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DALLAS, TX

ZONING ORDINANCE ADVISORY COMMITTEE (ZOAC)

Tuesday, February 28, 2023

9:00 a.m.

A G E N D A

The Zoning Ordinance Advisory Committee meeting will be held by videoconference at <https://bit.ly/ZOAC022823> and in person in Room in 6ES at Dallas City Hall, 1500 Marilla Street, Dallas, TX 75201.

The public is encouraged to attend the meeting virtually or by calling (469) 210-7159 / Access code: 248 597 11685 / Event Password Webinar: zoac

Individuals who wish to speak on an agenda item must sign-up by 5:00 p.m. Sunday, February 26 by visiting <https://forms.office.com/g/PCdcrRFtc2> and must have their camera on when speaking virtually. To request an interpreter, please email Sarah.May@dallas.gov at least three business days in advance of a meeting. Late requests will be honored, if possible.

Para solicitar un intérprete, mande un correo electrónico a Sarah.May@dallas.gov al menos 3 días laborales antes de una reunión. Solicitudes con retraso serán respetadas, si es posible.

DISCUSSION:

- (1) **DCA223-004** 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 between temporary inclement weather shelters and the central business district.
Mike King

OTHER MATTERS:

- (2) Approval of meeting minutes from January 31, 2023.

ADJOURNMENT.

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

A quorum of the City Plan Commission may attend this Zoning Ordinance Advisory Committee Meeting.

ZONING ORDINANCE ADVISORY COMMITTEE TUESDAY, FEBRUARY 28, 2023

PLANNER: Mike King

FILE NUMBER: DCA223-004(MK) **DATE INITIATED:** January 19, 2023

TOPIC: Development Code Amendment to consider spacing requirements between temporary inclement weather shelters and the central business district

COUNCIL DISTRICT: All

CENSUS TRACTS: All

PROPOSAL: 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 between temporary inclement weather shelters and the central business district.

SUMMARY: The proposed code amendments considers appropriate spacing between temporary inclement weather shelters and the central business district. The purpose of the proposed amendments is to align zoning regulations with the Master Emergency Operations Plan framework goal of providing shelter services in the event of inclement weather emergencies.

STAFF RECOMMENDATION: Approval of staff’s proposed amendments and move the item forward to City Plan Commission.

BACKGROUND INFORMATION:

- The following timeline outlines the events which led to the creation of Section 51A-4.217(b)(11.1), “Temporary inclement weather shelter”.
 - On April 17, 2019, the Office of Homeless Solutions (OHS) briefed full City Council on Inclement Weather. Direction was given to modify and refine terminology, clarify operation of temporary inclement weather shelters, and explore options to amend Chapter 51A.
 - On May 2, 2019, the Citizen Homelessness Commission (CHC) convened a special called meeting to discuss inclement weather sheltering.
 - On May 15, 2019, the Office of Homeless Solutions briefed full City Council on Inclement Weather. City Council supported staff recommendation to establish a new use in Chapter 51A.
 - On June 20, 2019, staff gave a presentation on overview of temporary inclement weather shelter and potential code amendments to Chapter 51 and 51A to ZOAC. The committee asked questions throughout the presentation and requested the Office of Homeless Solutions provide prior Citizen Homeless Commission and City Council involvement and feedback, community feedback, and highlights on the Temporary Inclement Weather Shelter Program as being drafted for the new Chapter 45.
 - On August 15, 2019, the Office of Homeless Solutions gave a presentation on the Temporary Inclement Weather Shelter Program to ZOAC. ZOAC requested that this item be delayed in returning to ZOAC until after the Citizen Homeless Commission meeting scheduled for September 12, 2019.
 - On September 12, 2019, the Office of Homeless Solutions briefed the Citizen Homelessness Commission on an update of the Temporary Inclement Weather Shelter Program. The committee asked questions at the conclusion of the presentation relating to procedure and process of the program.
 - On September 19, 2019, the Zoning Ordinance Advisory Committee (ZOAC) considered this issue and voted to recommended the proposal move to City Plan Commission (CPC).
 - On November 21, 2019, staff briefed the City Plan Commission (CPC) on Temporary Inclement Weather Shelters.
 - On December 10, 2019, the Office of Homeless Solutions was scheduled to brief the Housing and Homeless Solutions Council Committee on an update of the Temporary Inclement Weather Shelter Program. However, the committee moved to hold the item for briefing until the January committee meeting but have City Plan

Commission move forward with the land use portion in Chapter 51 and Chapter 51A of the two-pronged approach.

- On January 9, 2020, the City Plan Commission (CPC) considered the proposed amendment and recommended approval.
- On January 14, 2020, the Housing and Homelessness Committee was briefed by the Office of Homelessness (OHS) on “Inclement Weather Program Update, Zoning Use, and Consideration of One-Site Winter Plan” and received approval to forward the item to full City Council.
- The two items for the creation of Chapter 45 and the Development Code Amendment to add the new specific temporary inclement weather shelter use were held under advisement at the June 24 and September 23, 2020 City Council meetings.
- The items returned on November 11, 2020 and were approved with a motion to add a provision in the Dallas Development Code which reads, “Except at the Kay Bailey Hutchison Convention Center and other city-owned facilities, this accessory use may not operate within 0.5 mile of the central business district.”
- The Office of Emergency Management (OEM) and the Office of Homelessness Solutions (OHS) request an amendment to Sections 51-4.217(b)(20) and 51A-4.217(b)(11.1), “Temporary inclement weather shelter” for relief to the current requirement for a facility that is leased by the city within a half-mile of the CBD.

STAFF ANALYSIS:

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; therefore, a code amendment is required to operate within a city-leased facility that is within a half-mile of the CBD.

The purpose of [Chapter 45](#) of the Dallas City Code “is to establish standards for the operation of temporary shelters during times of inclement weather by entities that assure the compatibility of shelter activities with surrounding uses and provide a safe place for individuals and families to obtain temporary shelter.” Temporary inclement weather shelters are managed by the Temporary Inclement Weather Shelter Coordinator, designated by the City Manager to implement, administer, and enforce Chapter 45.

Since the provisions of Chapter 45 do not apply to a shelter established as disaster relief operated by the office of emergency management, some facilities have operated under

the authority of the COVID Disaster Declaration during recent inclement weather events. Staff is concerned that when the COVID Disaster Declaration ends, services for temporary inclement weather shelters will be unavailable. Therefore, an amendment to the spacing requirements is requested.

Staff recommends an amendment to the spacing requirements to the CBD because it hinders the ability of the city to effectively manage crisis weather events. Staff's preference is to delete the spacing requirement altogether, as shown in the proposed amendments, since temporary inclement weather shelters are required to comply with Chapter 45 and it adds flexibility for non-city entities to provide these services in places where the services are needed. However, if consensus cannot be reached in the proposed deletion, adding "or leased" as shown as an alternate staff recommendation is an acceptable alternative that would allow city-leased facilities to operate within a half-mile of the CBD.

Representatives from the Office of Homelessness Solutions and the Office of Emergency Management will attend the ZOAC meeting on February 28, 2023.

STAFF RECOMMENDED AMENDMENTS:

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.

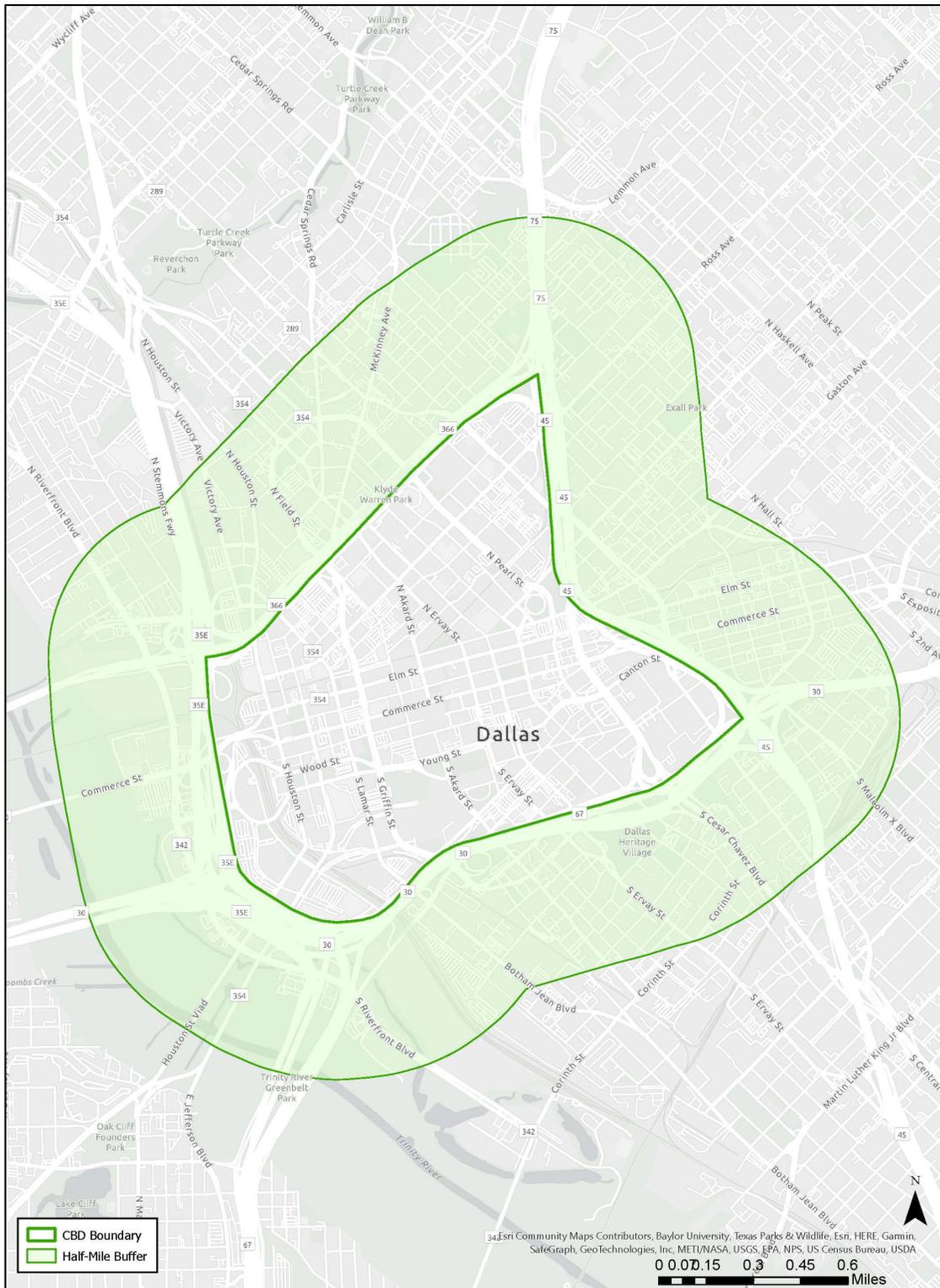
Staff recommendation:

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

Alternate staff recommendation:

(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.



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