



Dallas Zoning Reform

Simple. Clear. Future Ready.

Development Code Diagnostic Report



City of Dallas



camiros

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01 | Purpose

This Code Diagnostic presents the findings of a technical review of the City of Dallas Development Codes (51A) performed by Camiros. Central to this diagnostic is the understanding that good zoning regulations combine simple, rational substantive controls with fair procedures which, when reasonably applied, assure a pattern of development and redevelopment that protects the status quo where warranted and facilitates change where desired. The regulations should be well organized, easy to use, and comprise standards and procedures that regulate clearly and effectively. Further, they should work to produce predictable results that meet the City’s expectations and fulfill key policy objectives. This effort is intended to accomplish the following:

- Implement Forward Dallas
- Organize the Code so that it is user-friendly, predictable, and consistent
- Create new opportunities for diverse and affordable housing
- Promote sustainable and resilient development
- Integrate objective design standards throughout the districts to ensure high quality development
- Require fewer special approvals and allow more development by-right
- Increase the transparency of development approvals

More specifically, the purpose of this review is three-fold. First, the review provides an in-depth assessment of the City’s current regulations prior to the drafting of new regulations. Second, it allows for the identification of additional issues not discussed during meetings with City staff and stakeholders. Third, it introduces concepts and regulatory approaches that set direction for substantive revisions in the new Code.

This Diagnostic is not intended to present every necessary change; there will be numerous minor changes that “clean up” the Code and create a user-friendly document, and others that are much more detailed revisions to be worked out during the drafting process. This report serves to highlight major substantive issues and proposed revisions, and offers conceptual approaches to resolving specific issues with the Code. Specific recommendations and provisions identified in this report will evolve during the iterative drafting process, responding to staff input, public feedback, and direction from the City’s boards and commissions.

Simple

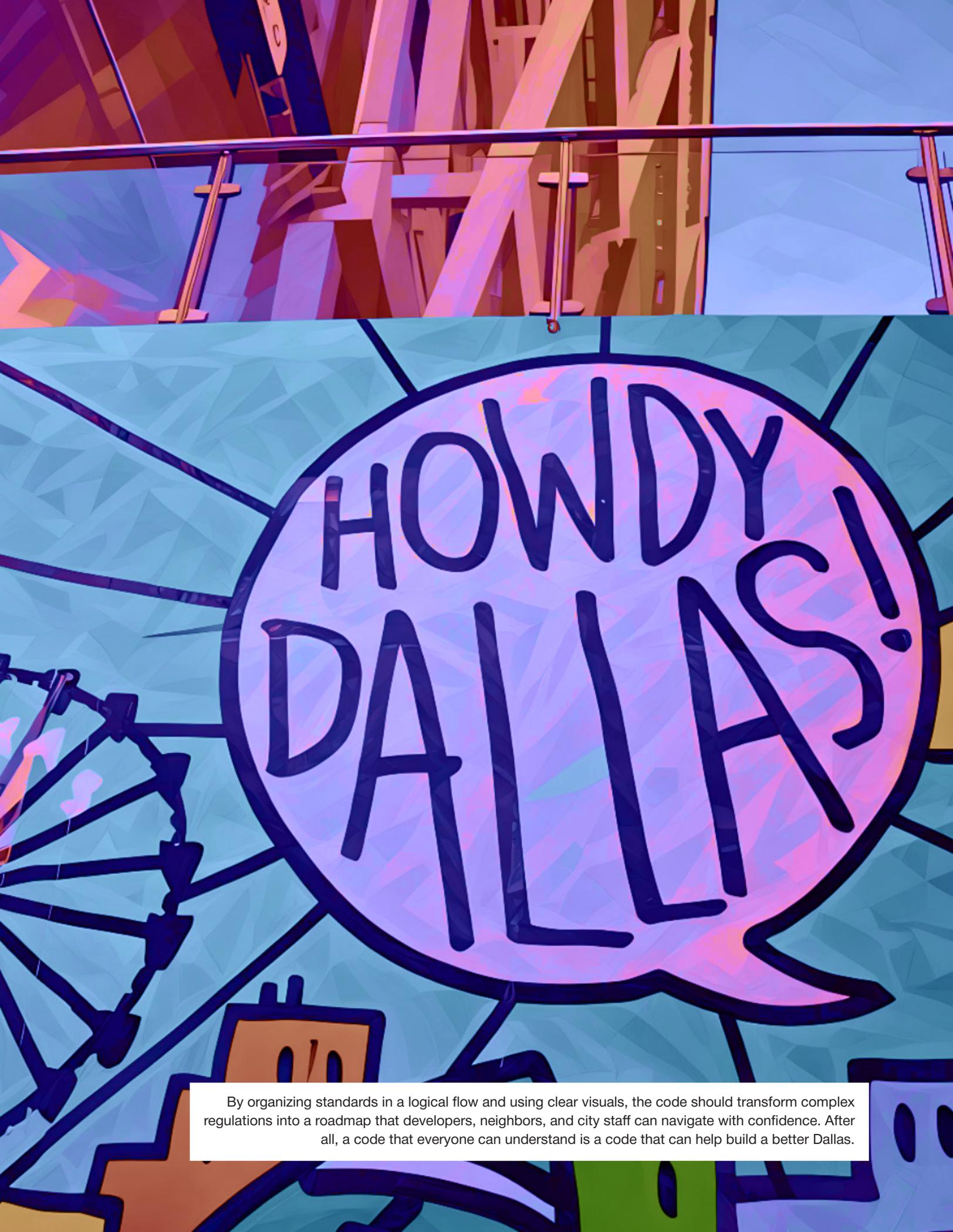
Streamlined regulations that reduce unnecessary complexity.

Clear

Rules that are understandable by everyone, not just specialists.

Future Ready

Designed for the Dallas we’re becoming, not the Dallas of yesterday.



By organizing standards in a logical flow and using clear visuals, the code should transform complex regulations into a roadmap that developers, neighbors, and city staff can navigate with confidence. After all, a code that everyone can understand is a code that can help build a better Dallas.



02 | Code Organization

One of the key issues identified both by staff and stakeholders is the current organizational structure of the Code. Generally, the Code is perceived as difficult to understand, containing repetitive provisions that are often in conflict, and excessive “legalese” that can be challenging for the layperson to interpret. The following techniques can work to resolve many of these issues and create a document that is more user-friendly.

Code Structure

Organize the Code within a logical system of compartments.

A successful Code follows a consistent, structured, legible pattern of organization from beginning to end. Employing a system of “compartmentalization” – wherein items of information are grouped together by regulatory category and purpose – improves the Code’s organizational structure and, in turn, its ease of use for both applicants and administrators.

The current Code contains numerous related regulations that are split among different articles, requiring users to navigate through multiple sections of the Code to ascertain the full scope of applicable requirements. To place regulations into logical sections, the following general structure is proposed for the Code. The first column describes the proposed new section and the second cites current provisions of the Code that relate to each article.

Proposed Organization *	General Location in Current Code
Article 1: Title, Purpose, + Intent	Sec. 1.102
Article 2: General Definitions	Article II
Article 3: Measurement Methodologies	Sec. 4.400
Article 4: Nonconformities	Sec. 4.704
Article 5: Introduction to Zoning Districts + Zoning Map	Sec. 4.100
Article 6: Residential Districts	Sec. 4.110
Article 7: Commercial + Mixed-Use Districts ¹	Sec. 4.120 (except Sec. 4.123), Article XIII
Article 8: Industrial Districts	Sec. 4.123
Article 9: Special Purpose Districts	Potential new districts
Article 10: Overlay Districts	Sec. 4.500
Article 11: Uses	Sec. 4.200
Article 12: General Development Standards	Sec. 4.600, Article VI, Sec. 4.1100 (Mixed-Income Housing)
Article 13: Accessory Structures	Sec. 4.217
Article 14: Off-Street Parking + Loading ²	Sec. 4.300 through 4.340
Article 15: Landscape and Tree Preservation ³	Article X
Article 16: Signs ⁴	Article VII
Article 17: Code Administrators	Article III
Article 18: Zoning Application Procedures	New section summarizing application process + notice

Proposed Organization *	General Location in Current Code
Article 19: Zoning Approvals	Sec. 4.700, 4.800
Article 20: Subdivision Regulations	Article VIII; Formerly called Plat Regulations
Article 21: Enforcement	Sec. 1.103
Appendix A: Sign Plans	Adopted sign plans from Article VII

*** Organization Footnotes**

1 Per the Code Diagnostic, as the commercial and mixed-use districts are developed and design standards added to the Code, there may no longer be a need for a separate set of Form-Based Districts.

2 Off-street parking, Sections 4.300 through 4.340, is currently being updated by staff and would be incorporated into the Code and reviewed only for alignment with the updated code.

3 The landscape article - Article X - was recently amended. Proposed revisions at this time include only alignment with the updated code and limited, if any, substantive changes. The one proposed revision is to potentially move the species list to a manual, so that it can be more easily modified rather than requiring a text amendment.

4 The current signs article - Article VII - contains a series of individual sign plans that control specific areas. The number and length of these sign plans overwhelm the sign section. Therefore, we propose to move them to an appendix at the end of the Code and cross reference them within the general sign standards.

** Note that Affordable Housing, Section 4.900, has been eliminated as it no longer applies.

Create a new “Chapter 63” within the City Code for zoning and subdivision.

It is proposed to create a new chapter within the City Code that brings together regulations that specifically relate to zoning and subdivision, the core elements of development. The creation of a new chapter will allow for a simpler, more logical organization of these regulations; a departure from the layers of regulation that have been stacked upon the current Chapter 51A.

There are several articles within the current Chapter 51A that are not part of the proposed general outline for the new Chapter 63. These are provisions that, while they may intersect with zoning and subdivision, have a larger focus than just those standards. As such, these articles are proposed to remain separate from the new Chapter:

- Parkland Dedication, Sec. 4.1000 (Currently being updated to comply with State law)
- Floodplain + Escarpment Zones, Article V
- Thoroughfare Standards, Article IX
- Historic Preservation and Economic Development Incentives, Article XI
- Gas Drilling + Production, Article XII

Move fees (Section 1.105) to a separate part of the City Code.

Fees would be moved to a separate section of the City Code so that a zoning amendment is not needed to change them. This would allow for fees to be more easily updated as needed.

Additional Organizational Techniques

All general terms within the Code should be defined and located within one article.

Definitions of general terms used in the Code should be consolidated into a single article. While Article II of the current Code includes a series of definitions for general terms, other articles also contain definitions. These include Article VII (Signs), Article X (Landscape), and Article XIII (Form Based Districts). To minimize the risk of conflicts and inconsistencies - and to improve user-friendliness - all general terms should be located within a single article.

Like the current Code, however, use definitions should be located within the proposed use article (Article 10). Including use definitions within the use article allows the user to easily locate a use definition related to the use matrix without needing to navigate to a separate article (see discussion on use structure update later in this report).

As part of the update, all existing definitions will be evaluated, updated for clarity, and checked for any internal conflicts. Any key terms that are undefined will be defined, and superfluous definitions will be deleted. Finally, many definitions will be supplemented with illustrations.

The Code should clearly explain all rules of measurement.

Section 4.400 (Yard, Lot, and Space Regulations) contains rules of measurement for items like building height, yards/setbacks, lot width, etc. Upon review, however, many of these rules fail to convey clear measurement methodologies and often contain additional regulations or exceptions to district standards, confusing the intent of this Section. Further complicating things, other sections of the Code contain measurement methodologies that may contradict those included within Section 4.400. To ensure their clarity and consistent application, measurement methodologies should be contained within their own section, and nowhere else in the Code. Further, they should be limited specifically to defining that measurement, without additional regulations tacked on. The following examples illustrate a variety of issues with this Section:

- Lot width regulations do not describe how to measure lot width, especially in the case of irregularly-shaped lots.
- The required front yard provisions contain a definition/measurement methodology for "yard," a series of permissions for encroachments into required yards - addressing both accessory structures and architectural features such as eaves - and special front yard setbacks when a TH or TH(A) District abuts another residential district.
- Residential district standards often appear to limit nonresidential uses to 25% lot coverage, but the lot coverage measurement methodology contains an exception that allows 60% coverage.
- Building height is defined in both Section 4.400 and Article II; the definitions in these two places are inconsistent.

The measurement methodologies section of the Code should be more narrowly drawn, serving only to define how the Code's various dimensional and design standards are calculated and applied, supplemented with illustrations to make them more easily understood by the user.

Code Outline

The following is an outline of the general contents contained within each article in the proposed structure. This Code outline should be considered in concert with the Code Diagnostic as it references potential new provisions. The Code Diagnostic describes the substantive revisions that are proposed for the Code.

Article 1: Title, Purpose, + Intent

Article 1 introduces the Code. It includes language that describes the purpose and intent of the Code, how the Code is applied, and transition rules for the Code primarily focused on what happens with earlier zoning approvals, whether in the case of a comprehensive update or later amendments.

General Sections

- Title
- Purpose + Intent
- Applicability
- Transition Rules

Article 2: General Definitions

Article 2 contains all general definitions used throughout the Code, except for use definitions. (See Article 13 below for use definitions)

Article 3: Measurement Methodologies

Article 3 is a central location for all measurement methodologies used within the Code.

Article 4: Nonconformities

Article 4 describes the rules for maintaining a use, structure, site characteristic, lot, or sign that legally exists as a nonconformity as of the effective date of the Code. The rules are clearly defined for each type of nonconformity.

General Sections

- General Applicability
- Nonconforming Structure
- Nonconforming Use
- Nonconforming Site Characteristic (new type - ex., parking lots, landscape)
- Nonconforming Lot
- Nonconforming Sign

Article 5: Introduction to Zoning Districts + Zoning Map

Article 5 introduces the zoning districts and the Zoning Map. It also includes language as to how to interpret the Zoning Map boundaries.

Articles 6 through 10: Zoning District Articles

Articles 6 through 10 contain the district regulations. At this time, a definitive district structure has not yet been established. The Code Diagnostic has described potential revisions to the district structure. New districts have been proposed in some cases, such as new Special Purpose Districts, while others are being evaluated for consolidation or elimination.

- Article 6: Residential Districts
- Article 7: Commercial + Mixed-Use Districts
- Article 8: Industrial Districts
- Article 9: Special Purpose Districts
- Article 10: Overlays

District articles are generally organized as follows:

General Sections

- Purpose Statements
- Uses (cross-reference to Article 11)
- Dimensional Standards (Bulk + Setback)
- Design Standards (as applicable)
- General Standards (Cross-reference to other standards such as parking)

Article 11: Uses

Article 11 contains the Use Matrix, a matrix that shows permitted and special uses within each district; these would be both principal and accessory uses. All districts in the Code would be included in the matrix. It also contains use standards that apply to certain uses and definitions for all uses listed within the matrix.

General Sections

- General Use Standards
- Use Matrix
- Use Standards
- Use Definitions

Article 12: General Development Standards

Article 12 includes regulations that apply to development outside of the dimensional standards that apply to the principal structure as stated within the district regulations. These regulations cover a variety of standards, such as fences, exterior lighting, permitted encroachments (into required setbacks), site triangle visibility (visual obstruction), mechanical equipment, and a variety of others. It would also contain the current Code Section 4.1100, Mixed-Income Housing. The following outlines some preliminary sections that would be part of this Article.



General Sections

- Lots + Building Sites
- Site Triangle Visibility
- Exterior Lighting
- Fences
- Refuse + Recycling Containers
- Mechanical Equipment
- Permitted Encroachments

Article 13: Accessory Structures

This Article regulates accessory structures. Standards address elements including location, size, and height, as applicable. It is structured in two sections – the first contains general standards for accessory structures and the second targets those specific accessory structures that require more tailored standards.

General Sections

- Accessory Structures General Standards
- Specific Accessory Structure Regulations
This may include, but is not limited to the following structures:
 - Apiary
 - Chicken coop
 - Garage (Detached), Carport
 - Gazebo, Pergola
 - Outdoor kitchen
 - Patio
 - Recreational game court (personal)
 - Private stables
 - Shed, Greenhouse
 - Solar panel (personal)
 - Swimming pool, Water features
 - Wind turbine (personal)

Article 14: Off-Street Parking + Loading

Off-street parking is currently being updated by staff and would be reviewed to ensure alignment prior to its incorporation into the updated Code.

Article 15: Landscape and Tree Preservation

The current landscape article - Article X - was recently amended. Proposed revisions include only those needed to ensure alignment with the updated code and limited, if any, substantive changes. The one proposed revision is to potentially move the species list to a manual, so that it can be more easily modified rather than requiring a text amendment.

Article 16: Signs

Sign regulations will address the full range of modern signs. To facilitate ease of use, the following organization of the sign article is recommended:

General Sections

- Purpose
- General Sign Standards (illumination, construction, etc.)
- Sign plan (process + cross-reference to appendix)
- Prohibited Sign Types
- Exempt Signs: No Permit Required – These may include:
 - A-frame signs
 - Banners
 - Real estate activity temporary sign
 - Construction activity temporary sign
 - Multi-tenant building entry sign
 - Cultural or historical site sign
 - Parking lot/structure circulation point sign
 - Window sign
- Signs: Permit Required – These may include:
 - Awning
 - Canopy
 - Drive-through sign
 - Electronic sign
 - Gateway entry sign
 - Ground sign
 - Marquee
 - Projecting sign
 - Roof sign
 - Skyline sign
 - Wall sign



- Summary Table of Sign Permissions (both with + without permit)
- Extraordinarily Significant Signs

Article 17: Code Administrators

This Article lists the powers of all boards and officials involved in Code administration.

General Sections

- City Council
- City Plan Commission
- Board of Adjustment
- Landmark Commission
- Code Administrator

Article 18: Zoning Application Procedures

This Article contains the rules for processing the various zoning applications.

General Sections

- General application procedures
- Notice requirements (mailed, posted, published)
- General public hearing procedures
- Apportionment of exactions

Article 19: Zoning Approvals

All zoning approvals are found in Article 20. The following approvals would be included:

- Code amendments (text and map)
- Specific use permit (SUP)
- Variance
- Special exceptions
- Administrative modification (new)
- Planned development
- Development impact review
- Zoning interpretation (new)
- Zoning appeals
- Sign permit
- Certificate of appropriateness (historic districts)
- CD Conservation District work review
- Certificate of occupancy

- Reasonable accommodations (update of current Sec. 1.107 – Special Exceptions for the Handicapped)

To the extent possible, sections detailing these approvals will follow a parallel structure including the following:

- Purpose of zoning approval
- Initiation: who can initiate the application
- Authority: who makes recommendations, when applicable, + who approves
- Procedure
 - Filing
 - Recommendation (when applicable)
 - Approval
- Approval Standards
 - Limitations to Approval (when applicable)
- Modifications to Approved Application (when applicable)
- Expiration (when applicable)

Article 20: Subdivision Regulations

Article 20 contains the procedures and standards for subdivision approval. Those provisions within current zoning regulations that speak to subdivision specifically would be located here; conversely, any standards within subdivision that are related to zoning would be moved to the appropriate section.

General Sections

- Purpose
- Applicability
- Subdivision Classifications/Types
- Subdivision Approval Process
 - Initiation
 - Authority
 - Procedure
 - Approval Standards
 - Waivers to Standards
- Subdivision Standards (layout, design, infrastructure standards, and cross-references to other applicable sections)



Article 21: Enforcement

Article 21 describes the rules for enforcement of the Code.

Appendix A: Sign Plans

The current signs article - Article VII - contains a series of individual sign plans that control specific areas. The number and length of these sign plans overwhelm the sign section. Therefore, we propose to move them to an appendix at the end of the Code and cross reference them within the general sign standards.



An updated Development Code should embrace the rhythm and vibrancy of Dallas. Through thoughtfully calibrated use permissions and standards, the Code should support the city's dynamism - where sidewalk cafes mix with local shops, homes sit above bustling streets, and every corner holds the potential for something extraordinary.

03 | Use Structure

The Code should allow both users and administrators to develop a straightforward understanding of how various uses are addressed in Dallas. To achieve this, it is proposed to consolidate and clarify the range of uses allowed within the City. Further, the uses allowed in each district should be evaluated and updated to ensure that they correspond to the purpose, form, and function of each district.

Uses within the Code should be reorganized into a global use matrix.

Rather than listing allowed uses within each individual district, a more efficient approach would be to adopt a global use matrix. All uses and districts would be organized into a single matrix, each cell indicating whether a use is permitted, special, or prohibited within a particular district. This organization provides several benefits:

- Users can access the matrix two ways - either they can identify their district and see what uses are allowed, or they can see districts in which a particular use is allowed to locate.
- Inconsistencies in terminology are eliminated as each use is listed just once in the table, rather than repeated across different districts.
- Adding or modifying use permissions becomes much simpler, as there is a single place to edit, rather than multiple locations.

The use structure within the current Code requires simplification and clarification.

While the current Code incorporates a predominantly generic use approach - grouping similar uses into a larger generic categories - there are a number of actions that can further modernize and clarify how uses are treated.

- Use definitions are an important part of any code. Clear definitions can reduce interpretation and create more predictability. The current Sec. 4.200 defines each of the uses, and the updated Code should continue this practice. Each of these definitions will be evaluated and updated as needed. Further, any definitions of general terms that appear here should be moved out of Sec. 4.200 and into the definitions of general terms.
- Use definitions can elucidate any ancillary uses that may be part of a principal use. For example, a light industrial use can be defined as potentially including an ancillary showroom. This would help to clarify what is considered accessory or principal within the current use structure, and remove ambiguities related to true accessory uses.
- Uses should be divided into clear categories, including principal and accessory uses. This shift would eliminate the need for sections within the current Code like "Miscellaneous uses."
- Certain uses listed within the current district use lists or the accessory use lists are not true zoning uses and should be eliminated. For example, transit shelters, pedestrian skybridges, and private streets or alleys are not principal or accessory uses.
- While the industrial districts contain lists of allowed uses, Section 4.203 (Industrial Uses) creates a distinct category called "potentially incompatible industrial uses." This is a list of specific uses that are called out as only allowed within the IM District as an SUP. This type of use approach is discouraged because it creates increased opportunities for inconsistent interpretations, especially if similar uses are included in the district use lists. Understanding that these types of industrial uses have significant impacts, there are ways to mitigate them with better use categories and associated performance-based standards.

- As is the case now, use standards are needed to mitigate the potential impacts of certain uses. The current Code includes such standards within the use definitions, which may be confusing to users. Definitions, in general, should not contain regulations. As part of the update, the standards will be removed from the definitions and listed independently. They will also be reviewed and updated as needed to ensure that they are objective and can be easily interpreted and applied. Additional standards, particularly those that are commonly applied to uses as part of approvals, should be brought into the Code.
- The use article should be self-contained, and should comprise the matrix, use definitions, and use standards. Current use standards contain information relating to district permissions and parking and loading standards, which may create opportunities for conflicts and inconsistencies with those respective sections of the Code. Use permissions should be within the matrix and parking standards should be within the parking article. To the extent possible, information within the Code should not repeat.

Requirements for special approval of certain uses can be simplified.

Moving forward, uses within the Code should be designated as either permitted or special within each district. This would be a simplification of the multiple types of approvals and conditions cited in the current Code, which include:

- **SUP** – Use allowed through Specific Use Permit process
- **L** - Use allowed subject to specific limitations (interior use, floor area limit)
- **DIR** - Use allowed with Development Impact Review (site plan)
- **RAR** - Use allowed with Residential Adjacency Review (site plan)
- **C** - Use permitted as restricted component in the General Office District

An evaluation of each of these is as follows:

- **Specific Use Permit (SUP) Uses.** The Specific Use Permit plays a critical role within the Code and should be maintained. Within the updated Code, the City should consider renaming uses subject to such a permit as “special uses,” a more common term. The palette of uses requiring an SUP should be refined to ensure that they are tailored to the purpose and intent of the districts in which they are permitted. Further, the process for obtaining an SUP should be evaluated and refined within the updated Code.
- **Limited (L) Uses.** Certain uses within the current Code are subject to specific limitations: they must be contained entirely inside a building, with no separate entrance or signage visible, and cannot occupy more than 10% of the floor area of the building in which they are located. These types of provisions have fallen out of favor in modern practice, particularly because of how quickly the market and demand for certain uses can fluctuate. In addition, limitations related to the floor area of uses within a building are difficult to enforce and could create unintentional nonconformities. Moving forward, these types of limitations should be removed from the Code.
- **Development Impact Review (DIR) Uses.** These are uses that are identified as requiring site plan review. This is not an uncommon condition, but would be better handled within the use standards for such uses. Including a requirement for site plan review within the use standards allows the City the flexibility to refine when site plan review is triggered, to ensure that it is only required when needed. For example, if a use is moving into a structure, making no alterations, and complies with all zoning requirements, site plan review may be seen as redundant, taking up time and resources. Further, the DIR uses are primarily used to address on-site circulation and drive-throughs/queuing. With the new use approach, drive-throughs will be specifically addressed with standards and citations for any additional reviews needed, therefore a special designation is not needed. It is proposed to “absorb” this use designation within the revised use structure.

- **Residential Adjacency Review (RAR) Uses.** RAR uses require site plan review when located within a certain distance of a residential use/district. This is an example of the emphasis placed upon residential development, which is a theme throughout the Code. Requiring these uses, which are typically nonresidential, to complete an RAR site plan may create several unintended consequences. Because it is an evaluation of adjacency impacts, the process can be subjective and open to interpretation, leading to inconsistencies and potential bias in decision-making. These uses are cited as appropriate for the districts they are allowed in and should be treated as such, allowing for other standards such as buffer/transition yards, landscape, and dimensional standards that address overall bulk when close to residential to ensure compatibility. Including this additional review process can cause significant delays in the approval of development projects, which among other issues can discourage potentially desirable projects from considering Dallas as an option within the region. It is recommended to incorporate the conditions placed upon these uses (addressing lighting, audio, etc.) within the use standards and remove this separate review process.

There is potential to reduce the number of Specific Use Permit uses.

With an updated district structure, there is a potential to reduce the number of specific use permit uses (SUP). It was often cited during stakeholder interviews that the current Code contains too many SUPs. While the SUP process is a valuable tool for uses that may have significant impacts within certain districts, often it can become the “go to” for any use that may cause concern. Updated use standards and better transitions between uses and districts can handle many of the concerns that these uses may cause.

Reducing the number of SUPs is important for several reasons. Each SUP requires its own review process, which can be both time and resource intensive for both applicants and staff. Limiting the number of SUPs will help to streamline the approval process, making it more efficient for everyone involved and increasing predictability for property owners, developers, and residents. It is a key component to reducing uncertainty about what types of development may occur in any particular area for the Code as a whole.

Specific use permit uses are subject to a renewal, which is uncommon, and should be eliminated.

Currently, SUPs are subject to a renewal. This is atypical. In most cities, once an approval is granted, the use can remain, even if ownership changes, so long as it complies with all zoning requirements and approval conditions. Even without a renewal, the City has safeguards in place to monitor these uses. Any changes to the intensity of a use requires a new SUP, and if there are violations of zoning requirements or approval conditions, the SUP approval can be revoked. Further, many businesses operate contingent on non-zoning related licenses and permits, such as business licenses, environmental licenses/permits, and others, which control their operations.

While a renewal process was certainly intended to allow for monitoring special uses over time and ensuring compliance with any conditions, this can create an inequitable playing field. There are a number of reasons to consider removal of this requirement:

- Renewal presents administrative costs for both the applicant and staff.
- Certain uses are exempt from renewal while others have renewal timeframes without a clear reason for distinction.
- It creates uncertainty for those with an SUP. Long-term plans or investments can be jeopardized if they are not sure whether their SUP will be renewed.
- It is assumed that many of the SUPs remain unchanged year after year, making the process more of a rote exercise than a true review.

- The renewal may be perceived as being reviewed for reasons unrelated to zoning. Within such a framework, there may be perceptions that the process targets or personally scrutinizes specific owners or operators, or may be used to penalize them. Zoning cannot control who owns or operates a business, and review processes should ensure that ownership is neither a real nor perceived factor in approvals.

The Code should address emerging principal uses, particularly new innovative and creative uses.

Dallas is a vibrant city; the uses allowed within the Code should speak to that character. The following are examples of innovative and creative uses that could be included in the Code. While it may be that these uses could be allowed under one of the existing use types, often it is beneficial to identify them separately within the use structure to show that the City welcomes these types of uses.

- **“Corner Stores” (Neighborhood Commercial Establishments).** Dallas has some residential neighborhoods that traditionally developed with limited commercial services integrated into residential areas, typically called “corner stores.” Although these structures are part of the residential fabric, pursuant to the current Code, most are considered nonconforming, prohibiting property owners from reopening previously closed corner stores. To allow them to continue, the Code could incorporate a “neighborhood commercial establishment” as a use that would be allowed within certain districts. A series of design standards and impact controls would be included, as well as a tailored list of allowable uses that would fall within the category of neighborhood commercial establishment, prohibiting more intensive or potentially incompatible uses such as the retail sales of alcohol.

To expand opportunities for small-scale retail and service uses that primarily serve the local neighborhood, this use can also allow for the establishment of new “corner stores” in specific circumstances. Like the standards above for reuse of existing structures, standards would be created to ensure that new neighborhood commercial establishments are small-scale developments with a tailored list of uses, compatible with surrounding residential neighborhoods.

- **Artisan Workshop.** This use would comprise artisan-related crafts and other types of low impact craft uses like small-scale metalworking, glassblowing, and furniture making.
- **Product Design.** An establishment where the design, marketing, and/or brand development of various products are researched and developed, integrating the fields of art, business, science, and/or engineering. A product design establishment may create prototypes and products but does not mass manufacture products from the premises.
- **Food Truck Park.** This is the principal use of land is to accommodate one or more food truck vendors offering food and/or beverages for sale to the public, which may include seating areas for customers and additional operational facilities.
- **Specialty Food Service.** These popular uses include businesses that specialize in the sale of certain food products, such as a coffee roaster, nut roaster, and cheese maker, and may offer areas for ancillary retail sales or restaurants that serve the products processed on-site. Specialty food service includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts.
- **Commercial Kitchen (Standalone).** A shared commercial kitchen in which individuals or businesses prepare value-added food products and meals, usually paying a set rate by timeframe (daily, weekly, monthly, etc.) to lease a kitchen space shared by others. Also called “ghost kitchens,” or “ghost restaurants,” these types of uses became more prevalent during the recent pandemic and typically require specific standards because of traffic from delivery persons.



- **Retail Warehouse/Showroom.** Following the pandemic, the retail landscape has seen significant shifts, with new types of business models emerging that do not rely on traditional in-store shopping as the primary means of customer interaction. One such model is the retail/warehouse combination. In this setup, customers either pick up their purchased goods directly from the storage facility or have them delivered to their homes. This approach merges the efficiency of a warehouse with the convenience of local pickup or delivery.

Another evolving model is the showroom concept. Showrooms allow customers to physically inspect and interact with products, such as vehicles, without the immediate purchase or ownership of the items on-site. Customers can experience the products firsthand, get detailed information, and then arrange for the purchase and delivery through other channels. This model caters to the desire for tangible interaction with products while streamlining the purchasing process to be more flexible and less dependent on in-store inventory.

To prevent complications associated with defining what constitutes a “family,” it is recommended to adopt more inclusive dwelling-type terminology that focuses solely on occupancy.

This type of terminology shift would involve replacing terms like “single-family” and “multi-family” with neutral descriptors such as “single-unit,” “two-unit,” or “multi-unit.” Additionally, terms like “triplex” and “fourplex,” which do not imply any family-based structure, would also be used. This approach allows for a straightforward, occupancy-based classification, avoiding assumptions about household composition or family structure while promoting clarity and inclusivity.

***Please note, in this Diagnostic, we will continue to use the terms single-family, multi-family, etc. in our analysis as these are the terms used in the current Code. The new terminology would be first used in drafts of the Code.*

Industrialized/modular housing is a form of construction; specific permissions may not be needed.

The term “modular” relates to a method of construction for residential dwellings wherein homes are built in multiple sections – or modules – at a facility, and then delivered to the site where they are set onto the building’s foundation and joined together to make a single building. As such, it is not clear why this is distinguished within the single-family districts as a separate use; these homes must conform to all zoning requirements for the dwelling type and must meet all local building code requirements. Though the method of construction is different, a modular home is indistinguishable from an on-site stick-built home.

Further, there are standards related to the minimum value of a modular home in relation to surrounding homes. Such standards, especially those that are contextual in nature, often appear arbitrary and can have a detrimental impact on the ability to build quality new construction that is affordable. It is recommended that this distinction be eliminated from the Code. Per the Texas Code on industrialized housing, this value assessment is not required and states only that municipalities “may adopt regulations.”

A full range of accessory uses should be addressed.

The use matrix should also address a separate category of accessory uses. The way the current Code is structured, accessory uses are found within multiple locations. Sec. 4.217 (Accessory Uses) addresses both accessory uses and accessory structures. For example, a home occupation is an accessory use while book exchange boxes are accessory structures. Accessory uses should be pulled into the global use matrix discussed earlier.

In addition, the current district use lists can be vague in terms of permissions. The statement that precedes accessory uses states: “As a general rule, an accessory use is permitted in any district in which the main use is permitted.” This

can create confusion between a true accessory use and an ancillary component of a principal use (see discussion above related to clarifying ancillary uses). Finally, accessory structures listed within the current use lists, such as an amateur communication tower or private stable, should be moved to a separate accessory structure section.

Creating a distinct set of accessory uses and tailoring district permissions for each one would eliminate the need for prohibited accessory uses, minimizing interpretation and eliminating potential confusion.

Common accessory uses include the following:

- Accessory Community Center
- Drive-Through Facility
- Helistop
- Home Occupation
- Outdoor Sales and Display
- Outdoor Storage
- Outdoor Seating/Activity Area

As indicated above, one key change to how uses are handled is to create the accessory use of drive-through facility. Rather than list types of principal uses with drive throughs as a separate use, such as a bank with a drive-through or a restaurant with a drive-through, the accessory use permissions would determine whether or not a use could have a drive-through. In recent years, the types of uses that have chosen to install drive-throughs have expanded; treating them as an accessory use allows for more flexibility. Standards would be included regarding the design and siting of drive-throughs to ensure safe and efficient circulation, as well as buffers from less intense uses.



Dallas pulses with the distinct personalities of its neighborhoods – from the eclectic charm of Bishop Arts to the vibrant energy of Lower Greenville to the soaring ambition of Downtown. A thoughtfully crafted system of zoning districts should celebrate these unique places, providing standards that not only protect their character but nurture their evolution. When form, use, and design are tailored to each district’s DNA, they become powerful tools for preserving and enhancing the mosaic of places that make Dallas unmistakably Dallas.



04 | District Structure

Numerous stakeholders cited the current district structure as an issue. A technical review of the districts supports these observations. There may be too many zoning districts with minimal distinctions between them, while key desired development forms are not adequately addressed within the existing districts. Many contain complex or outdated development controls that make development difficult. An update of the district structure can create a more streamlined and intentional set of districts that both protect the existing character of Dallas and allow for new desired forms of development.

General District Controls

There are a number of development controls within the districts that can be clarified, improved upon, and in some instances removed. Such changes can make development more predictable for both the applicant and those that live within or adjacent to districts, eliminate inconsistencies and conflicts, and ensure that desired development forms are achievable. Key proposals for refinement of district controls are highlighted below.

There is a need to create a distinction between the terms “yard” and “setback.”

The Code should clearly define “yard” and “setback.” A yard is the open space area between a building façade line and the applicable lot line. A required setback is the required minimum distance a principal building must be located from a lot line. A setback may be equal to or lesser than a yard. The distinction between yard and setback is made because certain principal buildings may set back further than required, thereby creating a yard that is larger than the minimum setback dimension.

Clarifying the distinction is important, and will allow the Code to more clearly address things like permissions for architectural features to project into a required setback – like an eave or bay window. It is also key to controls addressing the location of accessory structures – such as a prohibition on swimming pools located in the front yard.

Create a specific corner side setback.

A corner side setback requirement should be defined and standards included for the condition, rather than applying a front setback twice on corner lots. Corner side setbacks that mimic the required the front setback can create situations where building upon the lot becomes difficult, as buildable width is reduced. Including such a regulation specifically addressing the corner side setback can ensure that setbacks along a blockface remain relatively consistent, while allowing flexibility for corner lots to maintain buildable widths.

Within the lower intensity residential districts (single-family), a front setback averaging provision should be created to match existing development patterns.

It is recommended to establish front setback averaging for single-family dwellings and similar low density dwelling types. A common and easily administered standard is to measure and average the setback of four adjacent homes – two homes on either side of a lot. (Standards also include rules for corner lots and other typical conditions.) These types of standards also include provisions for situations in which measurements include outliers/anomalies, or situations in which context is lacking to produce an average.

Front setback averaging helps maintain a consistent streetscape by ensuring that new construction aligns with the established setback patterns of the neighborhood. This enhances the overall look and feel of the area, and helps to preserve the character and context of established neighborhoods where existing homes may not conform to a consistent setback. Property owners also have more flexibility in constructing new homes or additions, as they can align new structures with the average setback of neighboring properties rather than adhering to a fixed minimum or maximum setback.

Create separate standards for interior side and rear setbacks.

The current district standards for the interior side and rear setbacks are the same dimension, with occasional distinctions based on the type of use. This can lead to one or the other required setback being too large or not large enough. These should be distinguished and tailored to the character of the district. In addition, for these setbacks, it is often useful to set these standards as a proportional control in some districts. As an example, a proportional control for the interior side setback could be based on a percentage of lot width. This would read as: Interior side setback of 10% of lot width but no more than X feet required (with X set as a specific number).

In addition, in some districts, the required minimums are increased when near select districts, primarily residential. These need to be evaluated, as all districts cited may not require an increased setback and there may be easier ways to state this requirement.

Clarify controls on building coverage, currently called lot coverage, and the new impervious surface maximum.

The City has proposed an amendment to limit the amount of impervious surface for both residential and nonresidential developments. This measure aims to reduce the environmental impacts of stormwater runoff and the heat island effect, among others. Additionally, there is currently a maximum lot coverage within the districts, which should be renamed “building coverage” for clarity. Maximum building coverage pertains to the portion of the lot that can be occupied by principal and accessory structures, helping to control the overall volume and bulk of buildings on a lot. Maximum impervious surface coverage includes all structures and paved surfaces on a lot, ensuring that adequate open space is maintained. When properly calibrated, these two controls work together to facilitate the desired form of development.

Eliminate controls on the maximum number of dwelling units per acre.

The Code currently has controls in many districts of a specific amount of lot area required per dwelling type. This (minimum lot area per dwelling unit) is a straightforward calculation and functionally serves as a density control. The maximum number of units per acre creates an artificial cap on density that does not take into account the variability of development sites and development forms. It can also conflict with what the minimum lot area per dwelling unit would allow, creating confusion.

It is understood that in certain districts the maximum number of units per acre is used as part of bonuses/incentives within the Code. The use of a minimum lot area per dwelling unit standard can be reconfigured to address this if the bonuses/incentives are maintained.

Eliminate Floor Area Ratio (FAR) controls.

Outside of the low intensity residential districts, FAR is included as another control over the bulk and form of structures. However, FAR may not be the most effective tool to produce predictable results. It imposes a rigid limit on development potential based only on a numerical ratio. This limits flexibility in responding to site-specific conditions, such as topography, infrastructure, or urban design goals. As more of a blunt tool, FAR may not align with the desired

form of development. It can result in the construction of buildings designed to maximize floor area, rather than encouraging more creative development. In addition, calculating and administering an FAR control can prove to be complex for both developers and staff.

Controls related to maximum heights, minimum setbacks or build-to zones, and limitations on lot coverage are more effective in reinforcing existing development patterns and encouraging development in accordance with the City's vision for the future. Controls on these physical aspects of development are much more user-friendly, enabling a broader understanding of the intent of each zoning district. Further, easily understandable regulations like maximum building heights, in combination with other physical controls on the placement and form of structures, allow for investors – whether purchasing a home or a piece of commercial property – to feel more informed and secure in their investment decisions.

It is understood that in certain districts FAR is used as part of bonuses/incentives within the Code. Other standards within the districts can be reconfigured to address this if the bonuses/incentives are maintained.

Eliminate the residential proximity slope.

The residential proximity slope was frequently cited by stakeholders as a problematic control. It first appears in the multi-family districts, and continues through to numerous nonresidential districts. In practical application it is very limiting, often rendering development infeasible due to RPS height restrictions. Moreover, frequent use of the residential proximity slope throughout the Code appears to over-regulate development, where the core concern is the essential compatibility between residential and nonresidential development. For instance, it is applied in instances where height should ostensibly not be an issue, such as to the NO Neighborhood Office District, which itself is subject to a maximum height of 35 feet, one foot less than the single-family districts.

The residential proximity slope may hinder the growth of commercial and mixed-use development in Dallas by creating situations where development becomes infeasible within proximity of residential uses. It may force these types of developments to locate farther away from residential areas, resulting in reduced local access to goods and services, and a reduction in the walkability of neighborhoods. Further, it may give cause for some proposed developments to reconsider locating within Dallas, instead looking at nearby communities that do not impose such restrictions.

There are legitimate concerns to be considered and balanced relative to nonresidential and mixed-use development in proximity to residential neighborhoods. However, there are a number of other zoning tools that can control impacts, and accomplish the needed balance in a more simple manner. From the ground level these can include buffer/transition yards and in terms of height a sliding scale control that more reasonably restricts taller development located next to lower density residential development.

Tower spacing requirements should be eliminated.

Similar to the residential proximity slope, tower spacing requirements are included to mitigate height, and in fact are often coupled with the residential proximity slope. The tower spacing standard requires an additional amount of setback for each increment of height when a structure exceeds an established base height in numerous districts. When applied to dense urban areas where taller buildings are preferred, these regulations can hinder desired height and may discourage new development. Therefore, it is proposed to remove this regulation and address transitions of height between districts in a more specific and sensitive manner, rather than a blanket provision.

Building height should be measured in feet, not stories.

The City should consider removing the maximum number of stories as a control within districts, and regulate height through a requirement expressed in feet. This is a simple, predictable standard that can accommodate flexibility in

floor-to-floor heights for different types of development that may have varying requirements for building mechanicals/HVAC, etc. and eliminates interpretation of half stories. As part of the refinement of building height, the way height is measured should be clarified and consistent across districts, including how grade is measured to determine the starting point for height.

It is understood that in certain districts stories are used as part of bonuses/incentives within the Code. Height standards within the districts can be reconfigured to address this where bonuses/incentives are maintained.

Maximum building heights within the City for multi-family and nonresidential districts should be re-evaluated.

One issue that emerged frequently during stakeholder interviews is that existing height regulations are seen as overly restrictive and not aligned with modern development needs. As stated above, controls like the residential proximity slope and tower spacing requirements effectively work to lower the maximum permitted heights within the multi-family and nonresidential districts. Specific recommendations for height on a district basis are included in the analysis found later in this report; in general, however, more height should be allowed in appropriate areas of the City by eliminating additional restrictions like RPS, and increasing some of the current height maximums. This is important for a number of reasons:

- Height regulations should reflect the needs of contemporary development forms, and are a key means of accommodating the growing population of Dallas.
- Height limits that are too low encourage sprawling development patterns with lower population densities; taller buildings can accommodate more density in a smaller footprint, promoting compact, walkable neighborhoods.
- The City's ability to attract and develop higher-density commercial, mixed-use, and multi-family development can be hindered by height regulations that are too low, impacting the ability to drive economic growth and revitalization in key areas of the City.
- Understanding that housing affordability in Dallas is a major issue, limiting building height may restrict the supply of housing in desirable locations, leading to increased competition and higher prices for units. Taller buildings can accommodate more housing units, potentially increasing supply and moderating housing costs.
- Height restrictions impact transportation planning. Lower-density development resulting from height limits can spread development over larger land areas and increase reliance on automobiles.
- Taller buildings can have greater energy efficiency through economies of scale and opportunities for green building practices, while lower-density development may result in greater land and resource consumption.

Design Standards + Form Controls

Design standards can play a critical role in enhancing the quality of future development by addressing key elements of building design, such as facade articulation, limitations on blank walls, transparency of ground floor and upper stories, and building entry design. These standards should focus on controlling basic features of a building through measurable, objective requirements, rather than dictating architectural style or aesthetics. For instance, a standard might specify intervals for articulation along a building facade, such as recesses, projections, changes in material, texture, or color, or the inclusion of architectural features like columns or pilasters. This approach provides a clear framework without prescribing specific design solutions.

Form-based controls, as demonstrated in current Form Based Districts, also offer further opportunities to enhance design quality by taking the overall district form into consideration over just individual lot development rules. These regulations should be adaptable to the specific context of each district, with varying degrees of emphasis depending on factors such as pedestrian orientation and walkability. For example, districts with a focus on walkability often feature standards that bring buildings closer to the street, utilizing build-to zones, build-to percentages, and maximum building lengths, instead of minimum setbacks.

Standards would be tailored to reflect the desired character of each district, requiring more stringent design considerations in areas prioritizing walkability and a pedestrian-friendly environment, while allowing for greater flexibility in others. When combined with clear dimensional requirements addressing building location and size, these standards provide a comprehensive framework for new development that aligns with the intent and purpose of each zoning district.

Affordable Housing

The City's shortage of affordable housing units leads to increased competition, higher rents, and housing instability for low- and moderate-income residents. Dallas has experienced significant population growth, driven by factors such as job opportunities and increased urbanization across the region, which has put pressure on the City's housing supply and affordability. Income inequality exacerbates this crisis, as low- and moderate-income households struggle to afford housing in areas with higher costs of living.

This is compounded by the challenges created by process hurdles in the current Code, as numerous stakeholders have indicated. The time needed to approve development and obtain permits leads to increases costs and project delays. This creates economic uncertainties within the existing zoning framework because of the level of financial risks and constraints that hinder investment in such projects.

Further, existing bonuses/incentives related to affordable housing are perceived as not practical or effective, failing to provide sufficient motivation for developers to incorporate affordable units into their projects. These bonuses are not working effectively, as they do not sufficiently incentivize developers to utilize them, resulting in a shortage of affordable housing options.

The ability to develop diverse housing options without special approvals is essential. This does not mean the elimination of bonuses/incentives, but there must be a careful balance and a rational basis for allowing additional development rights through bonuses, while also allowing for new development with a mix of housing types and densities. This variety is important to maintaining multi-generational neighborhoods, addressing "middle density," and offering choices that align with changing residential tastes and a range of income levels that ultimately strengthen the position of the City. The Code can implement these goals and address housing diversity and affordability by several means, including permissions for diverse and unique dwelling types, zoning districts that allow or require a mix of dwelling types, and allowances for innovative housing types such as cottage courts.

Think Bigger

Allowing for more density and more height in critical areas, can be a powerful tool to create new housing units in the community. The current zoning structure does not clearly articulate a vision for this type of development within the City as the majority of residential districts are oriented toward single-family development; moving forward, an enhanced palette of residential districts may be a powerful tool to target areas of the City that are appropriate for a denser, urban development pattern.

Think Smaller

Conversely, going smaller can also provide new, more affordable housing options. The current lowest density single-family district has a minimum lot area of 5,000 square feet. There may be opportunity for smaller lot single-family development. This also includes looking at the requirements for minimum lot area per dwelling unit in the districts that allow more types of dwellings. In those districts, there may be opportunities for those minimums to be reduced or for additional districts that can accommodate that.

Think About the Middle

The City's regulations need to encourage and/or facilitate the development of "middle density" housing – those forms of housing falling between traditional detached single-family neighborhoods and more intense multi-family or mixed-use development.

The City currently has six single-family exclusive districts, one district that allows duplex dwellings, and three functionally similar townhouse districts before moving into multi-family development. Districts crafted with "middle density" goals can create additional housing opportunities by creating a palette of districts that mix single-family, duplex, and townhouse, even incorporating new dwelling types such as single-family attached, triplex, and quadraplex dwellings. These forms of housing are a critical tool in providing expanded housing options but must be crafted in a manner that clearly defines what these residential forms are, how they should be sited, and where they may be located within the City. The City may also wish to consider new development types such as cottage courts as an option for new residential development.

Residential Development Forms

There are several existing and potential new residential development forms that should be clarified or included within the Code. These are:

Townhouse Dwellings and Single-Family Attached Dwellings

Townhouse development is first mentioned as a district – the TH District. However, the actual dwelling type of "townhouse" is not defined and townhouse development is simply treated as single-family attached dwellings within the Code. Townhouse development can have significant utility both within residential districts and commercial and mixed-use districts. As such, the Code should clearly distinguish single-family attached and townhouse dwellings. Both types of development are attached units located on separate lots, with the difference being the number of units.

Single-family attached are two units attached along a lot line by a party wall. It is, in effect, a type of duplex development. Whereas a duplex dwelling is located on one lot, these units are each on their own lot. Townhouse development is then a larger form of this development where three or more units, each on a separate lot, are attached by a party wall. For single-family attached dwelling, a minimum lot width and a minimum lot area is assigned to each unit. For townhouse development, the standards become more flexible in order to allow more flexibility and variability.

A townhouse dwelling is set with a minimum lot width and minimum lot area per unit but this does not dictate unit size. These are cumulative and determine the overall size of the full townhouse development. Within the development, individual townhouse dwellings sizes can be wider or narrower than the lot width and, similarly, on a smaller or larger lot, so long as the development as a whole meets the cumulative minimum standards.

Dwellings Above the Ground Floor

Dwellings above the ground floor present issues similar to townhouses, where the specific development form is not defined. It is a key tool in facilitating mixed-use development but is not specifically called out in the Code. Districts like the Urban Corridor Districts require residential above active ground floor uses but the residential use list for this does not clearly state that the only allowed residential is above the ground floor, stating only multi-family as permitted which may not be precise enough. Being explicit about this dwelling type will both allow for more vertical mixed-use development and can help define the permitted location for the residential component of development within the districts.

Shared Access Development

Shared access development is included in the section seemingly reserved for measurement methodologies. Its significant presence within the City indicates that it is a key residential development form. However, the standards do not clearly state what it is or address issues regarding its form. It is implied, but not stated, that this is a form of attached single-family development. Aside from standards regarding how the shared access component functions, no other design or siting standards are included. Standards for shared access developments need clarity and enhancement and the Code should be clear in which districts this development form is allowed. Finally, as the access drive to the units is not a public street (i.e., it is a private drive), it is not required to build to the standards of a public street. The Code may want to address the design of this private drive as well as access issues. This is to ensure longevity of the drive and the circulation issues that take into account public safety (fire, police access).

Cottage Court Development

As mentioned above, the City should consider the addition of the cottage court development form, also called “pocket neighborhoods,” as an option for new residential development. The cottage court form allows for small lot residential development in a manner that organizes various lower density dwelling types (single-family, duplex, single-family attached, townhouse) around a common courtyard or shared open space, designed as a cohesive whole and maintained in shared stewardship by residents. Such a development form can also be used to incentivize the creation of smaller, potentially more affordable units through provisions that encourage smaller square footage in exchange for additional development potential. The current Code has a “clustered housing (CH)” development option but to date this has not been used. A more detailed and modern cottage court development option can replace the CH option.

Community Unit Developments

Sec. 51A-8.510, located in the plat regulations has a provision for “Community Unit Developments” (CUD). It allows lot sizes to be 25% smaller than the minimum lot size in the underlying district if compensated proportionately in the form of community open space. The purpose is “to encourage reasonable flexibility of design and arrangement in the development of residential communities in residential zoning districts.” The intent to allow for reduced lot size for more common open space has utility but what defines that common open space needs to be clearly defined and regulated. It is proposed to revise CUD to include significantly more detail as to how this can be developed.

Other Dwelling Types

Clarifying the above development types would be in addition to those already in place in the Code – single-family detached, duplex, and multi-family. Based upon the final district structure, there may also be a need to add in triplex and quadraplex dwellings (three units on a lot and four units on one lot, respectively). Creating these specific dwelling types can potentially allow for a “missing density,” as mentioned above, that can blend more easily into low density neighborhoods.

Residential Districts

Update the residential district nomenclature.

It is recommended to rename the residential districts to a sequential numbering nomenclature that is unrelated to the lot size, where one is the largest minimum lot size and as the numbers increase as the minimum lot size decreases. Also, the category of residential districts should be renamed to the “RN Residential Neighborhood Districts” or something similar to more clearly communicate that the district structure has been modified in the new Code.

There is a significant disconnect between existing lot sizes and the minimum lot area requirements of the Code’s residential districts.

As it exists, the structure for residential districts does not accurately represent the built environment in the City of Dallas. Across all residential districts 19.7% of existing residential uses are below the minimum lot size, indicating that a reshaping of the residential district structure is needed. The existing structure for Residential zoning districts is framed around the predominant use, for instance single-family, duplex, and/or townhouse districts. Within each of these categories, the Code offers multiple variants based upon lot size. Currently, there are seven dedicated single-family residential zoning districts, spanning from estate-style, large-lot districts, to more urban small-lot districts. Preliminary analysis suggests that there may be significant overlap between the observed pattern of the built environment and the regulations of multiple districts. For instance, despite differences in minimum lot area requirements, the R-16, R-13, and R-10 Districts produce remarkably similar patterns of development in terms of lot size and neighborhood characteristics.

Below, we have summarized some key findings across the City’s palette of residential districts. This analysis includes the median lot size, number of lots in each district, the total acreage, and a summary of current requirements vs. observed on-the-ground patterns.

District	Lot Count	Median Lot Size	Minimum Required Lot Size	% Below Minimum Lot Size
R-1ac	1,688	45,378	43,560	41.4%
R-1/2ac	1,363	23,440	21,780	18.1%
R-16	8,859	16,667	16,000	25.9%
R-13	716	14,558	13,000	18.7%
R-10	16,706	12,100	10,000	16.5%
R-7.5	138,225	8,360	7,500	23.9%
R-5	17,757	6,815	5,000	9.0%
D	4,226	7,189	6,000	37.3%



Residential District Analysis

The following sections take a closer look at each of the residential district’s performance and include suggestions for modifications to dimensional requirements and overall district structure. Further research into the discussed conditions will provide a better picture of the state of residential zoning in Dallas and for that reason, these observations and recommendations are preliminary in nature. These suggestions are a result of interpreting spatial data as well as observations made by pulling a small sample of properties from each district and measuring their existing conditions in relation to current requirements.

R-1ac Residential District + R-1/2ac Residential District

The R-1ac and R1/2ac Districts are intended to be used for rural and estate type residential lots. The R-1ac district contains 1,688 residential properties which take up a combined 0.8% of the total area of the City. Also, 41.4% of the properties are below the minimum required lot size (43,560 square feet). Spatial analysis shows that the concentration of these nonconforming lots exists in the north portion of the City and includes neighborhoods like Preston Hollow, Bluffview, and Bent Tree. A reduction of minimum lot size to a “builder’s acre” of 40,000 square feet would decrease the number of nonconforming lots by 26%.

The R-1/2ac district contains 1,363 residential properties which take up a combined 4.5% of the total area of the City. While not as significant as the previously mentioned districts, there is still a conformance issue with the R-1/2ac district in relation to lot size. A total of 18.1% of all R-1/2ac properties are below the minimum lot size requirement for the district. While the R-1ac and R-1/2ac are similar in terms of standards, permitted uses, and intent, they each serve a unique purpose in the development of rural areas. It is recommended that these districts continue to exist mostly as-is with the only change being the minimum lot size reduction in R-1ac mentioned above.

R-16/R-13/R-10 Residential Districts

The R-16, R-13, and R-10 Districts are quite similar, with no differences in terms of allowed uses and marginal differences in terms of dimensional standards. It is recommended that the City consolidate these three districts into one single-family district with a minimum lot area of 10,000 square feet to coordinate with the objectives outlined in the Forward Dallas Comprehensive Plan. Currently, all three districts make up a combined 4.4% of the City’s total area. The chart below demonstrates the existing conditions pertaining to minimum lot size conformance, and how consolidating the districts into a single 10,000 square foot district would affect conformance.

District	Minimum Required Lot Size	% Below Minimum Lot Size (Existing)	% Below Minimum Lot Size When 10,000sf Lot Area Required
R-16(A)	16,000	25.9%	0.5%
R-13(A)	13,000	18.7%	3.3%
R-10(A)	10,000	16.5%	16.5%

R-7.5 Residential District

The most broadly applied residential zoning district in the City, the R-7.5 District is the de facto “suburban” residential zone. Comprising 67.9% of residential properties and 45.8% of the residential area, its prominence in Dallas’ built environment cannot be understated. While it does have a number of nonconforming lot sizes (23.9%), these inconsistencies can likely be attributed to the existence of older more established neighborhoods within the district that were developed under previous regulations or have been retroactively been given the R-7.5 zoning designation.

The largest concentration of nonconforming lot sizes exists in the Bishop Arts and Winnetka Heights neighborhoods. Additional concentrations can be found sporadically throughout the eastern portion of the City. It is recommended that the City keep the spatial regulations for the district intact. Additionally, partial rezoning in the neighborhood locations mentioned above would considerably reduce the number of existing nonconformities within the district. Further analysis is needed to identify specific properties and neighborhoods that merit a potential rezoning to a higher-density zoning district (R-5 or R-3).

R-5 Residential District

This district contains the second highest count of single-family residential properties. The purpose of the district is centered around providing “moderate value” single-family housing. It is the highest density single-family district currently, with a minimum lot size of 5,000 square feet. A significant portion of the properties zoned the R-5 District exist in South and West Dallas, particularly in the Cedar Crest, Oak Cliff, Wolf Creek and West Dallas neighborhoods. Partial rezoning of the West Dallas Neighborhood to a new high-density single-family zoning district (R-3) could also prove beneficial, reducing current levels of nonconformity and providing opportunities for smaller lot residential development

R-3 Residential District – New District

To best capture a diversifying residential market, meet existing housing demand, and provide additional flexible development opportunities, it is recommended that a new small lot residential district be added. The new district will be similar to the existing R-5 District in terms of permitted uses with the primary difference being a reduced minimum lot size of 3,000 square feet along with other reductions in certain dimensional requirements. Analysis suggests that existing neighborhoods mentioned in previous sections would benefit from having a district of this density to capture the existing conditions of some of Dallas’ more established and urban neighborhoods. A more targeted analysis is needed, but preliminary findings suggest that approximately 2,000 properties would potentially be brought into conformance through the process of rezoning to this new district.

Incorporate new “gentle density” residential districts.

Currently, the residential districts outlined in the Code exhibit a degree of rigidity. However, in many cities grappling with affordability concerns, there’s a growing trend towards implementing what’s known as “gentle density” increases. These districts build upon existing single-family zoning to accommodate duplex, triplex, and quadraplex dwellings.

By allowing this type of “plex” development in single-family districts, communities can introduce slightly higher density housing options within residential neighborhoods. This not only expands the housing supply but also diversifies the range of housing types available, catering to a broader spectrum of housing needs. Moreover, permitting “plex” style development in single-family districts can foster the creation of infill development and breathe new life into underutilized or vacant parcels within established neighborhoods. In such cases, “plexes” are often required to adhere to the same development standards as single-family homes, ensuring they “fit inside the box” of existing single-family development standards. This approach maintains the overall development context of the neighborhood while accommodating increased density and promoting sustainable urban growth.

One way to accomplish this is to create a set of parallel districts to the existing single-family districts – more specifically the proposed R-10 District, the R-7.5 and R-5 Districts, and the proposed R-3 District – that allow for “plex” style development. These parallel districts would allow for duplex, triplex, and quadraplex dwellings in addition to the single-family. As established single-family areas evolve and new neighborhoods are developed, these districts can be applied allowing for a mix of dwelling types and densities, promoting flexibility and a broader mix of residential choices.

With this approach, the current D Duplex District can be absorbed into this parallel structure. If there is a desire to maintain a district that only allows for single-family and duplex, the current district requires some adjustment. Reworking certain components of the existing D Duplex District will allow for greater flexibility in the development of duplexes and can assist in making the district's regulations better reflect the existing conditions of the built environment. One such way to achieve a greater diversity of residential product types is to relax the minimum lot size requirements for the district. It is recommended that the minimum lot size requirements for the D District be

Alternatives to Duplex Dwellings

At its core, a duplex development is two dwelling units located on one lot. Typically, these are either side by side or stacked on the lot within one building connected by a party wall. As cities deal with issues of housing affordability and the supply of workforce housing, alternatives to this form have developed that still result in two units on one lot.

The one most are familiar with is the accessory dwelling unit (ADU). This is an additional dwelling unit, either attached or detached, that is subordinate to the principal dwelling. These are allowed in the City now through the overlay zone (see discussion on ADU Overlay below). The second is an allowance for two principal dwellings on lot – effectively two detached single-family homes on one lot. When two principal dwellings are allowed on a lot, one does not need to be subordinate in size to the other. These are options the City can consider when looking to expand housing opportunities.

ADUs Vs. Two Principal Dwellings

ADU

- **Simpler Approval Process:** ADUs often have a more straightforward approval process compared to constructing a second principal dwelling, which can be subject to more stringent zoning laws.
- **Lower Development Costs:** Building an ADU can be less expensive than constructing a full-sized second dwelling.
- **Versatility in Use:** ADUs can serve as rental units, guest houses, home offices, or accommodations for family members, providing flexibility in how they are used.
- **Affordability:** ADUs can provide affordable housing options within existing neighborhoods.
- **Preservation of Neighborhood Character:** ADUs typically blend into the existing neighborhood better than larger, separate dwellings, preserving the character of the area.

Two Principal Dwellings

- **Equal Status:** Both dwellings are considered primary residences, which means they have similar size, design, and zoning allowances.
- **Increased Property Value:** Two principal dwellings can significantly increase the overall value of the property.
- **No Size Restrictions:** Unlike ADUs, which often have size limitations, principal dwellings do not have such restrictions, allowing for larger homes.

lowered to 5,000 square feet. Of the existing properties zoned the D District, one in four have a lot size that is less than the current requirement of 6,000 square feet. The highest concentrations of these nonconforming lots exist in the Lower Greenville neighborhood. Lowering the threshold for lot size would bring a significant portion of the currently zoned properties into conformance with this specific standard and give more flexibility to the future development of properties in the district. Reducing the minimum lot size to 5,000 square feet would see a reduction of nonconforming minimum lot sizes from 37.3% to 26.3% of properties zoned the D District.

Consolidate and refine the TH Townhouse District permissions.

The TH Townhouse District currently represents a small portion of the City's overall development landscape, comprising only 1.4% of total acreage and 2.2% of residentially zoned lots in Dallas. While townhouse development may not be prevalent, it serves as a valuable tool for enhancing housing diversity and affordability. Offering a middle ground between single-family homes, plexes, and multi-family dwellings, townhouses cater to various household types, including young families, empty nesters, and professionals. Therefore, barriers hindering its development should be minimized.

The TH-1, TH-2, and TH-3 Townhouse Districts share identical use permissions and dimensional requirements, differing only in dwelling unit density. However, the density distinctions – a maximum of six, nine, and 12 dwelling units per acre – maintain townhouse development at relatively low densities. This limits the maximization of development potential and may result in underutilization of available land, especially where higher densities could be supported by existing infrastructure and amenities. Inefficient land use could exacerbate housing supply constraints and affordability challenges.

The current low density limitations might discourage developers from investing in this district. To address this, it is recommended to consolidate the three townhouse districts and simplify controls by establishing a single minimum lot area per dwelling unit. This streamlined approach could encourage more efficient land use and stimulate townhouse development within the City.

Multi-family district standards need to balance a reasonable development allowance with incentives for additional affordable units.

There is currently a shortfall in allowing multi-family development without special approvals, as most realistic development scenarios necessitate the utilization of affordable housing/mixed income bonuses. It is crucial to ensure that the base standards of the multi-family districts are not artificially suppressed to compel developers to rely on affordable housing/mixed income bonuses for feasibility.

To address this deficiency, it is important to revisit and potentially adjust the base standards governing multi-family development. By striking a balance between reasonable base standards and the provision of affordable housing bonuses, the City can promote more inclusive and sustainable development practices. This approach ensures that developers have the flexibility to pursue multi-family projects without undue reliance on incentives, while still incentivizing the creation of affordable housing units.

The palette of multi-family districts should include a gradation of dwelling types as they increase in potential density.

The MF-1 and MF-2 Multi-Family Districts allow the full range of dwelling types from single-family to multi-family. The higher density MF-3 and MF-4 Multi-Family Districts are reserved for multi-family dwellings exclusively. This is a logical progression of dwelling type permissions.

The dwelling types permitted in the MF-1 and MF-2 are identical (single-family detached, duplex, townhouse, and multi-family) and because of their low density development form, there is very little distinction between the two. In addition, with the inclusion of the parallel districts mentioned above, there does not seem to be a need to keep both districts and MF-1 and MF-2 can be consolidated. It is recommended that this new consolidated district be named Neighborhood Multi-Unit or Neighborhood Mixed Residential in order to signal its role as low scale, low density multi-family district that is compatible with adjacent residential.

Controls over the range of multi-family districts should be related to their intensity. For the first tier (Neighborhood Multi-Unit/Neighborhood Mixed Residential), more detailed controls such as lot area per dwelling unit should be used to ensure compatibility. For the more intense multi-family districts, which would be based on the existing MF-3 and MF-4 Districts, which would not have such controls (lot area per dwelling unit) but would use form and scale to control development (building height, siting standards, etc.)

Finally, it is understood that there is utility in the current mixed-income bonuses within the Code. For the current multi-family districts, the MF-1 and MF-2 District allow for a height and lot coverage bonus, and the MF-3 District allows for a density bonus (dwelling units/acre), a height bonus, and a lot coverage bonus. As the revised structure of the multi-family district is established, appropriate mixed-income bonuses will be included.

Commercial + Mixed-Use Districts

Current Office Districts

The City should revise the exclusive office districts and integrate them into the palette of commercial mixed-use districts.

There are currently three office districts of different scales – the NO Neighborhood Office, LO Limited Office, MO Mid-Range Office, and GO General Office Districts. Relying solely on office use within a zoning district can make it susceptible to economic downturns or shifts in market demand. Post-pandemic, remote work opportunities have dramatically increased, leading many existing offices to downsize due to hybrid work models, or move to a solely digital business model. As a result, this has led to a significantly decreased demand for office space across markets. Therefore, with office space trending less desirable or oversupplied, the risk of vacancies and blight within areas reserved solely for office has increased.

Zoning areas exclusively for office use can also lead to a lack of diversity in the types of activities and amenities available within an area, which do not meet the needs of nearby residents and employees seeking a mix of uses, such as retail, dining, or residential options. These office-only zoning areas also often result in areas that are active during typical business hours but become deserted during evenings and weekends, diminishing the economic vibrancy of the area.

Therefore, it is recommended to revise these districts from their office-exclusive orientation and integrate them into the broader spectrum of commercial and mixed-use districts. The use permissions would incorporate a range of new residential and commercial uses related to the scale of development.

Current Retail Districts

The current neighborhood and community retail districts are narrowly drawn and may be missing opportunities for more modern development.

The NS Neighborhood Service and CR Community Retail Districts currently do not allow residential uses. These districts, while limited in scale, do provide an additional opportunity for mixed-use development. Permissions for dwellings above the ground floor can open the door to additional housing opportunities, create demand for a more diverse group of businesses, and enhance the vibrancy of these commercial areas. In addition, these districts provide a “gentle density” option when opened up to mixed-use, as they are of a smaller scale than the Mixed Use Districts, which begin at a base height of 80 feet. They can bridge a gap from purely residential to higher intensity mixed-use.

With the addition of mixed-use development, a minor increase in the height of the NS District should be considered. 40 feet, rather than 35 feet, would accommodate a reasonable three story mixed-use development. Because of the proximity of the NS District to residential areas, and concerns regarding compatibility, additional controls such as maximum length can be added to ensure the developments remain low scale and low intensity.

Finally, the current names for these districts should be revised to be more consistent with their intent as they are not solely focused on retail. The NS Neighborhood Service District and CR Community Retail District can be renamed the NC Neighborhood Commercial and CC Community Commercial Districts.

Maintain the orientation of the Regional Retail District.

The current RR Regional Retail District should continue to function as a large-scale commercial district, located away from the lower density residential development. This district is appropriate for those uses that are more auto-centric destinations, generating a high volume of daily trips. Residential development options should be offered within these areas, such as multi-family and dwellings above the ground floor. Such residential options can leverage an availability of large parcels and easy auto-access typically found within these areas. As with the other retail districts, this district should also follow a revised naming convention as the RC Regional Commercial District.

Current Mixed Use Districts

Controlling the percentages of uses in mixed-use development is inflexible and should be eliminated.

There is a demand for more mixed-use development to foster vibrant, diverse communities and support local economies. However, creating discrete categories of required use percentages can work directly against that goal. Further, bonuses based upon use mix should not be included, as they create an additional layer of complexity that may discourage development; stakeholders frequently cited how difficult mixed-use development can be in the City. Additional challenges created by these requirements include:

- Imposing strict percentages on uses within mixed-use developments can stifle innovation and market flexibility. Markets are dynamic, and demand for different types of uses can change over time. Fixed percentages do not reflect market preferences or evolving community needs, limiting the ability of developers to respond effectively.
- Mandating specific percentages for each use within a mixed-use development may lead to underutilization of space. For example, if retail space is mandated but there is insufficient demand for retail in a particular location, those spaces may remain vacant, detracting from the vitality of the development and potentially harming nearby businesses.

- Compliance with strict use percentages can increase costs and development challenges for mixed-use projects. Developers may face difficulties in securing tenants or financing if they are required to adhere to rigid use requirements that do not align with market demand or economic feasibility.
- Enforcing use percentages in mixed-use developments is legally and administratively complex. Determining compliance with use mix requirements may require detailed monitoring and reporting, leading to administrative burdens for developers and local authorities.

Removal of the required use mix will require revision to certain dimensional standards of the districts as base” standards are conditioned on use mixes.

As stated earlier within the multi-family discussion, it is understood that there is utility in the current mixed-income bonuses within the Code. As the structure of mixed-use districts is established, appropriate mixed-income bonuses will be included.

Current Central Area District

The current Central Area Districts (CA-1 and CA-2) do not necessarily align with the unique character and needs of the Central Business District and its surrounding areas. It is proposed to refine the approach for these areas as follows.

Adjustments to Current CA-1 and CA-2 Districts

- **CA-1:** Rework CA-1 to become the CBD within the highway loop and strengthen its purpose to reflect the area’s central role. Adjust standards to support urban development, with sidewalk, setback, and height requirements that are compatible with a high-density core.
- **CA-2:** Transition CA-2 out of the CBD’s immediate core and rezone it as a mixed-use district. This would allow areas like Deep Ellum to maintain their unique character while supporting mixed-use development at a scale compatible with its surroundings. Of note, limited portions of the existing CA-2 District that are close to the CBD but outside the highway loop may still be appropriate for the new CBD District.

Establish Purpose-Driven Subdistricts for the CBD

The CBD District should consist of purpose-specific subdistricts that reinforce the importance of the CBD and its surrounding areas. These subdistricts can be structured to manage development intensity, land use, and form in a way that supports City goals and community needs. By clarifying the district’s intent in purpose statements and aligning standards accordingly, the CBD’s distinct role within the city can be highlighted. The following subdistrict structure may be appropriate:

- **CBD Core:** A high-intensity core subdistrict focused on the CBD, with minimal setbacks and unlimited height allowances, alongside requirements for active street-level uses and dense mixed-use development. This subdistrict would prioritize active uses along the ground floor and accommodate maximum height.
- **CBD Outer Core:** A transition subdistrict surrounding the CBD Core, supporting a mix of uses with slightly reduced height and intensity standards, designed to serve as a buffer and integrate with surrounding mixed-use zones.
- **CBD Residential Mixed-Use:** Intended for areas outside the immediate CBD Core, this subdistrict would focus on residential development with mixed-use allowances, promoting walkable, dense housing options suitable for city center living.

It is important to note that large portions of the Central Area Districts are controlled by planned developments (PDs). Planned developments (PDs) of note include PD 619 and 357 (Farmer's Market), PD 145 (Arts District), PD 708 (Arts District Extension), and PD 715 (Homeless Services), as well as the potential convention center in PD 784. As established PDs, these will continue to control development in their applicable areas.

Current Urban Corridor Districts

The Urban Corridor Districts are not used within the City and should be eliminated.

The intent of the Urban Corridor Districts (-1 through -3) is to create vibrant mixed-use corridors, which will be accomplished through a revised district structure with significantly more opportunities for mixed-use rather than specific districts such as these. In addition, after a review of the current UC District standards, many of the requirements would seem to work against the creation of a walkable, mixed-use district. (The UC Districts are not mapped, therefore their elimination will not cause any conflict.)

Current Multiple Commercial Districts

With a revised commercial and mixed-use district structure, the Multiple Commercial Districts (Sec. 4.126) can be eliminated.

The Multiple Commercial Districts (-1 through -4) allow for a FAR bonus when certain thresholds for a mixture of uses are achieved, as specified within the district regulations. Similar issues emerge as described above in the Mixed Use Districts when specific use mixes are required. Also, their prohibition of residential development works against the policies seeking to expand opportunities for mixed-use development. With a revised commercial and mixed-use district structure, these districts are no longer needed.

Proposed TOD Transit-Oriented Development Districts

As the City identifies sites appropriate for transit-oriented development (TOD), the Code should incorporate one or more TOD Districts to guide development in these areas.

With approximately 40 transit stations across the city, TOD Districts can promote dense, pedestrian-friendly neighborhoods centered around select transit hubs. New TOD District standards typically include provisions for internal circulation designs, transit accessibility, design standards for both outward facing and inward facing facades, and updated parking regulations such as capping maximum parking allowances to encourage transit use.

A TOD District framework would build on the revised Mixed-Use Districts, ensuring a cohesive approach to urban, transit-supported growth. In addition to these specific transit-oriented development districts, the design and siting standards for other districts within the Code can also include special provisions for developments located within a certain proximity of a transit station to implement transit-oriented development principles even when not located within a TOD District.

Industrial Districts

A refinement of the industrial districts can create a more predictable development environment for industry and adjacent users.

The current industrial districts – the LI Light Industrial and IM Industrial Manufacturing – are fairly typical. These districts should be refined so that the uses allowed and the district standards reflect their scale of operation and impact, as described below:

- The current LI Light Industrial should be combined with the current IR Industrial Research District to create a new Research and Logistics District, which will comprehensively address the uses allowed within both districts. These uses should be oriented to a range of warehouse/distribution and light industrial uses, including a variety of light manufacturing and assembly as well as office and research campuses. The focus of the Research and Logistics District is allow those industrial uses that are enclosed and have no outside impacts, as well as larger office/research campuses. The district would also allow limited restaurant, retail, and personal service uses to accommodate area workers.
- The IM Industrial Manufacturing would then become the General Industrial District. As a heavy industrial district, it would be specifically for those industrial uses that may be hazardous or noxious in operation. These uses often have significant external impacts and may include large areas of outdoor storage or operation. Significant screening and buffering requirements, greater than those of the other districts, are needed to ensure adequate separation and mitigation of potential impacts on surrounding areas.

The IR Industrial Research District standards should ensure coordinated research campus development.

The IR Industrial Research District should prioritize large-scale office and research campuses, which may incorporate some light industrial activities. These campuses serve not only as hubs for research but also include amenities like restaurants, retail, and personal service establishments to meet the needs of employees and visitors. Additionally, standards should promote internal connectivity within the campus and, where applicable, encourage walkability both within and outside its boundaries.

Create a new district – the Flex Commercial District - to address reuse of industrial areas in creative and innovative ways.

A Flex Commercial District would allow for the mixing of a variety of uses, including craft/artisan industrial and warehousing uses with commercial uses and select residential uses, such as multi-family and live/work. The Flex Commercial District is especially applicable to older industrial areas within the City that have seen a turnover of certain buildings into uses that are not industrial in nature. Some industrial buildings may no longer suit modern industrial needs but can accommodate a unique variety of creative uses and should be preserved, as many can be character-giving structures in the City. A district like the Flex Commercial District can also help preserve existing industrial development by providing a designated district where uses are permitted to mix, discouraging encroachment of non-industrial uses in the “real” industrial districts.

Rename and refine the CS Commercial Service District as the BI Business Industrial District to better distinguish it from the commercial districts.

A renaming of the CS District to the BI Business Industrial District better reflects the diverse range of activities permitted within the district, including heavy retail, rental, and service establishments, business operations, and

limited light industrial activities, such as warehousing/distribution, logistics, equipment rental services, vehicle repair, wholesale, and outdoor storage yards. A key distinction of this district from other commercial districts is that uses within this district are allowed outdoor storage, display, or service activities. Zoning regulations should be refined to address the siting of outdoor storage and proper screening and buffering to ensure compatibility with and mitigate potential impacts on surrounding areas.

Form-Based Districts

Eliminate current form-based districts by integrating design and form standards into other districts.

A key recommendation of this Diagnostic is to unify definitions, measurement standards, dimensional controls, and permitted uses across the Code to reduce conflicts and inconsistencies, making the Code more user-friendly. Currently, the Form Based Districts, found at the end of the Code in Article XIII, are structured quite differently from the rest of the districts, focusing heavily on building form and a different set of use categories. Form-based elements like build-to zones, frontage requirements, and design standards (blank wall limits, transparency requirements, etc.), will be included in the other districts, particularly those intended for commercial and mixed-use areas. Integrating similar design and form standards into all zoning districts will streamline regulations, allowing the Code to achieve cohesive urban design goals without separate form-based districts. By embedding these form and design controls into base districts, the regulations can achieve the same urban design objectives with greater simplicity and flexibility. This will allow for streamlined zoning, removing the complexity and rigidity of the current form-based districts while maintaining a consistent approach to urban form and design outcomes across all districts.

If the form-based districts are maintained, they should be simplified and aligned with the approaches taken within other districts throughout the Code:

- **Districts**

There are a significant number of Form Based Districts given how this district is applied. There are six WMU Walkable Urban Mixed Use Districts, six WR Walkable Urban Residential Districts, a Residential Transition District, a Shopfront Overlay, and a Height Map Overlay. In particular, the WMU and WR Districts make distinctions based on height in stories (3 [3.5], 5, 8, 12, 20, and 40 stories). As more urban districts, these gradations of height may be too specific and could potentially be consolidated. Further, as recommended above, it has been proposed to move to height measurements in feet only, which, if implemented would need to be aligned. There are a number of ways to address height and its compatibility with adjacent areas that can reduce this level of detail.

There is potential, depending on the final residential district structure, to consolidate the RTN Residential Transition District into the overall residential structure within a similar district where single-family and duplex is allowed, rather than maintain a separate form district.

The -SH Shopfront Overlay District is intended to create pedestrian commercial corridors with active ground floor uses in a pedestrian-oriented environment. Like the RTN District, and rather than allowed as an overlay, new mixed-use districts similar in scale can fill of the role of the -SH Overlay.

- **Development Types**

When form-based codes were initially developed, they established development types, also called “building types,” that dictated the types of buildings allowed within each district. The current Form Based Districts

utilize this structure and contain a series of ten development types. These provide standardized templates or models for the physical form and architecture of permitted building types within each district. However, over time, form-based techniques have evolved away from such requirements because users have found them to be too complex or overly restrictive.

Development types may not always align with the diverse architectural styles or development patterns present in a given area. This lack of flexibility can restrict design creativity and inhibit the evolution of architecture. These predefined buildings may not always suit the specific context or character of a neighborhood or district, leading to incongruous or out-of-place developments. They may discourage innovative design solutions or experimentation with new building forms and typologies and contribute to a sense of uniformity or homogeneity in the built environment. Furthermore, reliance on development types can escalate complexity and administrative burdens for developers and staff. For these reasons, it is recommended to eliminate control by development type within the Form Based Districts.

- **Building Elements**

The Code contains standards for a number of building elements (architectural features for the front façade) - arcades, galleries, awnings, balconies, stoops, and porches. As identified earlier in the report, these elements would be handled for all districts within the permitted encroachments permissions. These elements add character and interest to building facades and should be encouraged throughout the City in all districts.

- **Uses**

The allowed uses in Form Based Districts should align with those in other districts, integrating these districts into the global use matrix. There should not be multiple terms or definitions for the same use within a Code.

- **Parking**

With the update of the parking regulations, the controls within the Form Based Districts should be integrated into the new approach.

Special Purpose Districts

Create a category of special purpose base zoning districts that address specific conditions.

It is recommended to create a new category of districts to accommodate specific development types. The existing and proposed districts are described below.

- **A Agriculture District**

The purpose of the district states that all land within the district will be changed to urban zoning categories as the area within the limits of the City becomes fully developed. The district is used at the time of annexation as a placeholder district until such a time that a property is developed. The district contributes the least number of residences of all of the residential districts while covering the second largest area. It seems as though the district often times acts as a “catch-all” for pre-development properties rather than serving as the location for ranches, farms, and other true agricultural land uses. Additionally, a large portion of the existing area zoned A Agriculture District is comprised of the Trinity River Greenbelt and Lake Ray Hubbard. It is recommended that these be re-zoned to a more fitting non-residential or preservation-based zoning district that coincides with other areas designated as Regional Open Space by the Place Type Map in the Forward

Dallas Comprehensive Plan. Currently, the district accounts for 15.6% of the total city area and 28.2% of the residential zoned area. It contributes approximately 713 units or 0.4% of the total residential units within the city. The median lot size is 18,828 square feet which is far below the minimum required lot size of 130,680 square feet. Approximately 40.8% of the existing properties in this district are below the minimum required lot size. It is also recommended that the city take into consideration a reduction in lot size requirement. (Note that per state law, agricultural operations cannot be regulated by zoning.)

- **MH Manufactured Home District**

Currently located within the residential districts, the MH Manufactured Home District, like others in this section, addresses a very specific use. The current district standards should be revised to focus on how areas zoned the MH District development as manufactured home parks. There are a significant number of uses allowed within this district that do not seem appropriate for its intent, so the use list should also be refined. For example, recreational vehicle parks and campgrounds are allowed within this district. Development standards are needed for both the manufactured home park and the manufactured home sites located within the park.

- **INST Institutional District**

The current Code includes the ID Institutional Overlay District, designed to accommodate institutional uses through an overlay approach. However, it is recommended to convert this district into a base district rather than an overlay. The proposed INST Institutional District would address large institutional campuses, such as healthcare facilities, educational institutions, religious campuses, or governmental operations. The standards for these districts are typically structured with more specific zoning controls over the perimeter of the development, ensuring it is compatible with the surrounding context, while offering more flexibility within the campus's interior. Smaller institutional uses would still be permitted within other districts through use permissions, as is the case now.

- **OS Open Space District**

A new OS Open Space District can preserve and protect established active and passive open space areas, such as parks, botanical gardens, zoos, and nature preserves. An OS District also acknowledges that many of these open spaces often serve multiple functions; larger parks often contain additional uses such as public outdoor entertainment venues, recreational facilities, and similar uses. Further, if desired, this district can be divided into two distinct types – for example, an OS District for active recreation and an NR District oriented toward conservation and limited passive recreation.

- **CD Conservation District**

Currently located within Section 4.500, which contains primarily overlay districts, the CD Conservation District should be moved to the special purpose districts as it is a base district. At this time, because of its current use, no changes are proposed.

Overlay Districts

Overlay districts are a zoning tool that lays atop base zoning districts, often tailored to address specific land use concerns. A review of the current overlays (Sec. 4.500) is presented in the table below, describing how each would fit into an updated zoning framework.

Current Overlays	Review Comments
H Historic Overlay (4.501)	Maintain the current overlay.
ID Institutional Overlay (4.502)	As discussed above, it is recommended to convert this overlay into a base institutional (INST) district.
D and D-1 Liquor Control Overlay (4.503)	This district is a legacy district – it remains on the Zoning Map from when it was originally created but it can no longer be requested for amendment and no new areas mapped. Therefore, the district needs to be maintained in the Code but must clearly state that it is no longer available for amendment.
Demolition Delay Overlay (4.504)	Maintain the current overlay.
MD Modified Delta Overlay (4.506)	This district is a legacy district – it remains on the Zoning Map from when it was originally created but it can no longer be requested for amendment and no new areas mapped. Therefore, the district needs to be maintained in the Code but must clearly state that it is no longer available for amendment.
NSO Neighborhood Stabilization Overlay (4.507)	City Staff is currently updating this overlay. The new regulations will be incorporated into the Code.
TC Turtle Creek Environmental Corridor Overlay (4.508)	Maintain the current overlay.
PM Parking Management Overlay (4.509; cross-reference to 13.410)	As this relates to the form-based districts, it is proposed to delete this overlay.
Accessory Dwelling Unit Overlay (4.510)	This overlay is an additional control on accessory dwellings within single-family neighborhoods. It is proposed to delete this overlay. <i>See discussion below regarding this issue.</i>
Neighborhood Forest Overlay (4.511)	Maintain the current overlay.
AF Airport Flight Path Overlay District	Maintain the current overlay. <i>Note: These provisions will need to be brought into the revised Code or included via cross-reference.</i>

Accessory dwelling permissions, including those of the ADU Overlay District, should be evaluated.

There are currently three ways to permit different types of accessory dwellings:

- The ADU Overlay District, which can be mapped over single-family areas where 50 or more property owners agree to establish the overlay.
- An additional dwelling unit is allowed as part of the single-family dwelling use by special exception at the Board of Adjustment. An additional dwelling unit cannot be rented (deed restriction).
- An accessory dwelling unit is allowed as part of the single-family dwelling use by special exception at the Board of Adjustment. An accessory dwelling unit requires owner-occupancy of one the dwellings on the property (deed restriction).

The ADU Overlay District functions as a means to more simply allow ADUs when neighboring property owners agree to allow them. It contains standards for their placement, size, etc. that are in line with those seen in other municipalities.

However, the requirement that this be allowed through an overlay can be seen as an arduous process and creates an additional layer of regulation that all must be aware of.

Allowing both additional dwelling units and accessory dwelling units via special exception granted by the Board of Adjustment has the effect of introducing a use variance. It sets a precedent that could have adverse consequences. Granting one use variance could lead to similar requests for other uses. Zoning regulations are designed to ensure orderly development, with use permissions providing predictability for property owners regarding permissible activities on their lots and neighboring properties. Allowing use variances disrupts this predictability. Therefore, the Code should explicitly state whether additional dwelling units and accessory dwelling units are permitted outright or via Special Use Permit (SUP) to maintain clarity and consistency.

Simplifying permissions for ADUs can help address the City's affordable housing challenges. ADUs offer a significant opportunity to leverage existing infrastructure, providing additional income opportunities for homeowners and offering more affordable housing options for renters. They can increase the supply of affordable housing within established neighborhoods, offering a more economical rental alternative compared to larger units. This affordability makes ADUs appealing for those seeking housing in desirable areas. Additionally, constructing an ADU can generate extra income for homeowners through rental payments, helping to offset housing expenses and making homeownership more attainable amidst rising costs. Furthermore, ADUs support multi-generational living arrangements, enabling families to accommodate aging relatives or adult children while maintaining privacy and independence. It is proposed to allow ADUs within select districts or with certain uses with similar standards as seen in the overlay now. This would move ADUs from an overlay into a use allowed within certain districts.

Both additional dwelling units and accessory dwelling units require a deed restriction as part of approval. Deed restrictions as part of a zoning approval are not recommended. See the discussion in Administration below on this issue.

Eliminate the P(A) Parking District.

The P(A) Parking District is a base district where the only use allowed is a parking lot within a residential area. There are a number of ways to allow for this, such as revising this district uses to allow a parking lot in residential districts by specific use permit with standards. Any existing P(A) Districts would be considered a legacy district.

05 | On-Site Development Standards

General Development Standards

All development standards of general applicability should be summarized in one section.

There are a number of development standards that apply to development throughout the City. To make it easier for those improving their lots to understand what is required of them, these can be brought together in one section of the Code. Examples of current and new general development standards that could be consolidated into one article include:

- Definition of building site
- Sight triangle visibility (visual obstruction)
- Fence regulations
- Refuse and recycling container regulations (screening, location)
- Mechanical equipment regulations (ground-, roof-, and wall-mounted)
- Exterior lighting
- Permitted encroachments
- Special development regulations, such as through lot access standards

The environmental performance standards (noise, odor, glare, etc.) of Section 51A,600 should each move to a more appropriate section of the larger City Code. These standards are administered and enforced by other departments outside of zoning's purview.

The Code could include exterior lighting controls (private property only).

A full set of exterior lighting standards could be included to minimize light pollution, glare, and light trespass. Only off-street parking in the Central Business District (Sec. 4.306) has standards related to exterior lighting. Tailored lighting standards are typically required for certain districts, such as higher intensity for commercial districts versus lower intensity for residential districts, and for certain uses, such as that for recreational fields where taller pole heights and sensitivities to surrounding uses are needed. The standards should be crafted to minimize light pollution and light spillage on adjacent properties. The standards would be drafted so that they can be easily administered and would not require technical expertise beyond the capacity of the City.

Include specific regulations on permitted encroachments into required setbacks to address the full range of common architectural features.

The definitions for the different yards in the current Code contain permissions for permitted encroachments (window sills, belt courses, cornices). A table that outlines the common architectural features that can project and is comprehensive in terms of all potential encroachments would be significantly easier for the user to understand and would work to encourage façades with more architectural interest. Without such allowances, structures would have to set back further into the lot to accommodate varied architectural features like bay windows or balconies, which would

both decrease the building area, and discourage the inclusion of such features. Additional architectural features that could be included, in addition to those already allowed, are:

- Arbor
- Arcades, Galleries
- Awning, Canopy, or Sunshade
- Balcony
- Bay Window
- Chimney
- Deck, Ground Floor
- Deck, Upper Story
- Eaves
- Exterior Stairwell
- Porches - Unenclosed
- Porte-Cochere
- Sills, Belt Course, Cornices, and Ornamental Features
- Stoops

ACCESSORY STRUCTURES

A comprehensive set of accessory structures should be clearly defined.

A full range of common accessory structures should be included to address the specific impacts of each. The revision should include specific regulations and definitions for each type of accessory structure, including districts where they are allowed, maximum size and height, permitted locations on a lot, and any required impact controls such as screening or buffering. Common accessory structures, a few of which are regulated in the current Code, include the following:

- Amateur (ham) radio equipment
- Apiary
- Carport
- Coldframe structure
- Garage (Detached)
- Gazebo
- Greenhouse
- Outdoor kitchen
- Patio
- Pergola

- Personal recreational game court
- Playground equipment
- Private stable
- Shed
- Solar panel (private)
- Solar shades in parking lots
- Swimming pool
- Water features
- Wind turbine (private)

The current “use of conveyance as a building” should also be regulated as an accessory structure as the current standards allow it when the “device contributes to a theme or period development.” The current standards appear to allow it as an accessory structure for nonresidential uses to serve as support for the principal use on the site.

Landscape

Current landscape requirements should address all aspects of site development to consistently beautify, screen, and buffer.

The contribution of landscape to the visual quality of the built environment cannot be overemphasized. In addition to its aesthetic benefits, green space provides environmental benefits. It is understood that the landscape article (Article X) of the Code was recently updated through an effort led by the City Arborist. At this time, no major changes are proposed. As the code drafting process moves forward, the landscape regulations will continue to be evaluated for alignment and enhancement.

Landscape regulations are typically organized around the following categories, which will guide the evaluation of the existing standards:

- **Perimeter of Parking Lots.** Where a parking lot abuts the street, requirements should effectively screen cars from the right-of-way. This requirement is typically an ornamental fence, trees, and shrubs that can be substituted with a pedestrian-scale wall or natural plantings that meet a three-foot screening requirement.
- **Interior of Parking Lots.** There should be specific interior parking lot requirements, including a minimum number of landscape parking lot islands (based upon number of parking spaces) and a minimum percentage of overall landscape for larger parking lots.
- **Buffer Yards.** Buffer yard requirements should be included to ensure proper screening and impact mitigation between incompatible adjacent uses or districts. A menu of buffer yard standards should be created to address the various degrees of potential incompatibility. For example, a larger buffer with more plantings should be required between residential and industrial uses, while a smaller buffer between common nonresidential uses, such as places of worship, in residential neighborhoods is typically sufficient.
- **Building Façade Landscape.** For larger developments, building façade plantings could be required to improve the appearance along the foundation and enhance the pedestrian experience. Such requirements are not necessarily appropriate in all cases, such as in denser urban environments where buildings are located close to the street; standards should account for this.

Signs

The Code would benefit from a revision and reorganization of the sign regulations.

Sign regulations should be revised to provide greater clarity and address the full range of modern signs. To facilitate ease of use, the following organization of the sign article is recommended:

- Purpose
- General Sign Standards
- Prohibited Signs
- Exempt Signs: No Permit Required
- Signs: Permit Required
- Extraordinarily Significant Signs

In addition, signs would be more carefully regulated by sign type, each of which would be clearly defined with its own tailored set of regulations, rather than just attached and detached signs. Regulating signs based solely on whether they are attached or detached can overlook key contextual factors, such as the sign’s impact both within the aesthetics of the surrounding area and on adjacent areas. A more simplified approach of attached/detached may result in oversized, undersized, or poorly placed signs that clash with the aesthetics and scale of the neighborhood. More nuanced sign regulations—considering factors like district scale, visibility factors, content-neutral design guidelines, and proximity to residential areas—can help maintain a more consistent visual character, prevent visual clutter, and enhance the built form.

Sign regulations must be content neutral.

In addition to issues of clarity and consistency, a major issue that all sign regulations must contend with is that signs cannot be regulated based on content distinctions. In *Reed v. Town of Gilbert, Arizona* (2015), the U.S. Supreme Court found that categorization of signs based upon their content or message is subject to review under the standards of strict scrutiny – the most stringent standard of judicial review, which demands that a regulation must further a “compelling governmental interest” and must be narrowly tailored to achieve that interest. As such, in the wake of *Reed*, nearly any regulation based upon a content distinction may be deemed unconstitutional. This clearly has impacts that must be remedied within the sign regulations; however, the current Code appears to have only minor revisions necessary to eliminate any content-based distinctions.

- **Off-Premise and On-Premise Distinctions.** Distinguishing between signs that are considered off-premise (directing attention to a business, commodity, or service sold or offered elsewhere than the lot upon which a sign is displayed) and on-premise (directing attention to a business, commodity, or service sold or offered on the same lot where such sign is displayed) has traditionally allowed municipalities a means by which to regulate a few key sign types, most notably billboards, as off-premise signs. As a supplement to the *Reed* decision, the 2022 *City of Austin v. Reagan National Advertising of Austin, LLC* U.S. Supreme Court decision upheld off-premise/on-premise distinctions. Within the City of Dallas, no new billboards are permitted and no change to such prohibition is recommended.
- **Commercial and Noncommercial Messages.** The ability to distinguish between commercial speech and noncommercial speech is also an important tool for municipalities in the regulation of signs following *Reed*. The *Reed* decision did not overrule prior decisions related to this distinction, and lower courts have upheld it



in the intervening years, indicating that this is still a valid tool, allowing communities to distinguish between commercial messages and noncommercial messages (political, ideological, opinion, etc.). This is useful, as many communities place reasonable regulations around commercial messages, while remaining more neutral regarding noncommercial messages in the community.

General standards should address a number of provisions applicable to all signs.

General standards that should be included are the following:

- **Signs exempt from sign regulations.** The types of signs not regulated by the Code should be clearly defined. Examples include government signs, signs not visible from the public right-of-way, signs included on public elements as manufactured (trash cans, recycling containers, etc.).
- **Prohibited sign locations.** The Code should clearly state where signs cannot be erected or mounted, including egress/ingress locations, architectural features, and corner visibility areas. This section should also state that signs cannot be placed on public or private property without permission.
- **Construction standards.** These standards should address wind pressure and direct load minimums, permitted glass and lettering materials, mounting requirements, etc. Related provisions within the building code can be cross-referenced here.
- **Maintenance requirements.** Maintenance requirements should require repair and/or removal of unsafe or damaged signs, and upkeep of the sign structure and the area around the sign (litter removal, painting of rusted areas, etc.). This includes rules for abandoned signs.
- **Illumination regulations.** Sign illumination regulations should include all aspects of illuminated signs. Sign illumination standards typically cover permissions for the types of signs that may be internally and/or externally illuminated, electronic message signs, standards for uplighting and downlighting signs, which can be tailored to district and sign type, and how signs can be highlighted with the use of neon or LED lighting. These standards are intended to prevent the nuisance effects of glare and light trespass, as well as the aesthetic character of districts.

Measurement of sign area, sign height, and other dimensional requirements would be addressed in the rules of measurement.

Prohibited sign types should be clearly described.

The current Code does not include a prohibited sign section. Signs that are typically prohibited include:

- Detached temporary signs
- Inflatable signs
- Feather flags/sails
- Flashing signs and moving signs, whether mechanical or wind-actuated
- Off-premise permanent (billboard) signs
- Off-premise temporary signs
- Portable signs
- Signs that imitate traffic or public safety signs or obstruct traffic
- Snipe signs (Signs painted, pasted, or otherwise affixed to any tree, rock, retaining wall, fence, utility pole,

hydrant, bridge, sidewalk, curb or street, bench, or trash receptacle)

- Spotlights/strobe lights/beacons
- Signs attached to or painted on trucks or trailers (This does not include signs painted on vehicles, trucks, or buses that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, provided that the primary purpose of such vehicles is not the display of signs, and that they are parked or stored in areas related to their use as vehicles and all vehicles are in operable condition. Vehicle for-sale signs are also exempt from this provision.)

Signs considered exempt from sign permit should be comprehensive in scope.

The sign types below are typically exempt from a sign permit. This is an area of many sign regulations where content-neutrality poses an issue. Because of the Reed decision, signs can no longer be identified or defined as “Real Estate Signs” or “Construction Signs.” Instead, and within the established acceptable “time, place, manner,” approach to sign regulation, a temporary sign would be allowed on a lot where such activity is taking place; for example, there would be a temporary sign allowed on a lot where real estate activity is taking place. In each case, standards for the signs (size, location, illumination permissions, etc.) would be included. Typical exempt signs include:

- A-frame signs
- Construction activity temporary sign
- Cultural or historical site sign
- Multi-tenant building entry sign
- Nameplate
- Noncommercial message (To note, those over a certain size may require a permit)
- Parking lot/structure circulation point sign
- Real estate activity temporary sign
- Window sign

The regulations for permanent signs should be refined to address the full range of permanent signs and regulate them based on the form and scale of each district.

Permanent sign regulations should address all aspects of the sign’s character and location – maximum height and sign area, minimum setback, vertical clearance, maximum projection, etc. In addition, how signs are allocated to corner buildings and multi-tenant centers must also be evaluated. An important element will be to determine where the different sign types will be allowed. Refining permissions by specific districts would allow the Code to prohibit them in some districts while allowing them within others. In addition, the maximum size of signs – whether height and/or area – should also be tailored to the different districts.

It is anticipated that the following types of permanent signs would be allowed and regulated as follows:

- Awning
- Banners (attached)
- Canopy
- Drive-through sign

- Electronic sign
- Gateway entry sign
- Ground sign
- Marquee
- Projecting sign
- Roof sign
- Skyline sign
- Wall sign

With the update of the sign regulations per the recommendations, the intent is to minimize special provision sign districts.

There are presently 16 special provision sign districts, each with customized sign permissions based on geographic considerations. This intricate system of regulations poses challenges, potentially leading to unintended adverse effects. Property owners may not be fully informed about the specific sign standards applicable to their properties. Permit issuers must consult multiple sign regulation documents, adding complexity to the process. Additionally, code enforcement officials are unable to rely solely on the Code's standardized sign regulations, necessitating extra time and resources to locate and apply individual standards. New comprehensive sign controls can help to minimize the need to create additional special provision sign districts in the future.

Due to the significant number of special provision sign districts, once the sign regulations are revised, these special districts should be evaluated to see how many of such districts are still necessary. In addition, the ability to create new special provision sign districts should also be reconsidered.

06 | Administration

Zoning Approvals + Permits

The administrative sections of the Code should be reorganized so that applicants can follow them more easily.

In order to make the various applications and approvals simpler and easier for applicants to understand, we propose the following reorganization.

Code Administrators (Proposed Article 19)

This Article would list the powers of all boards and officials involved in Code administration. This will help users understand who recommends and who approves each application. The following boards and officials would be included:

- City Council
- City Plan Commission
- Board of Adjustment
- Landmark Commission
- Code Administrator

The Code currently assigns various administrative responsibilities across multiple positions, which can be complex since some individuals hold multiple roles. To streamline this, creating a central Code Administrator position is recommended. This role would consolidate Code responsibilities and ensure accountability within a single position, such as the Director of Planning and Development. This administrator would retain the authority to delegate specific duties as needed, allowing for clearer management and distribution of tasks within the Code framework.

Zoning Application Procedures (Proposed Article 20)

This Article would contain the rules for processing the various zoning applications:

- General application procedures
- Notice requirements (mailed, posted, published)
- General public hearing procedures
- Apportionment of exactions

Zoning Approvals + Permits (Proposed Article 21)

All zoning approvals and permits would be found in this Article. We anticipate that the following to be included:

- Code amendments (text and map)
- Specific use permit (SUP)

- Variance
- Special exceptions
- Administrative modification (new)
- Planned development
- Development impact review
- Zoning interpretation (new)
- Zoning appeals
- Sign permit
- Certificate of appropriateness (historic districts)
- CD Conservation District work review
- Certificate of occupancy
- Reasonable accommodations (update of current Sec. 1.107 – Special Exceptions for the Handicapped)

To the degree possible, the following structure would be used for each application section:

- Purpose
- Applicability/Initiation
- Authority
- Procedure
- Approval Standards

A completeness review should be included as part of the filing of applications provision.

It is recommended that a completeness requirement be added to the Code in order to avoid incomplete applications moving forward through approval. An example of such a requirement is as follows:

The Code Administrator will determine whether a submitted application is complete. The Code Administrator will notify the applicant as to whether or not the application is complete and will not review the application until any deficiencies are remedied. Once the Code Administrator determines that the application is complete, the application will be scheduled for consideration.

This would allow interested members of the public to review a complete application prior to the hearing and would help to eliminate postponements on the basis of incomplete submittals. It should be noted that payment of fees should be considered part of completeness review.

Remove limits on the types of variances allowed.

Because the purpose of a variance is to respond to a hardship that runs with the land, most cities do not place limits upon the types of variances that can be applied for. The Code seems to limit the types of variances that can be granted with the following language - "variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that..." Limiting the types of variances may restrict the ability of the Board to consider unique or unforeseen circumstances that truly warrant relief from zoning regulations. It can fail to address the range of unique and diverse conditions present throughout the City.

Development flexibility can be included through an administrative modification procedure.

The City can reduce the number of cases required to be reviewed by the Board of Adjustment and introduce some flexibility in the variance application by defining and establishing a procedure for administrative modifications, with certain applications reviewed and approved by the Code Administrator. The purpose would be to provide a streamlined approval procedure for administrative modifications of select standards, without requiring a public hearing. In fact, the incorporation of an administrative modification procedure into the Code is actually a way to expand upon certain administrative modifications already allowed for specific actions.

It is important to note that an administrative modification procedure has a number of checks and balances built into it. First, the Administrator is given the ability to decide that an application – even if it is clearly an administrative modification category – requires approval by the Board of Adjustment. Second, if the Director denies an administrative modification, then the applicant can appeal that decision to the Board of Adjustment. An additional safety is added whereby if any person objects to the application in writing prior to the date the decision is rendered, the application will be automatically treated as a variance.

Like a standard variance, an administrative modification may be granted only where there are special circumstances applicable to the subject property – an undue hardship stemming from unique circumstances. As in all variance cases, a personal hardship does not justify a variance, nor does a hardship that has been intentionally created. The same findings of fact are applicable. The administrative modification is only intended for small modifications, lessening the burden on both the approval bodies and the applicant.

Some common administrative modification permissions include:

- A modification of 10% or less to any district dimensional standard in the Code.
- A reduction of required off-street parking spaces by no more than 10% of that required or two spaces, whichever is greater.
- Specific modifications to design standards.

Evaluate the triggers for required site plan review.

From the Code text, site plan review is required before permit application in designated districts if the following triggers apply: 1) the property has a projected trip generation of at least 6,000 trips per day or 500 trips per acre; 2) the use requires a Development Impact Review (DIR); or 3) the lot has residential adjacency and the use requires a Residential Adjacency Review (RAR). Applicable zones include most nonresidential districts and specific subdistricts in the Oak Lawn Special Purpose District. As previously stated, it is proposed to eliminate the DIR and RAR requirements within the use structure. In addition, setting a high traffic threshold, such as 6,000 trips per day or 500 trips per acre, for triggering site plan review may be problematic for several reasons:

- **High Threshold:** This level of trip generation might exclude smaller but impactful developments from review, potentially allowing significant site impacts (e.g., parking, traffic flow, pedestrian access) to go unexamined.
- **Inflexibility:** It may not account for different district characteristics, where even lower trip numbers could have significant impacts, especially in dense or transit-oriented areas.
- **Complex Calculation:** Reliance on trip estimates complicates the review process and may lead to inconsistencies or inaccuracies in assessment.

A more nuanced threshold could offer a more balanced and effective approach to triggering site plan review. This can be tailored by use and/or district, by development size and/or alteration/expansion.

Zoning approvals should not include deed restrictions imposed by the approval body.

A deed restriction, also referred to as a restrictive covenant, is a legally binding agreement that accompanies the deed of a property, dictating specific limitations or requirements regarding its use and development. Typically established by property owners or, in larger developments, governing bodies like homeowners associations, deed restrictions are not typically included in city zoning approvals. Zoning regulations and deed restrictions operate within separate legal frameworks, each serving distinct purposes.

There are numerous reasons for discontinuing the practice of mandating deed restrictions as part of zoning approvals:

- Deed restrictions are legally binding agreements that run with the land, meaning they apply to all future owners. Incorporating deed restrictions into zoning approvals limits the flexibility of property owners to adapt to changing needs or circumstances over time.
- Deed restrictions can be complex legal documents that are difficult to enforce and interpret. Combining zoning approvals with deed restrictions may create confusion and ambiguity regarding the rights and obligations of property owners, as well as the responsibilities of City authorities.
- Zoning regulations are designed to control land use and development throughout the city, while deed restrictions are private agreements between property owners. Imposing deed restrictions through zoning approvals may exceed the authority of the official body and infringe on private property rights.
- Deed restrictions are subject to legal scrutiny and may be challenged in court if they are perceived as unreasonable or in violation of property rights. Integrating deed restrictions into zoning approvals could increase the likelihood of legal disputes and litigation.
- Enforcing deed restrictions requires active involvement from property owners and may not be within the purview of local government agencies responsible for code enforcement. Attempting to enforce deed restrictions through zoning approvals may result in inconsistent and inefficient enforcement practices. Code enforcement may lack the resources, such as staff and funding, to effectively enforce deed restrictions in addition to their existing responsibilities.
- Attempting to enforce deed restrictions through code enforcement can blur the lines between private property rights and municipal regulations, leading to legal complexities and potential conflicts.

Planned Development

The current Code relies heavily on planned development, creating an unpredictable development environment.

Planned development (PD), as a zoning tool, was created to allow for unique and innovative development that requires more careful consideration in its use permissions, siting, and design to allow for modifications to the underlying zoning regulations. However, over time its role in Dallas has expanded beyond its original intent. Planned development is now used for a range of purposes such as to manage more controversial uses and to modify base district standards for developments that would require variances.

Additionally, the failure of the current zoning districts to adequately address modern development types/uses has resulted in planned development being used to fill the gaps. Thus, as planned development is used more and more, staff and Council find a good portion of their time is used managing and reviewing these approvals and applications.

Simply put, PD has deviated from its initial purpose of facilitating innovative development and has become a quick fix for the shortcomings of the current Code. This has diluted its effectiveness; it has become a workaround rather than a tool to accommodate genuine innovation.

Stakeholders have stated that the City is saturated with PDs – to date, over 1,100 have been approved. This number continues to rise as PD essentially becomes the default mechanism for new development. This results in a number of issues:

- The PD process demands substantial time and resources, making it cumbersome and costly for both developers and the City.
- There is a lack of certainty or predictability regarding outcomes, which can lead to frustration and inefficiency.
- An overabundance of PDs can lead to inconsistencies in development standards and a lack of cohesive urban planning.
- Planned developments effectively function as miniature zoning codes, which can complicate enforcement efforts. Unlike established district standards that uniformly apply citywide, PDs require code enforcement officials to discern and enforce specific standards tailored to each PD. This necessitates the identification and verification of compliance with the individualized regulations governing the development, which can strain the resources of the enforcement department.
- The use of PDs in historic districts raises concerns, as these areas lack base zoning regulations that can be modified through the PD process. This can result in conflicts between preservation efforts and development interests.

While it is understood that PD will remain a part of the Code and is a key tool that the City can use to accommodate new innovative development, there are zoning tools that can be used that are more targeted toward the concerns PDs have been used to address. These potential tools include the following:

- **Establish a responsive district structure.** By creating a district structure that reflects the places of Dallas, the zoning districts will be able to better address the desired use, scale, design, and orientation of development and avoid the workarounds that PDs have been used for.
- **Turn conditions into standards.** One strategy is to include conditions that are frequently added to PDs into the district, use, and general development standards of the Code, as applicable. This lends itself to easier administration and enforcement in the long term as these standards would apply across the board rather than having to be identified as applicable on a site-by-site basis.
- **Consider administrative flexibilities.** Creating more administrative flexibilities would allow for minor issues in site development to be handled at a staff level. An administrative modification process can be included (discussed later in this report).

The City should consider an alternate approach to planned development (PD).

Currently the Code treats planned development as a district. An alternative approach is to treat the PD as an approval procedure, rather than a district. In this approach, the underlying district standards, including permitted uses, apply unless modified as part of the PD approval. This allows for flexibility in the application of zoning requirements based upon detailed review of individual proposals for significant developments in exchange for additional benefits to the City and the public.

This approach creates predictability. First the new PD is based upon the underlying district - the approval “lays” on top of that district. That district remains in place which means if the PD is never acted upon and expires, that site maintains

the rights of the underlying district. Further, the PD approval works off a “base” which makes the negotiations clearer for the applicant, the administrators, and the public.

A series of administrative, minor, and major changes for approved PDs should be included to allow for more flexibility.

Presently, there exists a limited ability to make adjustments to approved planned developments. This lack of flexibility poses challenges in responding to evolving needs or conditions. As time progresses, modifications to approved PDs may become necessary for various reasons. Introducing a more adaptable modification procedure could be beneficial. One potential approach is to establish three tiers of approval: administrative approval by the Code Administrator, minor adjustments overseen by the Plan Commission, and major changes reviewed by the City Council. Below is a proposed framework outlining these three levels of modifications:

Administrative Changes – Code Administrator

- Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation, to be confirmed by the City Engineer.
- Changes in building location of no more than ten feet that continue to meet the requirements of the Code and any conditions of the final approval.
- Changes in building design that continue to meet the requirements of the Code and any conditions of the final approval.
- An increase or decrease in building height of up to 5% that continue to meet the requirements of the Code and any conditions of the final approval.
- Changes in the location of walkways, vehicle circulation ways, and parking areas of up to ten feet that continue to meet the requirements of the Code and any conditions of the final approval.
- Interior modifications to any structure that continue to meet any conditions of the final approval.
- Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of the Code and any conditions of the final approval.
- Modifications to the approved landscape plan that do not result in a reduction of the total amount of plant material required and conform with all landscape requirements of the Code and any conditions of the final approval.
- Modification of existing signs or the addition of new signs when in conformance with sign regulations and any conditions of the final approval.

Minor Changes – Plan Commission

- An increase or decrease in building height of over 5% up to a maximum of 10%.
- An increase or decrease in building coverage that continue to meet the requirements of the Code and any conditions of the final approval
- A change of in the location of walkways, vehicle circulation ways, and parking areas over ten feet up to a maximum of 20 feet.
- An increase or decrease in the number of parking spaces.
- A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of the Code and any conditions of the final approval.
- Altering any final grade by no more than 20% of the originally planned grade.

Major Changes – City Council

- Changes to any conditions imposed as part of the final approval.
- Reductions or alterations in the approved public benefit and amenities to be provided.
- Any development action that does not comply with zoning district regulations.
- Any changes to a phasing plan.

Nonconformities

Nonconformity regulations should be updated to specifically address the variety of potential nonconforming situations.

In any code update, the intent is to eliminate as many nonconformities as possible. Many are eliminated when new or revised districts are tailored to existing conditions or remapping of districts is undertaken, however, some properties and uses will remain nonconforming. Therefore, the nonconformities section should be rewritten for clarity and should include provisions for nonconforming uses, structures, site characteristics, lots, and signs. The updated provisions should clearly spell out what types of changes and/or alterations are permissible. The following are the types of nonconformities that should be addressed. The current Code does address some of these nonconformities but in many cases these are combined into one category, such as uses and structures. A clearer organization with rules for each individual type of nonconformity is needed.

- **Nonconforming use.** A nonconforming use is the existing lawful use of a structure or land that is not allowed within the district, created either prior to the effective date of this Code or as of the effective date of this Code. An abandonment clause should be added for nonconforming uses that cease operation for a time period, such as 12 months, so that they are no longer allowed to continue. In addition, the State has recently adopted legislation regarding nonconforming uses and amortization of such uses. The Code should be updated to align with these new requirements.
- **Nonconforming structure.** A nonconforming structure is an existing lawful structure that does not conform to the standards of the district where it is located, created either prior to the effective date of this Code or as of the effective date of this Code. Currently, the Code allows for reconstruction of a destroyed nonconforming structure if such action is not the fault of the owner. These types of permissive controls are becoming more common; however, there should be a time limit placed upon this permission, such as requiring issuance of a building permit within one year for reconstruction.
- **Nonconforming site characteristic.** A nonconforming site characteristic is an existing lawful site characteristic, such as landscape, fences or walls, lighting, or parking, that does not comply with the standards of this Code, created either prior to the effective date of this Code or as of the effective date of this Code. This would be a new category of nonconformity for the City that builds upon a current standard for nonconforming parking (see below).
- **Nonconforming lot.** A nonconforming lot is an existing lawful lot of record that does not comply with the lot dimension standards of this Code, created either prior to the effective date of this Code or as of the effective date of this Code and. Development permitted within the district should be allowed on such lot, meeting all requirements except for the nonconforming lot width and/or area.
- **Nonconforming sign.** A nonconforming sign is an existing lawful sign that does not conform to the

standards of the district where it is located, created either prior to the effective date of this Code or as of the effective date of this Code. Standards for permission to rebuild should be included, such as prohibition on reconstruction if destroyed by 50% or more of the sign's value.

New regulations for nonconforming site characteristics should be added.

Rather than render a structure nonconforming because of a site characteristic related to the building, flexibility should be built into the Code by creating a separate nonconformity category for elements such as landscape, fences or walls, lighting, and parking lot design. The regulations would allow normal maintenance and incidental repair to a nonconforming site characteristics but prohibit repairs or reconstruction that would create any new nonconformity or increase the degree of the previously existing nonconformity. The regulation would also spell out when nonconforming site elements must be brought into conformance when a new principal structure is constructed on a site, an existing principal structure is increased in floor area by a certain amount, an existing parking lot is fully reconstructed or an existing parking lot is expanded, or in specific circumstances, such as when 50% or more of the length of a nonconforming element is reconstructed.

Nonconforming uses should not be allowed to change to another nonconforming use.

The current Code has the following provision: *"The board may allow a change from one nonconforming use to another nonconforming use when, in the opinion of the board, the change is to a new use that..."* Nonconforming uses should only be allowed to convert to a conforming use within the district. Zoning regulations, at their heart, are intended to control land use so that there is orderly and predictable development. Allowing changes from one nonconforming use to another can undermine these intentions by perpetuating incompatible land uses. It also creates uncertainty for neighboring properties who rely on the district use regulations to see what types of uses can locate within the district.

A permitted horizontal (expanding toward the rear) or vertical (upper floor) expansion for nonconforming single-family and duplex homes can be added to the Code.

The Code can also allow nonconforming walls of existing single-family and duplex dwellings that are nonconforming in terms of the encroachment of the side or rear wall into a setback to be extended. This type of provision is very useful in allowing additions to existing homes, as it encourages continued investment in existing older neighborhoods, preserves the existing housing stock, and is a way to reward property owners who continue to invest in and improve their homes, particularly older homes. Where a dwelling is deemed nonconforming because of encroachment into the required interior side or rear setback, the structure may be enlarged or extended vertically or horizontally along the same plane as defined by its existing perimeter walls, so long as the resulting structure does not create other nonconformities or would otherwise violate district standards.

07 | Subdivision

The current subdivision process within the City follows that seen in other cities. Therefore, the review of those regulations focused only on standards that intersect with zoning regulations.

Lotting standards within the platting requirements should reinforce and be consistent with district zoning requirements.

As stated in Sec. 51A-8.501 (Compliance With Zoning), “all plats must be drawn to conform to the zoning regulations currently applicable to the property. If a zoning change is contemplated for the property, the zoning change must be completed before the approval of any final plat of the property. A plat submission reflecting a condition not in accordance with the zoning requirements must not be approved by the commission until any available relief from the board of adjustment has been obtained.” This is consistent with best practices in which subdivision/platting is treated as an administrative process, whereby land division or consolidation is reviewed against zoning district standards. If the actions meet the zoning standards, the plat should be approved.

A current platting provision that standards in conflict with this is in Sec. 51A-8.503(a) in the lot standards:

(a) Residential lot size. The size of each platted lot must comply with the minimum regulations for the zoning district in which the lot is located. Lots must conform in width, depth, and area to the pattern already established in adjacent areas, having due regard to the character of the area, its particular suitability for development, and taking into consideration the natural topography of the ground, drainage, wastewater facilities, and the proposed layout of streets.

The underlined portion of the provision above is atypical to subdivision standards. The language highlighted above is vague, highly subjective, and open to interpretation. What constitutes “conforming” to the pattern of adjacent areas or “due regard” to the character of the area may vary depending on who is interpreting the regulation, which leads to inconsistencies and uncertainty in the development process. The vague language may leave room for bias or arbitrary decision-making by planners and approving bodies. Without adhering to the established zoning district standards, there is a risk that decisions could be influenced by personal preferences or political considerations rather than objective planning principles. Finally, this lack of specificity in the language may leave the regulation vulnerable to legal challenges by applicants who feel their rights have been unfairly restricted or from residents who believe their interests have not been adequately considered.

While the intention behind the language may be to provide flexibility and consideration for various factors in land development, its vagueness can lead to confusion, inconsistency, and potential issues with fairness. Clarity and specificity in platting regulations is essential to ensure fair and transparent decision-making and requirements should be tied to the applicable zoning district standards.



Dallas Zoning Reform
Simple. Clear. Future Ready.



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Development Code
Diagnostic Report

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