

FILE NUMBER: DCA 178-005

DATE INITIATED: October 23, 2017

TOPIC: Block and blockface regulations

CITY COUNCIL DISTRICTS: All

CENSUS TRACTS: All

APPLICANT: Audra Buckley, Permitted Development

PROPOSAL: An application for amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to amend regulations regarding block and blockface.

SUMMARY: The requested amendments propose to amend Chapter 51A of the Dallas Development Code (1) to amend the definition of block, (2) to create a definition of blockface, and (3) to clarify the methodology for determining continuity of setback related to certain uses. Additionally, staff recommends (1) amendments to clarify additional references to block and blockface in Chapter 51A and (2) parallel amendments to Chapter 51 of the Dallas Development Code.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND

On October 23, 2017, the City received an application for an amendment to the Dallas Development Code, Chapters 51 and 51A, amending regulations regarding block and blockface.

On January 18, 2018, the Zoning Ordinance Advisory Committee (ZOAC) considered the proposed amendment at a public meeting and recommended approval.

On February 15, 2018, the City Plan Commission (CPC) considered the proposed amendment and recommended approval.

On May 14, 2018, the Mobility Solutions, Infrastructure, and Sustainability Committee was briefed on the proposed amendment and recommended forwarding it to City Council for consideration.

STAFF ANALYSIS

The applicant proposes to amend Chapter 51A of the Dallas Development Code:

- 1) to amend the definition of *block*,
- 2) to create a definition for *blockface*, and
- 3) to determine requirements for front yard setbacks to maintain continuity along a blockface.

Dallas Development Code Section 51A-2.102 defines *block*.

- (10) BLOCK means:
 - (A) an area bounded by streets on all sides; and
 - (B) as a measurement term, the distance along one side of a street between the two nearest intersecting streets, or where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street.

This definition presents two issues:

- 1) The definition above conflates *block*, meaning a two-dimensional area, and *blockface*, meaning a linear side of a block.
- 2) Dallas Development Code Section 51A-4.401(a)(6) uses the term *block* when it specifies the requirements for continuity of front yard setbacks. Specifically, this section of the code says:

“If street frontage within a block is divided by two or more zoning districts, the front yard for the entire block must comply with the requirements of the district with the greatest front yard requirement.”

This regulation is designed to provide a uniform street wall, such as in a residential district where all of the homes are set back from the street a similar distance, or in a downtown area where the buildings are built to the property line the entire length of the block.

However, this regulation currently applies to all properties, regardless of breaks in a block due to uses or curvature of the street:

- Uses - Cemeteries, parks, and utilities, for example, rarely have large structures. The blockface is therefore already disrupted by these uses. Further, these uses are permitted in most zoning districts either by right or by specific use permit.
- Curvature - Once a street curves a certain amount, the view is of the front of a building rather than the front yard setback.

The applicant's request and staff's recommendation propose to address this issue, particularly when the district with the greatest setback has one of these uses as its main use.

Any potential change to a definition like this requires a determination of where other references to *block* and *blockface* exist in the code and whether or not additional amendments are needed. The final section of this case report reviews the additional amendments to references to block and blockface in Chapter 51A. Additionally, staff recommends parallel amendments to Chapter 51 of the Dallas Development Code.

PROPOSAL

Article II - Definitions

The proposed definition of *block* leaves *block* as an area bounded by streets but moves the second half of the definition to *blockface*. The proposal also adds language to the definition of *blockface* to address significant curves in the street:

SEC. 51A-2.102. Definitions.

(10) BLOCK means

~~(A) an area bounded by streets on all sides; and~~

~~(B) as a measurement term, the distance along one side of a street between the two nearest intersecting streets, or where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street.~~

(10.1) BLOCKFACE means:

(A) the distance along one side of a street between the two nearest intersecting streets; or

(B) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(C) where a street centerline contains a change of direction 90 degrees or more, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.

Section 51A-4.401 – Minimum Front Yard

Section 51A-4.401(a)(6) addresses continuity of front yard setbacks. Staff recommends disregarding the setbacks of districts containing utility, railroad, cemetery/mausoleum, or

recreation uses when the setback of that district would otherwise have controlled the setback of other districts in the blockface.

In addition, the proposed changes to this section include provisions to address curves in the street. Staff recommends 45 degrees as the minimum triggering angle. Once a street curves more than 45 degrees, the visual continuity is interrupted. If a change in zoning occurs at this point with a different required setback, the continuity of setback is not an issue and the zoning district setback of the development site should apply.

SEC. 51A-4.401 Minimum Front Yard

(6) Except as provided in this paragraph, if [street frontage within] a blockface is divided by two or more zoning districts, the front yard for the entire blockface must comply with the requirements of the district with the greatest front yard requirement.

(A) If the greatest front yard is in a district with only one or more of the following uses being conducted as a main use and having a minimum of 80 feet of frontage, the blockface terminates at the boundary of that use:

- (i) Utility and service uses listed in Section 51A-4.212.¹
- (ii) A railroad right-of-way.
- (iii) A cemetery or mausoleum.
- (iv) Recreation uses listed in Section 51A-4.208.²

(B) In this section BLOCKFACE means:

- (i) the distance along one side of a street between the two nearest intersecting streets;
- (ii) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or
- (iii) where a street centerline contains a change of direction greater than 45 degrees, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.”

Recommended amendments to additional sections of code

Block and *blockface* are used in other sections of the code. Staff recommends amendments to some of these references and recommends no change to others.

¹The utility and public service uses listed in Section 51A-4.212 include commercial radio or television transmitting station, electrical generating plant, electrical substation, local utilities, police or fire station, post office, radio, television, or microwave tower, refuse transfer station, sanitary landfill, sewage treatment plant, tower/antenna for cellular communication, utility or government installation other than listed, and water treatment plant.

² The recreation uses listed in Section 51A-4.208 include country club with private membership; private recreation center, club, or area; and public park, playground, or golf course.

In the CA-1(A) - Central Area District, the additional provisions specify sidewalk widths for frontages along blocks and fencing requirements for surface parking lots. Staff recommends the following changes:

- Section 51A-4.124(a)(8)(C) - Sidewalk regulations in CA-1(A) districts – “(i) Average sidewalk width equals the total sidewalk surface area divided by the lineal feet of frontage. (aa) Each frontage on each blockface must contain the required average sidewalk width.”
- Section 51A-4.124(a)(9)(J) – “Fencing for commercial parking garages and surface parking lots: (ii) Surface parking lots in the middle of a blockface with buildings on both adjoining lots and less than 100 feet of frontage and all commercial parking garages must have wrought iron fencing.”

Section 51A-4.211(10) regulates transit passenger station or transfer center uses. The paragraph for minimum setbacks for parking uses blockface as staff proposes it to be defined. Staff recommends clarifying the intended definition.

- Section 51A-4.211(10)(E)(v) – “Minimum setbacks for parking and maneuvering. In residential districts, all off-street parking spaces and bus bays, including maneuvering areas, must be located behind the required setback lines established in this chapter, or behind the established setbacks for the blockface as defined in Section 51A-4.401, whichever results in the greater setback. A minimum setback of ten feet must be provided for a side or rear yard adjacent to a residential use.”

Section 51A-4.401(b) regulates minimum front yard requirements for townhomes adjacent to other residential districts and uses *block* as an area, not a length.

- 4.401(b)(3) “If a TH or TH(A) district abuts another residential district in the same blockface and fronts on the same side of the street, the residential district with the greater front yard requirement determines the minimum front yard. The minimum front yard for the residential district with the greater front yard requirement must extend at least 150 feet into the TH or TH(A) district.”

Within Article VII – Sign Regulations, Section 51A-7.500 regulates special provision sign districts. Section 51A-7.502 uses the lineal (rather than areal) definition of block and must therefore be updated to replace *block* with *blockface*:

- Section 51A-7.502. “Creation of a special provision sign district. By amendment to this article, the city council may designate an area as a special provision sign district subject to the following conditions: (1) The district must include frontage on a street, either for an entire blockface or for not less than 500 feet measured along the way or continuous set of intersecting ways.”

Chapter 51

Staff recommends parallel changes to the language in Chapter 51. See the attached ordinance for details.

CPC ACTION

February 15, 2018

Motion: It was moved to recommend approval of an amendment to Chapter 51 and Chapter 51A of the Dallas Development Code, amending regulations regarding block and blockface.

Maker: Shidid
Second: Murphy
Result: Carried: 14 to 0

For: 14 - West,* Rieves, Houston, Davis, Shidid, Carpenter,
Mack, Jung, Housewright, Schultz, Peadon,
Murphy, Ridley, Tarpley

Against: 0
Absent: 1 – Lavallaisaa
Vacancy: 1 – 0
*out of the room, shown voting in favor

Speakers: For: Paul Carden, 5003 Bryan St., Dallas, TX, 75206
Against: None
Staff: Bert Vandenberg, Assistant City Attorney

ORDINANCE NO. _____

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51-2.102, 51-4.401, 51A-2.102, 51A-4.124, 51A-4.211, and 51A-7.502; providing a new definition of blockface and clarifying measurements; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph (9) of Section 51-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(9) BLOCK means:

~~[(A)] an area bounded by streets on all sides. ^{and}~~

~~(B) as a measurement term, the distance along one side of a street between the two nearest intersecting streets, or where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street.]”~~

SECTION 2. That Section 51-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding a new Paragraph (9.1) to read as follows:

“(9.1) BLOCKFACE means:

- (A) the distance along one side of a street between the two nearest intersecting streets;
- (B) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or
- (C) where a street centerline contains a change of direction 90 degrees or more, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.”

SECTION 3. That Paragraph (6) of Subsection (a), “General Provisions,” of Section 51-4.401, “Minimum Front Yard,” of Division 51-4.400, “Yard, Lot, And Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(6) Except as provided in this paragraph, i~~[f [street frontage within]~~ a blockface is divided by two or more zoning districts, the front yard for the entire blockface must comply with the requirements of the district with the greatest front yard requirement.

(A) If the greatest front yard is in a district with only one or more of the following uses being conducted as a main use and having a minimum of 80 feet of frontage, the blockface terminates at the boundary of that use:

- (i) Utility and service uses listed in Section 51-4.202.
- (ii) A railroad team track or railroad yard, round house, or shops.
- (iii) A cemetery or mausoleum.
- (iv) Recreation and entertainment uses listed in Section 51-4.208(1) through (5).

(B) In this section BLOCKFACE means:

(i) the distance along one side of a street between the two nearest intersecting streets;

(ii) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(iii) where a street centerline contains a change of direction greater than 45 degrees, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.”

SECTION 4. That Paragraph (3) of Subsection (b), “Front Yard Provisions for Residential Districts,” of Section 51-4.401, “Minimum Front Yard,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(3) If a TH district abuts another residential district, as defined both in this chapter and in Chapter 51A, in the same blockface and fronts on the same side of the street, the residential district with the greater front yard requirement determines the minimum front yard. The minimum front yard for the residential district with the greater front yard requirement must extend at least 150 feet into the TH district.”

SECTION 5. That Romanette (i) of Subparagraph (A) of Paragraph (4) of Subsection (c), “Front Yard Provisions for Nonresidential Districts,” of Section 51-4.401, “Minimum Front Yard,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(i) Each frontage on each blockface must contain the required average sidewalk width.”

SECTION 6. That Paragraph (10) of Section 51A-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(10) BLOCK means:

~~[(A)]~~ an area bounded by streets on all sides.~~]; and~~

~~(B) as a measurement term, the distance along one side of a street between the two nearest intersecting streets, or where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street.]”~~

SECTION 7. That Section 51A-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (10.1), “Blockface,” to read as follows:

“(10.1) BLOCKFACE means:

- (A) the distance along one side of a street between the two nearest intersecting streets;
- (B) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or
- (C) where a street centerline contains a change of direction 90 degrees or more, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.”

SECTION 8. That Item (aa) of Romanette (i) of Subparagraph (C), “Sidewalk Regulations,” of Paragraph (8), “Additional Provisions,” of Subsection (a), “CA-1(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(aa) Each frontage on each blockface must contain the required average sidewalk width.”

SECTION 9. That Romanette (ii) of Subparagraph (J), “Fencing,” of Paragraph (9), “Commercial Parking Garages and Surface Parking Lots,” of Subsection (a), “CA-1(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(ii) Surface parking lots in the middle of a blockface with buildings on both adjoining lots and less than 100 feet of frontage and all commercial parking garages must have wrought iron fencing.”

SECTION 10. That Romanette (v), “Minimum Setbacks for Parking and Maneuvering,” of Subparagraph (E) of Paragraph (10), “Transit Passenger Station or Transfer Center,” of Section 51A-4.211, “Transportation Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(v) Minimum setbacks for parking and maneuvering. In residential districts, all off-street parking spaces and bus bays, including maneuvering areas, must be located behind the required setback lines established in this chapter, or behind the established setbacks for the blockface, as defined in Section 51A-4.401, whichever results in the greater setback. A minimum setback of ten feet must be provided for a side or rear yard adjacent to a residential use.”

SECTION 11. That Paragraph (6) of Subsection (a), “General Provisions,” of Section 51A-4.401, “Minimum Front Yard,” of Division 51A-4.400, “Yard, Lot, And Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(6) Except as provided in this paragraph, i[f] [street frontage within] a blockface is divided by two or more zoning districts, the front yard for the entire blockface must comply with the requirements of the district with the greatest front yard requirement.

(A) If the greatest front yard is in a district with only one or more of the following uses being conducted as a main use and having a minimum of 80 feet of frontage, the blockface terminates at the boundary of that use:

- (i) Utility and public service uses listed in Section 51A-4.212.
- (ii) A railroad right-of-way.
- (iii) A cemetery or mausoleum.
- (iv) Recreation uses listed in Section 51A-4.208.

(B) In this section BLOCKFACE means:

(i) the distance along one side of a street between the two nearest intersecting streets;

(ii) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(iii) where a street centerline contains a change of direction greater than 45 degrees, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.”

SECTION 12. That Paragraph (3) of Subsection (b), “Front Yard Provisions for Residential Districts,” of Section 51A-4.401, Minimum Front Yard,” of Division 51A-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(3) If a TH or TH(A) district abuts another residential district in the same blockface and fronts on the same side of the street, the residential district with the greater front yard requirement determines the minimum front yard. The minimum front yard for the residential district with the greater front yard requirement must extend at least 150 feet into the TH or TH(A) district.”

SECTION 13. That Paragraph (1) of Section 51A-7.502, “Creation of a Special Provision Sign District,” of Division 51A-7.500, “Special Provision Sign Districts,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(1) The district must include frontage on a street, either for an entire blockface or for not less than 500 feet measured along the way or continuous set of intersecting ways.”

SECTION 14. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 15. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 16. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 17. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 18. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____