



## Legislation Text

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**File #:** 20-2039, **Version:** 1

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**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality  
**AGENDA DATE:** October 28, 2020  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Dr. Eric A. Johnson

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### **SUBJECT**

A resolution authorizing temporary covered unenclosed patio areas to be allowed at restaurants and bars without required parking until 14 days after the Governor's occupancy limits are removed or until April 30, 2021, whichever is sooner - Financing: No cost consideration to the City

### **BACKGROUND**

City Councilmembers West and Blewett requested that the Economic Development Committee consider a resolution waiving parking requirements triggered by temporarily covering outside seating areas being utilized to provide appropriate social distancing in accordance with occupancy restrictions and social distancing requirements for restaurants and bars.

Currently, the zoning regulations of the Development Code require that any covered floor area, including patio seating areas for bars and restaurants that are covered by an impervious material (solid or membrane), be parked according to the parking regulations for that use. For restaurants and bars that would typically be one parking space for every 100 square feet of covered area (requirements may vary in some Planned Development Districts).

Any vertical structure creating covered space will require a building permit to ensure the safety of patrons. Tents may also be utilized but will require a permit if greater than 400 square feet to ensure the tent meets material standards. Under current rules, if a tent permit is requested on a site within 100 feet of a residential zoning district, it must be accompanied by a petition signed by all property owners within 100 feet of the site.

Bars and restaurants may be subject to restrictions that limit their ability to provide outside seating. Bars typically require a Specific Use Permit (SUP) and restaurants typically require a Residential Adjacency Review (RAR). An RAR is required when the use is adjacent to, directly across a street from, or within 330 feet of a single family or duplex zoning district. The RAR is an administrative review where conditions can be made to ensure the compatibility of the use with adjacent residential uses. Either SUP conditions or RAR conditions may limit or prohibit outside seating to ensure compatibility with single family uses. In recent years, it is common for outside seating to be prohibited in RAR conditions for a restaurant where outside seating would be immediately adjacent to, without intervening structures, single family uses.

The draft resolution provides 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. Temporary covered unenclosed outdoor patio areas may not violate requirements in specific use permits, except temporary coverings do not need to be shown on site plans and may not violate zoning or residential adjacency review regulations.
- Temporary covered unenclosed outdoor patio areas must comply with building codes and fire codes.
- Temporary covered unenclosed outdoor patio areas may not operate between the hours of 12:00 a.m. (midnight) and 7:00 a.m.
- Temporary covered unenclosed outdoor patio areas may not exceed the floor area of the main use.
- Temporary covered unenclosed outdoor patio areas may not be erected on, or encroach into, required parking.
- The resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Economic Development Committee was briefed by memorandum regarding this matter on October 5, 2020. The Committee voted unanimously to move the proposal to City Council for consideration.

#### **FISCAL INFORMATION**

No cost consideration to the City.