

# Memorandum



DATE November 7, 2017

CITY OF DALLAS

Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson  
TO (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scott  
Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Late Hours Overlay**

On Monday, November 13, 2017, you will be briefed on proposed amendments to the Development Code to create a new late hours zoning overlay. The briefing materials are attached for your review.

Please feel free to contact me or David Cossum if you have any questions or concerns.

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

Majed A. Al-Ghafry  
Assistant City Manager

[Attachment]

c: Honorable Mayor and Members of the City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Biliera Johnson, City Secretary (Interim)  
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

# Late Hours Overlay

Quality of Life, Arts &  
Culture Committee

November 13, 2017

David Cossum, Director  
Sustainable Development  
and Construction



**City of Dallas**

# Presentation Overview

- Purpose
- Background
- Public input
- Overlay summary
- Late hours overlay
- Establishing an overlay district
- Next steps

# 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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