Memorandum

CITY OF DALLAS

DATE November 21, 2008

TO Mayor and Members of the City Council

SUBJECT Form Based Codes

On December 3, 2008 staff will brief the Council 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 the highlights of the code amendment and a summary of the outstanding issues that need Council input and direction. Note that the December 3 agenda provides for Council to take action on this item if necessary.

If you need further information please call Theresa O'Donnell at 214 671-9293.

A. C. Gonzalez
Assistant City Manager

Attachment

c: Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Deborah Watkins, City Secretary
Craig Kinton, City Auditor
Judge Jay E. Robinson
Ryan S. Evans, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Charles W. Daniels, Assistant City Manager
Ramon F. Miguez, P.E. Assistant City Manager
Dave Cook, Chief Financial Officer
Chandra Marshall-Henson, Assistant to the City Manager – Council Office
Theresa O'Donnell, Director of Development Services

Form Based Zoning

Council Briefing

December 3, 2008

Key Focus Area
Economic Vibrancy

Purpose

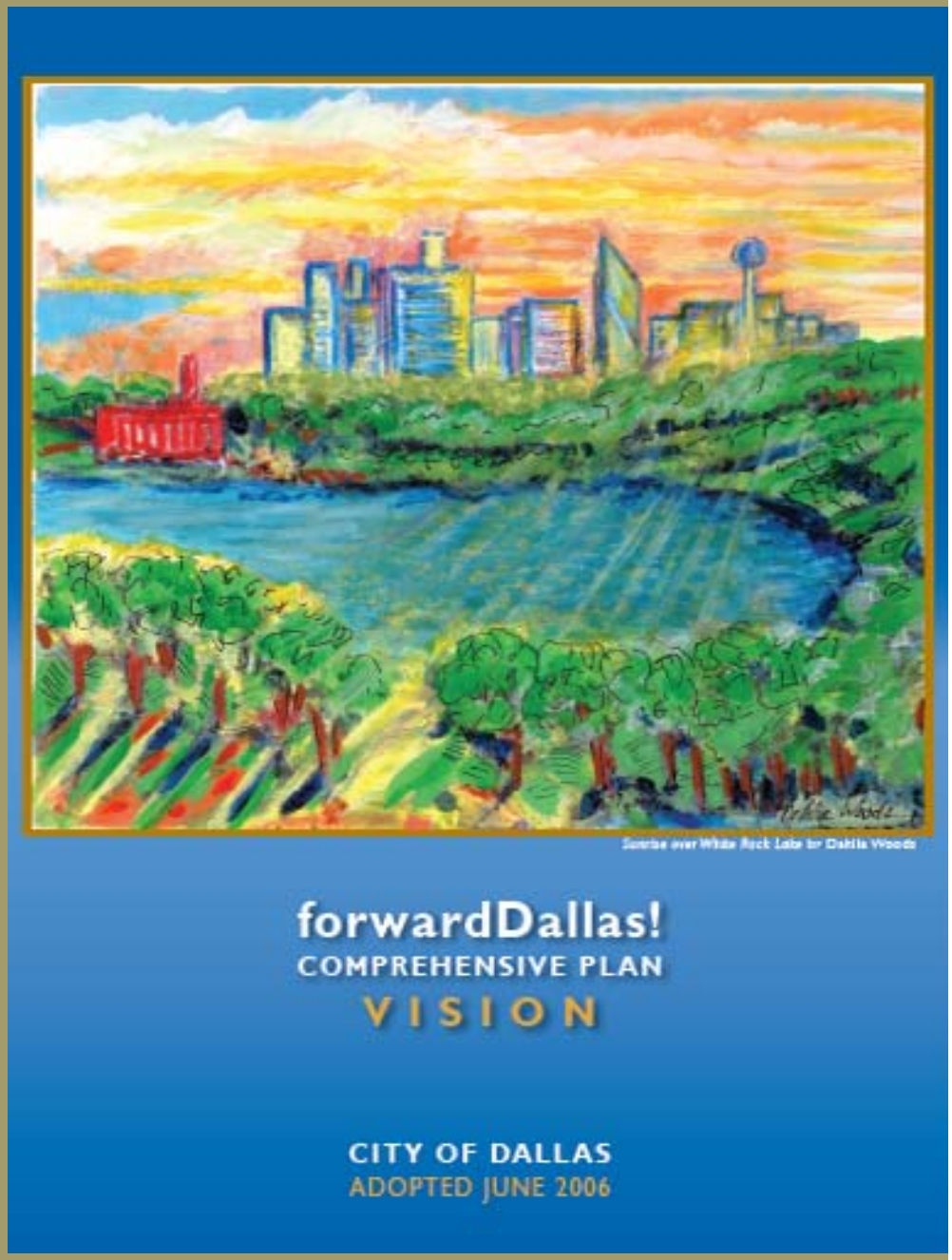
- Review goals and background of *forward Dallas!*
- Introduce the new concept of "form-based" zoning
- Review progress made on the new "form-based" zoning districts
- Seek direction on a limited number of outstanding policy issues

forwardDallas!

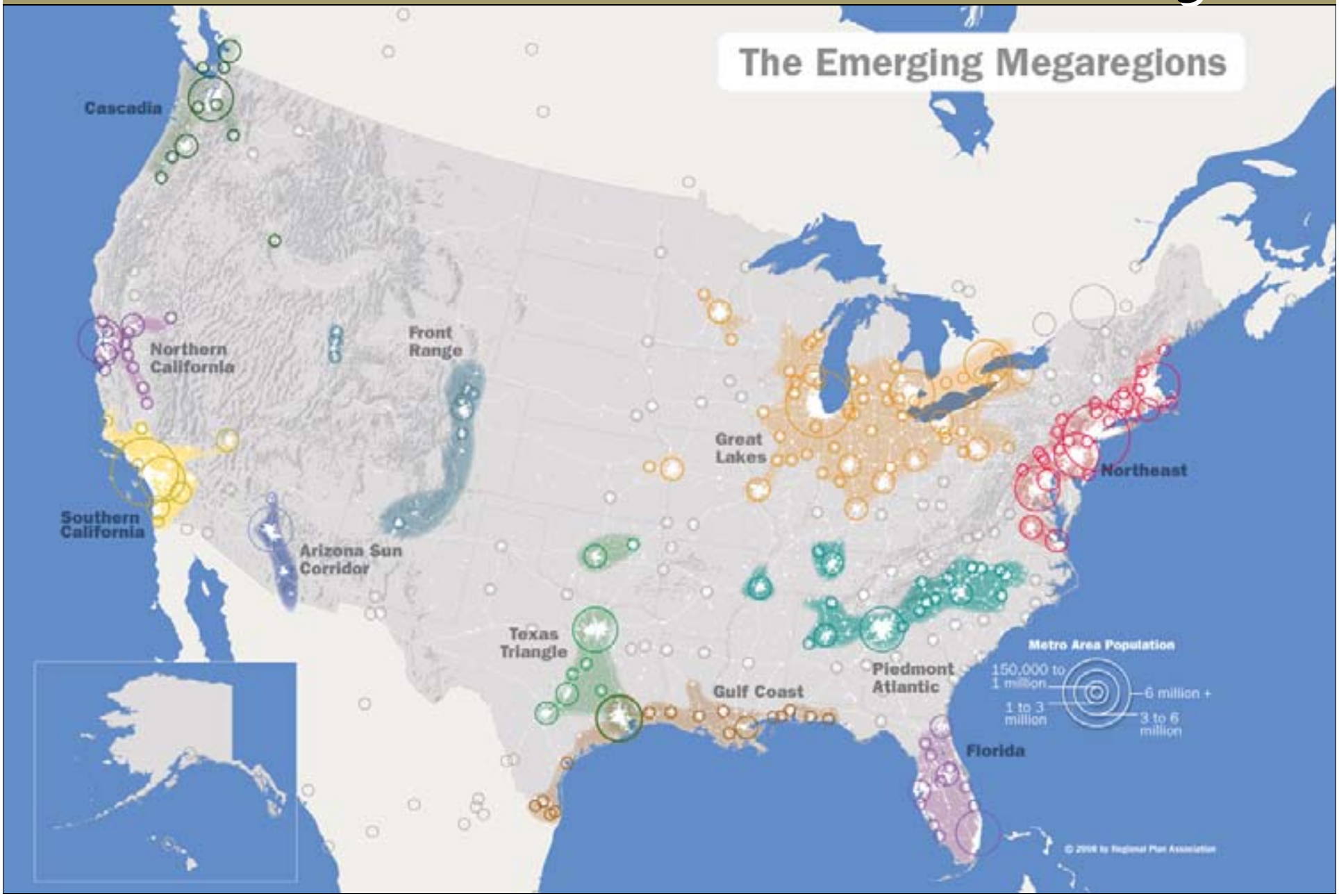
"Keep in mind always the present you are constructing.

It should be the future you want."

– Alice Walker (author)



Dallas in the Global Economy



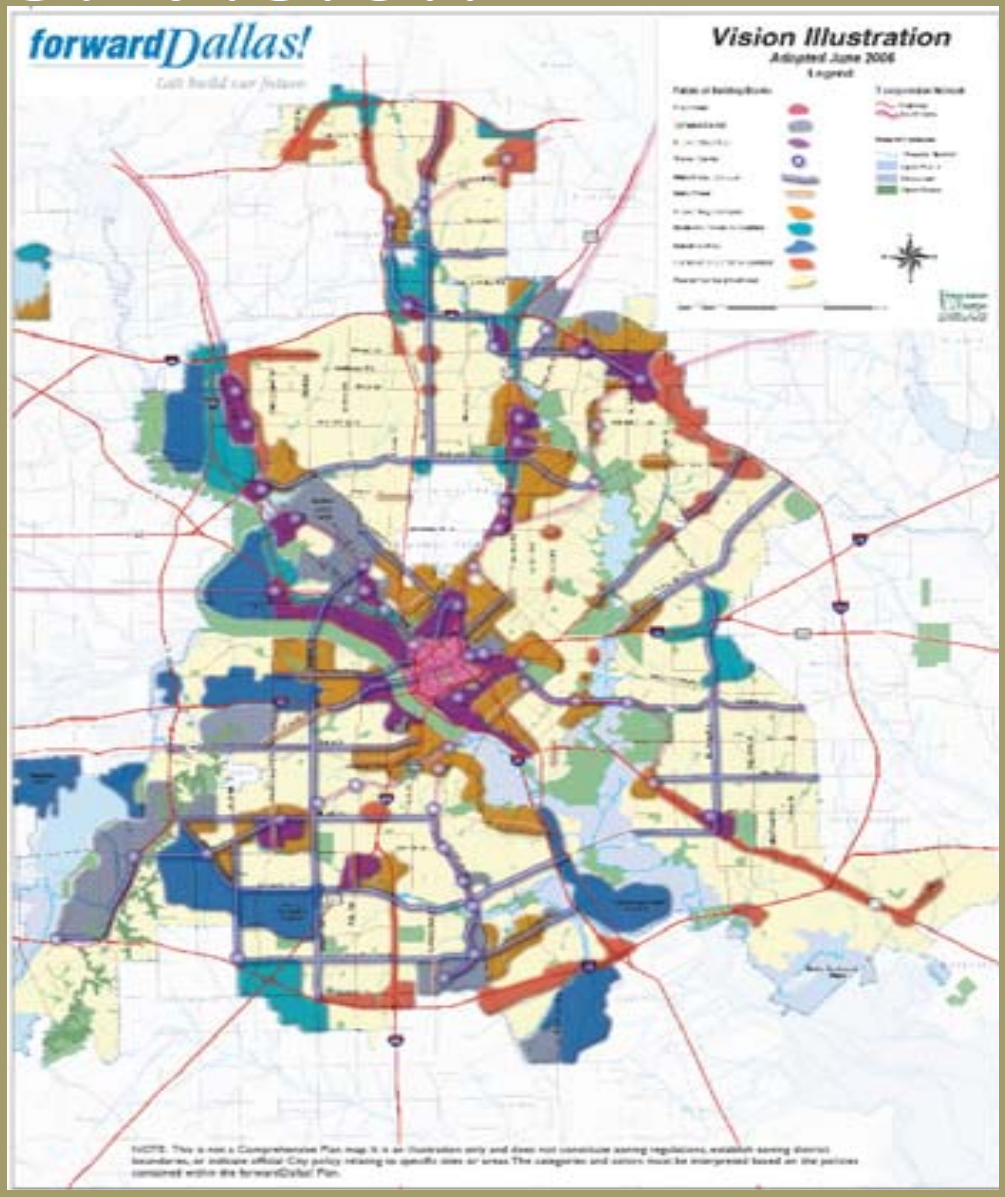
forwardDallas! Vision

Fregonese & Associates

$1.3M contract

2 year process

2,200 citizens participated in the development



Goal: Broad Public Input

- **Public Opinion Survey**
  - October 2004
  - 850 respondents
- **Interactive Community & Citywide Workshops**
  - 11 workshops from Nov. 2004 through Oct. 2005
  - Over 2200 participants
- **Open Houses**
  - 9 held in from Feb. 2005 through July 2005

forwardDallas!

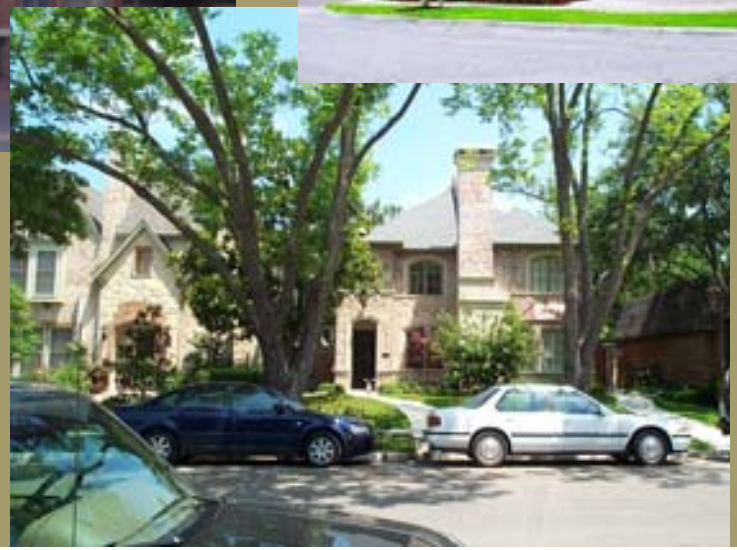
- Emphasis on urban design and quality of place
- *forwardDallas!* Walkable Mixed Use Building Blocks – the precursor of form-based code

New Development Patterns

- Option to live, work, shop and play in the same area and diversity of building scale and density

New Development Patterns

- Range of housing choices sensitive to adjacent single family neighborhoods
- Make quality housing more attainable



New Development Patterns

- Reduced automobile dependency over time through pedestrian and bicycle friendly streets

New Development Patterns

- Public gathering spaces

forwardDallas! Building Blocks

Urban Neighborhoods

- Variety of housing types - single family to townhouses to mid-rise
- Includes jobs, shopping, mixed-use at key intersections
- Transit supportive and walkable with good street connectivity

forwardDallas! Building Blocks

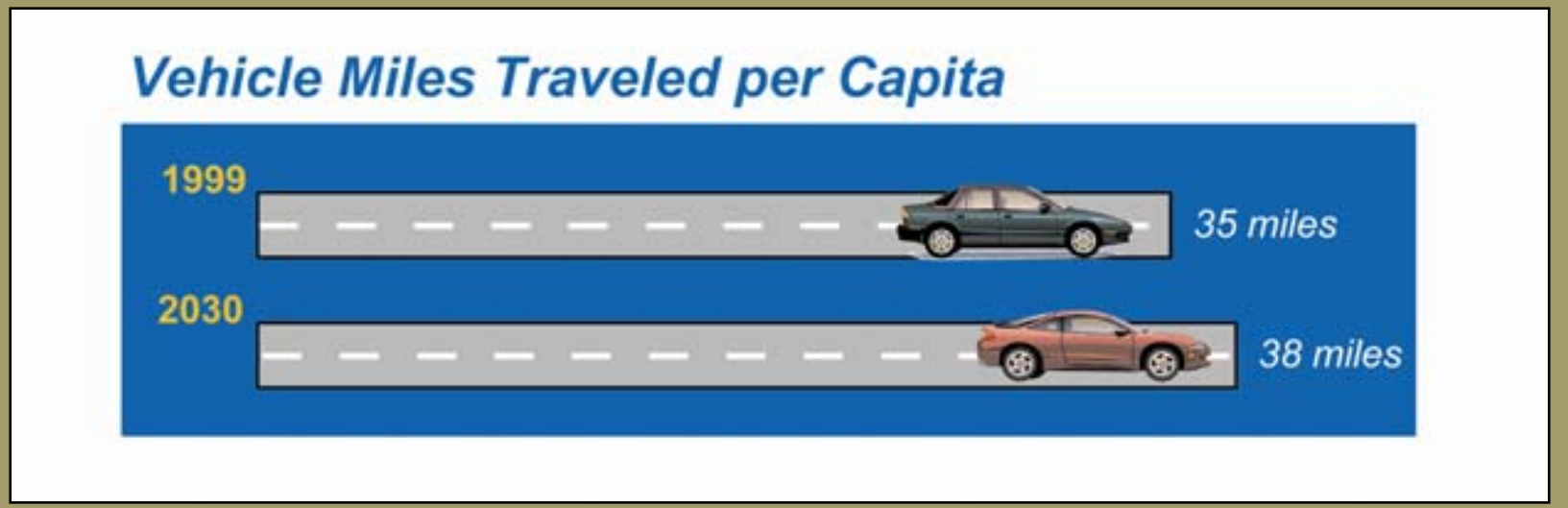
Transit Centers

- Transit oriented - light rail, street car, bus rapid transit
- Mixed use - housing, jobs, shopping, recreation, entertainment
- Support walking, biking and reduced parking

Land Use – Transportation Connection

Dallas Trends

Vehicle Miles Traveled per Capita1999-2030



Characteristics	1999 Base Year	2030 Baseline
Vehicle Miles of Travel (VMT)	42,987,530	53,390,100
Population	1,214,800	1,404,847
VMT per Capita	35	38

National Average VMT per capita 24

forwardDallas! Implementation

Priority Implementation Strategy

- Develop zoning tools that facilitate new urban growth approach
  - $300,000 contract with Code Studio
  - Code amendment process initiated in April 2007

Public Process

- Council Quality of Life Committee appointed Advisory Committee:
  - 26 members chaired by Hector Garcia
  - 15 meetings
  - 2 town hall meetings
  - Regular postings on *forwardDallas!* website

Public Process

- City Plan Commission review
  - 3 Ad Hoc Committee meetings
  - 5 CPC workshops/hearings
  - Drafts and minutes posted on website

Public Process

- Council Review
  - Transportation Committee and Trinity Committee briefings in May
  - Council Study Group led by C.M. Natinsky
  - 6 formal & informal meetings from July through September

Transforming the Built Environment

Conventional Zoning

Sam's Club on Park Lane

Zoning Ordinance makes this easy

Form-Based Zoning

West Village

Zoning Ordinance makes this difficult

Lack of Clarity

- Conventional Zoning

Regulations Hard to Understand

- Form-Based Zoning

Regulations Clear and Understandable

Focus on Form or Use

Used Car Dealership

Focus on Form or Use?

Both structures are defined as single family uses in a Residential Zoning district.

Form verses Use

Library

Form verses Use

Church

Form More Important than Use

Dallas Form Districts
Enabling Ordinance Only

- Establishes new zoning districts
- Doesn't change existing zoning map
- Public hearing process is required to approve new form districts in particular locations

Dallas Form Districts Flexible Tool Kit

- 3 New Base Districts:
  - Walkable Mixed Use
  - Walkable Residential
  - Residential Transition
- 3 New Overlay Districts:
  - Shopfront Overlay
  - Height Map Overlay
  - Parking Management Overlay

Dallas Form Districts
New Parking Approach

- Adopts modified ULI parking standards
- Parking reductions:
  - Transit proximity
  - Affordable housing
  - Ride-share, carpool, telecommuting
  - No reduction in Residential Transition Districts
- On-street parking counts
- Adopts ULI shared parking model
- Flexibility through parking management

Key Policy Issues

- Council Development Priorities
  - Do the new districts serve the Council's goals?
- Council Authority in Zoning Cases
  - Do the new districts retain Council authority?
- Zoning Flexibility and Transparency
  - Are the new districts useful, efficient tools for small developers as well as more affluent?

Items of discussion

- Drive-through facilities
- Residential ground floor height
- Regulating plans
- Parking considerations
- Residential Neighborhood district
- Open Space
- Transitional uses
- Height regulations
- Critical Mass and Parking Reductions

#	Issue	CPC Recommendation	Consultant/staff Recommendation	Council Study Group Recommendation
1	**Drive Thru Facilities**	Allow by SUP	Omit drive-thru uses	Allow by SUP Allow by right inside parking garage
2	**Residential Ground Floor Minimum**	No requirement	Impose 30" raised minimum	Recommend, but do not require
3	**Regulating Plan**	Allow general location of proposed boundaries	Require definite zoning boundaries	Require definite zoning boundaries
4	**Transit Parking Reductions**	Allow reductions within ¼ mile of DART Station	Expand reductions up to ½ mile of DART Station	Allow 2% reduction between ¼ mile and ½ mile of DART Station
5	**Residential Transition District**	a)Mandatory RTN district minimum ½ block b)Do not allow as stand-alone district	a)Impose 100' or ½ block minimum (whichever less) b)Do not allow as stand-alone district	a)Allow RTN as buffer to adjacent single family uses/districts b)Allow as stand-alone district
6	**Open Space Requirement**	Allow landscape median to satisfy open space requirement	Omit landscape median option	Revised open space requirement of 8% with allowable credits
7	**Transitional Uses In WMU and WR**	a)Allow by SUP b)Allow Board of Adjustment to waive any/all regulations	a)Omit Transitional Uses b)Omit Board of Adjustment waiver provision	Deviation from Form-based regulations by SUP for 5 year renewable by Council
8	**Method To Control Height Near Single Family Residential**	Mandatory Residential Proximity Slope. CC cannot waive.	Height map can serve as alternative to RPS	RPS is default. CPC and CC have discretion to amend with height map
9	**40/25 Acre Minimum Critical Mass Test**	a)Impose minimum size requirement b)Impose critical mass locational criteria	a)Omit minimum size requirement b)Include critical mass statement of intent	a) Include intent statement b) Omit min. size requirement and include graduated parking reductions

Issue # 1 Drive-thru facilities

- Are drive through facilities compatible with the goals of form districts?
- Is there a need to allow drive through facilities in form districts?

Downtown Drive Through

Issue # 2 Floor Height

- Should raised height for ground story residential uses be required or just encouraged?

- Raised ground floor enhances street character and sense of privacy in homes along street frontages

Residential Ground Floor Height

Residential Ground Floor Height

Issue # 3 Regulating Plans

- Should zoning change be approved with only general location of overlay districts?
- This would be similar to:
  - approving an SUP without establishing specific boundaries
  - Approving a PD with only general location of sub-districts

Issue # 4 Parking

Should a modest parking reduction be available for projects within ½ mile of transit?

Should developers be allowed to charge for parking?

Should compact parking continue to be allowed or should it be eliminated?

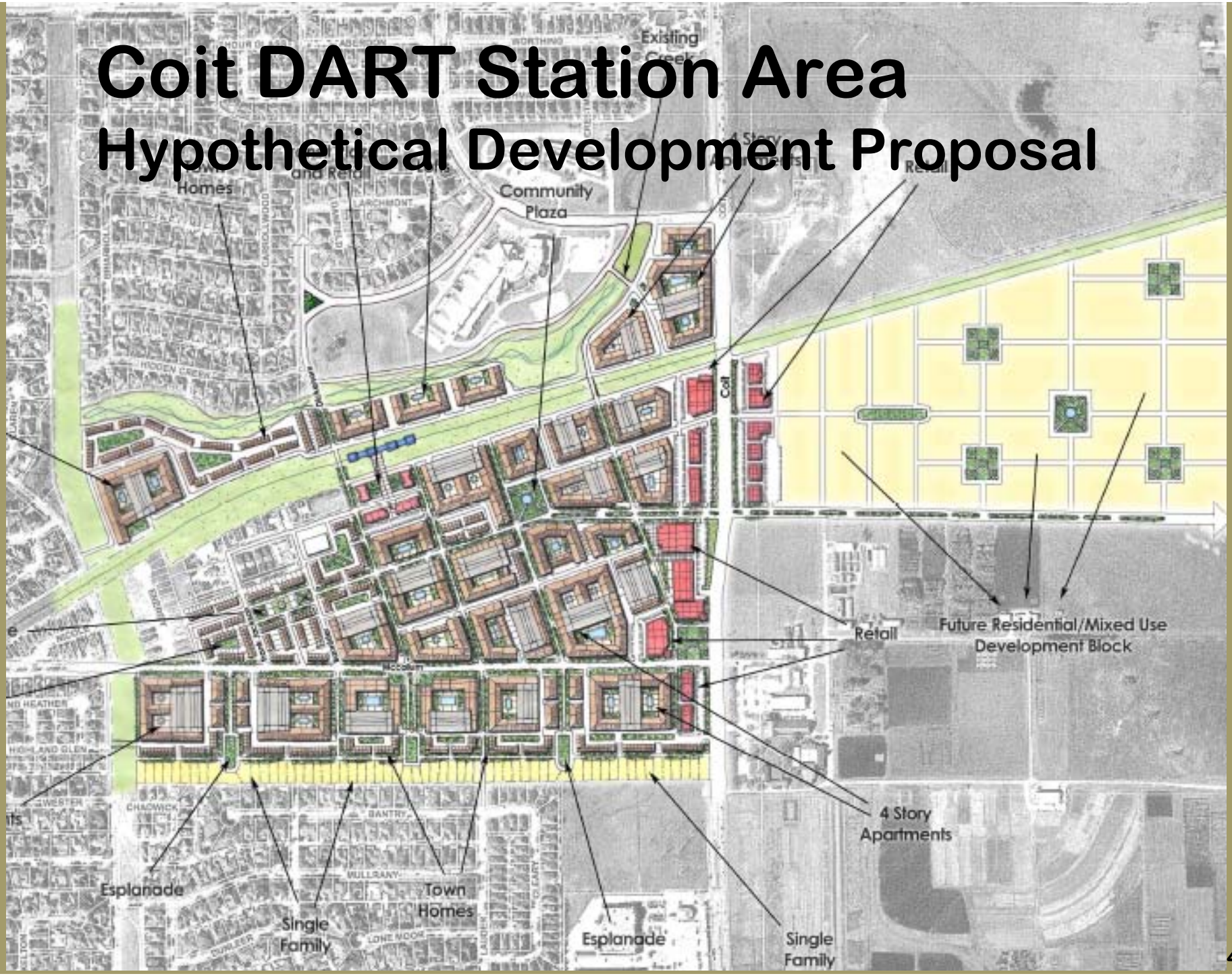
Compact Spaces
Are the results working?

Issue # 5 Imposed RTN

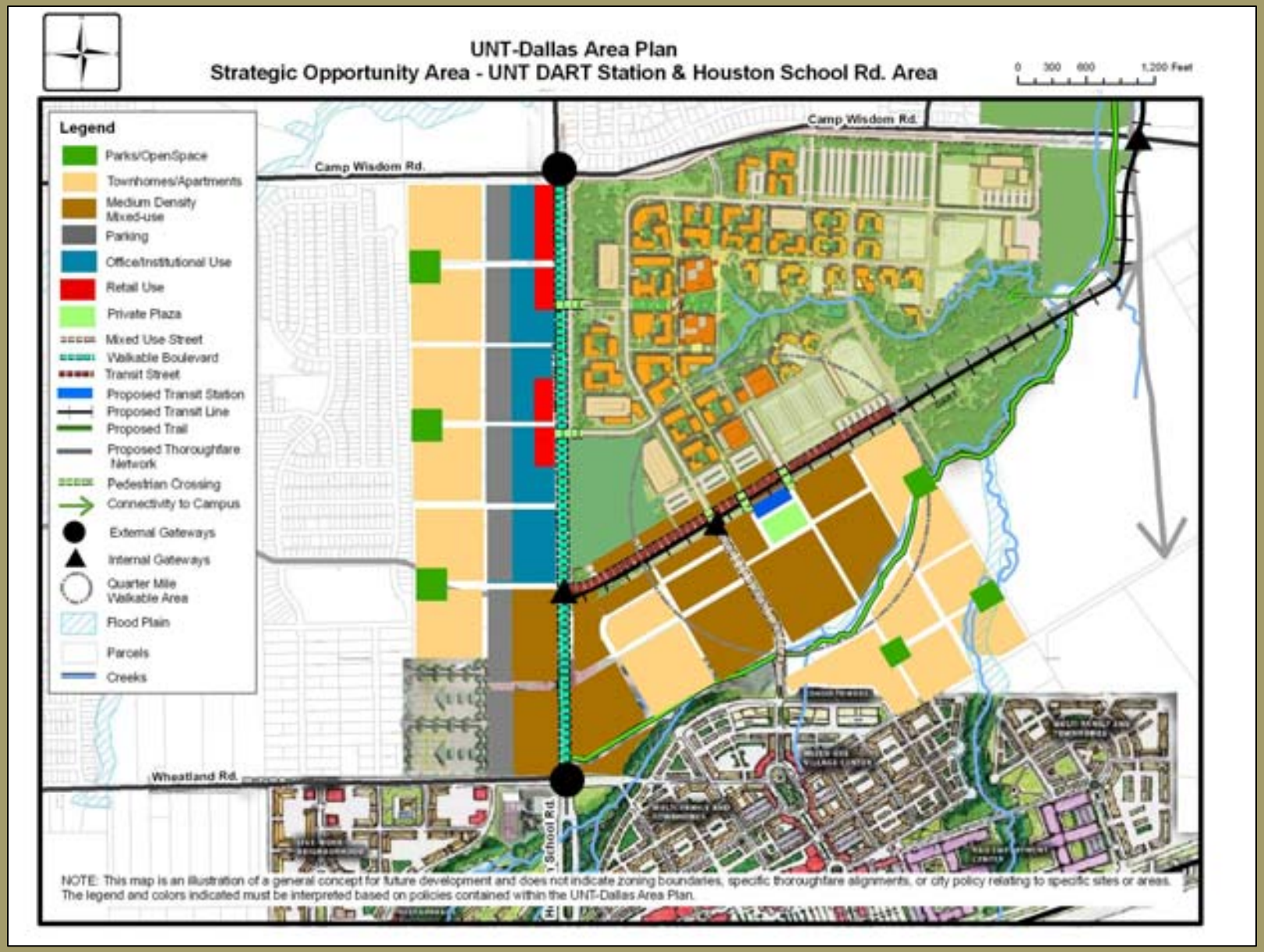
Should this Residential District have a mandatory placement requirement?

Should City Council have discretion to require or not require based on the individual case?

Coit DART Station Area
Hypothetical Development Proposal



Imposed RTN district



Lake Highlands Town Center

Lake Highlands Town Center Conceptual Elevations

Issue # 6 Open Space

How much open space should be required?

What size developments should provide open space?

Should open space be public or privately owned and maintained?

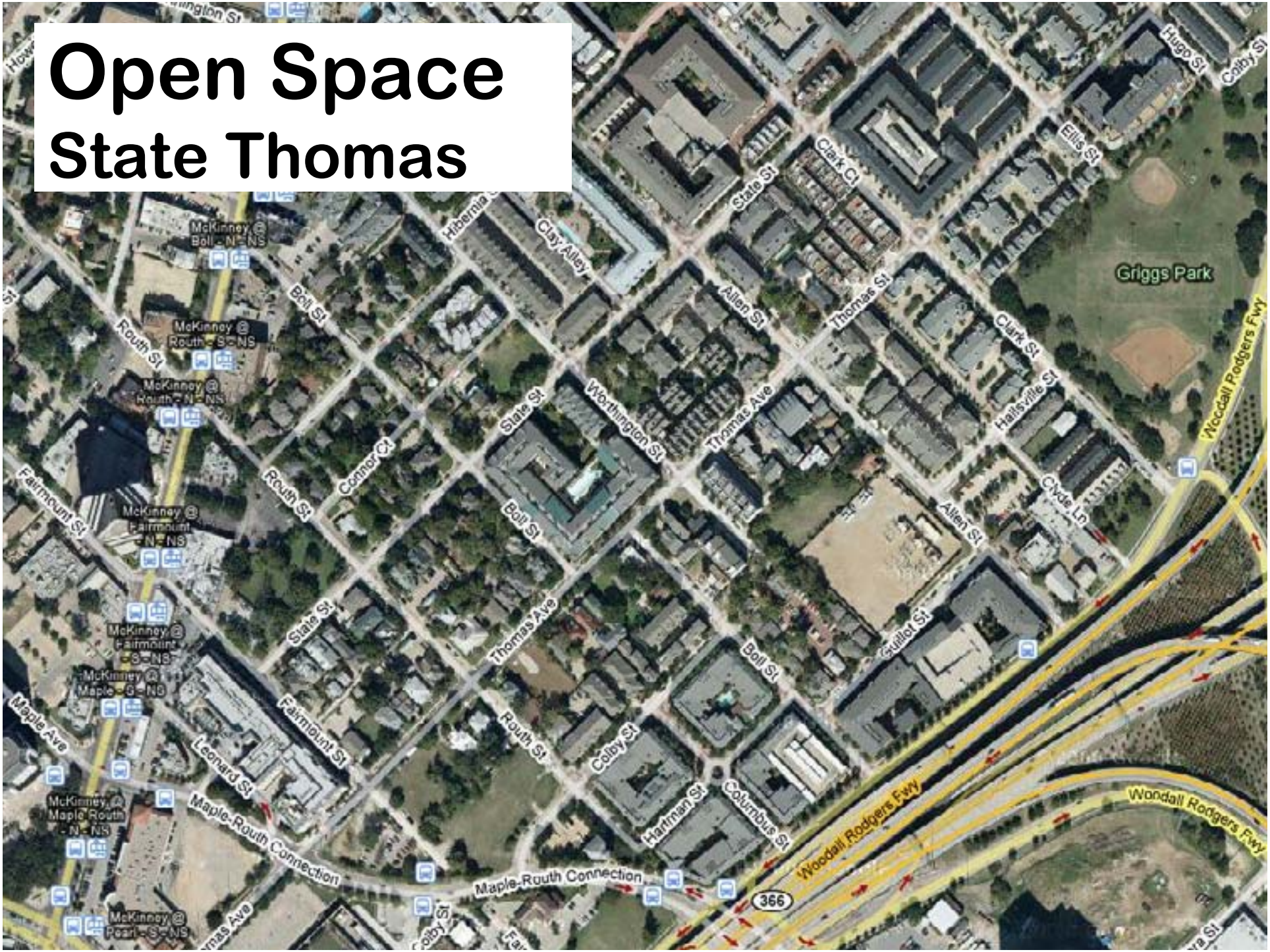
How should open space be provided?

Issue # 6 Open Space

Current draft requires

- Developments of 25 acres +
- Open Space Overlay imposed
- Provision of 4% of net area as open space
- Reduction can be made if development is within proximity of existing (public) open space
- Allows landscaped median to meet requirement

Open Space
State Thomas



Open Space
West Village

Young Street
Landscaped Median

Issue # 7 Transitional Uses

All permitted uses +

- Crop production
- Building repair and maintenance
- Catering, large scale
- Tool and equipment rental
- Lumber, brick or building materials sales yard
- Recycling collection center
- Country club with private membership
- Private recreation center
- Public golf course
- Commercial amusement outside

Policy Concerns

- Any of the listed uses can be approved as transitional uses by SUP
- Board of Adjustment can approve special provision that exempts transitional uses from all form-based requirements and regulations.
- Unprecedented provision that allows Board of Adjustment to “unzone” Council approved zoning requirements.

Issue # 8 How can height be most effectively regulated and easily understood?

- By imposing the existing Residential Proximity Slope in all instances?

- By using Height Maps to allow more clarity?

- By allowing either RPS or Height Maps or both as a tool to provide neighborhoods with the most control and protection?

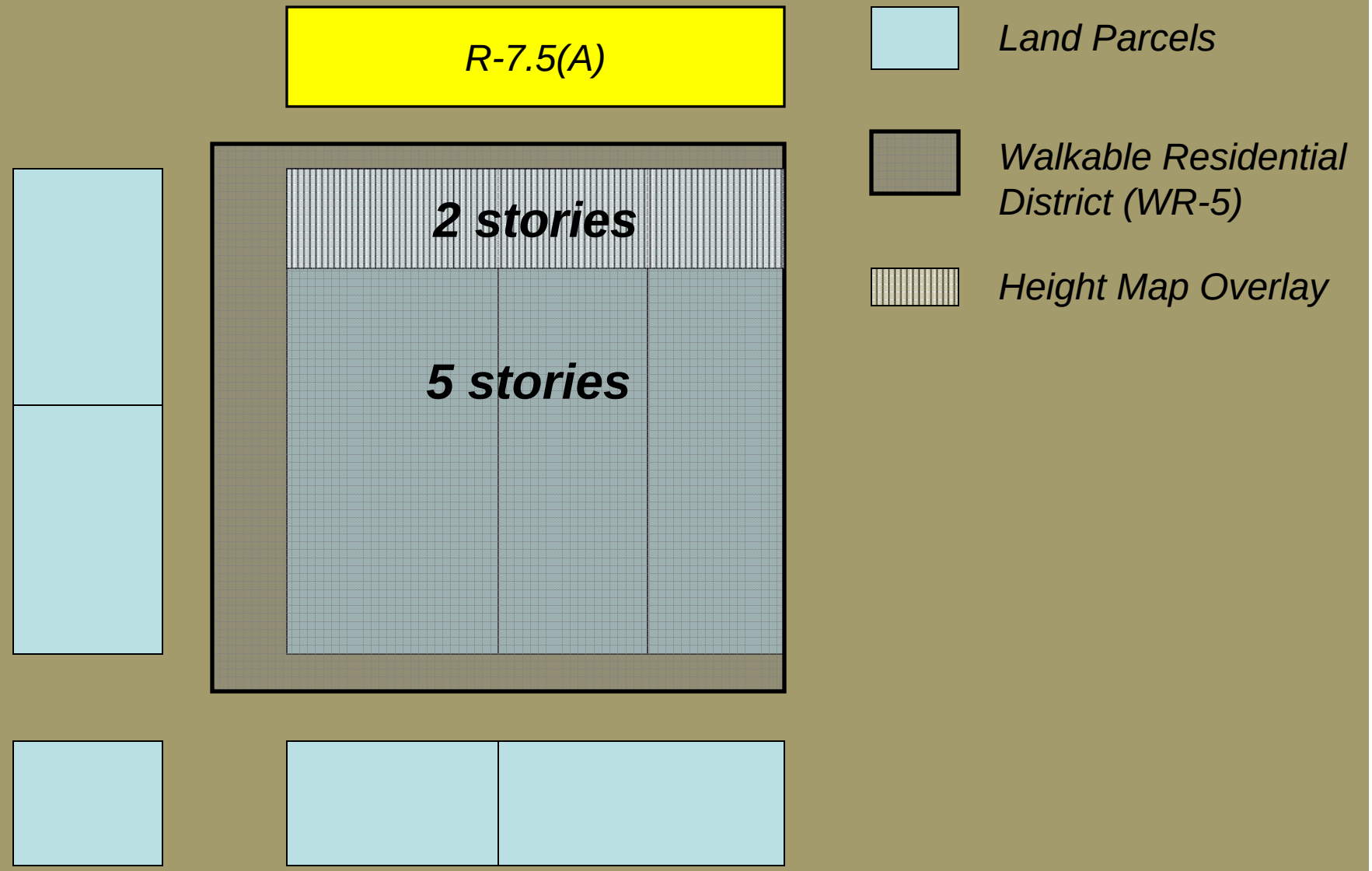
What are Height Maps?

Graphic representation on the zoning map

Provides precise control of height with simple, clear regulation

Allows site specific negotiation to dictate acceptable height with input from adjacent property owners and neighborhood leaders

Height Map


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

Residential Proximity Slope

SEC. 51A-4.412. 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:

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

(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)

Inherent problems with RPS

- RPS lacks transparency and clarity
- RPS doesn't address site specific issues or adjacency, bureaucratic formula controls
- A complicated mathematic equation creates confusion.
- RPS assumes the world is flat
- RPS is triggered by non-residential uses in residential districts

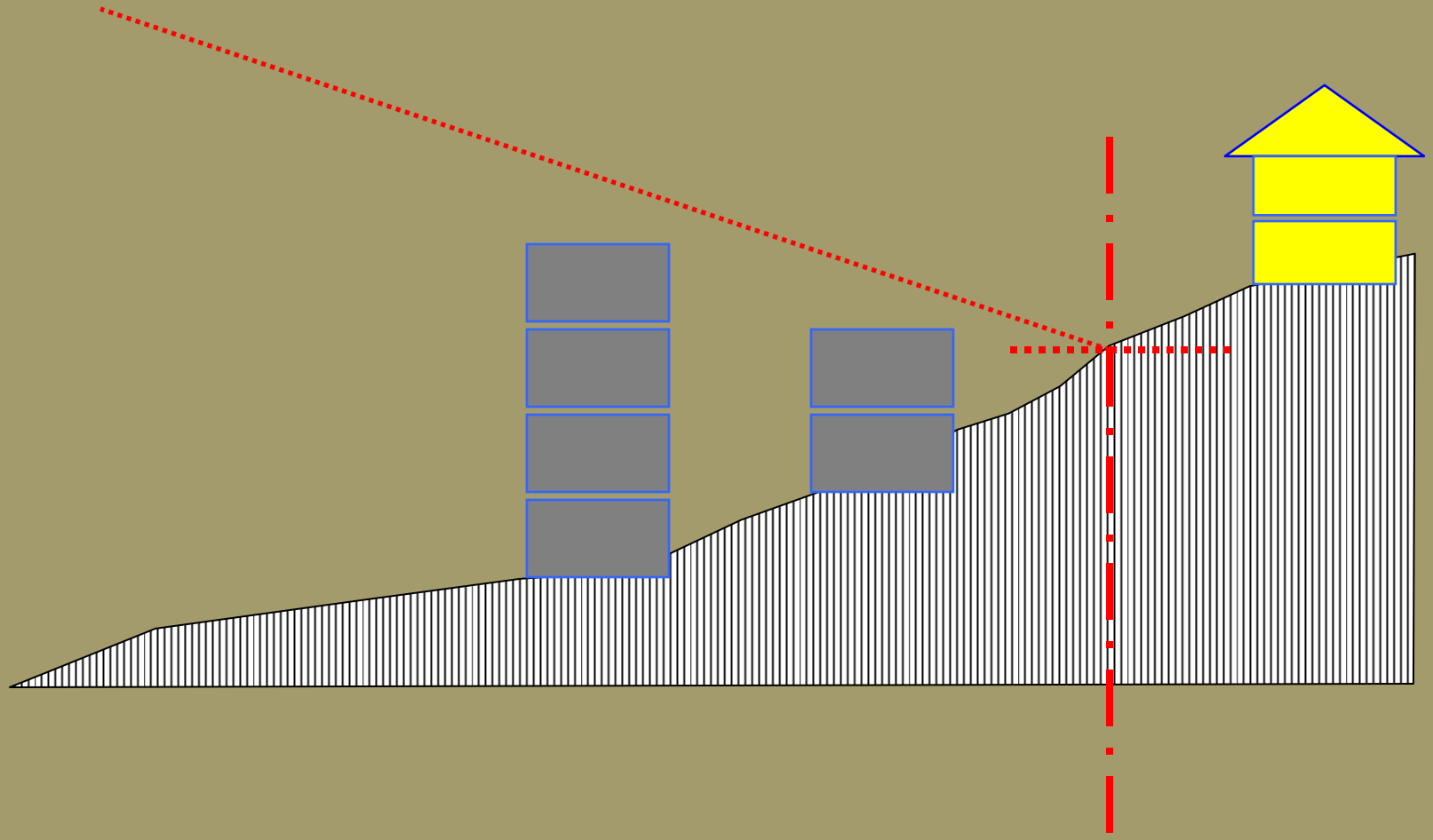
Inherent problems with RPS

- 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
- Does not allow for neighborhood negotiation

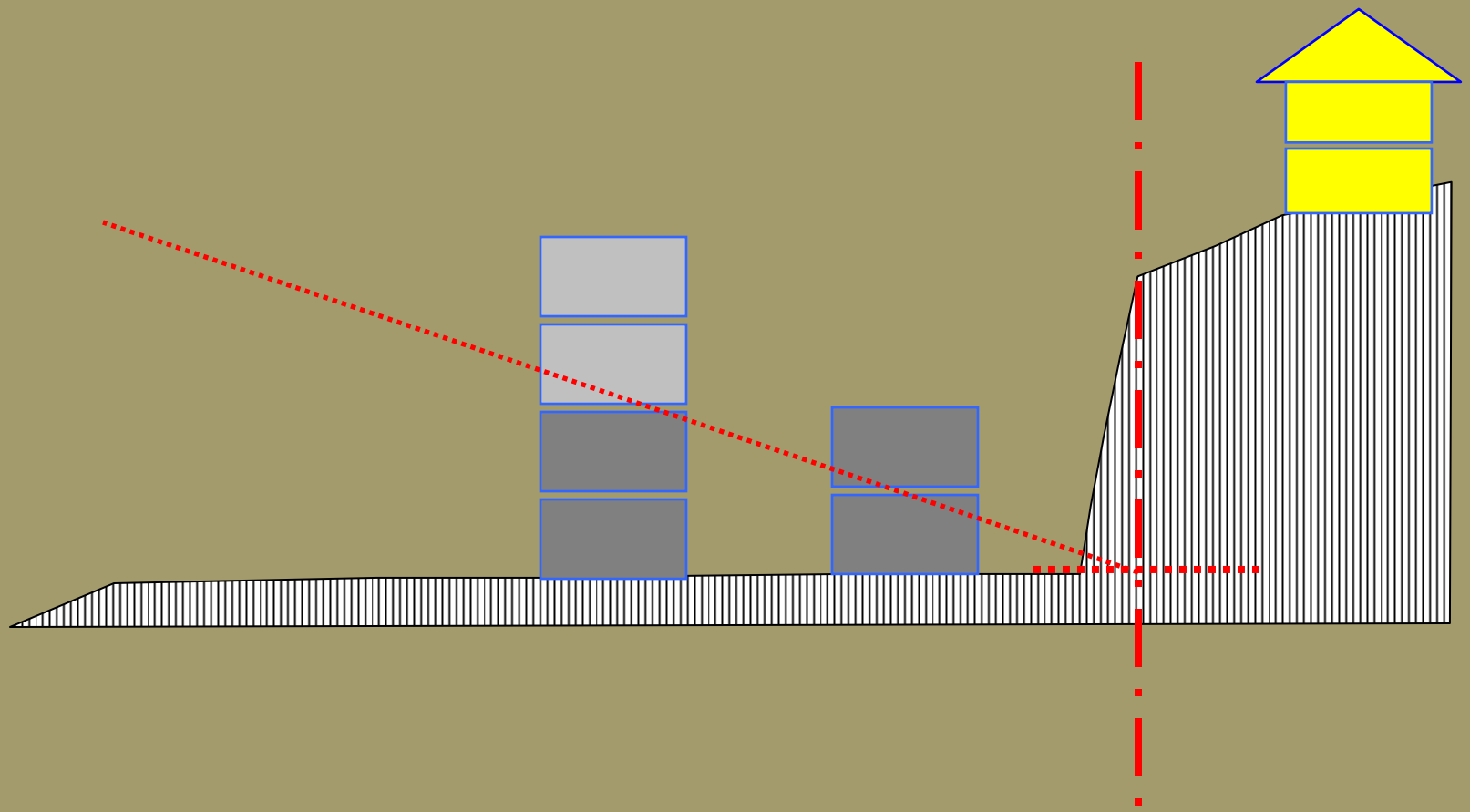
RPS lacks clarity

- Mathematical equation with complicated set of rules determines allowable height at any particular place on site.
  - Must know adjacent zoning
  - Must know site of origination
  - Must know default height
  - Must know where to measure
  - Must know rise over run calculation
  - Must know exemptions
- Unable to determine height by referring to the zoning map

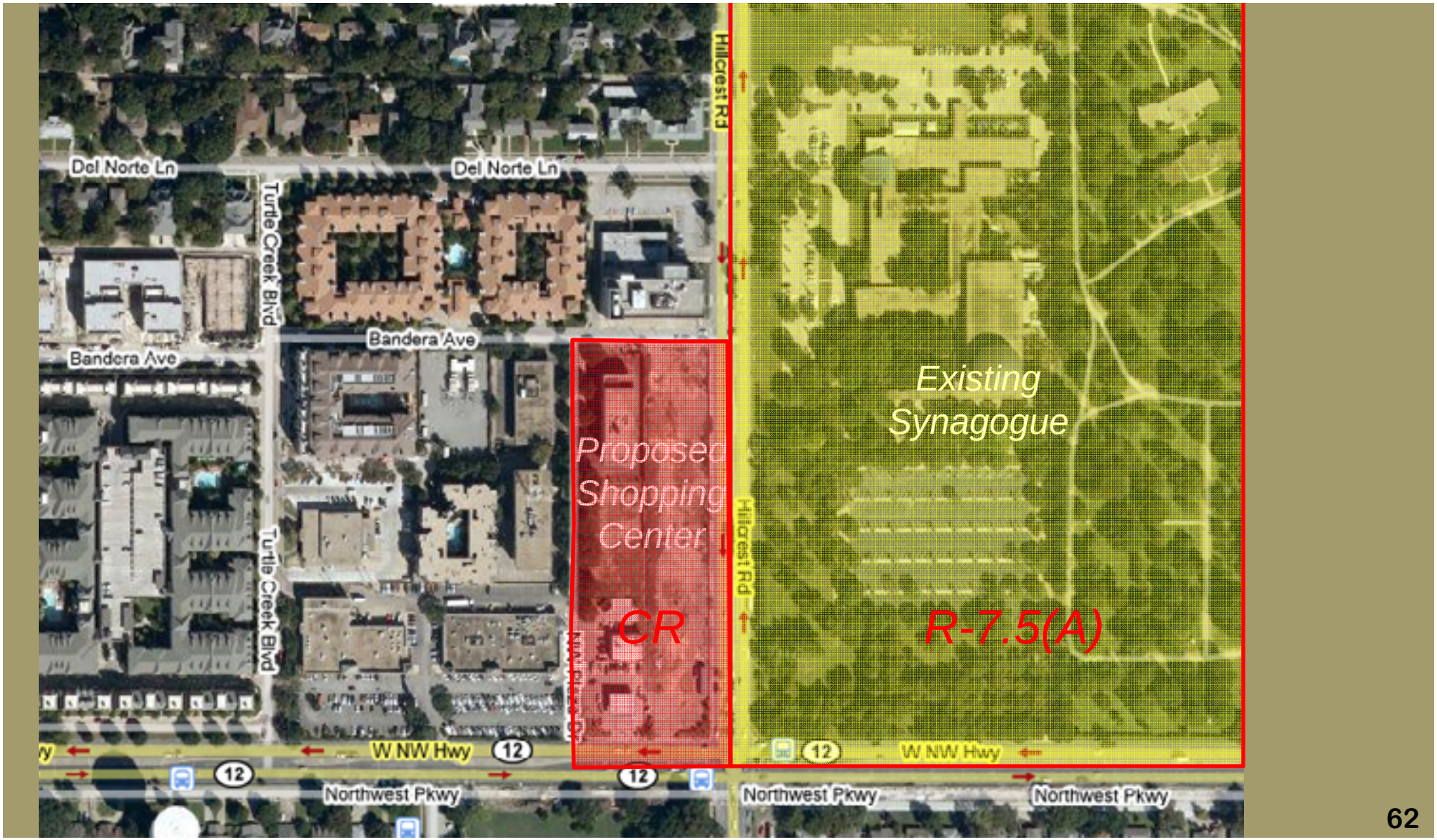
RPS assumes a flat earth



RPS encourages development to impose additional burdens



RPS is triggered by non-residential uses in residential districts



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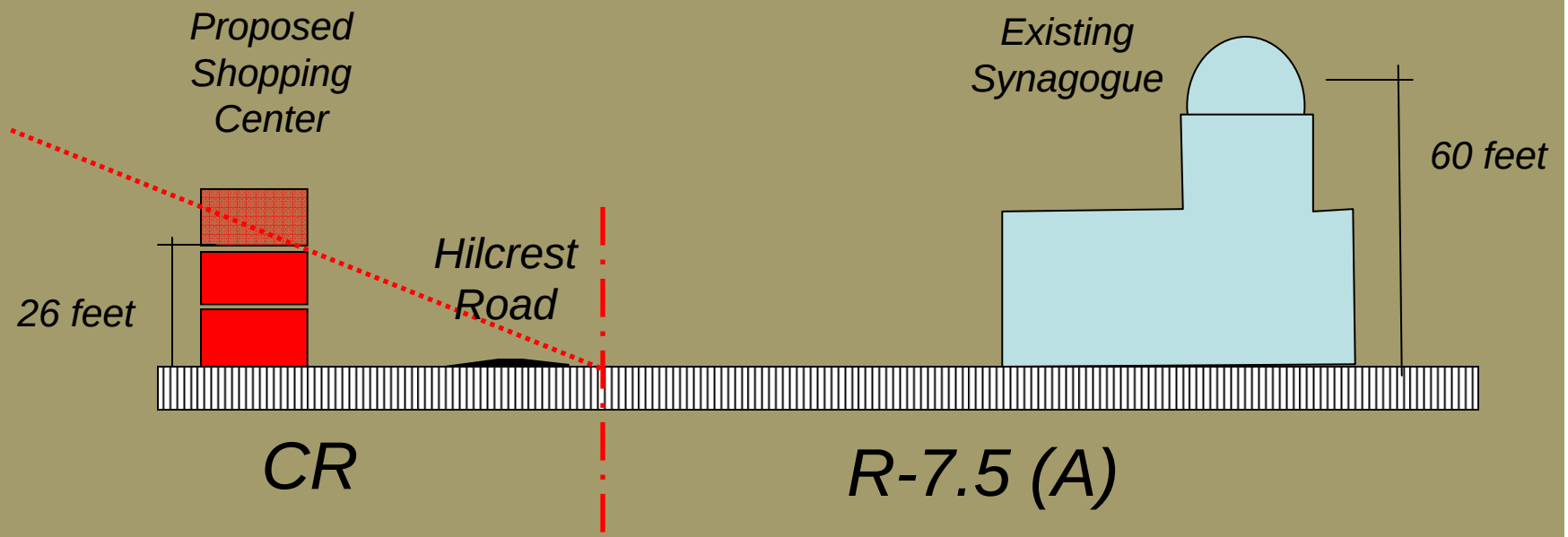
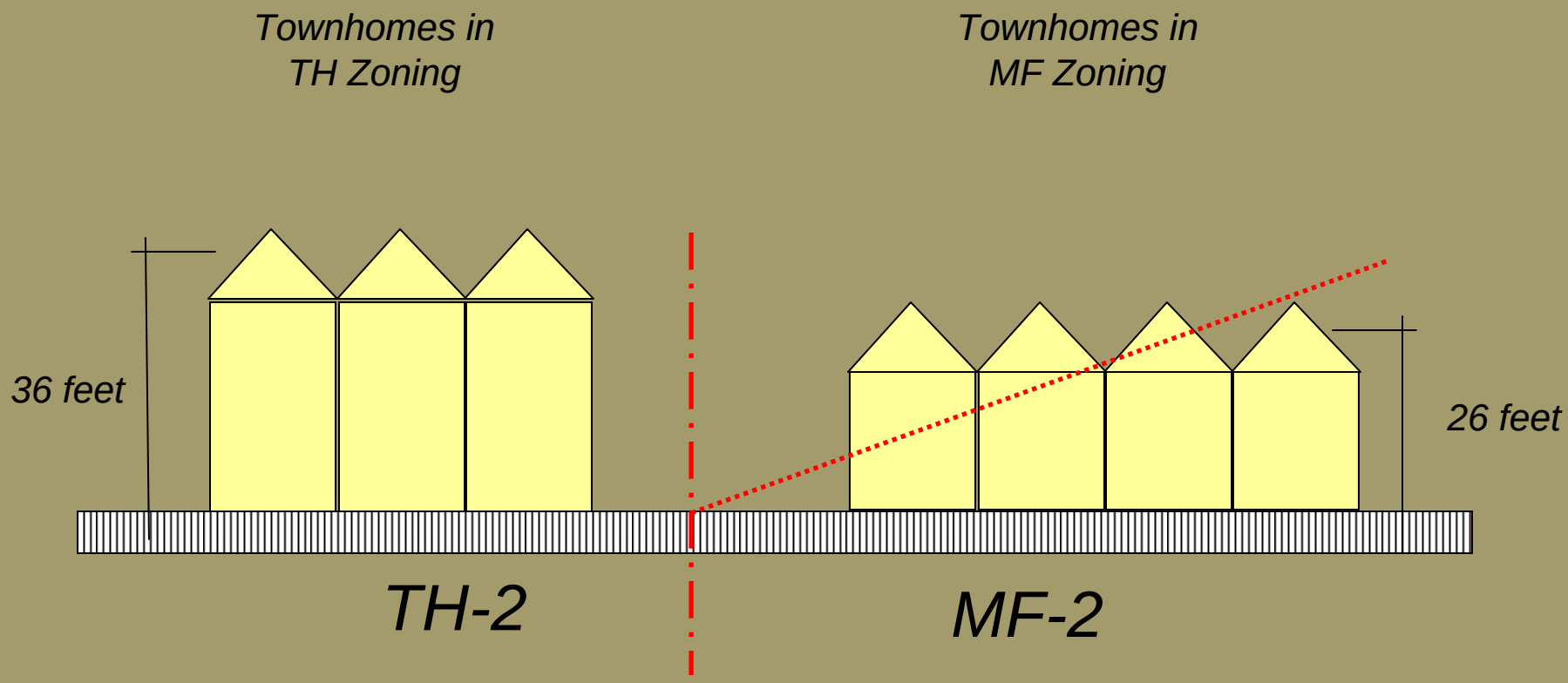
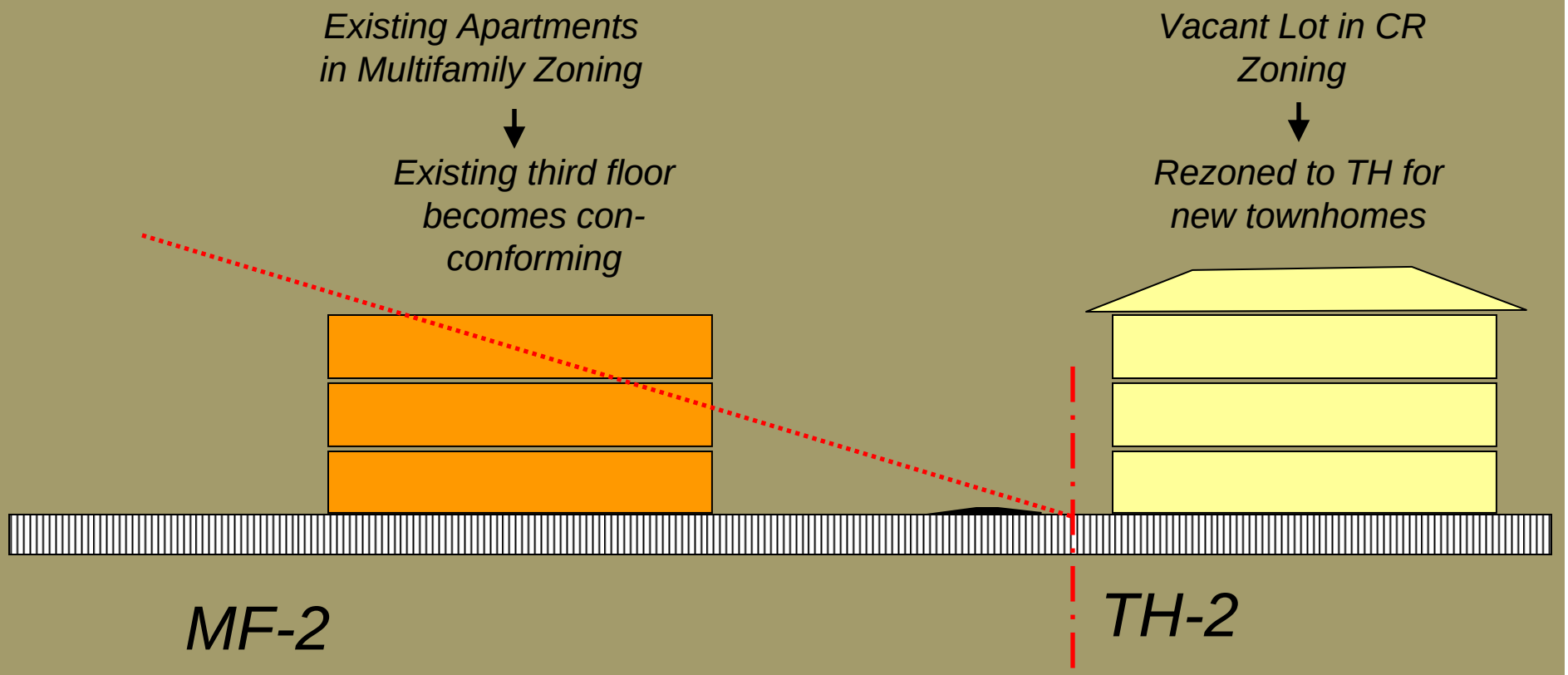


RPS is triggered by districts, not uses

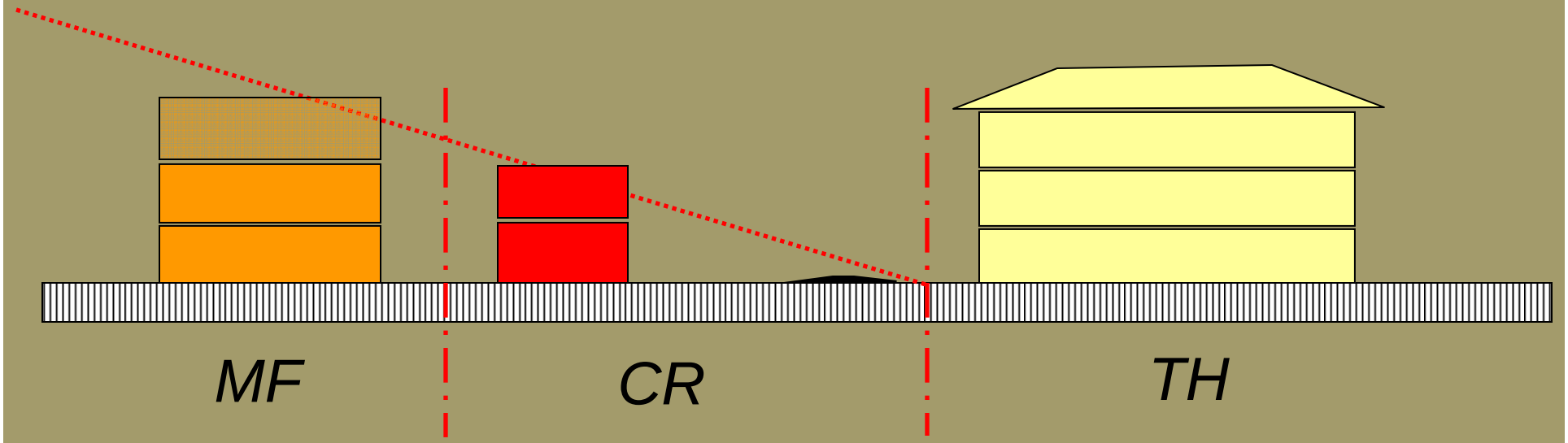


RPS can create non-conformity on adjacent properties



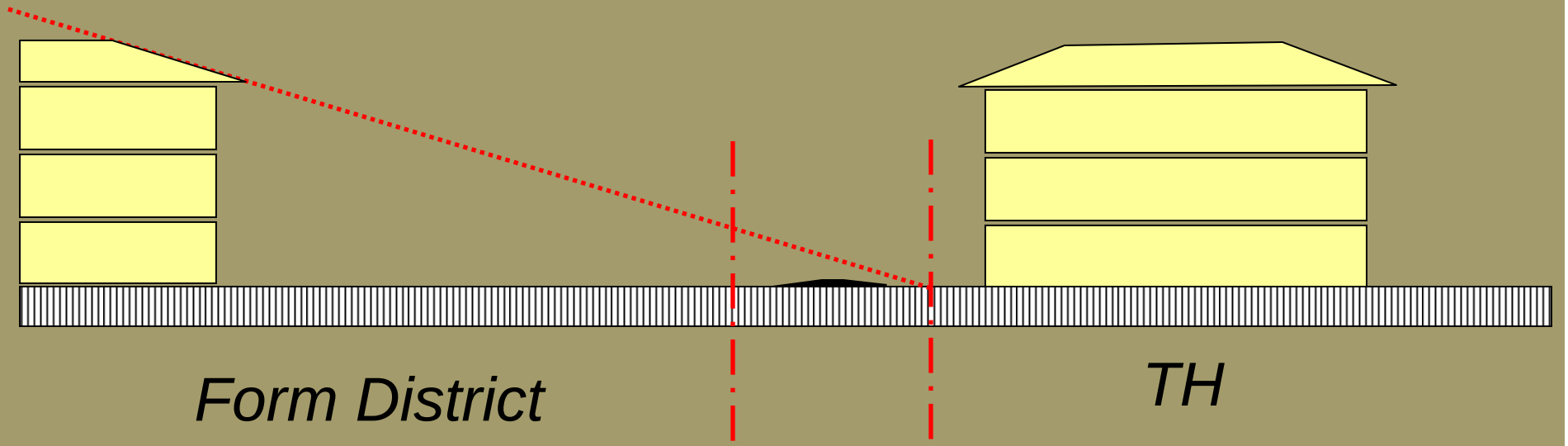
RPS extends to infinity

- 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

- CPC draft requires the RPS in all situations
- Retains height restrictions prior to new zoning
- Eliminates Council authority to negotiate a more compatible solution to site specific and neighborhood concerns.
- Mandated height provisions results in redundant, complicated and inflexible regulations.

Height - Policy Question

- Should control of height be complicated by a bureaucratic formula that people find difficult to understand?
- Should prior height regulations bind Council decisions in future zoning cases?

Issue # 9 Critical Mass Where can new districts be used?

defined as -

- 40 acres of existing high-density multi-family or multiple-use development or PD zoning; or
- 25 acres within an adopted area plan; or
- 25 acres that will be dense residential, commercial and other uses

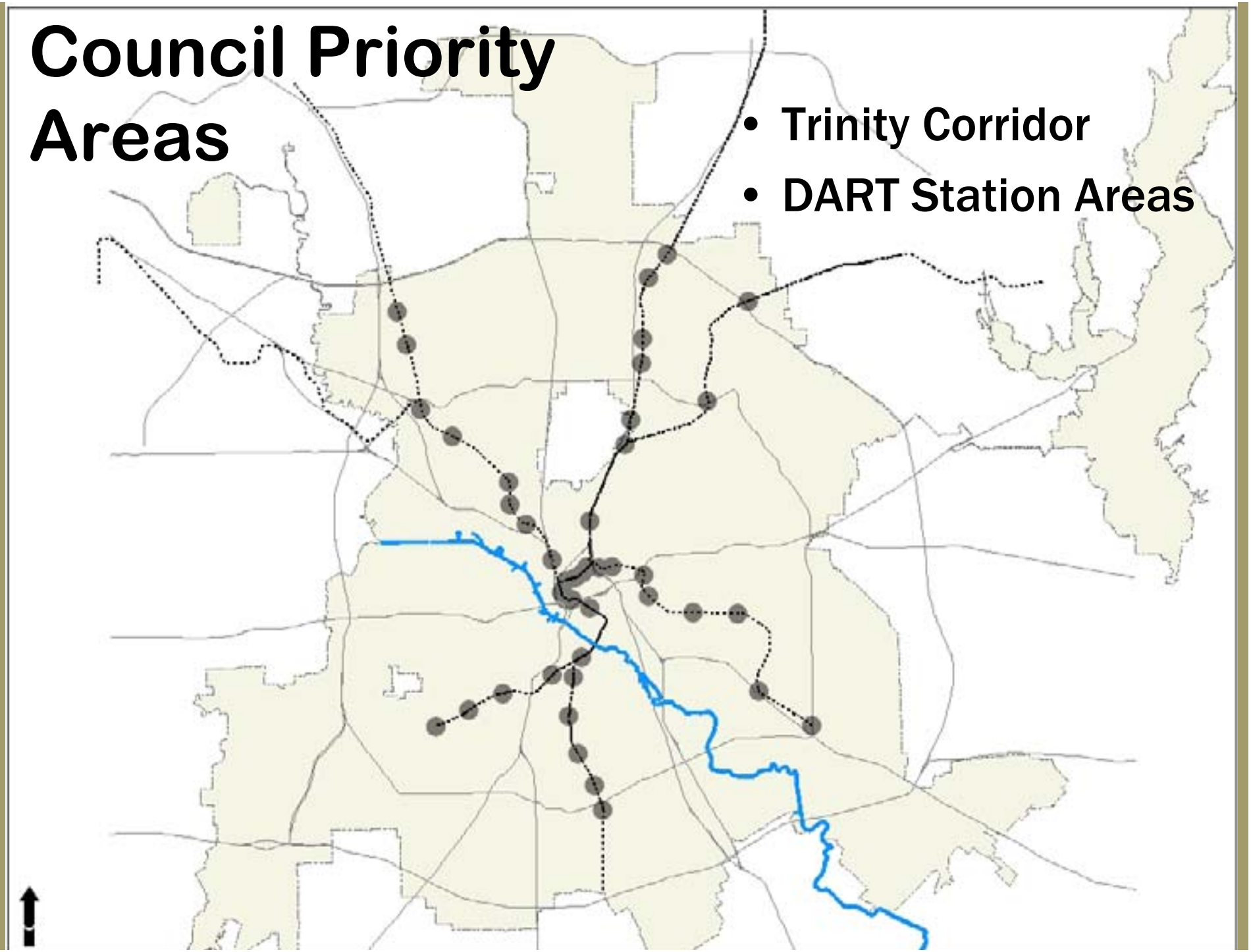
A Tool for City Council to bring about needed change?

Priority redevelopment areas

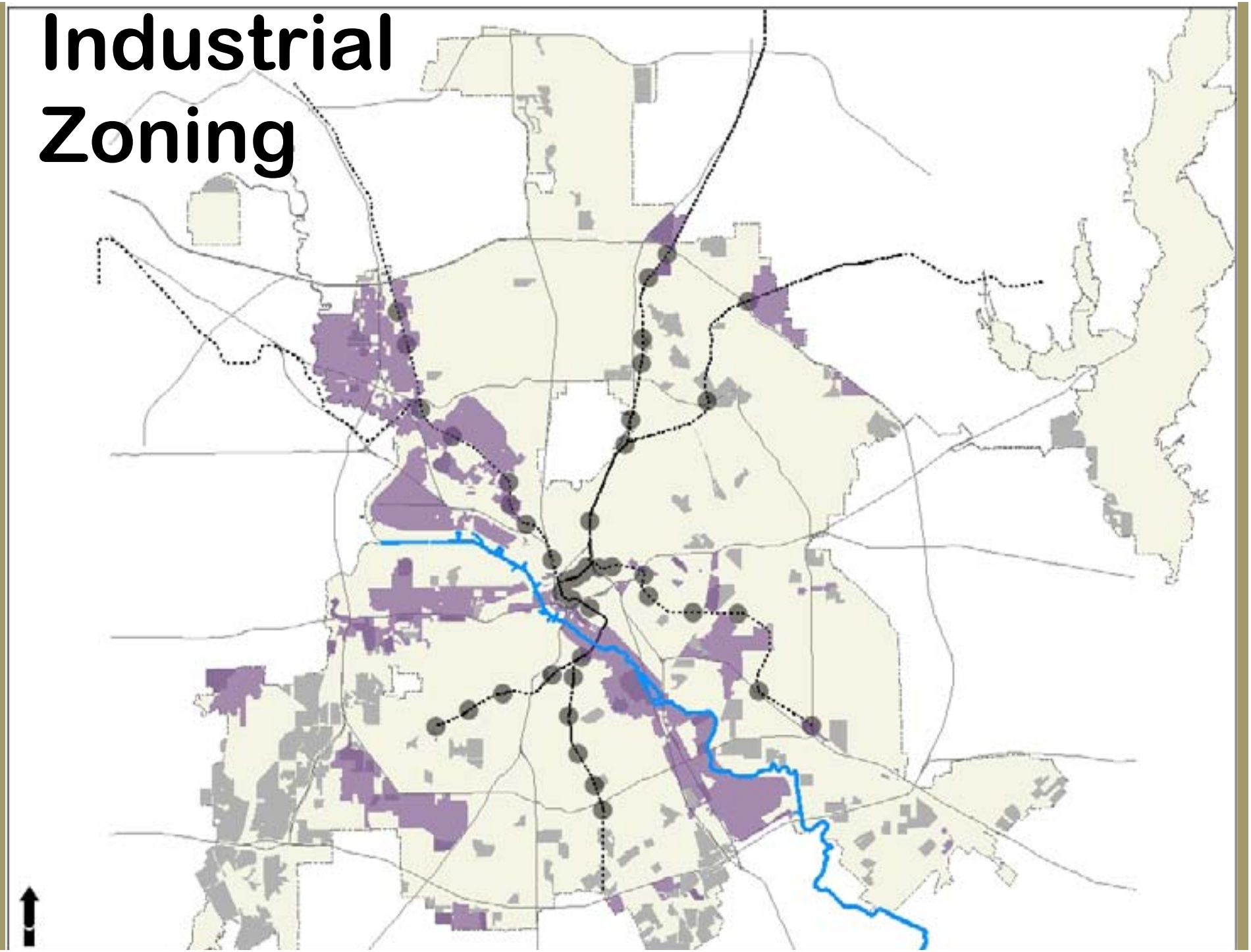
- Redevelopment of aging deteriorated multi-family properties
- Mixed-use developments around DART stations
- Conversion of obsolete industrial land
- Trinity River Corridor

Council Priority Areas

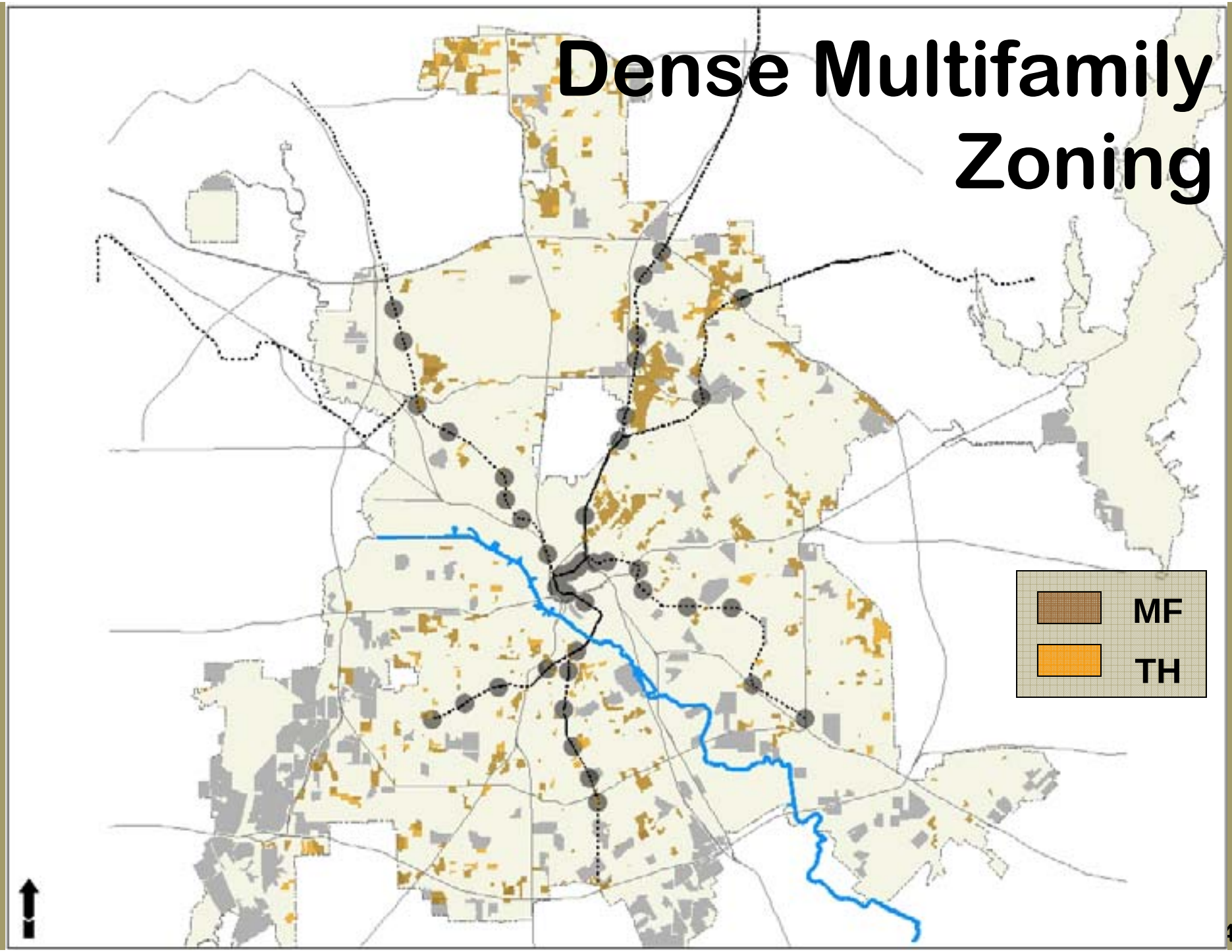
- Trinity Corridor
- DART Station Areas



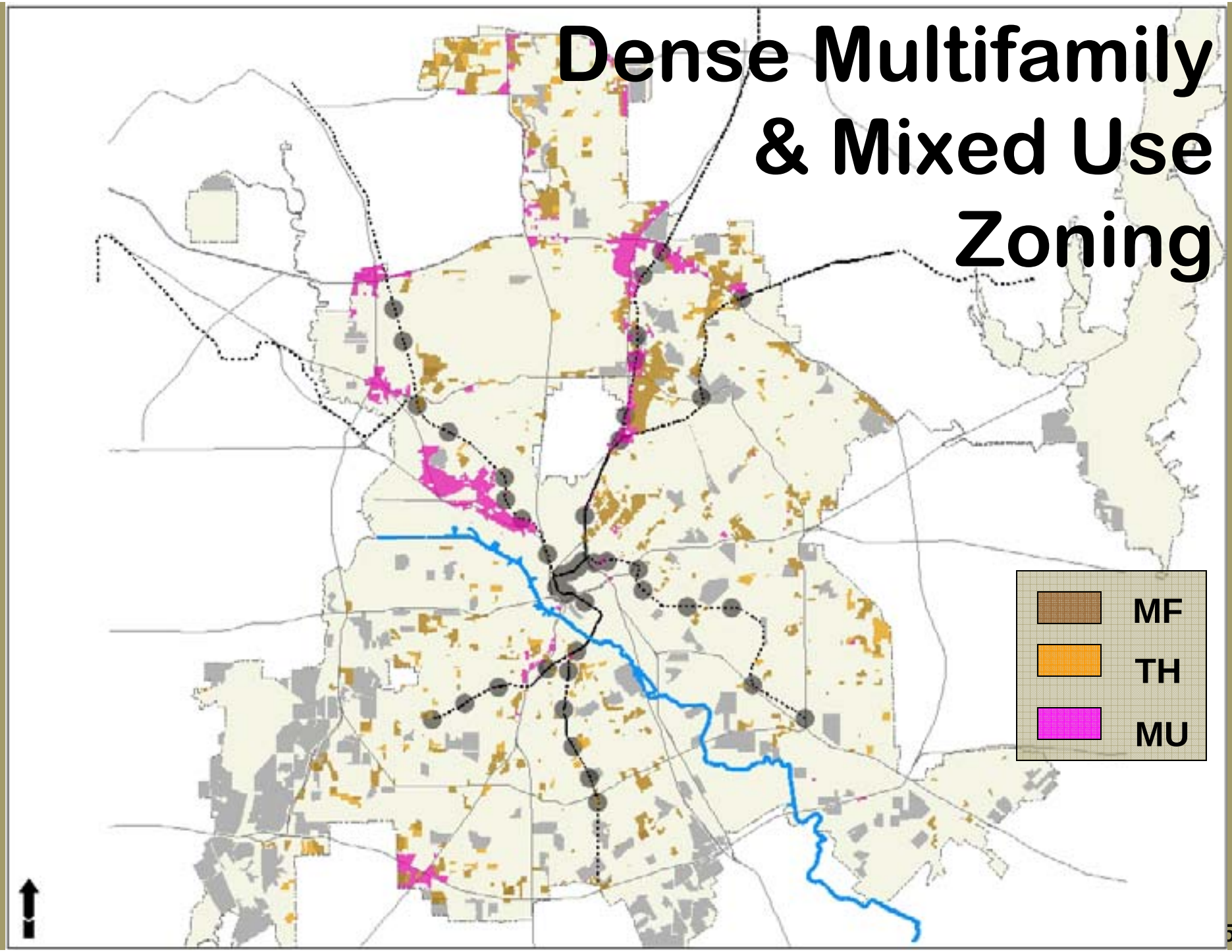
Industrial Zoning



Dense Multifamily Zoning



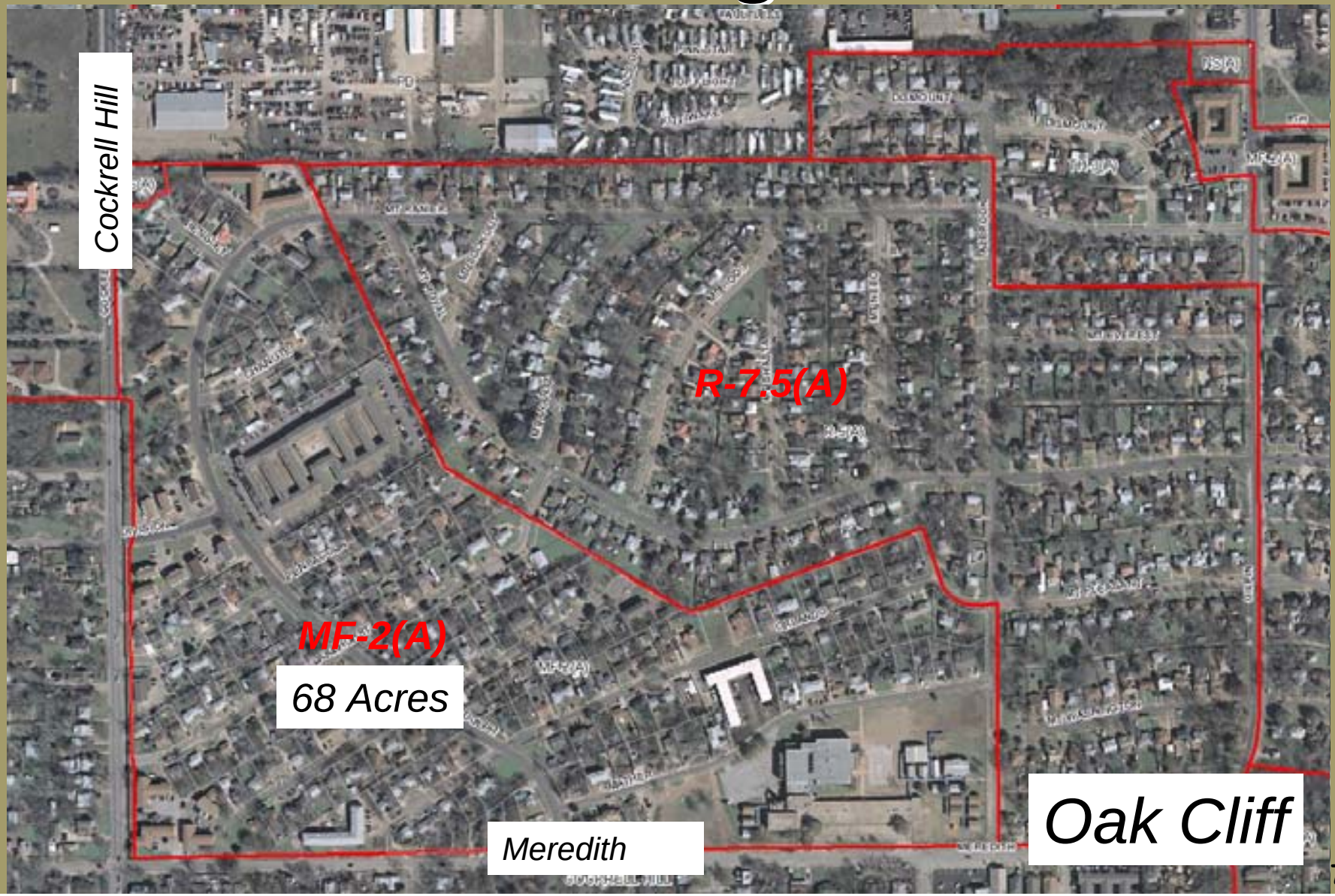
Dense Multifamily & Mixed Use Zoning



Dense Multi-family Zoned Land

- Will not allow TOD near DART light rail stations or Trinity Corridor
- May encourage redevelopment of aging and deteriorated multi-family complexes
- May encourage transition and speculation in stable single family neighborhood

Does CPC Critical Mass Provision Protect Stable Neighborhoods?



How Big is 40 Acres?

- Cityville @ Medical District: 5.7 acres
- West Village Phase I: 6.5 acres
- Mockingbird Station: 8.7 acres
- ICON Development: 19.0 acres
- JPI Development: 55.0 acres

Mockingbird Station Area

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

ICON Midtown Dallas Site

JPI Development (PD 774)

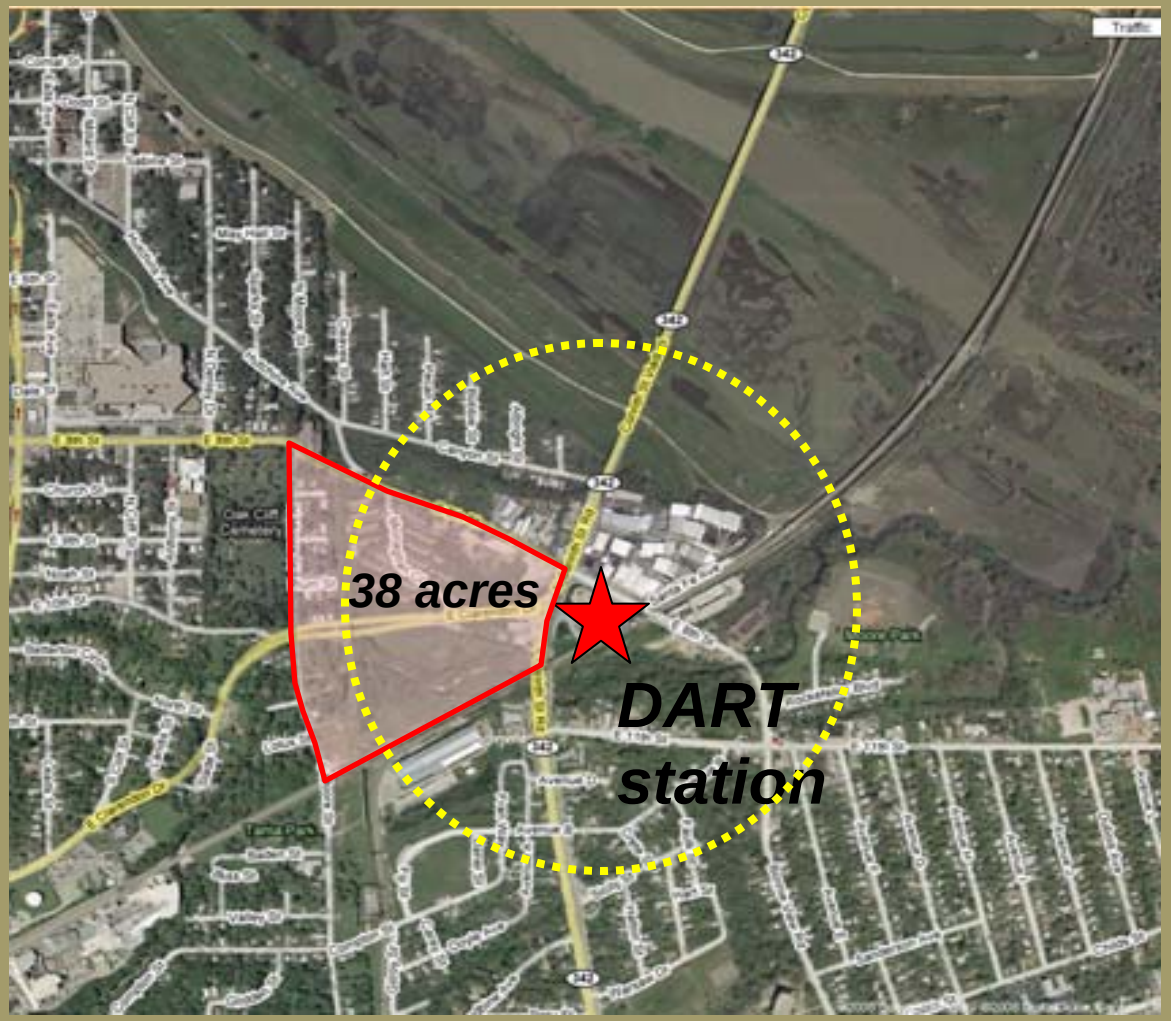
West Dallas along Singleton

Can "critical mass" be achieved?

42 acres covers 79 parcels

Existing industrial zoning

Corinth Street DART Station
Transit-Oriented Development



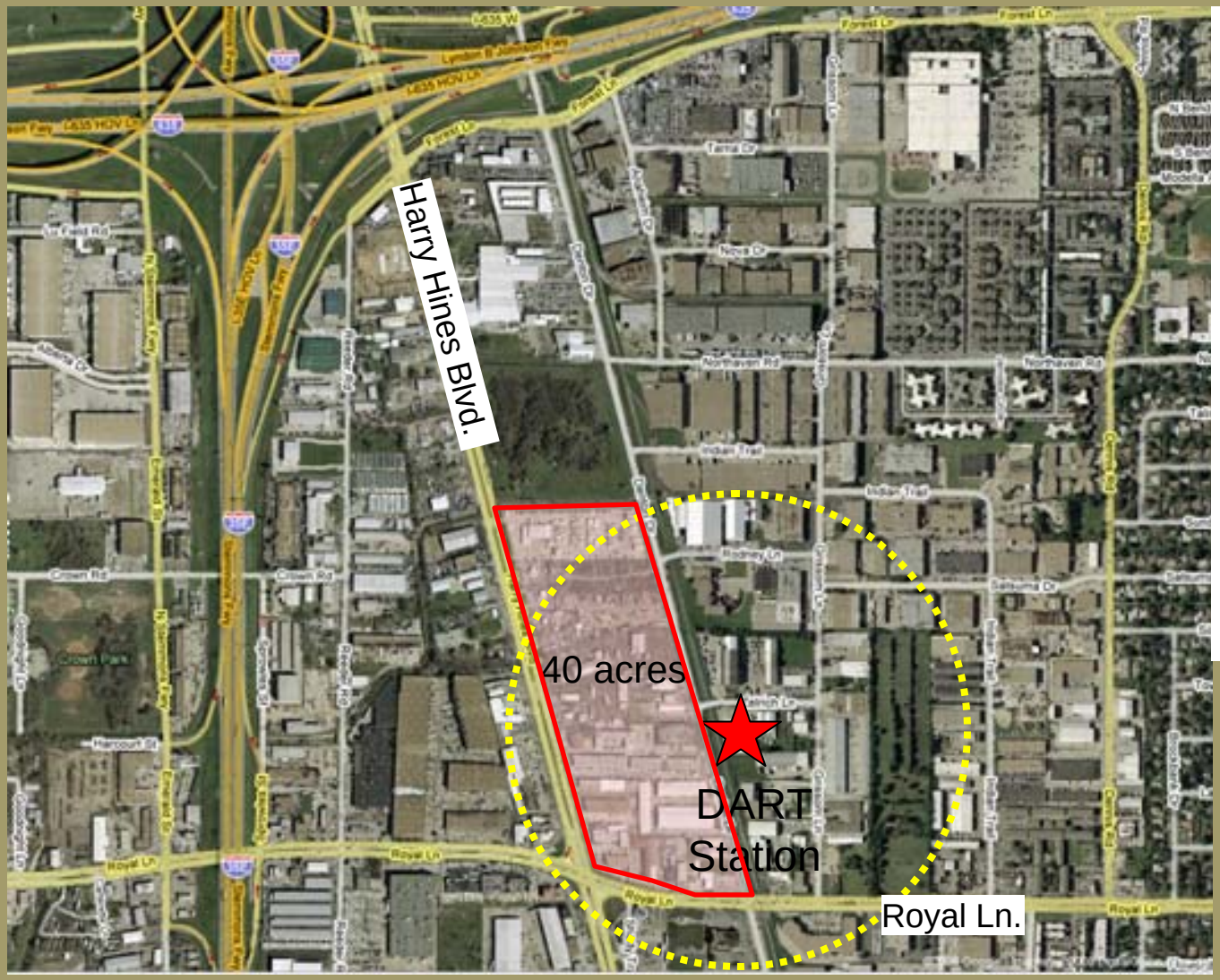
- 38 acres with 62 parcels
- Adjacent zoning is industrial and townhouse
- Form districts could not be used for re-development

Illinois Street DART Station Area

Monroe Shops (under 18 Acres)

- TOD station planning
- 18 acres
- Adjacent zoning is Single Family
- Form districts could not be used for re-development

Asian Trade District
Harry Hines & Royal Lane



- 8 property owners in a 40 acre area
- Area is ripe for transition
- Nearest residential neighborhood is over 1/2 mile away
- Currently zoned industrial

Policy Questions

- Should there be a constraint imposed on City Council's use of this new tool?
- Should Council have the ability to consider new districts for areas smaller than 40 acres to begin process of incremental change and redevelopment?
- Should these new zoning tools be available for walkable mixed-use development by small developers?

Council Study Group
Form Districts Purpose Statement

- Encourage walkable mixed use development in the Southern Sector, Trinity River Corridor, DART transit station areas, and deteriorated multifamily or commercial areas throughout the City
- Not appropriate where council determines that height, density, parking reductions could adversely impact nearby, stable single family neighborhoods

Council Study Group Modified Parking Reductions

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

Site Area	Max. Parking Reduction
0 to 5 Acres	10%
5 to 10 Acres	20%
10 to 15 Acres	30%
15 to 40 Acres	40%
Over 40 Acres	50%

Do Critical Mass Provisions Further With Council Priorities?

- Should walkable development be encouraged only in areas where critical mass already exists?

- Should form districts not be used to introduce change for small-scale developments?

Why are Form Districts Important?

- Building our Economy and Tax Base
- Quality of place attracts the “creative class”
- Jobs follow talented, educated work force
- Jobs of the future have not yet been invented

Competing in a Global Economy

- Most businesses are footloose
- Compete with New York, Chicago, London, Tokyo, Vancouver

Next Steps

Council may:

- Take action today, or
- Defer to committee for further discussion and refinement, or
- Consider ordinance on December 10th Public Hearing

Form Based Districts