Station Area

- Mockingbird Station Development - 8.7 acre site
- Adjacent DART parking lot -

20 acres
Mockingbird Station Area
Planning vs. Zoning

- **Vision Illustration** is a broad brush approach to identifying possible areas of change and areas of stability as supported by citizens involved in forwardDallas!

- Areas appropriate for walkable, mixed-use, growth, urban neighborhoods and redevelopment opportunities have been designated by specific colors.
Issue # 2 - Townhouse Buffer District

- Should this Townhouse District have a mandatory placement requirement?
- Should City Council have discretion to require or not require based on the individual case?
- Should City Council have the authority and flexibility that is currently available in PDs?
Townhouse Buffer District

DHL/TREC Language

The RTN district must be applied as a buffer of at least half a block in depth between a proposed WMU or WR district that abuts or is across an adjoining alley or minor street from any single family neighborhood.

Council Study Group

The RTN district may be applied as a buffer between a proposed WMU or WR district and any adjacent single family uses or districts.
Townhouse Buffer District
Lake Highlands Town Center
Issue # 3  - Height regulations

Mandatory Residential Proximity Slope applies in all instances?

or

Impose RPS as the default, but also allow Height Maps to provide the same flexibility available in a PD now.
RESIDENTIAL PROXIMITY SLOPE.

(a) Definitions of general terms. In this section:

(1) PRIVATE PROPERTY means any property not dedicated to public use, except that "private property" does not include the following:

(A) A private street or alley.

(B) Property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.

(C) A railroad right-of-way.

(D) A cemetery or mausoleum.

(2) RESTRICTED BUILDING OR STRUCTURE means the building or structure whose height is restricted by a residential proximity slope.

(3) SITE OF ORIGINATION means any private property in:

(A) an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; or

(B) an identifiable portion of a planned development or conservation district, which portion is restricted to residential uses not exceeding 36 feet in height. See the sections in this chapter governing planned development and conservation districts for specific guidance as to how to treat identifiable portions of those districts.

(b) Residential proximity slope defined. The residential proximity slope is a plane projected upward and outward from every site of origination as defined in Subsection (a). Specifically, the slope is projected from the line formed by the intersection of:

(1) the vertical plane extending through the boundary line of the site of origination; and

(2) the grade of the restricted building or structure.

(c) Angle and extent of projection. The angle and extent of projection of the residential proximity slope depends on the zoning category of the site of origination as follows:

<table>
<thead>
<tr>
<th>ZONING CATEGORY</th>
<th>ANGLE OF PROJECTION</th>
<th>EXTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>R, R(A), D, D(A), TH, and TH(A)</td>
<td>18.4° (1 to 3 slope)</td>
<td>Infinite</td>
</tr>
<tr>
<td>CH, MF-1, MF-1(A), MF-2, and MF-2(A)</td>
<td>45° (1 to 1 slope)</td>
<td>Terminates at a horizontal distance of 50 feet from the site of origination.</td>
</tr>
</tbody>
</table>

(d) Calculation of height restrictions. The horizontal distances used to calculate the height restrictions imposed by the residential proximity slope may be determined by using the lot, block, and right-of-way dimensions as shown on the official plat or zoning maps of the city, or by scale measurement of the distances on such official maps. All dimensions and methodology used in determining the distance measurement are subject to the approval of the building official.

(e) Exemption. Certain structures are exempt from the residential proximity slope. See Section 51A-4.408. (Ord. Nos. 19455; 19786; 20308; 21663; 26578)
Height Map

- **R-7.5(A)**
- **Land Parcels**
- **Walkable Residential District (WR-5)**
- **Height Map Overlay**

- 2 stories
- 5 stories
RPS lacks clarity

Calculation (3:1) is required to know how high a structure can be at any particular place on site, and:

- Must know zoning of subject property
- Must know site of origination
- Must know adjacent zoning
- Must know default height
- Must know where to measure
- Must know exemptions
Inherent problems with RPS

- RPS lacks transparency - unable to discern on a map
- RPS doesn’t address site specific issues or adjacency. A mathematic formula controls exactly the same in all situations.
- Allows stakeholders less ability to negotiate
- RPS assumes the world is flat
- RPS is triggered by non-residential uses in residential districts
Inherent problems with RPS

• RPS creates non-conformity in existing developments
• RPS extends infinitely without regard to necessity of regulation
• Encourages suburban development patterns and ignores goals of street character
RPS assumes a flat earth
RPS encourages development to impose additional burdens
RPS is triggered by non-residential uses in residential districts
RPS is triggered by non-residential uses in residential districts.
RPS is triggered by districts, not uses

Townhomes in TH Zoning

Townhomes in MF Zoning

36 feet

26 feet

TH-2

MF-2
RPS can create non-conformity on adjacent properties

Existing Apartments in Multifamily Zoning

Existing third floor becomes conforming

Vacant Lot in CR Zoning

Rezoned to TH for new townhomes

MF-2

TH-2
RPS extends to infinity

Third story multifamily not permitted behind retail frontage
RPS encourages development to set back from the street

Conflicts with street character goals of form districts
Residential Proximity Slope

• Current draft requires the standard Residential Proximity Slope (RPS) to be retained if a Height Map is adopted. Council authority eliminated.

• Current draft mandates Council retain height restrictions prior to new zoning.

• Mandated height provisions results in redundant, complicated and inflexible regulations.
Hypothetical Example

- **Walkable Residential District (WR-5)**
- **Height Map Overlay**

Land Parcels

Walkable Residential District (WR-5)

Height Map Overlay
Height Maps

Use of Height Maps provide precise control of height to provide simple, clear regulation

Allows site specific negotiation to dictate acceptable height
Issue # 4 - Transitional Uses

Should a limited number of transitional uses* be allowed?

Or should transitional uses* create a loophole that undermines the purpose of form based districts?

(* note – essentially exempts uses from urban design standards)
**Transitional Uses**

**DHL/TREC language**

**All permitted uses +**

- Crop production
- Building repair and maintenance shop
- Catering service, large scale
- Electronic service center
- Tool and equipment rental
- Lumber, brick or building materials sales yard
- Recycling collection center
- Outdoor recreation
- Nursery or plant sales on an open lot

*Approximately 200+ uses total

**Council Study Group**

**Only allow**

- Crop production
- Indoor recreation
- Nursery or plant sales on an open lot
- Outdoor recreation
- Self-service storage

*Approximately 9 uses total
Transitional Uses - concerns

DHL/TREC Version

- Any of the listed uses can be approved as a transitional use by SUP (200+)

- This provision allows construction of structures that do not comply with any or all of the form-based requirements that specify quality of design, streetscape, pedestrian amenities, setbacks, heights, or other neighborhood protection regulations.
Issue #5 - Compact Parking

DHL/TREC Language
A maximum of 20 percent of the required parking in a structure may be compact parking.

Council Study Group
A maximum of 10 percent of all required parking in a structure may be compact parking.
Issue # 5 Compact Parking
Discussion