

ORDINANCE NO. 28214

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 51-4.210, 51A-4.121, 51A-4.122, 51A-4.123, 51A-4.124, 51A-4.125, 51A-4.126, 51A-4.127 and 51A-4.207; creating a new alternative financial establishment use; providing appropriate standards and regulations for alternative financial establishments; requiring a specific use permit, spacing requirements, and other regulations for the use; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, a clustering of alternative financial establishments can have a detrimental effect on neighborhoods and create the appearance of an area in decline; and

WHEREAS, a proliferation of alternative financial establishments at particular locations can overwhelm a neighborhood and can be a disincentive for other business to locate in these neighborhoods; and

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 51-4.210, "Professional, Personal Service, and Custom Crafts 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 new Paragraph (25), "Alternative Financial Establishment," to read as follows:

“(25) Alternative financial establishment.

(A) Definitions: In this paragraph:

(i) ALTERNATIVE FINANCIAL ESTABLISHMENT means a car title loan business, check cashing business, or money transfer business. An alternative financial establishment does not include state or federally chartered banks, community development financial institutions, savings and loans, and credit unions. An alternative financial establishment does not include an establishment that provides financial services that are accessory to another main use.

(ii) CAR TITLE LOAN BUSINESS means an establishment that makes small, short-term consumer loans secured by a title to a motor vehicle.

(iii) CHECK CASHING BUSINESS means a business that provides check cashing, payday cash advance, payroll advance, short-term cash loan, short term cash advance, instant payday cash advance, short-term money loan services, or similar services to individuals for a specified fee.

(iv) MONEY TRANSFER BUSINESS means an establishment that transmits funds for a fee.

(B) Districts permitted: By SUP only in all nonresidential districts except the NO, NS, and P districts.

(C) Required off-street parking: One space per 333 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
<u>0 to 50,000</u>	<u>NONE</u>
<u>50,000 to 150,000</u>	<u>1</u>
<u>Each additional 100,000 or fraction thereof</u>	<u>1 additional</u>

(E) Additional provisions:

(i) No alternative financial establishment may be located within 1,500 feet, measured from property line to property line, of any other alternative financial establishment.

(ii) No alternative financial establishment may be located within 300 feet, measured from property line to property line, from a lot in a residential district.

(iii) No alternative financial establishment may be located within 500 feet of an expressway or new expressway as defined in Section 51A-7.102, measured from the property line of the alternative financial establishment to the nearest expressway or new expressway travel lane.

(iv) An alternative financial establishment may only operate within a freestanding building and may not operate in the same structure as any other use."

SECTION 2. That Subparagraph (G), "Office Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (b), "LO(A) Districts (LO-1, LO-2, and LO-3)," of Section 51A-4.121, "Office Districts," of Division 51A-4.120, "Nonresidential District 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:

"(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [SUP]
- Medical clinic or ambulatory surgical center.
- Office."

SECTION 3. That Subparagraph (G), "Office Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (c), "MO(A) Districts (MO-1 and MO-2)," of Section 51A-4.121, "Office Districts," of Division 51A-4.120, "Nonresidential District 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:

"(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office."

SECTION 4. That Subparagraph (G), “Office Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “General Office [GO(A)] District,” of Section 51A-4.121, “Office Districts,” of Division 51A-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 5. That Subparagraph (G), “Office Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “Community Retail (CR) District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 6. That Subparagraph (G), “Office Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “Regional Retail (RR) District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 7. That Subparagraph (G), “Office 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-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [RAR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 8. That Subparagraph (G), “Office 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-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [RAR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 9. That Subparagraph (G), “Office 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-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [RAR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 10. That Subparagraph (G), “Office 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-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [RAR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 11. That Subparagraph (G), “Office Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “CA-1(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 12. That Subparagraph (G), “Office Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “CA-2(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 13. That Subparagraph (G), “Office 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-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP] [~~Ambulatory surgical center.~~]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 14. That Subparagraph (G), “Office 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-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP] [~~Ambulatory surgical center.~~]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 15. That Subparagraph (G), “Office Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MC-1 District,” of Section 51A-4.126, “Multiple Commercial Districts,” of Division 51A-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 16. That Subparagraph (G), “Office Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (e), “MC-2 District,” of Section 51A-4.126, “Multiple Commercial Districts,” of Division 51A-4.120, “Nonresidential District 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:



“(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 17. That Subparagraph (G), “Office Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (f), “MC-3 and MC-4 Districts,” of Section 51A-4.126, “Multiple Commercial Districts,” of Division 51A-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 18. That Subparagraph (G), “Office Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “UC Districts,” of Section 51A-4.127, “Urban Corridor Districts,” of Division 51A-4.120, “Nonresidential District 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:

“(G) Office uses.

- Alternative financial establishment. [SUP in UC-2 and UC-3 only.]
- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.”

SECTION 19. That Paragraph (1), “Reserved,” of Section 51A-4.207, “Office 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:

“(1) Alternative financial establishment.

(A) Definitions: In this paragraph:

(i) ALTERNATIVE FINANCIAL ESTABLISHMENT means a car title loan business, check cashing business, or money transfer business. An alternative financial establishment does not include state or federally chartered banks, community development financial institutions, savings and loans, and credit unions. An alternative financial establishment does not include an establishment that provides financial services that are accessory to another main use.

(ii) CAR TITLE LOAN BUSINESS means an establishment that makes small, short-term consumer loans secured by a title to a motor vehicle.

(iii) CHECK CASHING BUSINESS means a business that provides check cashing, payday cash advance, payroll advance, short-term cash loan, short term cash advance, instant payday cash advance, short-term money loan services, or similar services to individuals for a specified fee.

(iv) MONEY TRANSFER BUSINESS means an establishment that transmits funds for a fee.

(B) Districts permitted: By SUP only in all nonresidential districts except the NO(A), NS(A), MU-1, MU-1(SAH), UC-1, and P(A) districts.

(C) Required off-street parking: One space per 333 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE

TOTAL REQUIRED SPACES OR BERTHS

0 to 50,000

NONE

50,000 to 150,000

1

Each additional 100,000 or fraction thereof

1 additional

(E) Additional provisions:

(i) No alternative financial establishment may be located within 1,500 feet, measured from property line to property line, of any other alternative financial establishment.

(ii) No alternative financial establishment may be located within 300 feet, measured from property line to property line, of a lot in a residential district.

(iii) No alternative financial establishment may be located within 500 feet of an expressway or new expressway as defined in Section 51A-7.102, measured from the property line of the alternative financial establishment to the nearest expressway or new expressway travel lane.

(iv) An alternative financial establishment may only operate within a freestanding building and may not operate in the same structure as any other use.

[Reserved.]”

SECTION 20. That the director of sustainable development and construction shall revise the use charts in Chapters 51 and 51A to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code.

SECTION 21. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 22. 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 23. 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 24. 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:

THOMAS P. PERKINS, JR., City Attorney

By  \_\_\_\_\_  
Assistant City Attorney

Passed           MAY 25 2011