



# North Central Texas Council of Governments for the City of Cedar Hill, TX:

## Smart Growth Zoning Codes for Small Cities Report and Suggested Next Steps

Building Blocks for Sustainable Communities Program

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**Date:** October 29, 2014

### Overview

Pursuant to the technical assistance award with the North Central Texas Council of Governments (NCTCOG), this Memorandum constitutes the final report summarizing the workshop on *Smart Growth Zoning Codes for Small Cities* and suggesting possible next steps the city could take to craft a vision for future development in Cedar Hill.

### Focus of the technical assistance

Based on pre-workshop discussions with staff from NCTCOG and the City of Cedar Hill, Texas, Planning Department, the SGA/Clarion team focused its code audit on the issue of encouraging mixed-use and transit-oriented development (MU/TOD). MU/TOD is envisioned in the regional mobility plan and in the city's recently completed Center City Development Plan that includes the potential transit station area in Cedar Hill. As background for the October 22-23, 2014, workshop, Clarion Associates produced a detailed discussion paper that focused on key zoning code issues and options related to encouraging MU/TOD.

## Engagement and participation

On the evening of October 22, the SGA/Clarion team conducted a public meeting to explain the project and key issues that would be discussed at the workshop. About 24 people attended this public meeting, including Mayor Rob Franke and City staff.

The full-day workshop took place on October 23, with a working group of about 15 people that included city and NCTCOG staff; representatives from the development community; U.S. EPA and FEMA staff; and Councilperson Jami McCain, who is a former member of the Cedar Hill Main Street Development and Preservation Board and lives in Old Town Cedar Hill. Mayor Franke joined the group for lunchtime discussions. Together the working group reviewed the code audit recommendations from the SGA/Clarion team.

## Local context

Prior to the public meeting, City of Cedar Hill and NCTCOG staff led an on-the-ground tour of a transit-oriented development in the Dallas suburb of Carrollton, as well as potential TOD station area sites in Cedar Hill. This tour provided valuable background and context for the workshop.

During the tour, it was learned that NCTCOG has an extensive Sustainable Development Funding Program. The program has provided support for transit-oriented development planning in terms of technical assistance as well as grants for planning and infrastructure improvements.

Additionally, while it is likely it will be ten to twenty years before Cedar Hill sees a transit station within its jurisdiction, a major mixed-use project with over 300 units has recently been developed close to the potential Midtown transit station site. This new development indicates a market for other such mixed-use projects in the community.

## Key issues addressed

Based on the background discussion at the workshop, there was consensus to focus on six key issues during the workshop:

1. What is the best zoning vehicle to promote mixed-use/TOD? Options included a new mixed-use/TOD zone to replace the current base and overlay zones applicable in the area, a revised base zone district and/or an improved planned development district (PDD) process.
2. How do we best promote a realistic mix of uses in targeted MU/TOD areas?
3. What accessory and temporary uses should be accommodated and encouraged in the TOD area?
4. Are current dimensional standards in the base and overlay districts applicable in the TOD area appropriate (e.g., height, setbacks, densities, etc.)?
5. Can off-street parking regulations be improved to better support and encourage MU/TOD?
6. How can we ensure new MU/TOD projects are compatible with surrounding neighborhoods in terms of design and infrastructure capacity?

## Discussion and recommendations

This section summarizes the six key issues and options for potential zoning code and other ordinance amendments discussed at the workshop. The page numbers denote where the issue is addressed in the workshop discussion paper.

### **MU/TOD Zones (p. 10)**

There was general consensus that neither of the two zone districts that apply to the Cedar Hill station area appears to be up to the task of promoting mixed-use/transit-oriented development. Both focus primarily on commercial development and allow some land-intensive uses usually considered inappropriate in a station area (e.g., large-scale big box stores, auto dealers), restrict other desired uses such as residential and do not allow the intensity or density of development necessary for a successful TOD.

The working group also discussed the potential of continuing to use the planned development district (PDD) process that has been used for many large projects in Cedar Hill, including the large apartment complex constructed in Midtown. While the planned development process does allow a great deal of flexibility to tailor a development to a particular site, staff cautioned that the process can be time-consuming and does not necessarily provide certainty as to project outcomes. Such projects can also potentially attain vested rights that would prevent future changes by the City once the plan was approved, even if circumstances have changed. One developer echoed the concern about the uncertainty and time-consuming nature of this process.

The working group thus concluded that the city should consider drafting a new TOD zone district for Cedar Hill. One model that appeared attractive to many in the working group is San Diego's approach in its Centre City downtown district that has been used for many successful mixed-use projects. District regulations establish clear standards for key characteristics such as intensity/density, height, and other dimensional standards. If a project complies with these standards, then design review is administratively by a staff or a design review board made up of design professionals.

The TOD district regulations from Carrollton also are worth reviewing. These regulations establish some clear standards in a limited number of areas such as permitted uses, building form and placement and architectural features. Another good source are the model mixed-use transit-oriented development regulations recently prepared for the Hartford, Connecticut, council of governments. (These regulations can be found at [http://www.sustainableknowledgecorridor.org/site/sites/default/files/CRCOG\\_MU\\_TOD\\_FINAL\\_4-4-2014.pdf](http://www.sustainableknowledgecorridor.org/site/sites/default/files/CRCOG_MU_TOD_FINAL_4-4-2014.pdf).)

The working group suggested that the planned development district process still be available for projects that needed maximum flexibility and variances due to unique site characteristics or other considerations. However, its use might be reduced if the staff were given the ability to make minor administrative modifications to development standards such as height and setbacks. Many modern zoning codes allow staff to grant modifications of from 5-20 percent of such standards if the modifications meet basic principles. For example, such staff modifications cannot result in serious adverse impacts on surrounding neighborhoods. This increased flexibility would likely make it less necessary to use the planned development process to secure multiple variances or waivers, as is now reportedly the case.

## Mix of uses (p. 17)

In most communities with MU/TOD zones, code provisions include standards intended to ensure that projects include at least some minimum mix of nonresidential and residential uses as they are built out. Neither of the two applicable city zone districts addresses this issue. However, the working group agreed that Cedar Hill and other communities in the Dallas region need to proceed cautiously in this arena. A mandatory mix of uses in a MU/TOD zone may be a disincentive and lead a developer to propose a single-use development in a base zone instead or simply not proceed with a proposal. On the other hand, allowing one use to dominate in a designated MU/TOD area (e.g., 90 percent residential) can undercut the goals of a lively transit station area and also fail to provide the jobs and retail stores near transit stations that are key to supporting transit ridership.

Demonstrating the challenge of ensuring a real use mix in a TOD project is the experience of the Trammel Crow Company mixed-use development in Carrollton, which was the focus of the October 22 tour. In that project, the city secured a mix of residential and commercial uses by financially subsidizing seven ground floor spaces/units within the development until the developer could secure commercial tenants. Two years after completion of the project, two of the commercial spaces are still empty. Moreover, one working group member pointed out there is a surfeit of cheap commercial space already available in Cedar Hill in other nearby locations that might make it challenging to dictate a residential/commercial use mix.

The working group considered several options it felt might be workable. First, a new MU/TOD base zone district might establish a *maximum* percentage that any one use could be developed instead of specifying a minimum percentage, as is done in some MU/TOD ordinances in other communities. Thus the new regulations might specify that no use (e.g., commercial, residential, civic, industrial) exceed 80 percent of the total floor area in any MU/TOD zone. This would prevent any one use from predominating and gives the developer wide latitude on the desired market-supported mix in a specific area, rather than having to adhere to a minimum for each type of use. Another option to promote mixed use rather than requiring it may be to offer incentives such as increased densities, a broader range of permitted uses, shared infrastructure costs (e.g., stormwater) or streamlined development review for projects that include two or more uses in a development.

Other communities have helped their TOD areas achieve a healthier use mix by contributing city-owned land to the project or opening or building civic uses in the area to attract more people. For example, NCTCOG staff report that the City of Garland has developed a performing arts center near its transit station that helps attract people to the area. Other communities have opened civic uses such as libraries or city offices near their transit stations or partnered to provide structured parking. The Center for Transit Oriented Development has published a useful paper that summarizes similar tools and techniques used in other jurisdictions around the country. This report, *Downtowns, Greenfields, and Places In Between: Promoting Development Near Transit*, can be accessed at [http://www.ctod.org/pdfs/20130528\\_DntnsGreenfieldsEtc.FINAL.pdf](http://www.ctod.org/pdfs/20130528_DntnsGreenfieldsEtc.FINAL.pdf).

The working group also discussed the issue of vertical versus horizontal mixed-use. Some supported the notion that the city should allow horizontal use mixing so that mixing would not be required in each building within the TOD area. While there are some distinct advantages to this approach (not the least of which is greater flexibility for developers), city staff cautioned that

enforcing horizontal mixed use in a larger area over time might be challenging. Developers might, for example, favor 100 percent residential uses in an early phase of TOD area development because, like now, there is significant residential demand and weaker commercial demand. However, in five to ten years when the city was pushing for more commercial in the area to pursue its mixed-use policy, developers might resist because the commercial market was still modest or weak. Enforcing the horizontal mixed-use requirement might then be problematic.

### **Accessory and temporary uses (p. 19)**

It is also important to carefully consider accessory uses and structures that will be allowed in a new TOD zone district. The working group discussed a number of these uses that it felt were appropriate in the TOD area, such as home-based businesses/live-work units, small solar collection systems and farmers markets. Several people made the point that organizing programming like farmers markets and other temporary uses that help create a lively atmosphere in the TOD area will require a strong guiding hand from the city. The zoning code does not currently address many potentially appropriate accessory and temporary uses like farmers markets. NCTCOG staff summarized several successful zoning ordinances and other standards for farmers markets in the region that might be a good model for Cedar Hill.

On a related matter, the group agreed that low-intensity accessory uses and those that are auto-oriented should be prohibited or severely limited in the TOD area. These include uses like drive-through facilities, large parks and recreation areas, large surface parking lots and outdoor storage. The workshop discussion paper (p. 11) and the Carrollton Transit Center District Regulations both contain detailed use lists that may also be helpful.

### **Intensity and dimensional standards (p. 23)**

This important issue addresses features of development such as residential densities, block and lot standards, setbacks and height. A hallmark of TOD zone districts is increased density of residential development and intensity of commercial projects to support the transit and create a lively living atmosphere. In some communities, *minimum* residential densities are imposed to preserve key locations near transit stops for projects that benefit transit and help promote an urban environment. Permissible lot coverages are usually high to foster compact growth and open space requirements are typically reduced, with space-saving alternatives such as rooftop gardens and plazas encouraged. To promote denser, more compact development, minimum height standards are often featured and maximum heights of up to six stories and more are allowed in suburban locations.

Block standards usually promote shorter blocks (e.g., 200-400 feet) that encourage walking, while minimum lot areas are usually reduced to promote smaller residential units and businesses. Front setbacks are in many cases entirely eliminated to encourage buildings to be brought up to the street, which helps create a more pedestrian-oriented environment. Deeper setbacks may be allowed in the TOD Ring Subdistrict, particularly for residential developments.

The city's LR-Local Retail District contains fairly liberal height standards (6 stories) that would allow a mid-rise building in the TOD area. Also, several of the dimensional standards are appropriate for a TOD (e.g., no minimum lot area or maximum lot coverage). However, no residential uses are

allowed and there is a minimum 20-foot side yard standard that would make compact, “Main Street” type pedestrian-friendly development difficult.

Some of the existing UT-Uptown Overlay District development standards in Section 3.14.5 are also a step in the right direction and could be further tailored for a TOD zone district. To illustrate, there are no side or rear yard setbacks required for buildings less than 10,000 square feet along a public street unless adjacent to a residential development. For a TOD zone district, these regulations might be extended to all buildings and the yard restrictions linked to residential adjacency removed *within* the district. Similarly, the requirement of a ten foot “build-to” line on streets less than 65-feet in width might be applied to all pedestrian-oriented streets and reduced to zero in some cases to create a “Main Street” feel.

The working group also agreed that the block standards in the city’s subdivision regulations should be reexamined. These standards indicate a preference for block lengths between 1,000 and 1,200 feet and a minimum of 500 feet that will make it very challenging to develop pedestrian-oriented, walkable streets within the TOD area. Experience in other communities demonstrates that maximum block lengths of 400-600 feet are preferable.

### **Off-street parking (p. 30)**

Parking is a perennial challenge in most MU/TOD developments. Because these sites are often very constrained, extensive surface parking is usually infeasible and structured parking is very expensive. Many communities have taken aggressive steps to reduce the off-street parking requirements for MU/TOD based on numerous studies that demonstrate they typically do not generate as much vehicle traffic as single use projects. Thus it is recommended that the City require less parking for MU/TOD development than suburban greenfield development. However, in the Dallas region as elsewhere in the United States, parking can still be a hot button issue when a higher density MU/TOD development is proposed in a neighborhood already experiencing congestion and a perceived shortage of off-street parking.

The SGA/Clarion team suggested the city consider an automatic reduction in minimum off-street parking requirements (e.g., 25 percent in the core and 15 percent in the ring). The City might also approve a proposal to further reduce number of off-street vehicle parking spaces required for a development, provided the development application includes a study demonstrating that because of the development’s specific location, nature or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum requirement. The city might also consider including maximum limits on parking in its zoning ordinance. Such maximums are particularly important in TOD districts to where large surface parking lots make such areas much less pedestrian friendly. A common maximum is 125 percent of the minimum requirement. As an incentive to build parking garages rather than surface parking lots, some jurisdictions exempt any structured parking spaces from this limitation.

### **Development design and compatibility (p. 32)**

Compatibility of new development in a MU/TOD area with existing residents and surrounding neighborhoods is often a key issue for projects being proposed around transit stations. While some neighborhoods welcome access to mass transit and increased shopping and dining opportunities, others object and resist, fearing adverse impacts such as increased traffic and parking problems.

Indeed, one of the lead articles in the morning Dallas newspaper the day of the workshop focused on the opposition to a new transit stop in an established Dallas neighborhood due to fears of noise and traffic from more restaurants that might be opened in the area. NCTCOG staff also related that some communities in the region have asked to be removed from the future transit system map due to fears over crime and noise around transit stations.

While there are no existing residential neighborhoods around the currently designated transit station area near Cedar Hill's city hall, conflicts may arise as that area develops with additional mixed uses. Also, if the station area location were to be shifted in the future (say to Old Town), compatibility may be an important issue. Thus compatibility is likely to be an issue in either instance.

Most MU/TOD zone districts around the nation contain some building design standards to ensure structures are attractive and enhance the streetscape and pedestrian experience. Section 3.14.5.B of the UT-Uptown Overlay District contains architectural style requirements for non-residential uses including standards for building orientation, articulation, exterior building materials, architectural features, roofs and color that are a good starting point for similar regulations in the TOD zone district. However, they will need to be tailored because, according to staff, they were adopted to apply primarily to large big-box retail establishments, not smaller structures and multi-story buildings likely to be developed in the TOD district. Section 3.14.6 sets forth standards for residential buildings including a 50 percent masonry requirement and specifications for windows along primary facades. These residential building requirements may not be suitable in the TOD zone district (e.g., requiring bay windows or turrets on multi-story residential buildings). Other code standards require six-foot tall walls between commercial and residential structures, which again may not be suitable in MU/TOD areas. At the same time, some of the standards regarding building location and articulation that apply to non-residential uses would seem appropriate for residential buildings.

Cedar Hill should explore creating a consolidated set of guidelines or standards focusing on compatibility and transitions as it seeks to encourage more intense mixed-use development in infill and redevelopment areas. Compatibility standards should not only address physical tools such as step backs, setbacks, landscaping buffers and the like, but also operational compatibility (noise, hours of operation, lighting, placement of trash/recycling facilities, location of delivery and loading zones, etc.). These standards that could be applied administratively by staff in a mixed-use base zone or PDD.

From a process perspective, the working group agreed that it would be highly preferable if design/compatibility requirements were handled administratively by staff or by a design review board made up of design professionals without a public hearing, as is done in the Centre City district in San Diego.

Assistance provided with grant support from U.S. EPA's Office of Sustainable Communities under their Building Blocks for Sustainable Communities Program.

