

ORDINANCE NO. 14-3089

AN ORDINANCE TO AMEND CITY OF BEDFORD ZONING ORDINANCE NUMBER 2275, SPECIFIC TO SECTION 3.1.F. RETAIL SALES/TRADE SCHEDULE OF PERMITTED USES, AND SECTION 3.2, EXPLANATION OF USES AND SPECIFIC USE PERMIT REQUIREMENTS, C. PERMITTED USES, FOR A NEW SECTION 3.2.C(7)X, TOBACCO PRODUCTS STORE; DECLARING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (A-037)

WHEREAS, the City is authorized by Section 211.005. "Districts" of the Texas Local Government Code to zone property into districts in accordance with a Comprehensive Plan; and,

WHEREAS, the City Council of Bedford, Texas deems it necessary in order to lessen the congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; and avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, that the hereinafter contained provisions of this ordinance should be passed, promulgated and enforced; and,

WHEREAS, the Planning and Zoning Commission and the City Council of Bedford, Texas, have advertised and mailed notices of public hearings to receive comments on the proposed Zoning Ordinance amendments; and,

WHEREAS, the Planning and Zoning Commission and the City Council of Bedford, Texas have after thoughtful deliberation voted to approve this Zoning Ordinance amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That *Section 3.1.f Retail Sales/Trade Schedule of Permitted Uses, and Section 3.2, Explanation of Uses and Specific Use Permit Requirements, C. Permitted Uses, for a new Section 3.2.C(7)x, Tobacco Products Store* shall be as shown in Attachment "A".

SECTION 3. That approval of this ordinance is subject to no stipulations.

SECTION 4. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 5. That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed

such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. That this Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

SECTION 7. That any person, organization, corporation, partnership or entity that violates, disobeys, omits, neglects or fails to comply with the provisions of this ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each offense or violation. Each day that an offense or violation occurs shall constitute a separate offense.

PRESENTED AND PASSED this 22nd day of April 2014, by a vote of 7 ayes, 0 nays, and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

Exhibit A

That Section 3.1.F Schedule of Permitted Uses shall be amended to remove Tobacco from land use category and to now be: Book, Stationery, News Stand, Souvenir, Gift & Novelty Shops.

Also that Section 3.1.F Schedule of Permitted Uses shall be amended to include land use category Tobacco Products Store.

USE	Zoning Classifications										
	R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
F. RETAIL SALES/TRADE											
Drug Stores / Pharmacy											
Book, Stationery, News Stand, Tobacco , Souvenir, Gift & Novelty Shops											
Tobacco Products Store								S	S	S	

Section 3.2.C(7)b. Explanation of Uses and Specific Use Permit Requirements, General Merchandise, Book, Stationery, News Stand, ~~Tobacco~~, Souvenir, Gift and Novelty Shops be amended by the following:

GENERAL MERCHANDISE

- b. **BOOK, STATIONERY, NEWS STAND, ~~TOBACCO~~, SOUVENIR, GIFT AND NOVELTY SHOPS** - A business establishment offering for sale articles such as books, stationery, cards, newspapers, magazines, gifts, and other similar items or a combination thereof.

Add a new Section 3.2.C(7)x. Explanation of Uses and Specific Use Permit Requirements, Tobacco Products Store to read:

- x. **Tobacco Products Store.** A retail establishment that includes on premise sales and consumption or sales for off-premise consumption, in whole or in part, to the smoking of tobacco or other substances such as vapor, electronic cigarette, e-cigarette, liquid nicotine, and includes any establishment that allows either the payment of consideration by a customer to the establishment for on-site delivery of tobacco, tobacco accessories or similar substances and products to the customer;

and, the onsite smoking of tobacco or other substances. This definition shall be construed to include establishments known variously as retail tobacco stores, tobacco products shops, hookah cafes, tobacco clubs, tobacco bars, cigar stores and similar establishments, but shall not include an establishment which derives more than fifty (50) percent of its gross revenue from food, beverage, or gasoline fuel sales.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

DRAFT