



INFORMATION MEMORANDUM

TO: Mayor and City Council
FROM: Andy Gillies
DATE: January 3, 2017
SUBJECT: Proposed Ordinance No. 3415 to approve the new Comprehensive Zoning Ordinance

January 10, 2017 Council Meeting Notes:

At the request of the Council, during the January 10th meeting, staff has edited Article 2.9 – Accessory Uses and Structures, per the discussion at this meeting. The detailed changes are located below, as well as the document titled “Accessory Uses and Structures”.

- a. Prior approval of a specific use permit shall be required for accessory buildings described as follows prior to installation or construction on any property:
 - i. Accessory buildings constructed with at least one full wall with or without window and/or door openings (other than a detached garage or carport used only for vehicle storage) covering a lot area greater than 120 square feet, including, but not limited to, workshops, storage buildings, pool houses, and similar structures;
 - ii. Accessory buildings constructed with no full walls (i.e. open on four sides with not more than one 1/2 wall), covering a lot area greater than 200 square feet, including, but not limited to, open sided gazebos, outdoor kitchens, pergolas, and similar open sided structures.
 - iii. No accessory building (other than a detached garage or carport used only for vehicle storage) covering a lot area greater than 200 square feet “open” (see j.i.) or 120 square feet “closed” (see j.ii.) shall be installed or constructed on any property without prior approval of a specific use permit.

Summary:

The current Comprehensive Zoning Ordinance (CZO) used by the City was originally adopted in 1969. Since that time numerous minor text amendments have been made to this document; however, a complete rewrite or “overhaul” of the document has not been accomplished. As many 47-year-old products, the existing CZO has started to show its age, and its ability to keep up with the new land use trends is limited at best. In response to the growing obsolescence of this keystone planning tool, City Staff began the process of reformatting the basic elements, adding appropriate land uses, and modifying some of the regulations to create a more modern and user-friendly land use control document.

Large, extensive changes to the document were not made. The changes were mainly in the formatting, consistency, clarifications and modernizing it to respond to today’s business environment.

Proposed Amendments:

The existing CZO contains twenty-nine (29) Articles. The new CZO organizes all the existing elements into seven (7) Articles, described below.

Article 1- General Provisions

The general provisions of the CZO regarding the purpose, authority, applicability, legal rights, creation of a building site, etc. have been combined within this Article. Essentially, none of the basic requirements, authority, applicability or processes have been altered; merely reorganized into this article.

No major amendments are being proposed within this article.

Article 2- Zoning Districts and Uses

One of the most important articles within the CZO, Staff is proposing a substantial number of proposed amendments in Article 2. Not only does this article establish the twenty (20) different zoning districts within the City, it also includes the “Schedule of Use” table. This table provides the reader with a quick visual understanding of what land uses are allowed in each of the twenty zoning districts, either “by right” or with the approval of a “Specific Use Permit (SUP).” A SUP imposes additional requirements, such as minimum lot size, increased setbacks and/or performance standards in addition to those listed in each zoning district. These additional requirements ensure that the land use will be compatible with adjacent land uses and contribute to the appropriate location of businesses and the general prosperity of the City as a whole.

In the current CZO these assorted land uses are oddly categorized and not alphabetized. In the new proposed CZO special care has been taken to assemble these land uses in logical groupings and alphabetize each subset. In addition to the reorganization of these land uses, several new land uses have been included. Examples of these new land uses include but are not limited to the following; Community Garden, Radio/TV/ Broadcast Studio, Live/Work Units, Pharmacy, and Brewery.

Article 2 also includes the requirements for land uses that require Special Performance Standards. These land uses include hotels, tattoo studios, sexually oriented businesses, alcoholic beverage sales, natural gas well sites, and telecommunication towers, among others. In most

cases these land uses are allowed in certain zoning districts once the additional standards required by this article can be confirmed by obtaining approval of a Specific Use Permit (SUP).

One of the more substantial changes proposed in this article was made pertaining to the sale of alcohol in qualified restaurants. For example, City Staff is recommending reducing the food/alcohol sales ratio requirement from 60:40 to 50:50, and allow these alcohol serving restaurants “by right” in most commercial zoning districts. Another substantial change was to increase the size of a detached accessory building in a residential zoning district from 120 square feet to 200 feet before requiring an SUP.

Amendments to Article 2 include revisions in the Table of Uses, additions and deletions of land uses allowed in certain zoning districts, revisions in development standards, most notably regarding food and alcohol consumption in restaurants. Much of the changes to the table reflect deletion of outdated land use types, for example “Drapery, Needlework or Weaving Shop”.

In addition, there were revisions made to the Accessory Structures section regarding the need for a Specific Use Permit for any structure greater than 200 square feet.

Article 3- Zoning Districts Dimensional Standards

This section of the CZO establishes the required lot sizes, setbacks, lot coverage, and height requirements for the 20 zoning districts. In the current CZO these dimensional standards are scattered throughout six (6) different articles. The new CZO has consolidated all the dimensional standards for each zoning district in one place. In addition, graphics illustrating the height, lot widths, lot lengths, setbacks, and other key factors have been added to provide better clarity to the written requirements and standards. This article has substantial formatting changes designed to be more user-friendly, but no development standards have been revised.

No substantial content was changed within this article.

Article 4- Site Development Standards

Article 4 provides all the other site related requirements for each zoning district. These requirements include such elements as minimum landscaping, parking, and loading standards. In addition, this article outlines the performance standard requirements for noise, smoke, odor, explosive and toxic materials. In the current CZO these requirements are spread throughout several articles and are difficult to find. Consolidating all these rules in one article is much more useful, both to staff and to the potential developer or applicant.

A reference to Chapter 62 “Signs, Advertising and Merchandise Display” of the Code of Ordinances is included in Article 4.

No substantial content was changed within this article.

Article 5- Special Districts

This article establishes the various special development districts within the City. These special development districts may be composed of several different zoning districts, but all share an extra development requirement or limitation. The best example of this would be the Flood Plain district. Because of this district's propensity to flood during moderate rain events, additional limitations on the type of development have been outlined. Additional special development districts within this article include

- Historic Landmark Preservation District
- Eastside Business District, and
- Beer and Wine Sales Overlay Districts (nine separate districts).

This article also establishes the basic development and approval process for Planned Development Districts (PDs). In the existing CZO these special districts were scattered throughout the document. The proposed CZO places all of these special districts in Article 5.

No substantial changes or amendments were proposed to any of these special districts within this article.

Article 6- Administration

Within the existing CZO the administrative elements were located in several articles. The new CZO consolidates all these functions and requirements into Article 6. Within this article is the establishment of the Board of Adjustment and the rules pertaining to that board, requirements for a zoning map amendment, requirements for a text amendment, establishment and requirements for a Specific Use Permit, and the establishment and requirements for nonconforming uses and structures. This article also establishes penalties for violation of the Comprehensive Zoning Ordinance.

The only substantial amendment to this article was regarding Specific Use Permits. In the current CZO an approved SUP is a permanent land use improvement to the property, regardless on the ownership. With the new CZO, approved SUPs will expire within six (6) months if not utilized for that approved land use within that time period. For example, if a banquet hall remains vacant for six (6) months the SUP for that specific land use will expire at the end of that period.

Article 7- Definitions

The new CZO has significantly increased and amended the definitions within Article 7. Many of the land use terms and definitions in the existing CZO were obsolete or inaccurate for use in 2016. New definitions were carefully researched before being included in this new CZO. Definitions related to land uses have also been updated within this article.

Definitions were changed to more accurately describe the uses. New definitions were added.

Appendix A- Planned Development Ordinances

This section lists and generally describes the ninety-nine (99) Planned Development Districts currently within the City and will be amended as new PDs are approved.

Appendix B- Specific Use Permits

This section lists and generally describes the Specific Use Permits currently within the City and will be amended as new SUPs are approved.

Appendix C- Maps

This section includes several of the special development districts within the City and will be amended as rezoning cases are approved.

Public Response:

A public notice was published in the Dallas Morning News regarding this proposed amendment to the Comprehensive Zoning Ordinance. In addition, City Staff provided notices of these changes on various social media platforms, including Facebook and the City website. As of the printing of this packet, no letters of opposition have been received by the City for this CZO revision.

Possible Council Action:

1. I move to adopt Ordinance No. 3415.
2. I move to adopt Ordinance No. 3415 with the following modification(s)...
3. I move to table the item or take no action.