

Memorandum



DATE: February 10, 2017

TO: Honorable Members of the Public Safety Committee:
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **DCA 156-004 Tobacco & Paraphernalia Shops**

On Monday, February 13, 2017, you will be updated on the DCA 156-004 Tobacco & Paraphernalia Shops by David Cossum, Director, Sustainable Development & Construction and Deputy Chief Gilberto Garza, Dallas Police Department. The briefing materials are attached for your review.

Please contact me if you have any questions or need additional information.



Eric D. Campbell
Assistant City Manager

[Attachment]

cc: Honorable Mayor and Members of the City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Mark McDaniel, Acting First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council
Directors and Assistant Directors

DCA 156-004

Tobacco & Paraphernalia Shops

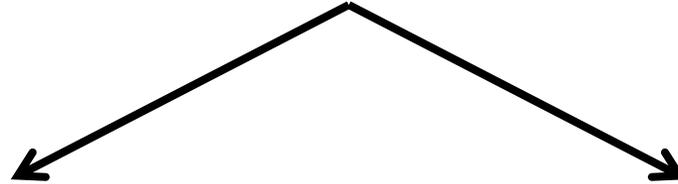
Public Safety Committee
February 13, 2017



Previous Briefings

- On February 8, 2016, the Dallas Police Department briefed the Public Safety Committee on the drug K2, paraphernalia shops, and related public safety issues.
- On April 11, 2016, the Public Safety Committee was briefed by the Sustainable Development & Construction Department, the Dallas Police Department, and the City Attorney's Office on ways to address these public safety issues – a two prong approach was introduced.

2-Prong Approach



Update Definitions in Chapter 12B Convenience Store Regulations



Create a Paraphernalia Shop Use in Chapter 51A, the Dallas Development Code



Background

- On August 18 and September 1, 2016, the Zoning Ordinance Advisory Committee was briefed on the proposed amendment to Chapter 51A and on September 1, voted to forward the recommendation the City Plan Commission
- On October 6, 2016, the City Plan Commission recommended approval of ZOAC's recommendation
- Concurrently, the City Attorney's Office worked with DPD on proposed revisions to Chapter 12B – Convenience Stores

Background

- Per Dallas City Code Chapter 31, “Offenses – Miscellaneous”, Illegal Smoking Paraphernalia means any equipment, device, or utensil that is used or intended to be used in ingesting, inhaling, or otherwise introducing into the human body an illegal smoking product.
- For zoning purposes, stores that sell paraphernalia (pipes and other accessories) typically operate with a certificate of occupancy for general merchandise or food store use.



Issues

- Problems identified with general merchandise or food store uses that sell paraphernalia products include:
 - Illegal activities such as gambling (8-liners), K2 and other drug sales, trespassing, and prostitution
 - Lack of required registration (e.g., Chapter 12B requirements for convenience stores) makes it difficult for DPD to track stores selling paraphernalia



Proposal – Chapter 51A

- **Create a Paraphernalia Shop Use:**

- Definition: A Paraphernalia Shop is an establishment that displays or offers for sale paraphernalia, items, equipment, or products commonly used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of tobacco or illegal substances. For the purposes of this paragraph, rolling papers are not considered paraphernalia.



Proposal – Chapter 51A

- **Where Permitted:**

- Buy SUP only in the CR Community Retail, RR Regional Retail, CS Commercial Service, Industrial districts (LI, IR, and IM), and in the Mixed Use districts (MU-1, MU-2, and MU-3)



Proposal – Chapter 51A

- **Additional Provisions:**

- A paraphernalia shop may only be a main use that requires a certificate of occupancy. A paraphernalia shop may not be an accessory use within the meaning of Section 51A-4.217.
- The outside sale, display, or storage of products is prohibited.
- A paraphernalia shop may not have a drive-in, drive-through, or walk-up window.



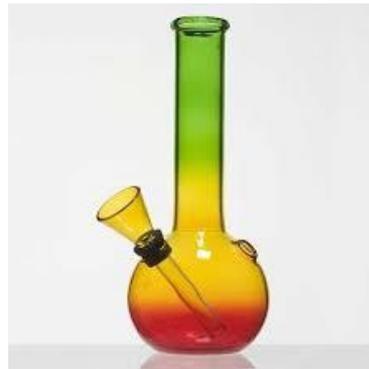
Proposal – Chapter 51A

- **Additional Provisions:**

- A paraphernalia shop may not be located within 1,500 feet, measured from property line to property line, of any other paraphernalia shop.
- A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot in a residential district.
- A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a school.

Affect on Existing Stores

- Existing stores with valid COs would fall under the regulations governing nonconforming uses [Dallas Development Code Sec. 51A-4.704]
- Existing stores with valid COs *that are a problem*: an application could be made to the Board of Adjustment to consider establishing a compliance date for an existing nonconforming store - Dallas Development Code Sec. 51A-4.704(a)(1)



Affect on New Stores

- New stores that open after the effective date of the ordinance would require an SUP if any paraphernalia items, equipment, or products are sold and would have to meet distance and the other additional provisions



Proposal – Chapter 12B

- The amendments to Chapter 12B (Convenience Stores) will:
 - Require Paraphernalia Shops, as defined by Chapter 51A, to register with the DPD annually
 - Allow DPD to conduct property inspections
 - Require Paraphernalia Shops to comply with other miscellaneous convenience store regulations:
 - Criminal trespass affidavits
 - Surveillance cameras
 - Alarm system
 - Drop safe
 - Security signs
 - Height markers
 - No trespassing signs
 - Visibility through all windows and public entrances, and
 - Employee safety training.

Proposal – Chapter 12B

- The amendments to Chapter 12B (Convenience Stores) will:
 - Amend the definition of Convenience Store to exclude, Cigar Bars and Tobacco Shops
 - Amend the definition of Convenience Goods to include tobacco products and paraphernalia
- Note: Cigar Bar and Tobacco Shop are not defined uses in Chapter 51A. The definitions are taken from Dallas City Code Chapter 41
- Cigar Bars and Tobacco Shops may be general merchandise or food stores

Proposal – Chapter 12B

- The amendments to Chapter 12B (Convenience Stores) will add the following definitions:
 - Cigar Bar – a bar that derives 15 percent or more of its gross revenue on a quarterly basis from the sale or rental of tobacco, tobacco products, or smoking accessories for on-premise consumption (same as Dallas City Code – Ch. 41)
 - Paraphernalia – any device, equipment, or utensil that is commonly used, or commonly know to be used, for the ingestion, inhalation, preparation, or injection of tobacco products or illegal substances. For purposes of this chapter, rolling papers, are not considered paraphernalia.
 - Tobacco Shop – a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly basis from the sale of tobacco, or tobacco products.

Recommendation

- Staff is seeking the support and recommendation from the Public Safety Committee to move the two code amendment proposals forward to full Council for approval on the March 22, 2017 Council Agenda.

Questions?

ORDINANCE NO. _____

An ordinance amending Chapter 12B, “Convenience Stores,” of the Dallas City Code by amending Sections 12B-2, 12B-4, 12B-7, and 12B-20; providing new and updated definitions; providing notice to be given via electronic mail; deleting the form of business requirement on the application; deleting the provision that requires the posting of the trespass affidavit; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date. Now, Therefore,

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

SECTION 1. That Section 12B-2, “Definitions,” of Article I, “General Provisions,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code is amended to read as follows:

“SEC. 12B-2. DEFINITIONS.

In this chapter:

(1) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the chief under this chapter to the owner or operator of a convenience store.

(2) CHIEF means the chief of the police department of the city or the chief’s authorized representative.

(3) CIGAR BAR means a bar that derives 15 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or rental of tobacco, tobacco products, or smoking accessories for on-premises consumption.

(4) CONVENIENCE GOODS means basic food, household, tobacco products, paraphernalia, and pharmaceutical items.

(~~5~~[4]) CONVENIENCE STORE means any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space. A convenience store [~~The term~~] does not include a cigar bar, a tobacco shop, or any business that has no retail floor space accessible to the public.

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(6[5]) DROP SAFE means a cash management device in which money can be deposited without the depositor having access to the contents.

(7[6]) EMPLOYEE means any person listed on the payroll of a convenience store as an employee, whether part-time, full-time, permanent, or temporary. The term does not include a person providing only janitorial or security services to the convenience store.

(8[7]) HEIGHT MARKER means a measuring strip that may be attached on or near a door frame of a convenience store to aid in identifying the height of a person suspected of committing a crime.

(9[8]) MANAGER means the person designated in the registration application filed under this chapter as being responsible for the daily operation of a convenience store.

(10) PARAPHERNALIA means any device, equipment, or utensil that is commonly used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of tobacco products or illegal substances. For purposes of this chapter, rolling papers are not considered paraphernalia.

(11[9]) PERSON means any individual, corporation, organization, partnership, association, or any other legal entity.

(12[10]) REGISTERED AGENT means the person identified in the registration application filed under this chapter who is authorized to receive on behalf of the convenience store any legal process or notice required or provided for in this chapter.

(13[11]) REGISTRANT means a person issued a certificate of registration for a convenience store under this chapter and includes all owners, ~~and~~ operators or the person in the care, custody, or control of the convenience store ~~[identified in the registration application filed under this chapter]~~.

(14) TOBACCO SHOP means a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly (three-month) basis from the sale of tobacco or tobacco products.

SECTION 2. That Section 12B-4, "Delivery of Notices," of Article I, "General Provisions," of Chapter 12B, "Convenience Stores," of the Dallas City Code is amended to read as follows:

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“SEC. 12B-4. DELIVERY OF NOTICES.

Any written notice that the chief is required to give a ~~[an applicant or]~~ registrant under this chapter is deemed to be delivered:

(1) on the date the notice is hand delivered to the ~~[applicant or]~~ registrant or the ~~[applicant or]~~ registrant’s registered agent; or

(2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the ~~[applicant or]~~ registrant or the ~~[applicant or]~~ registrant’s registered agent at the address provided for the ~~[applicant or]~~ registrant or the registered agent in the most recent registration application.

(3) on the date the notice is sent electronically to the electronic mailing address of the registrant listed on the application.”

SECTION 3. That Subsection (a) of Section 12B-7, “Registration Application,” of Article II, “Registration of Convenience Stores,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code is amended to read as follows:

“(a) To obtain a certificate of registration for a convenience store, a person must submit an application on a form provided for that purpose to the chief. The applicant must be the person who will own or operate the convenience store. The application must contain all of the following information:

(1) The name, street address, mailing address, electronic mailing address, and telephone number of the applicant.

(2) The name, street address, mailing address, facsimile number, and telephone number of the convenience store.

(3) The names, street addresses, mailing addresses, electronic mailing addresses, and telephone numbers of all owners of the convenience store and any lien holders and other persons with a financial interest in the convenience store, and the nature and extent of each person’s interest in the convenience store.

(4) The name, street address, mailing address, electronic mailing address, and telephone number of the manager of the convenience store.

(5) The name, street address, mailing address, electronic mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week, in the event of an emergency condition involving the convenience store.

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(6) The name, street address, mailing address, electronic mailing address, and telephone number of the registered agent for the convenience store.

(7) A statement that the applicant understands that notices may be issued and delivered to the registrant via hand delivery, United States mail, or electronic mail in accordance with Section 12B-4. ~~[The form of business of the applicant (and owner, if different from the applicant); the name, street address, mailing address, and telephone number of a high managerial agent of the business, and, if the business is a corporation or association, a copy of the documents establishing the business.]~~

(8) The total area in square feet of the convenience store.

(9) Such additional information as the applicant desires to include or that the chief deems necessary to aid in the determination of whether the requested certificate of registration should be granted.”

SECTION 4. That Article II, “Miscellaneous Requirements for Convenience Stores,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code is retitled, “Safety Requirements for Convenience Stores.”

SECTION 5. That Section 12B-20, “Trespass Affidavits,” of Article II, “Safety Requirements for Convenience Stores,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code is amended to read as follows:

“SEC. 12B-20. TRESPASS AFFIDAVITS.

~~[(a)]~~ A registrant shall execute a trespass affidavit, on a form provided by the chief for that purpose, that authorizes the police department to enforce, on behalf of the registrant, all applicable trespass laws on the premises of the convenience store.

~~[(b) A true and correct copy of the trespass affidavit must be posted at the convenience store in a manner and location so that it is clearly visible to the public at all times.]”~~

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 7. That Chapter 12B of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. 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.

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SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

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1-30-17

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 51-4.211 and 51A-4.210; creating a new paraphernalia shop land use; providing appropriate standards for paraphernalia shops; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have 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 Section 51-4.211, “Retail 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 by adding a new Paragraph (23), “Paraphernalia Shops,” to read as follows:

“(23) Paraphernalia shop.

(A) Definition: An establishment that displays or offers for sale paraphernalia, items, equipment, or products commonly used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of tobacco or illegal substances. For purposes of this paragraph, rolling papers are not considered paraphernalia.

(B) Districts permitted: By SUP only in SC, GR, LC, HC, I-1, I-2, and I-3.

(C) Required off-street parking: One space per 200 square feet of floor area.

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(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A paraphernalia shop may not be located within 1,500 feet, measured from property line to property line, of any other paraphernalia shop.

(ii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot in a residential district.

(iii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a school.

(iv) A paraphernalia shop may not have a drive-in or drive-through or walk-up window.

(v) The outside sale, display, or storage of products is prohibited.

(vi) A paraphernalia shop may only be a main use that requires a certificate of occupancy. A paraphernalia shop may not be an accessory use within the meaning of Section 51-4.217.”

SECTION 2. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “Community Retail (CR) District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*

-- Ambulance service. *[RAR]*

-- Animal shelter or clinic without outside runs. *[RAR]*

-- Auto service center. *[RAR]*

-- Business school.

-- Car wash. *[DIR]*

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- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage. *[RAR]*
- Convenience store with drive-through. *[SUP]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. *[SUP]*
- Home improvement center, lumber, brick or building materials sales yard. *[DIR]*
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop. *[SUP]*
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Swap or buy shop. *[SUP]*
- Temporary retail use.
- Theater.”

SECTION 3. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “Regional Retail (RR) District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

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- Alcoholic beverage establishments. [*See Section 51A-4.210(b)(4).*]
- Ambulance service. [*RAR*]
- Animal shelter or clinic without outside runs. [*RAR*]
- Animal shelter or clinic with outside runs. [*SUP*]
- Auto service center. [*RAR*]
- Business school.
- Car wash. [*RAR*]
- Commercial amusement (inside). [*SUP may be required. See Section 51A-4.210(b)(7)(B).*]
- Commercial amusement (outside). [*SUP*]
- Commercial parking lot or garage. [*RAR*]
- Convenience store with drive-through. [*SUP*]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more.
- Home improvement center, lumber, brick or building materials sales yard. [*RAR*]
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Outside sales. [*SUP*]
- Paraphernalia shop. [*SUP*]
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. [*RAR*]
- Restaurant with drive-in or drive-through service. [*DIR*]
- Swap or buy shop. [*SUP*]
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. [*RAR*]

SECTION 4. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “Commercial Service (CS) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.100,

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“Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Ambulance service. *[RAR]*
- Animal shelter or clinic without outside runs. *[RAR]*
- Animal shelter or clinic with outside runs. *[SUP may be required. See Section 51A-4.210(b)(2).]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[RAR]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial amusement (outside). *[DIR]*
- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential district.]*
- Commercial parking lot or garage. *[RAR]*
- Convenience store with drive-through. *[SUP]*
- Drive-in theater. *[SUP]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. *[SUP]*
- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
- Household equipment and appliance repair.
- Liquefied natural gas fueling station. *[SUP]*
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Outside sales. *[SUP]*
- Paraphernalia shop. *[SUP]*
- Pawn shop.
- Personal service uses.

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- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Swap or buy shop. *[SUP]*
- Taxidermist.
- Temporary retail use.
- Theater.
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[RAR]*

SECTION 5. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “Light Industrial (LI) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Animal shelter or clinic without outside runs.
- Animal shelter or clinic with outside runs. *[SUP may be required. See Section 51A-4.210(b)(2).]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[RAR]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential district.]*
- Commercial parking lot or garage. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store 100,000 square feet or more. *[SUP]*
- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
- Household equipment and appliance repair.

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- Liquefied natural gas fueling station. *[By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]*
- Motor vehicle fueling station.
- Paraphernalia shop. *[SUP]*
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Taxidermist.
- Temporary retail use.
- Theater.
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[RAR]*

SECTION 6. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “Industrial/Research (IR) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Animal shelter or clinic without outside runs.
- Animal shelter or clinic with outside runs. *[SUP may be required. See Section 51A-4.210(b)(2).]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[RAR]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential district.]*
- Commercial parking lot or garage. *[RAR]*
- Convenience store with drive-through. *[SUP]*
- Dry cleaning or laundry store.
- Furniture store.

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- General merchandise or food store 3,500 square feet or less.
- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
- Household equipment and appliance repair.
- Liquefied natural gas fueling station. *[By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]*
- Motor vehicle fueling station.
- Paraphernalia shop. *[SUP]*
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Taxidermist.
- Temporary retail use.
- Theater.
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[RAR]*

SECTION 7. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “Industrial Manufacturing (IM) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Animal shelter or clinic without outside runs.
- Animal shelter or clinic with outside runs. *[SUP may be required. See Section 51A-4.210(b)(2).]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[RAR]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*

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- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential district.]*
- Commercial parking lot or garage. *[RAR]*
- Convenience store with drive-through. *[SUP]*
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- Dry cleaning or laundry store.
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- General merchandise or food store 3,500 square feet or less.
- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
- Household equipment and appliance repair.
- Liquefied natural gas fueling station. *[By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]*
- Motor vehicle fueling station.
- Paraphernalia shop. *[SUP]*
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Taxidermist.
- Temporary retail use.
- Theater.
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[RAR]*

SECTION 8. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MU-1 and MU-1 (SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Animal shelter or clinic without outside runs. *[RAR]*

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- Auto service center. [RAR]
- Business school.
- Car wash. [RAR]
- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
- Commercial amusement (outside). [SUP]
- Commercial parking lot or garage. [RAR]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. [SUP]
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop. [SUP]
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Swap or buy shop. [SUP]
- Temporary retail use.
- Theater.”

SECTION 9. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (e), “MU-2 and MU-2 (SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
- Animal shelter or clinic without outside runs. [RAR]
- Auto service center. [RAR]
- Business school.

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- Car wash. [RAR]
- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
- Commercial amusement (outside). [SUP]
- Commercial parking lot or garage. [RAR]
- Convenience store with drive-through. [SUP]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. [SUP]
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop. [SUP]
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Swap or buy shop. [SUP]
- Temporary retail use.
- Theater.”

SECTION 10. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (f), “MU-3 and MU-3 (SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
- Animal shelter or clinic without outside runs. [RAR]
- Auto service center. [RAR]

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- Business school.
- Car wash. [RAR]
- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
- Commercial amusement (outside). [SUP]
- Commercial parking lot or garage. [RAR]
- Convenience store with drive-through. [SUP]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. [SUP]
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop. [SUP]
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Swap or buy shop. [SUP]
- Temporary retail use.
- Theater.”

SECTION 11. That Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service 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 by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(21.1) Paraphernalia shop.

(A) Definition: An establishment that displays or offers for sale paraphernalia, items, equipment, or products commonly used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of tobacco or illegal substances. For purposes of this paragraph, rolling papers are not considered paraphernalia.

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(B) Districts permitted: By SUP only in CR, RR, CS, industrial, and mixed use districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A paraphernalia shop may not be located within 1,500 feet, measured from property line to property line, of any other paraphernalia shop.

(ii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot in a residential district.

(iii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a school.

(iv) A paraphernalia shop may not have a drive-in or drive-through or walk-up window.

(v) The outside sale, display, or storage of products is prohibited.

(vi) A paraphernalia shop may only be a main use that requires a certificate of occupancy. A paraphernalia shop may not be an accessory use within the meaning of Section 51A-4.217.”

SECTION 12. That the director of sustainable development and construction shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code.

SECTION 13. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 14. 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 15. 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.

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SECTION 16. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By _____
Assistant City Attorney

Passed _____