

Memorandum



CITY OF DALLAS

DATE August 5, 2016

TO 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 **Late Hours Overlay**

On August 8, 2016 you will be briefed on the option of creating a new zoning overlay regulating late hour establishments. The purpose of this briefing is to receive direction from the committee on whether to initiate a code amendment to establish a late hours overlay. A copy of the briefing material is attached for your review.

A handwritten signature in blue ink, appearing to read 'Ry - S. E.' with a stylized flourish at the end.

Ryan S. Evans
First Assistant City Manager

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Chris Bowers, Interim City Attorney
Rosa Rios, City Secretary
Craig D. Kinton, City Auditor
Daniel 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
David Cossum, Director Sustainable Development and Construction
Sana Syed, Public Information Office

Late Hours Overlay

Quality of Life & Environment Committee
August 8, 2016



Purpose

- To provide an overview on late hours establishment provisions in Planned Development 842 (Lower Greenville)
- Receive direction from the committee on whether to initiate a code amendment to create a zoning overlay for late hour establishments that could be adopted on other areas.

Background

- Different areas of the city have experienced undesirable impacts from establishments that operate late at night and into the early morning hours.
- Many of these establishments are in close proximity, if not adjacent to, residential neighborhoods.
- The concentration and proximity of these establishments may become a nuisance to nearby residential neighborhoods.

Late Hour Establishments

- Currently the Dallas Development Code does not have regulations for Late Hour Establishments
- PD No. 842 was created January 26, 2011 to regulate Late Hour Establishments on Lower Greenville by:
 - Requiring a Specific Use Permit
 - Establishing additional criteria for consideration of an SUP:
 - the number of citations issued by police to patrons of the establishment;
 - the number of citations issued by police for noise ordinance violations by the establishment;
 - the number of arrests for public intoxication or disorderly conduct associated with the establishment;
 - the number of Texas Alcoholic Beverage Code violations of the establishment; and
 - the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

Late Hour Establishments

Per PD No. 842

- A retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m.
- Examples of uses that may be open for business between 12 a.m. and 6 a.m.
 - Alcohol Beverage Establishments
 - Bars
 - Fitness Centers
 - Restaurants
 - General Merchandise or food store
 - Commercial Amusement

Late Hours Establishment Impacts

- Noise
- Crime
- Trash
- Traffic
- Parking
- Property Damage
- Compatibility of uses with residential neighborhood

Additional Considerations for Overlay

- Identify appropriate uses and use categories in Chapter 51 similar to retail and personal service uses in 51A
 - Chapter 51 and 51A have different use categories and uses
 - Many Planned Development districts reference Chapter 51 or list Chapter 51 uses
 - For an overlay to be placed on an area subject to Chapter 51 uses and be effective, uses subject to late hours provisions must be identified
- Use status should follow standard non-conforming use provisions

Option

- Create a Late Hours Overlay that can be adopted for a defined area which may:
 - Require an SUP to operate after midnight
 - Add similar provisions for SUP consideration as required in PD no. 842

Next Steps

- Receive direction from the committee on whether to initiate a code amendment to establish a late hours overlay option.

Other City Regulations

Fort Worth, Texas

- Some Planned Development Districts restrict hours of operation of certain uses.

San Antonio, Texas

- Massage businesses (8:00a.m. – 10:00p.m.), and billiard halls(7:00a.m. – 2:00a.m.).

Austin, Texas

- In one specific district, the Neighborhood Commercial District, hours of operation are limited to no later than 11:00 p.m. for a restaurant

Other City Regulations

– San Jose, California

- Late night establishments in commercial districts require conditional use permit.
- 20.40.500 - Late night use and activity.
 - No establishment other than office uses, in any commercial district shall be open between the hours of 12:00 midnight and 6:00 a.m. except pursuant to and in compliance with a conditional use permit as provided in Chapter 20.100.
 - No outdoor activity, including loading, sweeping, landscaping or maintenance shall occur within one-hundred fifty feet of any residentially zoned property between the hours of 12:00 midnight and 6:00 a.m. except pursuant to and in compliance with a conditional use permit as provided in Chapter 20.100.