

FILE NUMBER: DCA 156-004

DATE INITATED: February 8, 2016

TOPIC: Paraphernalia Shop Regulations

COUNCIL DISTRICT: All

CENSUS TRACTS: All

PROPOSAL: Consideration of an amendment to Chapter 51 and Chapter 51A of the Dallas Development Code, Section 51-4.211 Retail Uses and Section 51A-4.210 Retail and Personal Service Uses, to define a new use, called “Paraphernalia Shop,” and related regulations.

SUMMARY: The proposed Chapter 51 and Chapter 51A Dallas Development Code amendments establish a land use category for the paraphernalia shop use, provides that the use be allowed in certain districts by SUP only, establishes distance requirements from certain land uses, and prohibits the use from being an accessory use to another main use. Specifically after the adoption of this ordinance, any new establishment that displays or offers for sale paraphernalia items, equipment, or products may only do so under a valid certificate of occupancy for “paraphernalia shop.”

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND

On February 8, 2016, the Dallas Police Department (DPD) briefed the Public Safety Committee on the drug K2, paraphernalia shops, and related public safety issues. DPD outlined steps that could be taken to define and regulate paraphernalia shops, including: creating an inspection component (using the existing convenience store registration as a model) and establishing paraphernalia free zones around schools, churches, and within proximity of similar stores.

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 tobacco & paraphernalia shops. The briefing outlined how these establishments are currently regulated by the Dallas Development Code, public safety issues related to these types of establishments, and a proposed two-prong approach to possible code amendments.

On August 18, 2016 and September 1, 2016, the Zoning Ordinance Advisory Committee considered this item at two public meetings and on September 1, 2016 voted to recommend the proposed regulations to the City Plan Commission.

On October 6, 2016, the City Plan Commission considered the proposal and recommended approval.

On February 13, 2017, the Public Safety Committee was briefed on the proposal and recommended forwarding it to City Council for a full briefing.

On April 5, 2017, the City Council was briefed on this item. City Council discussed adding distance requirements from the the proposed paraphernalia shop use to the following additional land uses: churches, daycares, and universities.

This amendment is one prong of the proposed approach. The second prong is an amendment to Dallas City Code, Chapter 12B (the Convenience Store Registration) that will be managed by the City Attorney's Office and the Dallas Police Department.

GENERAL INFO/STAFF ANALYSIS:

While Dallas City Code 31-32.1 prohibits illegal smoking products and related paraphernalia, these items are only illegal if they contain illegal smoking products. As such, these items are widely sold. However, these types of shops frequently harbor illegal activities such as gambling (eight-liners), synthetic marijuana and other drug sales, and prostitution. The Dallas City Code defines "Illegal Smoking Paraphernalia" as 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. Paraphernalia includes but is not limited to: a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe; a water pipe; a carburetion tube or device; a smoking or carburetion mask; a chamber pipe; a carburetor pipe; an electric pipe; an air-driven pipe; a chillum; a bong; or an ice pipe or chiller.

Currently, the Dallas Development Code does not have a land use that is specific to shops that sell paraphernalia (i.e., shops that sell 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). These businesses are issued certificates of occupancy under the general merchandise or food stores classification, which makes it difficult for the Dallas Police Department to know the exact location of these stores.

The proposal establishes a land use category for the paraphernalia shop use and prohibits the use from being an accessory use to another main use. Specifically after the adoption of this ordinance, any new establishment that displays or offers for sale paraphernalia items, equipment, or products may only do so under a valid certificate of occupancy for “paraphernalia shop.”

Further, the use would only be allowed by Specific Use Permit in certain zoning districts and will have minimum distance requirements from similar shops, residential districts, and schools. Additionally, to discourage illegal activities, drive-in, drive-through, and walk-up windows will be prohibited.

PROPOSED AMENDMENTS TO CHAPTER 51A

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 purposes of this paragraph, rolling papers are not considered paraphernalia.

Where permitted:

By SUP only, in the CR Community Retail District, RR Regional Retail District, CS Commercial Service District, Industrial Districts (LI, IR, and IM), and the Mixed Use Districts (MU-1, MU-2, MU-3) and by SUP only in the following Chapter 51 districts: NS Neighborhood Service District, SC Shopping Center District, GR General Retail District, LC Light Commercial District, HC Heavy Commercial District, Industrial Districts (I-1, I-2 and I-3).

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.

- 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 public or private school.

Discussed adding at the April 5, 2017, City Council Briefing:

- A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a church.
- A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a university.
- A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a day-care facility.

CPC ACTION

October 6, 2016

Motion: It was moved to recommend **approval** of an amendment to Chapter 51 and Chapter 51A of the Dallas Development Code, Section 51-4.211 Retail Uses and Section 51A-4.210 Retail and Personal Service Uses, to define a new use, called “Paraphernalia Shop,” and related regulations with an additional correction to the ordinance under additional provisions (iv) to read as follows: “(iv) A paraphernalia shop may not have a drive-in, drive-through or walk-up window.”

Maker: Shidid
Second: Murphy
Result: Carried 13 to 0

For: 13 - Anglin, Rieves, Davis, Anantasomboon,
Shidid, Haney, Jung, Housewright, Schultz,
Peadon*, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Houston
Vacancy: 1 - District 7 (Young)

*out of the room, shown voting in favor

Notices: Area 500	Mailed: 108
Replies: For: 2	Against: 41

Speakers: None

CPC RECOMMENDED AMENDMENT

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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]*
- Drive-in theater. *[SUP]*
- Dry cleaning or laundry store.
- Furniture store.
- 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:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____