

Memorandum



CITY OF DALLAS

DATE May 19, 2023

TO Honorable Mayor and Members of the City Council

SUBJECT **Code Amendment to Chapters 51 and 51A**

On May 24, 2023, City Council will consider the following agenda item:

PH1. 23-1270: A public hearing to receive comments regarding consideration of amending Chapters 51 and 51A of the Dallas Development Code, Sections 51-4.217(b)(20) and 51A-4.217(b) (11.1) “Temporary inclement weather shelter” and related sections with consideration being given to appropriate spacing requirements for temporary inclement weather shelters within a half-mile of the central business district and an ordinance granting the amendments.

This proposed change affects the wording in Section 51A-4.217, Chapter 45 citing permission to operate temporary inclement weather shelters in city-owned buildings inside of the ½ mile buffer around the Central Business District (CBD), amending it to state “city-owned or leased facilities.”

Background

On November 11, 2020, City Council approved the creation of Chapter 45 “Temporary Inclement Weather Shelter Program” and amendments to the Dallas Development Code to create a new specific temporary inclement weather shelter use.

Temporary inclement weather shelters are currently prohibited from operating within a half-mile of the central business district (CBD), as shown in the attached map, unless they are located in the Kay Baily Hutchison Convention Center or in a city-owned facility. It has been determined that leased property is not equivalent to owned property, even though both require City Council approval. Therefore, a code amendment is required to operate a temporary inclement weather shelter within a city-leased facility within a half-mile of the CBD.

The recommended amendment is as follows:

Section 51A-4.217, “Accessory Uses,”

(b) Specific Accessory Uses.

(11.1) Temporary inclement weather shelter.

(A) Definition: A facility that offers shelter during times of inclement weather in compliance with Chapter 45.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must comply with the regulations in Chapter 45.

(ii) This use may only operate in conjunction with a valid certificate of occupancy for a permitted main use. This use is not allowed in conjunction with single family, duplex, townhouse, or handicapped group dwelling unit.

(iii) Except at the Kay Bailey Hutchison Convention Center and other city-owned or leased facilities, this accessory use may not operate within 0.5 mile of the central business district.

(iv) The area restrictions in Subsection (a)(3) do not apply to this use.

Based on the 2022 – 2023 cold weather season and current estimates for upcoming inclement weather seasons, in addition to existing city-owned facilities, an additional, city-leased facility is needed within a half-mile of the CBD to protect the city’s unsheltered population from hot and cold conditions. During recent inclement weather events, some city-leased facilities have operated, as approved by City Council as a critical part of the OHS and OEM Inclement Weather Shelter Plan, on December 14, 2022, under the authority of the COVID-19 Disaster Declaration. This is possible because the Chapter 45 “Temporary Inclement Weather Shelter Program” does not apply to a shelter established as disaster relief. The proposed code amendment is presented with urgency due to concern that when the COVID-19 Disaster Declaration ends, which is expected before the Summer of 2023, services for temporary inclement weather shelters, as approved by City Council will be unavailable in city-leased facilities within a half-mile of the CBD.

To address this specific issue, an amendment to the spacing requirements to allow temporary inclement weather shelters in city-leased facilities within a half-mile of the CBD is recommended. This recommendation is consistent with the spirit and intent of the original spacing requirement, and it allows the city to effectively manage crisis weather

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events by having resources available near unsheltered persons, emergency services, and OEM and OHS bases of operations.

Prior Action

February 28, 2023: Zoning Ordinance Advisory Committee (ZOAC) considered the issue and voted to unanimously recommend the proposal move to City Plan Commission (CPC)

March 23, 2023: CPC voted to unanimously recommended the proposal move to City Council

If you have any questions or concerns, please contact Rocky Vaz, Director of the Office of Emergency Management, at (214) 670-4277 or rocky.vaz@dallas.gov.

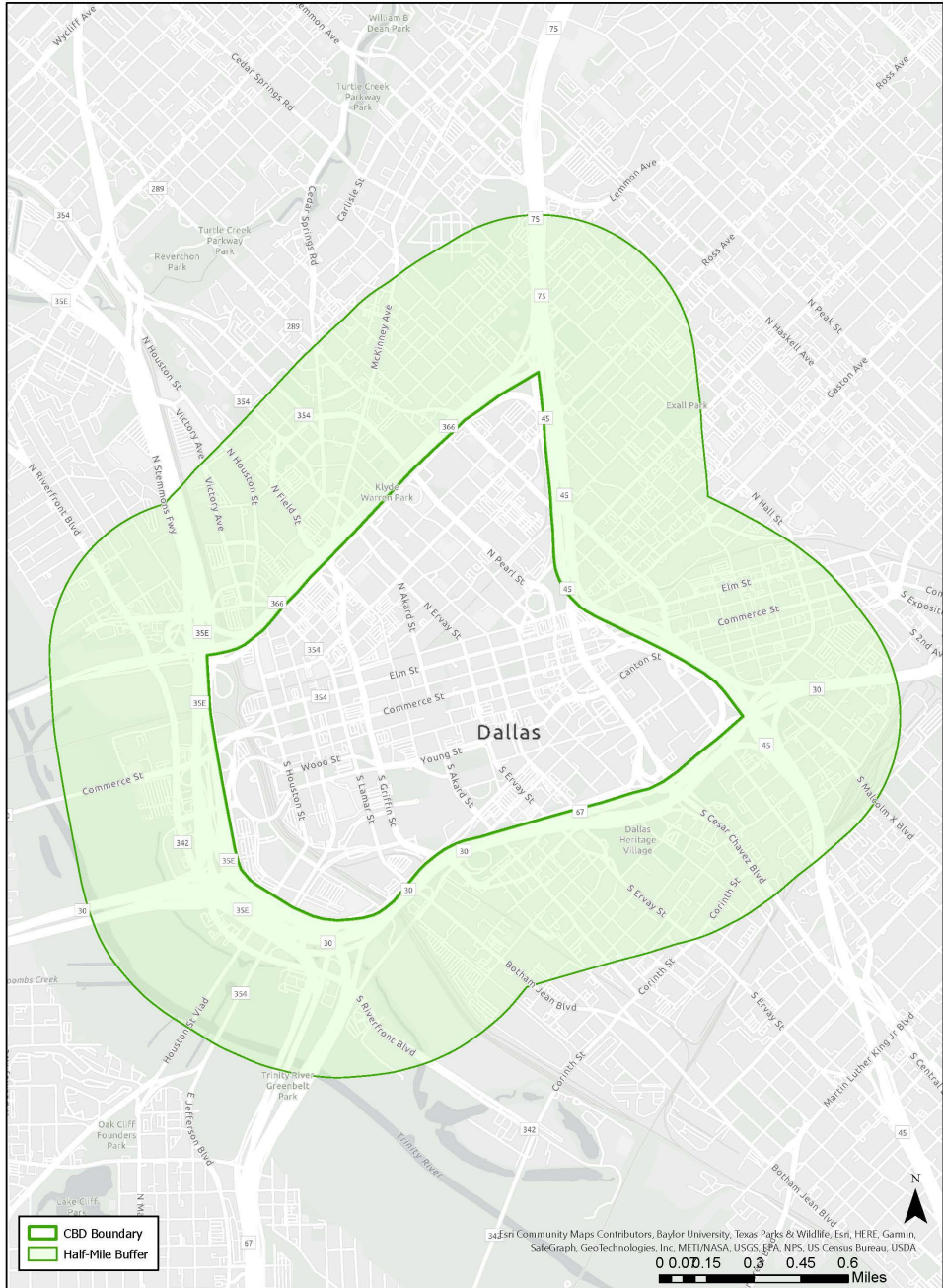


Jon Fortune,
Deputy City Manager
[Attachment]

c: T.C. Broadnax, City Manager
Tammy Palomino, Interim City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizzor Tolbert, Deputy City Manager

M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager
Dr. Robert Perez, Assistant City Manager
Carl Simpson, Assistant City Manager
Jack Ireland, Chief Financial Officer
Genesis D. Gavino, Chief of Staff to the City Manager
Directors and Assistant Directors

Attachment



Central Business District and Surrounding 0.5 mile

Prepared By: City of Dallas Development Services, GIS Division
Source: City of Dallas Development Services
Printed Date: 12/01/2022