

Memorandum



CITY OF DALLAS

DATE May 12, 2022

TO Honorable Members of the Quality of Life, Arts & Culture and
Transportation and Infrastructure Committees

SUBJECT **Proposed Changes to Chapter 42A Sec. 22 and 28.2 of the Dallas City Code**

Outlined in this memorandum are two amendments to the existing *Chapter 42A, "Special Events; Neighborhood Markets; Dallas Street Seats; Dallas Farmers Market Farmers Market; Streetlight Pole Banners"* of the Dallas City Code. Convention and Event Services – Office of Special Events (CES-OSE) has provided an overview of these changes respective to Neighborhood Markets and the Dallas Street Seats Pilot Program.

As Chapter 42A serves as gateway and guide for the public who host various temporary outdoor activations throughout the city, two council committees have been involved in stewarding the chapter since 2020: Transportation and Infrastructure and the Quality of Life, Arts & Culture (QoLAC) committees. Originally, QoLAC exercised primary policy recommendation authority over Chapter 42A. With the addition of the Temporary Parklet and Dallas Street Seats Pilot Program, the Transportation and Infrastructure Committee was added to the policy oversight of this ordinance as these programs take place in the city right-of-way. As such, please accept this dual memorandum to ensure the proposed ordinance changes are communicated in a timely manner across both committees.

As outlined in the May 25, 2022 draft agenda as Item 36, CES-OSE is recommending the amendment of two sections of the existing *Chapter 42A* as follows:

1. *Sec. 22 Location of a Neighborhood Market* provides an exception for residential properties with a valid certificate of occupancy for a non-residential use for Neighborhood Markets by adding the underlined language below:
A neighborhood market may not be conducted:
 - (1) in the central business district;
 - (2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code, except in the case that the location has a valid Certificate of Occupancy for a non-residential use or by special exception granted by the director on a case-by-case basis;
 - (3) within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;
 - (4) at any location where one or more neighborhood markets have already been conducted a total of 28 days during the particular calendar year;
 - (5) at any location other than the one listed in the permit application;
 - (6) at a public park; or
 - (7) on a sidewalk.

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2. *Sec. 28.2 Application Issuance for the Dallas Street Seats Pilot Program* adds an additional year to the pilot to give applicants more time to complete the requirements of the program, extending the program through July 31, 2023.

Chapter 42A Section 22 - Neighborhood Market Program

To clarify the requirements under the *Location of a Neighborhood Market* section of the code, CES-OSE collaborated with Planning & Urban Design, Building Inspection, Code Compliance, and outside partners to add language that encourages equity and food access.

As currently written, the ordinance does not allow for Neighborhood Markets to be held in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code (Chapter 51A). City staff have recommended the addition of language that allows for an exception for properties with valid certificates of occupancy for a non-residential use. This would allow for the permitting of markets at schools, churches, and other non-residential uses allowable under the underlying zoning district.

Special Event Permits are for temporary activations (60 days in a calendar year) and are tied to additional temporary type permits from other departments, including, but not limited to Temporary Health Permits that have higher fees. In comparison, the Neighborhood Market Permit program has been designed for permit applicants and their vendors to have easy access to affordable permits from all departments.

CES-OSE is currently working with two clients, For Oak Cliff and Good Local Markets – White Rock, that do not presently meet the zoning requirements for a Neighborhood Market as outlined in Chapter 42A. Thus, they have been required to obtain a Special Event Permit which is allowed under their chosen residentially zoned properties. The amendment recommended in the agenda item offers an exception that alleviates this challenge.

Dallas Street Seats Pilot Program

CES-OSE launched the Temporary Parklet Program on May 18, 2020, as authorized by the COVID-19 Economic Recovery and Assistance Ad Hoc Committee. On June 24, 2020, City Council approved amendments to the Special Events Ordinance - Chapter 42A by Council Resolution No. 20-0970 allowing the permitting of temporary parklets through December 31, 2020. On December 9, 2020, City Council approved Ordinance No. 31708, an extension of the temporary parklet program through April 30, 2021. Concurrently, City Council approved amendments to Chapter 42A to create the “Dallas Street Seats Pilot Program.”

The Dallas Street Seats Pilot Program was originally slated to end on July 31, 2022. With the ongoing pandemic and the level of financial investment required to construct the street seat, the onboarding process of applicants has taken longer than anticipated. To allow more time for the Dallas Street Seats Pilot Program to develop and increase participation, CES-OSE staff seeks to extend the program through July 31, 2023.

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The AIS for these proposed changes has been filed under the Transportation and Infrastructure Committee because the request for the extension of the Dallas Street Seats Pilot Program had been filed prior to the additionally proposed amendment for the Neighborhood Market section.

Should you have any questions, please contact Rosa Fleming, Director – Convention and Event Services, at 214.939.2755 or by email at rosa.fleming@dallascityhall.com.



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