



Legislation Details (With Text)

**File #:** 21-4230      **Version:** 2      **Name:** Ordinance - Public Hearing and First Reading of an Ordinance to Consider a Proposed Amendment of Sections 155.012, 155.054(B), Table F, Line 17 and 24, and 155.099 (B) (39) of the Mansfield Code of Ordinances Regarding Non-Traditional Smoking Related Busi

**Type:** Ordinance      **Status:** Passed

**File created:** 8/11/2021      **In control:** City Council

**On agenda:** 9/13/2021      **Final action:** 9/13/2021

**Title:** Ordinance - Public Hearing Continuation and Second and Final Reading of an Ordinance to Consider a Proposed Amendment of Sections 155.012, 155.054(B), Table F, Line 17 and 24, and 155.099 (B) (39) of the Mansfield Code of Ordinances Regarding Non-Traditional Smoking Related Businesses and Tobacco Products Store

**Sponsors:** Jason Alexander, Arty Wheaton-Rodriguez

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A Tobacco Products Store Table F, 3. Exhibit B Staff and P&Z Recommended Amendment to Draft Ordinance

Date	Ver.	Action By	Action	Result
9/13/2021	2	City Council	Approved on Second and Final Reading	Pass
8/23/2021	1	City Council	Approved on First Reading	Pass

Ordinance - Public Hearing Continuation and Second and Final Reading of an Ordinance to Consider a Proposed Amendment of Sections 155.012, 155.054(B), Table F, Line 17 and 24, and 155.099 (B) (39) of the Mansfield Code of Ordinances Regarding Non-Traditional Smoking Related Businesses and Tobacco Products Store

To consider the subject City Zoning Ordinance text amendment.

The Planning and Zoning Commission held a public hearing on August 17, 2021, and voted to recommend approval with the recommendation to remove Section 4 (c) Non-Conformity.

Section 155.054(B) Table F is the permitted use table of the City Zoning Ordinance. The amendment before you is a text amendment adding the use "Tobacco Products Store" and removing the permitted use "Non-Traditional Smoking Related Business". A Tobacco Products Store is defined as:

"A retail establishment that is primarily dedicated to the smoking of tobacco or other lawful substances 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 lawful substances and products to the customer; and the onsite smoking of tobacco or other lawful substances. This definition shall be construed to include establishments known variously as non-traditional smoking related businesses, retail tobacco stores, tobacco products shops, head shops, hookah cafes, tobacco clubs, tobacco bars, cigar stores, and similar establishments."

The City recognizes the health risk caused by tobacco, electronic vaping devices and other devices meant to inhale variable amounts of nicotine and other harmful toxicants. In response to those risks, the City has proposed amending our permitted uses to require a "PD" Planned Development for any future Tobacco Products Store. The "PD" planned development district is intended to accommodate unified design and to permit flexibility and encourage a more creative, efficient and aesthetically desirable design.

In addition, the amendment creates special conditions in Section 155.099(B) (39) creating distance/spacing requirements from existing tobacco products stores, major roadways (listed below), and adjacent zoning designations that allow residential uses, places of worship, hospitals, daycare centers, or public or private schools or colleges by right and parks and recreational facilities. In general, no new Tobacco Products Store shall be closer than 1,000 feet from an existing facility and no closer than 500 feet from an identified roadway or protective use. Details on measurement are provided within the text amendment.

Roadways with distance requirements: U.S. Highway 287, U.S. Business Highway 287, State Highway 360, Farm-to-Market Road 157, Farm-to-Market Road 1187, Farm-to-Market Road 917, Main Street, Debbie Lane, Broad Street, Country Club Drive, Heritage Parkway, Matlock Road, and Lone Star Road.

See information above.

Not applicable.

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