

Memorandum



CITY OF DALLAS

DATE May 20, 2016

TO Honorable Members of the Quality of Life Committee and Environment Committee: Sandy Greyson (Chair), Tiffinni A. Young (Vice Chair), Mark Clayton, Philip T. Kingston, B. Adam McGough, and Rickey D. Callahan

SUBJECT **Parking Requirements for Retail and Personal Service Uses Utilizing Outdoor Areas**

On May 23, 2016 you will be briefed on parking requirements for retail and personal service uses utilizing outdoor areas. The purpose of this briefing is to receive direction from the committee as to possible regulations. A copy of the briefing material is attached for your review.

A handwritten signature in blue ink that reads "Ryan S. Evans".

Ryan S. Evans
First Assistant City Manager

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Christopher D. Bowers, Interim City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Managing Director, Public Information Office
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Parking Requirements for Retail and Personal Service Uses Utilizing Outdoor Areas

Quality of Life & Environment Committee
May 23, 2016



Purpose of Briefing

- Overview of current parking requirements for retail and personal service uses utilizing outdoor areas
- Get direction from the committee on possible amendments to regulations

Outdoor Areas

- Land uses such as restaurants, bars and brewery's are increasingly utilizing outdoor areas and providing outdoor amenities such as: outdoor seating, outdoor games (horseshoe pits, bocce ball areas, volleyball courts), live music etc.

- These outdoor areas are:
 - Generally considered incidental to the main use
 - Typically not detailed on the site plans submitted for building construction
 - Not used in the calculation of required parking spaces

Issues

- Uncovered seating and activity areas are not considered floor area as currently defined in the city code
- Since additional parking for uncovered areas is not required, but demand for parking is increased, on-street parking is utilized which can then overflow into adjacent residential areas
- The hours of operation of many of the uses utilizing outdoor seating and activity areas extend past 9:00 p.m. and can cause noise issues inside of a neighborhood when patrons return to their cars
- Outside activity areas themselves generate the potential for additional noise impacts on nearby residences
- The code may actually encourage outdoor activity areas, particularly in areas where space for parking is limited

Issues

- There are benefits of outside seating and activity areas which can include:
 - Enhances pedestrian street life when located on or adjacent to the sidewalk
 - May encourage more social interaction between individuals and may help enhance a sense of community

Current Parking Requirements

- **Bar, lounge, or tavern and private club-bar**
 - one space per 100 square feet of floor area
 - one space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the bar, lounge, or tavern use
- **Microbrewery, micro-distillery, or winery**
 - one space per 600 square feet of floor area
 - one space per 1,000 square feet of floor area used for storage
 - one space per 100 square feet of floor area used for retail sales and seating
- **Commercial amusement (outside)***
 - one space per 200 square feet of floor area, plus one space per 400 square feet of site area exclusive of parking area
- **Restaurant without drive-in or drive-through service**
 - one space per 100 square feet of floor area.
 - one space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant with drive-in or drive-through service use

* If an SUP is required for a commercial amusement use, the off-street parking requirements may be established in the ordinance granting the SUP, otherwise one space per 100 square feet of floor area.

Current Parking Requirements

Section 51A-2.102

Floor Area means the total square feet of floor space in a building measured to the outside faces of exterior walls or to the omitted wall lines, whichever produces the larger area, excluding the following:

- Area used solely for off-street parking
- Area between an omitted wall line and the structural wall when the area is used solely for foot or vehicular traffic or landscaping
- Area of a private balcony that is not accessible to the public and does not provide a means of ingress or egress
- Area of a breezeway or an unenclosed stairway located within the first three stories, excluding any basement, of a residential use

Restaurants with active outdoor area



Ten Bells Tavern



The Foundry

Restaurants with active outdoor area



The Rustic



Ice House – Katy Trail

Planned Development Districts

- Some planned development districts have addressed issues related to outdoor activity area by defining outdoor areas and requiring such outdoor areas to be parked

- For example:
 - PD No. 714 – West Commerce Street/Fort Worth Avenue
 - PD No. 468 – Oak Cliff Gateway
 - PD No. 830 – Bishop Arts

Example: PD No. 714

West Commerce Street/Fort Worth Avenue Special Purpose District

- PD No. 714 requires *any* outdoor dining area, whether or not covered, to be counted as floor area for calculation of the parking requirement
- One parking space is required per 125 square feet of floor area
- In some subdistricts, if the covered and uncovered outdoor area has direct access to a street, sidewalk, or publically accessible open space:
 - less than 50% is of the floor area, is not included in the parking calculations
 - more than 50% of the floor area, has to provide one parking space for 125 square feet of floor area

Example: PD 468

Oak Cliff Gateway Special Purpose District

- PD No. 468 requirements vary based on the size of the patio and the associated use for restaurant or bar uses:
 - if the outdoor covered patio area is less than 25 percent of the indoor floor area, the covered outdoor area is not included in the parking requirement
 - if the combined area of covered and uncovered outdoor dining area is less than 50 percent of the indoor dining area, the outdoor area is not included in the parking requirements
 - outdoor dining patio area in excess of 50 percent of the indoor dining area must provide one parking spot per 125 square feet

Example: PD No. 830
Bishop Davis Planned Development District

- A minimum of one off-street parking space per 125 square feet of floor area is required. Outdoor area covered/uncovered:
 - If less than 25% of the indoor floor area and within 20 feet of, and direct access to, a sidewalk, it is not included in the parking calculation
 - Outside area in excess of 25 percent, must provide one off-street parking space per 125 square feet of floor area

Direction

- Should open outside seating or activity areas have a parking requirement?
- Should establishments with outside activity areas be considered a separate use?
- What would trigger outside areas to require parking or be considered as a separate use (what percentage of indoor floor area or site area)?

Next Steps

- Receive direction from the committee
- Zoning Ordinance Committee
- City Plan Commission
- City Council

Appendix

Definitions

BAR, LOUNGE, OR TAVERN means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

MICROBREWERY, MICRO- DISTILLERY, OR WINERY means an establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area of 10,000 square feet or less that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not a microbrewery, microdistillery, or winery use.

PRIVATE-CLUB BAR means an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code that derives 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code.

PRIVATE-CLUB BAR does not include a fraternal or veterans organization, as defined in the Texas Alcoholic Beverage Code, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code.

COMMERCIAL AMUSEMENT (OUTSIDE) means a facility offering entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside. This use includes, but is not limited to a golf driving range or miniature golf course.