

Late Hours Overlay

Quality of Life, Arts &
Culture Committee

November 13, 2017

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City of Dallas

Presentation Overview

- Purpose
- Background
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- Establishing an overlay district
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Purpose

- Provide the QOLAC Committee with the status of a proposed code amendment to the Dallas Development Code to create a new zoning overlay called “Late Hours Overlay”.
- This briefing describes only the process for establishing such an overlay tool. This overlay is not being applied to any area of the City as part of this process.

Background

- August 8, 2016
 - Staff briefed the Quality of Life & Environment Committee on late hours overlays and how Planned Development District No. 842 (Lower Greenville) regulates late-hour establishments.
 - Committee directed staff to develop a citywide late hours overlay proposal for consideration.
- November 29, 2016
 - Sustainable Development & Construction hosted a public meeting to get stakeholder feedback regarding a potential late hours overlay, among other items.

Background, cont.

- At the direction of the Committee, Staff developed a proposal for a late hours overlay.
- Zoning Ordinance Advisory Committee (ZOAC)
 - ZOAC considered this item at public meetings on April 27, 2017 and May 18, 2017.
 - On May 18, 2017, ZOAC recommended against adopting provisions for a late hours overlay.
- City Plan Commission (CPC)
 - CPC was briefed and received public input on this item at City Plan Commission workshops on July 13, 2017 and August 10, 2017.

Background, cont.

- On September 28, 2017, the CPC recommended no change:
 - CPC voted 9-2 in favor of “no change” (not adopting provisions for a late hours overlay)
 - Some CPC members pointed to existing programs to address issues of parking, noise, and crime and stressed the need to better use these tools to deal with these issues
 - Comments from the public were predominantly in opposition to the proposal

Public Input

- The vast majority of public input expressed opposition to the proposed code amendment to allow for the creation of late hours overlays.
- Many of those opposed identified themselves as part of the restaurant and hospitality industry.
- Concerns from those in opposition included:
 - Potential damage and uncertainty to the restaurant and hospitality businesses
 - Concerns the Specific Use Permit (SUP) process is arbitrary and could delay opening businesses that would not otherwise need SUPs
- Comments from those in favor included:
 - Good operators would not be penalized
 - Necessary tool to help protect quality of life in mixed use and residential areas adjacent to commercial corridors

Overlay Summary

- An overlay is a zoning tool that supplements an existing zoning district classification by establishing additional regulations or modifying existing regulations.
- Currently, the Dallas Development Code has seven types of overlays:
 - (1) the Historic Overlay
 - (2) the Institutional Overlay
 - (3) the Modified Delta Overlay
 - (4) the Neighborhood Stabilization Overlay
 - (5) the Historic Building Demolition Delay
 - (6) the D and D-1 Liquor Control Overlay
 - (7) the Parking Management Overlay

Late Hours Overlay

- In this tool, a “Late-Hour Establishment” would mean a retail and personal service use in Chapter 51A (and comparable uses in Chapter 51 and PDs) that operates, offers services to the public, and/or has customers remaining in the establishment between 12 a.m. (midnight) and 6 a.m.
- Similar uses in Chapter 51 would have to be identified, as many of the City’s Planned Development Districts refer to that Chapter.

Late Hours Overlay, cont.

- A late hours overlay would only be placed on an area zoned nonresidential or mixed use and developed primarily with retail and personal service uses.
- The area must be physically contiguous and be no less than a blockface in area.
- In the overlay, Late-Hour Establishments would be permitted only by SUP.

Additional Considerations

When considering SUPs for Late-Hour Establishments within an adopted Late Hour Overlay district, the CPC and City Council should consider the number of:

- Citations issued by police to patrons of the establishment
- Citations issued by police for noise ordinance violations by the establishment
- Arrests for public intoxication or disorderly conduct associated with the establishment (if applicable)
- Texas Alcoholic Beverage Code violations of the establishment (if applicable)
- Violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

Establishing an Overlay District

If a late hours overlay tool is created, the CPC or City Council may authorize a public hearing to apply the overlay to a particular area of the City.

Next Steps

- Seek the Committee's direction whether to proceed to full Council for consideration
- Schedule for City Council action/public hearing, if desired

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