

Memorandum



City of Dallas

DATE April 19, 2013

Honorable Members of the Quality of Life & Government Services Committee:
TO Angela Hunt (Chair), Sandy Greyson (Vice Chair), Mónica R. Alonzo, Dwaine Caraway,
Carolyn R. Davis

SUBJECT Next Steps on Garage Sales, Streetscape Licensing, and Downtown Vending

On Monday, April 22, 2013 the committee will be updated on next steps on the issues of garage sales, streetscape licensing, and downtown vending.

If you have any questions, or require additional information, please do not hesitate to contact me.

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata
Assistant City Manager

cc: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel Solis, Administrative Judge

A.C. Gonzalez, First Assistant City Manager
Ryan S. Evans, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Stephanie Cooper, Assistant to the City Manager

Next Steps on Committee Recommendations Quality of Life Committee

Item	Prior Proposal	Next Steps
A. Garage Sales	<p>Recommended (1) a designated, no-permit, no-fee, community garage sale day, (2) allow one off-premise sign on private property, and (3) allow sales in yards or driveways.</p> <p>No budgetary impact. (FY12 Revenue: \$240K)</p>	<p>QOL recommended 1st sale permitted at no cost, 2nd sale permitted at \$25; allowing up to 5 off-premise signs on private property; permitting sales on approved surfaces.</p> <p>Revenue impact: \$160K annually Draft ordinance is attached for consideration.</p>
B. Streetscape Licensing	<p>Reduce permit fees for certain uses in the public ROW, e.g. landscaping, awning, subdivision sign, sidewalk cafes, and streetscape amenities.</p> <p>Revenue impact: \$315K annually (FY12 revenue \$1.6M)</p>	<p>QOL requested follow-up briefing with more fee options between different types of uses.</p> <p>Revenue impact: TBD Scheduled for QOL consideration May 13, 2013</p>
C. Downtown Vending	<p>Current permit and license fees \$1350 annually. Proposed ordinance eliminates permit, sets \$1200 annual license fee. Also limits proximity to fixed businesses, strengthens application process, prohibits smoking, requires ID badges, expands vending hours, sets minimum hours of operation, sets dress code, and other updates.</p> <p>No budgetary impact. (FY12 revenue: \$20,300)</p>	<p>QOL requested proposal to reduce licensing cost in half, establishing limits per vendor, list of current vendors, vendor feedback, and applicability and regulations for vending in transit oriented developments (TOD).</p> <p>Revenue impact: Minimal Scheduled for QOL consideration May 13, 2013</p>

- Budget impact for above listed ordinances is \$0.5M.
- Recommend consideration for these items during FY13-14 budget development.

ORDINANCE NO. _____

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51-4.217, 51A-1.105, 51A-4.217, 51A-7.305, 51A-7.306, and 51A-7.402; allowing occasional sales on an approved surface; amending the fee schedule for occasional sale permits; providing that signs advertising an occasional sale may be located at remote locations with the permission of the owner of the remote location; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, has given the required notices and has held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subparagraph (E) of Paragraph (5), “Occasional Sales (Garage Sales),” of Subsection (b), “Specific Accessory Uses,” of Section 51-4.217, “Accessory Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Additional provisions:

(i) A person shall sell tangible personal property only on the premises of the owner or lessee of the premises where the sale is conducted, and the owner or lessee must be the legal owner of the tangible personal property at the time of the sale.

(ii) The sale must be inside the building or garage, or on an approved surface as described in Section 51A-4.301(d)(4) [the patio of the premises].

(iii) A person shall not sell, offer, or advertise for sale merchandise made, produced, or acquired solely for the purpose of resale at an occasional sale.

(iv) A person shall not conduct an occasional sale for a duration of more than three consecutive calendar days.

(v) A person shall not conduct more than two occasional sales at a premise during any 12-month period.

(vi) A person shall not place more than one sign, not to exceed two square feet in effective area, upon the lot where the sale is taking place. Up to five signs, not to exceed two square feet in effective area each, are permitted ~~[Any other signs]~~ at ~~[any]~~ locations remote from the sale property with the permission of the owner of the remote location. Signs advertising an occasional sale are not permitted in medians or on trees or light poles. All signs advertising an occasional sale must be removed within 24 hours after expiration of the permit issued under Section 51A-1.105(x).

(vii) Any advertisement of an occasional sale or of an item being offered for sale at an occasional sale must contain the street address at which the sale will occur and the date(s) on which the sale will occur.

(viii) A person commits an offense if he operates an occasional sale without a valid permit under Section 51A-1.105(x).”

SECTION 2. That Paragraph (4) of Subsection (x), “Fee and Permit for Accessory Occasional Sales (Garage Sales),” of Section 51A-1.105, “Fees,” of Article I, “General Provisions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(4) There is no fee for the first occasional sale permit in each 12 month period. The fee for the second ~~[an]~~ occasional sale permit in a 12 month period is \$25.00 ~~[\$15.00].”~~

SECTION 3. That Subparagraph (E) of Paragraph (9), “Occasional Sales (Garage Sales),” of Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Additional provisions:

(i) A person shall sell tangible personal property only on the premises of the owner or lessee of the premises where the sale is conducted, and the owner or lessee must be the legal owner of the tangible personal property at the time of the sale.

(ii) The sale must be inside the building or garage, or on an approved surface as described in Section 51A-4.301(d)(4) [the patio of the premises].

(iii) A person shall not sell, offer, or advertise for sale merchandise made, produced, or acquired solely for the purpose of resale at an occasional sale.

(iv) A person shall not conduct an occasional sale for a duration of more than three consecutive calendar days.

(v) A person shall not conduct more than two occasional sales at a premises during any 12 month period.

(vi) A person shall not place more than one sign, not to exceed two square feet in effective area, upon the lot where the sale is taking place. Up to five signs, not to exceed two square feet in effective area each, are permitted [Any other signs] at [any] locations remote from the sale property with the permission of the owner of the remote location. Signs advertising an occasional sale are not permitted in medians or on trees or light poles. All signs advertising an occasional sale must be removed within 24 hours after expiration of the permit issued under Section 51A-1.105(x).

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

(viii) Any advertisement of an occasional sale or of an item being offered for sale at an occasional sale must contain the street address at which the sale will occur and the date(s) on which the sale will occur.

(ix) A person commits an offense if he operates an occasional sale without a valid permit under Section 51A-1.105(x).”

SECTION 4. That Paragraph (1) of Subsection (b), “General Regulations Applicable to Detached Signs,” of Section 51A-7.304, “Detached Signs,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(1) Except as provided in Section 51A-7.306(a), d[~~ð~~]etahced signs must be premise signs.”

SECTION 5. That Subsection (a) of Section 51A-7.305, “Attached Signs,” of Division 51A-7.300, “Provisions for Business Zoning Districts,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(a) Except as otherwise permitted under Sections 51-4.213(25), 51-4.217(b)(5), [in Chapter 51, or under Section] 51A-4.206(1), and 51A-4.217(b)(9) [in this chapter], all attached signs must be premise signs or convey a noncommercial message.”

SECTION 6. That Subsection (a) of Section 51A-7.306, “Detached Non-Premise Signs Prohibited Generally,” of Division 51A-7.300, “Provisions for Business Zoning Districts,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(a) No person may erect or maintain a detached non-premise sign in the city. It is a defense to prosecution under this subsection that the sign:

- (1) is a non[-]conforming use;
- (2) is a special purpose sign, movement control sign, protective sign, or vehicular sign as defined in this article;
- (3) is a sign that contains primarily a political message for which a permit is not required under Section 51A-7.602;
- (4) is in a special provision sign district or planned development district and expressly authorized by and in full compliance with the ordinances establishing and amending that district;
- (5) was lawfully relocated pursuant to Section 51A-7.307; [~~or~~]
- (6) is expressly authorized by and in full compliance with a valid order of the court or board of adjustment; or
- (7) is a sign adverting an occasional sale (garage sale) pursuant to Sections 51-4.217(b)(5) or 51A-4.217(b)(9).”

SECTION 7. That Subsection (c) of Section 51A-7.402, “General Provisions Applicable to Signs in Non-Business Zoning Districts,” of Division 51A-7.400, “Provisions for Non-Business Zoning Districts,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(c) Except as otherwise permitted under Sections 51-4.213(25) or (26), 51-4.217(b)(5), [in Chapter 51, or under Section] 51A-4.206(1) or (3), and 51A-4.217(b)(9) [in this chapter], an occupant in non-business zoning districts may erect only signs that convey a noncommercial message, special purpose signs, and premise signs, which include movement control signs and protective signs.”

SECTION 8. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 9. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 10. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 11. That this ordinance shall take effect on October 1, 2013, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____