



CITY COUNCIL COMMUNICATION

November 27, 2012

SUBJECT: Hold Public Hearing and Consider Ordinance No. 1976 Amending Chapter 84 "Unified Development Code", Article I, "General Provisions", and Article IV, "Zoning District Regulations".

SUBMITTED BY: Mike Collins, Director Planning and Economic Development

REFERENCE NO: 12-11-CC

ACTION REQUESTED:

Hold Public Hearing and Consider First and Final Reading of Ordinance No. 1976 amending Chapter 84 "Unified Development Code", of the Code of Ordinances by regulating tobacco products stores; amending Article I, "General Provisions", Section 84-7, "Definitions and word usage"; Article IV, "Zoning District Regulations", Section 84-84 "Permitted uses table" and Section 84-85 "Special conditions by use type".

ALTERNATIVES:

- Open the Public Hearing and continue it to the next meeting.
- Approve the request with modifications.
- Deny the request.

SUMMARY OF SUBJECT:

Project Description: The City of Euless is requesting a modification to the Unified Development Code to provide a specific definition for tobacco products stores, establish locations for those uses to be permitted in and to identify conditions in which the uses must comply with in order to be permitted. The City has determined that a proliferation and clustering of these uses can have an unreasonable adverse effect on the citizens of Euless.

The definition of tobacco products stores will include any tobacco store, hookah cafes, and similar operations. These include places where the predominate revenue from the business is the sales of tobacco products either for use on premises or off-premises. The definition excludes any businesses that sell tobacco products in which greater than fifty percent of its

revenue is derived from food, beverage or gasoline fuel sales. This would exclude restaurants, drinking establishments and convenience stores from this definition.

The proposed ordinance would require all future tobacco products stores to be located within the industrial zoning districts through the approval of a Specific Use Permit.

As the current ordinance requires, all tobacco products stores would not be allowed to sell any products as listed as novelty items which are typically used in the use of illegal drugs.

Additionally, tobacco products stores would be required to be setback five-hundred feet from the right-of-way of Airport Freeway, SH 121, Eules Boulevard, and Industrial Boulevard and setback five hundred feet from any residentially zoned property. Lastly, tobacco products stores would be required to be setback one thousand feet from one another.

All existing tobacco products stores as defined in the ordinance, if they are not in compliance with the new ordinance, would become legally existing non-conforming uses. These stores would be required to register as non-conforming uses and would not be allowed to be issued a new Certificate of Occupancy through change of ownership or similar circumstances, unless the use is brought into conformance with the ordinance.

Staff recommends approval of the zoning change.

The Planning and Zoning Commission held a public hearing on November 6, 2012 and recommended approval of the ordinance by a vote of 6-0-1. The version of the ordinance the Planning and Zoning Commission recommended included the removal of cigar stores from the TX-121 zoning district. The version the City Council is asked to consider does not remove cigar stores from the TX-121 zoning district.

SUPPORTING DOCUMENTS:

- Ordinance No. 1976
- Minutes – P & Z

APPROVED BY:

_____ **LG** _____

City Manager's Office

_____ **KS** _____

City Secretary's Office