

October 28, 2020

**WHEREAS**, by proclamation issued March 12, 2020, pursuant to the Texas Disaster Act of 1975, the Mayor declared a state of local disaster for the City of Dallas resulting from the COVID-19 Pandemic; and

**WHEREAS**, by proclamation issued March 19, 2020, the state of local disaster was extended to April 29, 2020; and

**WHEREAS**, by proclamation issued April 22, 2020, the state of local disaster was extended to May 12, 2020, and continuing concurrently thereafter with the Governor's state of disaster; and

**WHEREAS**, by executive order issued September 17, 2020, Governor Greg Abbott expanded reopening of services as part of the safe, strategic plan to open Texas in response to the COVID-19 disaster; and

**WHEREAS**, by executive order issued March 19, 2020, Governor Greg Abbott, ordered people to avoid eating or drinking in bars and restaurants; and

**WHEREAS**, by executive order issued May 5, 2020, Governor Greg Abbott, allowed dine-in restaurants to reopen at 25 percent occupancy indoors and no occupancy limit outdoors; and

**WHEREAS**, by executive order issued May 18, 2020, Governor Greg Abbott, allowed dine-in restaurants to reopen at 50 percent occupancy indoors and no occupancy limit outdoors and allowed bars to reopen at 25 percent occupancy; and

**WHEREAS**, by executive order issued June 3, 2020, Governor Greg Abbott, allowed dine-in restaurants to reopen at 75 percent occupancy indoors and no occupancy limit outdoors and allowed bars to reopen at 50 percent occupancy but limiting service only to those customers who are seated; and

**WHEREAS**, by executive order issued June 26, 2020, Governor Greg Abbott, allowed restaurants to reopen with a reduced 50 percent occupancy indoors and no occupancy limit outdoors and required bars to close; and

**WHEREAS**, by proclamation issued July 2, 2020, Governor Greg Abbott, amended his executive order and allowed restaurants to reopen with 75 percent occupancy indoors and no occupancy limit outdoors bars, as defined by the Texas Alcoholic Beverage Commission (TABC), are still required to be closed; and

**WHEREAS**, Governor Greg Abbott will continue to expand the reopening of services as part of the safe, strategic plan to open Texas in response to the COVID-19 disaster; and

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**WHEREAS**, Dallas must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders; and

**WHEREAS**, restaurants provide jobs and support a vibrant economy in the City of Dallas; and

**WHEREAS**, restaurants have struggled to survive with occupancy limitations; and

**WHEREAS**, restaurants operating at decreased occupancy are required to provide parking for underutilized floor area and limited occupancy; and

**WHEREAS**, promoting outdoor seating will allow safe social distancing requirements and minimum standard health protocols to be met while still permitting restaurants and bars to serve customers;

**WHEREAS**, the Centers for Disease Control and Prevention has stated that indoor spaces, where it might be harder to keep people apart and there's less ventilation, are more risky than outdoor spaces for contracting COVID-19; and

**WHEREAS**, City Council wishes to allow restaurants to be able to sustain their viability during the COVID-19 pandemic by using their outdoor patio areas consistently and under any adverse conditions; and

**WHEREAS**, City Council wishes to provide for no parking requirements for temporary covered unenclosed outdoor patio areas in response to restrictions resulting from the COVID-19 pandemic.

**Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That temporary covered unenclosed outdoor patio areas are allowed without required parking until 14 days after the Governor's occupancy limits for restaurants and bars are removed or until April 30, 2021, whichever is sooner.

**SECTION 2.** That temporary covered unenclosed outdoor patio areas must comply with requirements in specific use permits, except temporary coverings do not need to be shown on site plans, and meet zoning and residential adjacency review regulations.

**SECTION 3.** That temporary covered unenclosed outdoor patio areas must comply with building codes and fire codes.

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**SECTION 4.** That temporary covered unenclosed outdoor patio areas may not operate between the hours of 12:00 (midnight) and 7:00 a.m.

**SECTION 5.** That temporary covered unenclosed outdoor patio areas may not exceed the floor area of the main use.

**SECTION 6.** That temporary covered unenclosed outdoor patio areas may not be erected on, or encroach into, required parking.

**SECTION 7.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By: \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_