

Memorandum



CITY OF DALLAS

DATE April 20, 2018

TO Honorable Members of the Mobility Solutions, Infrastructure and Sustainability Committee

SUBJECT **Upcoming Code Amendments**

On Monday, April 23, 2018, you will be briefed on proposed amendments to the Dallas Development Code. The proposed amendments include:

- Ceremonial Street Names
- Article XIII – Form District Amendments
- Minor Miscellaneous Amendments for Chapters 51 and 51A.

The City Plan Commission has recommended approval of the proposed amendments. The briefing material is attached for your review.

Please feel free to contact David Cossum or myself if you have any questions or need additional information.

A handwritten signature in blue ink, appearing to read 'Majed A. Al-Ghafry'.

Majed A. Al-Ghafry
Assistant City Manager

c: Honorable Mayor and Members of City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billerae Johnson, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Jo M. (Jody) Puckett, Assistant City Manager (Interim)

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Upcoming Code Amendments

**Mobility Solutions, Infrastructure &
Sustainability Committee**

April 23, 2018

**David Cossum, Director
Sustainable Development
and Construction**



City of Dallas

Presentation Overview

- Purpose
- Ceremonial Street Naming
- Article XIII – Form District
- Cleanup amendments in Chapters 51 and 51A
- Next steps

Purpose

- Brief the Committee on proposed amendments to the Dallas Development Code
 - Ceremonial Street Naming
 - Article XIII - Form Districts
 - Cleanup amendments in Chapters 51 and 51A
- Seek Committee approval to forward to City Council for consideration of amendments

Ceremonial Street Naming

Ceremonial Street Naming – Background

- City Council has requested an alternative process to a full street name change in order to honor an individual.
- Some cities have established an honorary street name process to recognize individuals without a formal street name change that impacts property addresses.

Ceremonial Street Naming – Background

- On December 14, 2017, Subdivision Review Committee (SRC) approved a proposal for ceremonial street naming.
- On February 1, 2018, City Plan Commission (CPC) recommended approval of the proposal.

Ceremonial Street Naming – Proposal Criteria

- Prospective honorees:
 - 10 years of significant contributions to the City of Dallas,
 - Deceased for at least two years prior to consideration
- City Council, by a three-fourths vote of its members, may waive any of the above requirements.

Ceremonial Street Naming – Proposal

General Provisions

- No street or portion of a street may have more than one ceremonial street name.
- Ceremonial street name cannot contain a product name or be for commercial purpose.
- Ceremonial street names will sunset 10 years after the effective date.
- Ceremonial street name topper shall have “Honorary” at the top.

Ceremonial Street Naming – Proposal Application

- Ceremonial street name may be initiated by:
 - Application of 51% of abutting property owners.
 - A council member with concurrence by two other council members.
- Application must include:
 - Application fee, if owner initiated.
 - A statement and supporting documents meeting the ceremonial street naming criteria.
 - A map of the street proposed for ceremonial street naming.

Ceremonial Street Naming – Proposal Process

- Notice 15 days prior to the City Council public hearing:
 - Newspaper notice
 - Notice mailed to the abutting property owners
 - Notification signs
- City Council may approve or deny the application based on the testimony presented
- Favorable vote of three-fourths of all members of the city council is required to approve if:
 - A written protest against the ceremonial street naming has been signed by the owners of 20 percent or more of all lots abutting the street

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Ceremonial Street Naming – Proposal Implementation and Maintenance

- Transportation Department will fabricate and install the sign toppers.
- Transportation Department is not responsible for replacing the ceremonial street name topper due to vandalism, theft, normal wear and tear.
- Transportation Department may remove any ceremonial street naming sign topper that has become unsightly without replacing it.

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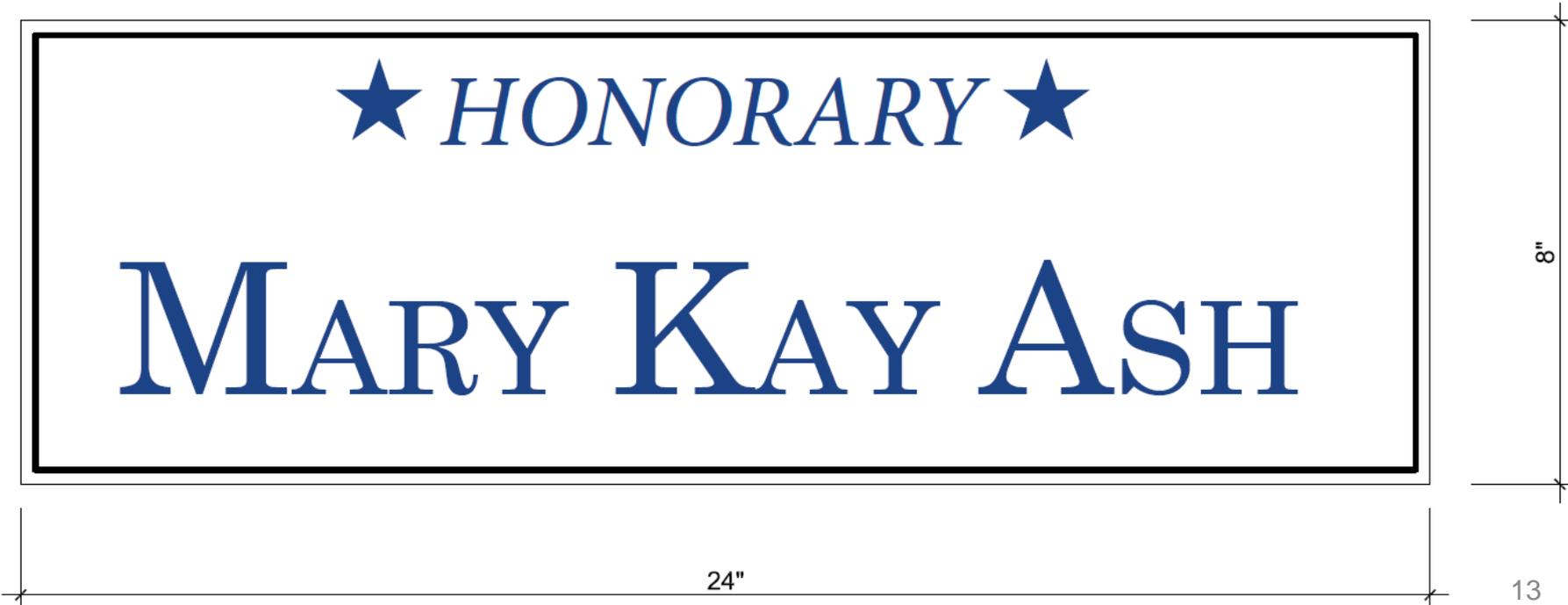
Ceremonial Street Naming – Proposal Funding

- Property owner initiated request:
 - Cost (application fee and sign cost) is paid by the property owner.
- City initiated, will require funding.
 - Options:
 - City Council Office budget identified with request; or
 - Provide funding in Transportation Department's annual budget to cover the cost of the signs.

Ceremonial Street Naming Example Sign Topper

Note:

- White background
- Blue lettering and graphics



Article XIII - Form Districts

Article XIII – Background

- February 25, 2009: City Council approved the creation of Article XIII “Form Districts”
- August 12, 2015: City Council approved revisions to Article XIII “Form Districts” for non-conforming structures, artificial lots, planting zones, blocks, and pedestrian passage
- September 25, 2017: The MSIS Committee was briefed on the need for minor revisions to Article XIII to account for unique uses and development scenarios. The committee directed staff to develop proposed amendments.

Article XIII – Background (cont.)

- Proposed amendments were divided into two rounds:
- First round (current)
 - Ensure consistency
 - Provide flexibility to address common issues
 - Provide clarification on certain requirements
- Second round (future)
 - Examination and larger discussion of:
 - Uses
 - Parking requirements
 - Parking setbacks in certain development types
 - Primary Street Designation

Article XIII – Background (cont.)

- The Zoning Ordinance Advisory Committee (ZOAC) considered this round of proposed amendments at two public meetings on October 19, 2017 and November 9, 2017
- November 9, 2017: ZOAC recommended approval of the first round of proposed amendments
- January 18, 2018: The City Plan Commission (CPC) recommended approval of the first round of proposed amendments

Article XIII – Proposal Summary

(First Round)

- Ensure consistency between text and pictures
 1. Stoops and Front Porches (slide #28)
- Provide flexibility to address common issues
 2. Front Setback Area - Administrative Waiver (slide #29)
 3. Story Height (slide #30)
 4. Relief from Required Street Frontage (slide #31)
- Provide clarification on requirements
 5. Parking Reductions – Access to Transit (slide #32)
 6. Structured Parking (slide #33)
 7. Clarification of Single Family Districts (slide #34)
 8. Planting Zone (slide #35)
 9. Off-Street Loading (slide #36)
 10. SUP for Self-Service Storage Use (slide #37)

Cleanup Amendments to Chapters 51 and 51A

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Cleanup Amendments – Background

- During review of plans and permits, staff has identified several needed amendments to the Dallas Development Code.
- On October 5, 2017; November 30, 2017; December 14, 2017; and February 15, 2018 the Zoning Ordinance Advisory Committee (ZOAC) considered these requests and recommended approval.
- On November 9, 2017 and April 5, 2018, City Plan Commission (CPC) considered these requests and recommended approval.

Cleanup Amendments – Proposal Summary

- 1) Handicapped parking regulations (slide #39)
Defer to federal and state standards
- 2) Board of adjustment rule (slide #40)
Set 5 years for the time that a new request on the same site has to go to the same panel
- 3) Duplicate applications (slide #41)
Remove requirements for duplicate applications currently required for special parking and signs
- 4) Amend *director of parks and recreation to building official* (slide #42)
Certain requirements such as landscape and street amenities currently require the director of parks and recreation to approve

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Cleanup Amendments – Proposal Summary

- 5) Light poles in front and side setbacks (slide #43)
Allow light poles less than 20 ft in height in setbacks
- 6) Air conditioning units (slide #44)
Remove requirements for separation between units, forward noise requirements to noise regulations
- 7) Generators (slide #45)
Treat as accessory structures relative to setbacks
- 8) Setbacks in Planned Development Districts
(slide #46) remove redundant references
- 5) Handicapped Ramps (slide #47,48)
Allow handicap ramps to encroach into required setbacks in single family districts

Cleanup Amendments – Proposal Summary

10) Pedestrian skybridges (slide #49)

Allow support structures in front yard setbacks and in right-of-way (subject to license procedures and SUP)

11) Remote parking for places of worship (slide #50)

Relocate remote and shared parking for churches from use regulations to special parking regulations similar to like provisions

Next Steps

- Staff recommends committee approval to advance these amendments for City Council consideration.

Upcoming Code Amendments

**Mobility Solutions, Infrastructure &
Sustainability Committee**

April 23, 2018

**David Cossum, Director
Sustainable Development
and Construction**



City of Dallas

Addendum

Article XIII – Form Districts

Article XIII – 1. Stoops and Front Porches

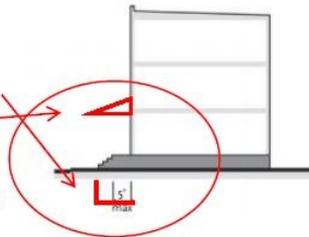
- **Issue:** Pictures and text are inconsistent
- **Proposal:** Amend pictures for consistency with text and allow stoops and front porch building elements on apartment development types for additional design flexibility

Sec. 51A-13.305. Building Elements.

Division 51A-13.300. District Regulations.

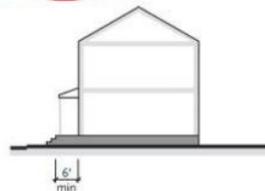
(e) Stoops.

- (1) Stoops are permitted on townhouse stacked, townhouse, manor house, and single-family house development types.
- (2) A stoop must be no more than five feet deep (including the steps) and six feet wide.
- (3) A stoop may be roofed, but not enclosed.
- (4) Partial walls and railings on a stoop may be no higher than 3 1/2 feet.
- (5) A stoop may encroach into the door yard. No stoop may encroach into the public right-of-way without a license for the use of that right-of-way.



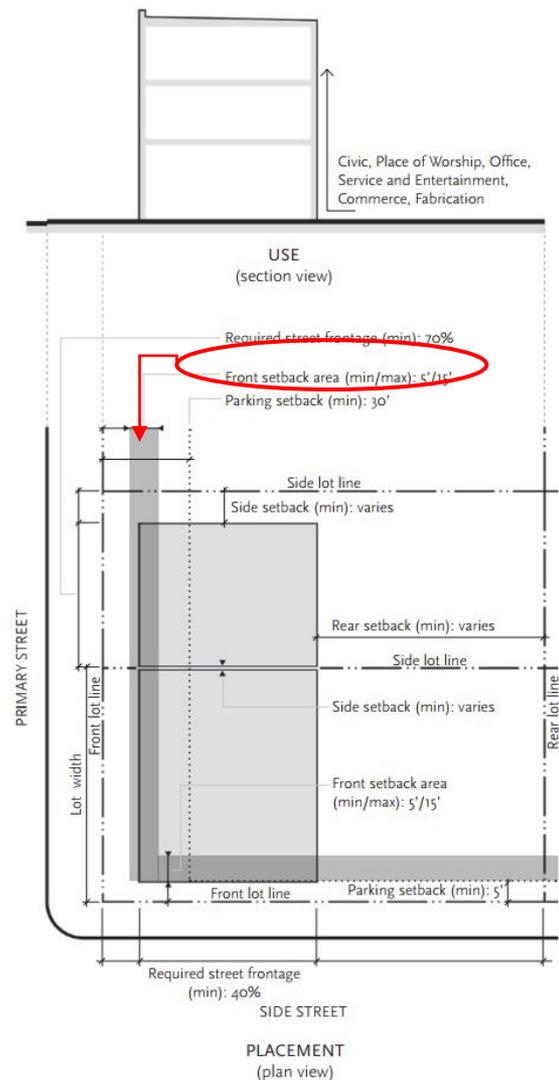
(f) Front Porches.

- (1) Front porches are permitted on townhouse stacked, townhouse, manor house, and single-family house development types.
- (2) A front porch must be a minimum of six feet deep (not including the steps).
- (3) A front porch must be contiguous with a width not less than 50 percent of the building facade from which it projects.
- (4) A front porch may be roofed, but not enclosed.
- (5) Partial walls and railings on a porch may be no higher than 3 1/2 feet.
- (6) A front porch may encroach into the door yard. No front porch may encroach into the public right-of-way without a license for the use of that right-of-way.



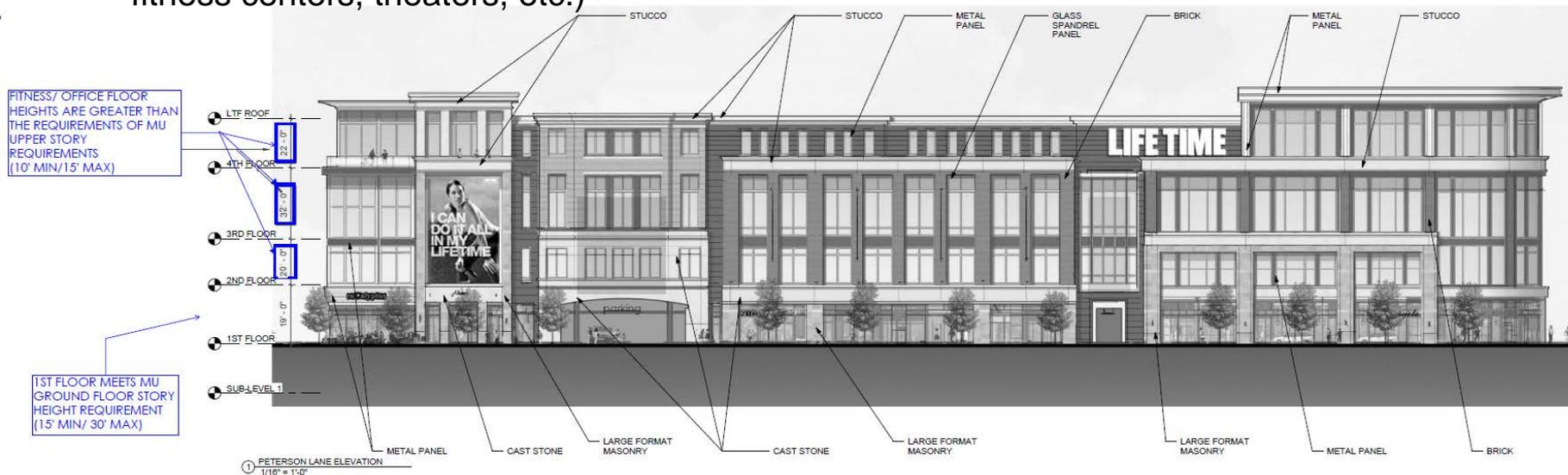
Article XIII – 2. Administrative Waiver – Front Setback Area

- **Issue:** Need to allow flexibility to deviate from the front setback requirements if development cannot feasibly occur due to utilities or street easements
- **Proposal:** An administrative waiver may be granted by the director if a hardship exists that does not conflict with the stated purpose of Article XIII and will be compatible with surrounding land uses



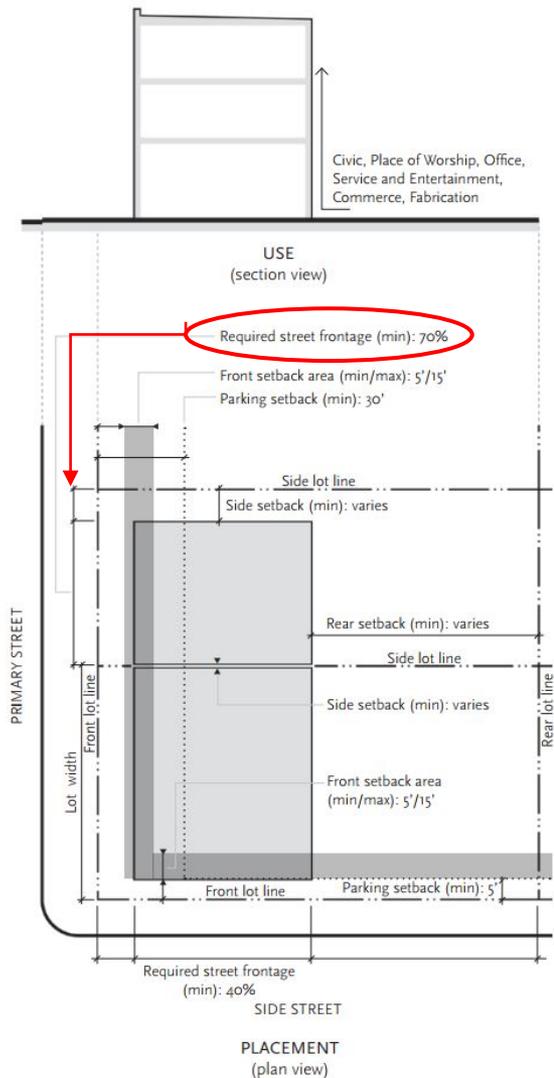
Article XIII – 3. Story Height

- **Current:** Interior measurement (finished floor to finished floor)
- **Issue:** Need flexibility to account for unique uses and emphasize form in terms of facade appearance and the pedestrian public realm
- **Proposal:** Exterior measurement (horizontal facade articulation break)
- Story height to be measured as an exterior measurement to simulate individual stories on the exterior and allow flexibility for uses that do not follow standard floor spacing (multi-level fitness centers, theaters, etc.)



Article XIII – 4. Relief from Required Street Frontage

- **Current:** STREET FRONTAGE means a portion of a building that must be located within the required setback area, expressed as a percentage of lot width
- **Issue:** Need flexibility to deviate from the required street frontage regulations
- **Proposal:** Exceptions and variations to the required street frontage may be approved at a CPC public hearing with public notice procedure



Article XIII – 5. Parking Reductions – Access to Transit

- **Issue:** Clarify whether a trolley on a fixed rail system is considered a “Rail Transit Station” or a “Bus or Trolley Transit” stop.
- **Proposal:** A stop on a fixed rail system is considered a rail transit station whether heavy rail, light rail, or fixed rail trolley

Article XIII – 6. Structured Parking

- **Current:** TRANSPARENCY means the total area of window and door opening filled with glass, expressed as a percentage of the total facade area by story
- **Issue:** Transparency requirement applies to all development types, including “structured parking”
- **Proposal:** Add language that structured parking transparency is not required to be filled with glass

Article XIII – 7. Clarification of “Single Family Districts”

- **Issue:** Does not account for D(A), TH(1-3)(A), CH or RTN when referring to a “single family district” in Article XIII
- **Proposal:** A “single family district” means a “residential district other than multifamily” for the purposes of the parking setback, side setback, and rear setback in each applicable development type

PARKING SETBACK

From primary street (min ft)	30
From side street (min ft)	5
From service street (min ft)	5
Abutting single family district (min ft)	10
Abutting multifamily or nonresidential district or alley (min ft)	5

SIDE SETBACK

Abutting single family district (min ft)	15
Abutting multifamily or nonresidential district (min ft)	0 or 5
Abutting alley (min ft)	5

REAR SETBACK

Abutting single family district (min ft)	15
Abutting multifamily or nonresidential district (min ft)	5
Abutting alley (min ft)	5
Abutting service street (min ft)	10

residential districts other than multifamily

Article XIII – 8. Planting Zone

- **Issue:** Need clarification for planting location of small trees used to meet street tree requirement when allowed to be planted in the door yard setback due to utility conflicts
- **Proposal:** Amend the minimum distance from a building facade that small trees may be located when planted within the dooryard setback from 10 feet to five feet

Article XIII – 9. Off-Street Loading

- Issue: Current regulations do not require off-street loading be provided for any use and do not designate where it can be located, if provided.
- Proposal: Off-street loading, if provided, must be located behind the parking setback.

Article XIII – 10. SUP for Self-Service Storage Use

- ZOAC and CPC recommend addressing “self-service storage uses” in this round of amendments.
 - Current: Self-service storage use is permitted in the upper stories of the Mixed Use Shopfront district and in all stories of the General Commercial district
 - CH. 51A mini-warehouse use allowed by right in all Commercial/Industrial districts and all Central Area districts
 - CH. 51A mini-warehouse use allowed by SUP only in CR, RR, all Mixed Use districts, and all Multiple Commercial districts
 - Proposal: Self-service storage use is permitted by SUP only in the upper stories of the Mixed Use Shopfront development type and in all stories of the General Commercial development type

Cleanup Amendments

Cleanup Amendments

1) Handicapped Parking

- **Current:**

- Certain use regulations contain specific regulations governing handicapped parking.

- **Issue:**

- Current use regulation language has potential to conflict with state and federal law.

- **Proposal:**

- Remove all references to handicapped parking in specific uses.
- Call-forward references to handicapped parking in Chapter 51.
- Allow existing Section 51A-4.305, which states that “handicapped parking must be provided and maintained in compliance with all federal and state laws and regulations” to regulate handicapped parking.

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Cleanup Amendments

2) Board of Adjustment Rule

- **Current:**

- The board of adjustment has three panels, each with 5 members
- Code states that “only one panel may hear, handle, or render a decision in a particular case.”

- **Issue:**

- No time limit on this rule, so if a previous owner had a similar case years ago, that case must be assigned to the same panel.

- **Proposal:**

- Provide that after five years, a case may be heard according to the normal rules of case assignment.

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Cleanup Amendments

3) Duplicate Applications

- **Current:** Code requires duplicates of four types of development-related applications.
- **Issue:** These duplicates are unnecessary because current procedures require only one application.
- **Proposal:** Remove requirement for duplicates for special parking and for sign permits in special provision sign districts.

Cleanup Amendments

4) Amend *Dir. of Parks to Building Official*

- **Current:** Code designates certain staff members to make recommendations or rulings.
- **Issue:** In several cases, the code calls out the director of parks and recreation as the arbiter of a process when the building official is better suited to make that decision.
- **Proposal:** Align code with current department duties.

Cleanup Amendments

5) Light Poles in front and side setbacks

- **Current:** Code prohibits light poles in required front or side yards in all districts, and the city requires a license for private pedestrian lighting in the right-of-way.
- **Issue:** This conflict may become a disincentive to providing adequate lighting near sidewalks.
- **Proposal:** Allow light poles 20 feet or less in height to be installed in the required front and side yards.

Cleanup Amendments

6) Air Conditioning Units

- **Current Code and Issue:**

- Code allows air conditioning units in side yards while controlling location and noise levels, but the section refers to an outdated method to regulate noise levels and requires minimum separation of 10 feet between units.
- Noise regulation standards provide an exception for air conditioning units because their noise level is controlled in the side yard regulations.

- **Proposal:**

- Remove outdated noise level language in the side yard regulations
- Remove exception for air conditioning units in the noise regulations, ensuring that air conditioner noise is still regulated by code.
- Remove unnecessary language requiring 10 feet of separation between units.

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Cleanup Amendments

7) Generators

- **Current Code and Issue:**

- No current regulation regarding location of electrical generators.
- Building Inspection staff treat electrical generators as accessory structures in residential districts.

- **Proposal:**

- Codify the practice of treating electrical generators as accessory structures and ensure that the generators, if installed, are placed to the rear of the lot.

Cleanup Amendments

8) Setbacks in Planned Developments

- **Current:**

- Code includes redundant paragraphs stating that yard regulations in planned development districts are controlled by the planned development district regulations.

- **Proposal:**

- Remove redundant paragraphs

Cleanup Amendments

9) Handicapped Ramps

- **Current:**

- People with mobility issues often need a ramp to provide access to their home. However, ramps are considered structures, and structures are not allowed in required yards.
- Property owners may seek relief from the board of adjustment, but this creates an extra step and delay.

- **ZOAC and CPC Action:**

- On February 15, 2018 ZOAC recommended approval of language related to handicapped ramps in yards and requested staff to add a limit of 10 days for initial City review.
- On April 5, 2018, CPC recommended approval.

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Cleanup Amendments

9) Handicapped Ramps (cont.)

- **Proposal:**

- In all districts, allow ramps to be placed in the required front, side, or rear setbacks of existing homes under the applicable accessibility standard as determined by the building official.
- However, staff recommends *against* adding additional language that differs from state law regarding the timing of building permit reviews.

Cleanup Amendments

10) Pedestrian Skybridges

- **Current**

- Allowed by SUP in most base zoning districts but prohibited in required yards.
- Supports are not allowed in the right-of-way (ROW).
- Relief from mandatory design provisions requires a special exception from Board of Adjustment (BDA).

- **Issue:**

- Setbacks begin at ground level and go to infinity, effectively prohibiting skybridges in districts with required yards.
- Some skybridges need support mid-way between buildings
- BDA process inserts additional delay and expense

- **Proposal:**

- Allow skybridges to be placed in required yards
- Remove the prohibition of supports in the ROW. Continue to require ROW license, adherence to sidewalk standards, and normal SUP review process
- For relief from design provisions, replace BDA special exception with request for waiver from Council as part of SUP process.

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Cleanup Amendments

11) Remote Parking for places of worship

- **Current:**

- Regulations for remote and shared parking for church uses are listed in the use regulations
- Regulations for remote and shared parking for all other uses are located in Section 51A - 4.324(d)

- **Proposal:**

- Remove the remote and shared parking regulations from the church use regulations and have Section 51A.4.324(d) control as it does for other uses.