



Sachse, Texas

Sachse City Hall
3815-B Sachse Road
Sachse, Texas 75048

Meeting Agenda City Council

Monday, January 20, 2014

7:30 PM

Council Chambers

The Mayor and Sachse City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The City Council of the City of Sachse will hold a Regular Meeting on Monday, January 20, 2014, at 7:30 p.m. in the Council Chambers at the Sachse City Hall, 3815 Sachse Road, Building B, Sachse, Texas to consider the following items of business:

Invocation and Pledges of Allegiance to U.S. and Texas Flags.

A. Pledge of Allegiance to the Flag of the United States of America: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands: one nation under God, indivisible, with liberty and justice for all.

B. Pledge of Allegiance to the Texas State Flag: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

1. CONSENT AGENDA.

1.a ALL ITEMS LISTED ON THE CONSENT AGENDA WILL BE CONSIDERED BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION, THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER OR CITIZEN SO REQUESTS.

[14-2005](#) Consider approval of the minutes of the January 6, 2014, regular meeting.

Executive Summary

Minutes from the recent Council meeting.

Attachments: [Min.01.06.14.pdf](#)

[14-2010](#) Consider a resolution of the City Council of the City of Sachse, Texas, declaring police property listed on Exhibit "A" attached hereto as obsolete, valueless and surplusage; authorizing the city manager to dispose of said property by whatever lawful means available, including posting such property on the Texas Police Chiefs Association website; and providing for an effective date.

Executive Summary

Overtime, the police department has accumulated property that has

is no longer usable or needed by the department. This resolution authorizes the disposal of the surplus property.

Attachments: [Suplus Property Res.pdf](#)

[Exhibit A.pdf](#)

2. MAYOR AND CITY COUNCIL ANNOUNCEMENTS REGARDING SPECIAL EVENTS, CURRENT ACTIVITIES, AND LOCAL ACHIEVEMENTS.

3. CITIZEN INPUT.

The public is invited at this time to address the Council. The Mayor will ask you to come to the Microphone and state your name and address for the record. If your remarks pertain to a specific Agenda item, please hold them until that item, at which time the Mayor may solicit your comments.

The City Council is prohibited from discussing any item not on the posted agenda according to the Texas Open Meetings Act.

4. REGULAR AGENDA ITEMS.

[14-2004](#)

Conduct a public hearing and consider an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances, Chapter 11 "Zoning," Article 2, by adding definitions for Electronic Cigarette or E-Cigarette, Hookah/Smoke Lounge, Retail Electronic-Cigarette/Vaporizer Store; by amending the definition for Retail Tobacco Store; by amending Schedule I "Permitted Uses" to add Hookah/Smoke Lounge use in Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit; by amending Schedule I "Permitted Uses" to add Retail Electronic-Cigarette/Vaporizer Store in General Commercial C-2 District, Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit.

Executive Summary

This zoning amendment will establish regulations for Retail Electronic-Cigarette/Vaporizer Store and Hookah/Smoke Lounge uses, as well as provide clarification in definitions for regulations pertaining to Retail Tobacco Store establishments.

Attachments: [CD - ZONING ORD ECIG CC - PRESENTATION.pdf](#)

[CD - ZONING ORD ECIG CC - DRAFT ORD.pdf](#)

5. ADJOURNMENT.

Vision Statement: Sachse is a friendly, vibrant community offering a safe and enjoyable quality of life to all who call Sachse home.

The City of Sachse reserves the right to reconvene, recess or realign the regular session or called Executive Session or order of business at any time prior to adjournment. Note: The Sachse City Council reserves the right to convene into Executive Session pursuant to the Texas Government Code, Title 5, Chapter 551 regarding posted items on the regular meeting agenda.

State law prohibits the introduction or discussion of any item of business not posted at least seventy-two (72) hours prior to the meeting time. Therefore, during Citizen Input for example, the Council is prohibited by state law to deliberate or take action on any issues introduced by the public other than to take them under advisement. Posted: January 17, 2014; 5:00 p.m.
Terry Smith, City Secretary _____.

If you plan to attend this public meeting and you have a disability that requires special arrangements at the meeting, please contact Terry Smith, City Secretary, at (972) 495-1212, 48 business hours prior to the scheduled meeting date. Reasonable accommodations will be made to assist your needs.



Legislation Details (With Text)

File #: 14-2005 **Version:** 1 **Name:** Consider approval of the minutes of the January 6, 2014, regular meeting.

Type: Agenda Item **Status:** Agenda Ready

File created: 1/13/2014 **In control:** City Council

On agenda: 1/20/2014 **Final action:**

Title: Consider approval of the minutes of the January 6, 2014, regular meeting.

Executive Summary
Minutes from the recent Council meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [Min.01.06.14.pdf](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Title

Consider approval of the minutes of the January 6, 2014, regular meeting.

Executive Summary

Minutes from the recent Council meeting.

Background

Minutes from a recent Council meeting on January 6, 2014, for review and approval.

Policy Considerations

Not applicable.

Budgetary Considerations

Not applicable.

Staff Recommendations

Approval of the minutes of the January 6, 2014, regular meeting, as a Consent Agenda Item.

**REGULAR MEETING
OF THE
CITY COUNCIL OF THE CITY OF SACHSE**

JANUARY 6, 2014

The City Council of the City of Sachse held a Regular Meeting on Monday, January 6, 2014 at 7:30 p.m. at the Sachse City Hall after proper notice. The roll of the duly constituted City Council Members was called which members are as follows, to wit:

Mayor Mike Felix
Mayor Pro Tem Bill Adams
Councilman Charles Ross
Councilman Brett Franks
Councilman Todd Ronnau
Councilman Cullen King
Councilman Jeff Bickerstaff

and all were present except Mayor Pro Tem Adams.

Staff present: City Manager Billy George, City Secretary Terry Smith, Project Coordinator Denise Vice, Community Development Director Marc Kurbansade, Police Chief Dennis Veach, Human Resources Manager Laura Morrow, Parks and Recreation Director Lance Whitworth, Library Manager Mignon Morse, City Engineer Greg Peters, Public Works Director Joe Crase, Finance Director Teresa Savage and Fire Chief Rick Coleman.

Invocation and Pledge of Allegiance to U.S. and Texas Flags:

The invocation was offered by Councilman King and the pledges were led by Councilman Franks.

1. Consent Agenda:

Councilman Ross requested to remove Agenda items 13-1962 and 13-1966 for discussion.

Councilman Bickerstaff moved to approve the Consent Agenda consisting of: 13-1963 Consider approval of the minutes of the December 19, 2013, special meeting; 13-1940 Resolution No. 3554 of the City Council of the City of Sachse, Texas, authorizing the application for the 2014 Texas Book Festival Grants including the Collection Enhancement Grant and the Literacy Initiative Grant; and 13-1965 Consider receiving the Monthly Revenue and Expenditure Report for the period ending November 30, 2013. The motion was seconded by Councilman King and passed unanimously.

13-1962 Consider approval of the minutes of the December 2, 2013, regular meeting: Councilman Ross noted corrections in the minutes: The invocation was offered by Councilman King and the pledges were led by Mayor Pro Tem Adams. And on Agenda Item 13-1927, the motion carried with Councilman Ross voting no.

Councilman Ross moved to approve the minutes of the December 2, 2013 meeting (13-1962) with the changes noted. The motion was seconded by Councilman King and carried unanimously.

13-1966 Consider an ordinance of the City of Sachse, Texas, amending the Code of Ordinances by amending Chapter 7 "Personnel" by amending Section 7-1 by providing requirements that are consistent with the City Home Rule Charter to provide for attendance requirements and removal procedures for the Library Board Members; by amending Section 7-2 by providing requirements consistent with the City Home Rule Charter for attendance requirements and removal procedures for the Park and Recreation Commission; by amending Chapter 11 "Zoning Ordinance" by amending Section 11-3 by providing requirements consistent with the City Home Rule Charter for attendance requirements and removal procedures for the Planning and Zoning members; by amending Section 11-4 by providing requirements consistent with the City Home Rule Charter for attendance requirements and removal procedure for the Board of Adjustment members; providing a repealing clause; providing a savings clause; providing a severability clause; and providing an effective date: Councilman Ross noted a correction on Section 11-3 (3). The second sentence should read " Such appointee shall serve for that portion of the unexpired term".

Councilman Ross moved to approve Ordinance No. 3555 (13-1966) with the changes noted. The motion was seconded by Councilman King and carried unanimously.

2. Mayor and City Council Announcements regarding special events, current activities and local achievements:

13-1968 Recognize Officer Christopher Holland with a Proclamation on his Retirement
13-1976 Staff Briefing: City Manager.

Councilman King noted the Animal Control staff took in a few extra animals during the cold snap and had a few more adoptions. He stated all should visit their Face book site.

Councilman Bickerstaff announced upcoming events at the Library: January 7th P.J. Story Time; and on January 14 at 4:00 pm will be a pirate party. He noted the e-books program is going great.

Councilman King announced the Parks and Recreation Department will host their annual Daddy/Daughter dance on the rescheduled date of February 7th.

Mayor Felix thanked the staff for their work on all of the Christmas events.

3. Citizen Input:

No comments were made.

4. Regular Agenda Items:

13-1964 Administer Oath of Office to Jeff Williams on the Animal Shelter Board:

Mayor Felix administered the Oath to Jeff Williams.

13-1957 Consider a resolution of the City Council of the City of Sachse, Texas, approving the application form for the City of Sachse Scholarship Fund in the amount of \$1,000.00:

Following discussion, Councilman Ronnau moved to approve Resolution No. 3556 of the City of Sachse, Texas, approving the application form for the City of Sachse Scholarship Fund in the amount of \$1,000.00, as presented. The motion was seconded by Councilman Franks and carried unanimously.

13-1975 Consider a resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of an economic development incentive agreement by and between the Sachse Economic Development corporation and Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust, or related entity, to provide reimbursement for infrastructure costs related to Blackburn Road, not to exceed \$282,712.00; authorizing its execution by the City Manager; and providing for an effective date:

Following discussion, Councilman King moved to approve Resolution No. 3557 approving the terms and conditions of an economic development incentive agreement by and between the Sachse Economic Development corporation and Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust, or related entity, to provide reimbursement for infrastructure costs related to Blackburn Road, not to exceed \$282,712.00; authorizing its execution by the City Manager; and providing for an effective date. The motion was seconded by Councilman Franks and carried unanimously.

13-1974 The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, Section § 551.087 for economic development deliberations to consider economic development incentives with Little Genius of Texas, LLC for property located on the south side of Ranch Road, approximately 1,000 feet west of the intersection with State Highway 78: Consider any action necessary as a result of executive session regarding economic development deliberations to consider economic development incentives with Little Genius of Texas, LLC for property located on the south side of Ranch Road, approximately 1,000 feet west of the intersection with State Highway 78 including, but not limited to, consideration and action on the following resolution:

a. Resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of the Facilities Agreement between the City of Sachse, Texas, and Little Genius of Texas LLC, a Texas Limited Liability Company; authorizing its execution by the City Manager; and providing for an effective date:

At 8:33 p.m. Councilman Bickerstaff moved to recess to executive session. The motion was seconded by Councilman Ross and carried unanimously.

At 8:45 p.m. Councilman King moved to return to open session. The motion was seconded by Councilman Ross and carried unanimously.

Councilman Ronnau moved to approve Resolution No. 3558 approving the terms and conditions of the Facilities Agreement between the City of Sachse, Texas, and Little Genius of Texas LLC, a Texas Limited Liability Company; authorizing its execution by the City Manager; and providing for an effective date. The motion was seconded by Councilman Bickerstaff and carried unanimously.

5. Adjournment:

There being no further business, Councilman Ronnau moved to adjourn. The motion was seconded by Councilman King and carried unanimously. The meeting adjourned at 8:48 p.m.

ATTEST:

APPROVED:

CITY SECRETARY

MAYOR



Legislation Details (With Text)

File #: 14-2010 **Version:** 1 **Name:** Surplus Property - Police Department Jan/2014
Type: Agenda Item **Status:** Agenda Ready
File created: 1/14/2014 **In control:** City Council
On agenda: 1/20/2014 **Final action:**
Title: Consider a resolution of the City Council of the City of Sachse, Texas, declaring police property listed on Exhibit "A" attached hereto as obsolete, valueless and surplusage; authorizing the city manager to dispose of said property by whatever lawful means available, including posting such property on the Texas Police Chiefs Association website; and providing for an effective date.

Executive Summary

Overtime, the police department has accumulated property that has is no longer usable or needed by the department. This resolution authorizes the disposal of the surplus property.

Sponsors:

Indexes:

Code sections:

Attachments: [Suplus Property Res.pdf](#)
[Exhibit A.pdf](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Title

Consider a resolution of the City Council of the City of Sachse, Texas, declaring police property listed on Exhibit "A" attached hereto as obsolete, valueless and surplusage; authorizing the city manager to dispose of said property by whatever lawful means available, including posting such property on the Texas Police Chiefs Association website; and providing for an effective date.

Executive Summary

Overtime, the police department has accumulated property that has is no longer usable or needed by the department. This resolution authorizes the disposal of the surplus property.

Background

The majority of police departments in Texas are small organizations, with many being staffed by under ten and even five officers. These departments are generally not funded at a level needed to equip a more modern police agency. The Texas Police Chief's Association has created a bulletin board on its website that allows for the posting of surplus police equipment and property that can be obtained, without cost, by smaller departments. Sachse Police would like to take advantage of this opportunity to, in a small way, help improve policing in Texas.

Policy Considerations

Allow disposal of excess equipment and property.

Budgetary Considerations

It is possible that the City could sell some of the items for salvage, for a very small amount.

Staff Recommendations

Staff recommends approval of a resolution of the City Council of the City of Sachse, Texas, declaring police property listed on Exhibit "A" attached hereto as obsolete, valueless and surplusage; authorizing the city manager to dispose of said property by whatever lawful means available, including posting such property on the Texas Police Chiefs Association website; and providing for an effective date; as a Consent Agenda Item.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, DECLARING POLICE PROPERTY LISTED ON EXHIBIT "A" ATTACHED HERETO AS OBSOLETE, VALUELESS AND SURPLUSAGE; AUTHORIZING THE CITY MANAGER TO DISPOSE OF SAID PROPERTY BY WHATEVER LAWFUL MEANS AVAILABLE, INCLUDING POSTING SUCH PROPERTY ON THE TEXAS POLICE CHIEFS ASSOCIATION WEBSITE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented with Exhibit "A" listing certain police property that is obsolete, valueless and has no effective value for the City to dispose of or trade in such property; and

WHEREAS, upon full review and consideration of the property listed on Exhibit "A", the City Council is of the opinion and finds that the City has no foreseeable use for this property which has no useful purpose and, therefore, shall be deemed to be surplusage and valueless; and, the City Manager shall be authorized to dispose of this property by whatever lawful means available, including posting such property on the Texas Police Chiefs Association website;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, THAT;

SECTION 1. The property listed on Exhibit "A" shall be declared as obsolete, valueless and surplusage, and the City Manager has the authority to dispose of said property by whatever lawful means available, including posting the property on the Texas Police Chiefs website.

SECTION 2. This Resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Sachse, Texas, this the _____ day of _____, 2014.

CITY OF SACHSE, TEXAS

Mike Felix, Mayor

ATTEST:

Terry Smith, City Secretary

EXHIBIT "A"
SACHSE POLICE DEPARTMENT PROPERTY

Raincoats

Black/Orange 2 S/M 1 M/L
Yellow (not neon yellow) 1/XL

Motorcycle Clothing

Shirts 5/XL – black in color
Pants 3-size 36 – black in color

Jackets – Black

2/XXL
1/XXL tall
1/4XL tall

Rain Pants – Black

1/M
1/XL

Traffic Vests

NOT OSHA approved Yellow in color
11/miscellaneous sizes

Shirts – Uniform Blue (not Blauer)

Short sleeve :
2/L
1/XL

Shirts Uniform Blue (not Blauer)

Long Sleeve :
1/15x32
1/15.5x32
1/15.5x33
1/16x33
1/16x34
2/16.5x32
1/16.5x34
1/17x34
1/17.5x32
1/17.5x37

Bulletproof Vests – All expired

2/S-M
1/M-L

Uniform Pants – Blue (not Blauer)

1/36S

3/36R

1/38R

3/40R

Uniform Pants – Women's – Black

2/size 12

1/size 12 tall

1/size 14R

Pants – black in color BDU style

1/36L

Bike Patrol clothing & equipment

Insulated mitts

2 pr. – black in color

Helmets

2/discolored - white in color helmets 1/S-M 1/L-XL

Pants – black in color

2/Small 1/M

Shorts – black in color

2/M 3/L 1/3XL (nylon fabric)

Gloves

4 pair gloves – black in color

Hat bands (for dress hats)

1/gold

20/silver

Hat badges

4/gold

6/silver

Basket weave style equipment

3/holsters

4/mag pouches

2/cuff cases

1/flashlight in (for large flashlight)

1/flashlight holder (for mini flashlight)



Legislation Details (With Text)

File #:	14-2004	Version:	1	Name:	CD - ZONING ORD ECIG CC
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	1/10/2014	In control:		In control:	City Council
On agenda:	1/20/2014	Final action:		Final action:	

Title: Conduct a public hearing and consider an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances, Chapter 11 "Zoning," Article 2, by adding definitions for Electronic Cigarette or E-Cigarette, Hookah/Smoke Lounge, Retail Electronic-Cigarette/Vaporizer Store; by amending the definition for Retail Tobacco Store; by amending Schedule I "Permitted Uses" to add Hookah/Smoke Lounge use in Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit; by amending Schedule I "Permitted Uses" to add Retail Electronic-Cigarette/Vaporizer Store in General Commercial C-2 District, Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit.

Executive Summary

This zoning amendment will establish regulations for Retail Electronic-Cigarette/Vaporizer Store and Hookah/Smoke Lounge uses, as well as provide clarification in definitions for regulations pertaining to Retail Tobacco Store establishments.

Sponsors:

Indexes:

Code sections:

Attachments: [CD - ZONING ORD ECIG CC - PRESENTATION.pdf](#)
[CD - ZONING ORD ECIG CC - DRAFT ORD.pdf](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Title

Conduct a public hearing and consider an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances, Chapter 11 "Zoning," Article 2, by adding definitions for Electronic Cigarette or E-Cigarette, Hookah/Smoke Lounge, Retail Electronic-Cigarette/Vaporizer Store; by amending the definition for Retail Tobacco Store; by amending Schedule I "Permitted Uses" to add Hookah/Smoke Lounge use in Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit; by amending Schedule I "Permitted Uses" to add Retail Electronic-Cigarette/Vaporizer Store in General Commercial C-2 District, Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit.

Executive Summary

This zoning amendment will establish regulations for Retail Electronic-Cigarette/Vaporizer Store and Hookah/Smoke Lounge uses, as well as provide clarification in definitions for regulations pertaining to Retail Tobacco Store establishments.

Background

Recently, the City of Sachse has received numerous requests pertaining to Retail Electronic Cigarette stores. Within the last several months, two of these establishments have received Certificates of Occupancy and are currently open for business. Because of this demand, the City of Sachse is taking a proactive approach to regulate these uses.

The sale of Electronic Cigarettes currently occurs as an ancillary sale in existing retail establishments or as the primary sale within Retail Electronic Cigarette stores. In addition, Retail Electronic Cigarette stores have also expanded operations to allow for lounge areas for patrons; this expansion alters the business operation from typical retail sales.

In the past, the City of Sachse has adopted the following regulations pertaining to the sale/use/possession of tobacco, cigarette, smoking paraphernalia, and e-cigarettes:

- The City of Sachse adopted zoning regulations for Retail Tobacco Stores and Smoking Paraphernalia Establishments on May 3, 2010 via Ordinance Number 3209.
- On December 2, 2013 via Ordinance Number 3551, the City of Sachse adopted E-Cigarette Regulations with the main purpose being to prohibit the purchase, use, or possession of e-cigarettes by minors; and to prohibit the sale of e-cigarettes to minors.

On January 13, 2013, Planning and Zoning Commission voted 7-0 to recommend approval of this Ordinance request, with the emendation to include electronic cigarette devices in the definition for items to comprise the sales within a Retail Electronic-Cigarette/Vaporizer Store.

Policy Considerations

Establishing regulations for the sale and use of tobacco/e-cigarette products is consistent with the City Council's goals of protecting health, safety and general welfare of the community. This is evidenced by the aforementioned Code of Ordinance amendments (Ord. No. 3209 and Ord. No. 3551). Ordinance Number 3209 was aimed at regulating the sales of tobacco and smoking paraphernalia. The intent of Ordinance Number 3551 was to prohibit the purchase, use, or possession of e-cigarettes by minors; and to prohibit the sale of e-cigarettes to minors.

The purpose of this Zoning Ordinance amendment is to further previous objectives by providing regulations for Retail Electronic-Cigarette/Vaporizer Stores and Hookah/Smoke Lounge uses. In summary, the proposed amendment would accomplish the following:

Retail Electronic-Cigarette/Vaporizer Store

The language in the proposed amendment will provide a definition for a new use -

Retail Electronic-Cigarette/Vaporizer Store, and provide regulations in the Permitted Uses table that would permit the use as a Special Use Permit in the General Commercial C-2 District, Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District.

The below definition will allow for ease in classification of the use by explaining the operation and quantifying the portion of the establishment dedicated to this use:

“A business establishment for which more than 50% of the gross floor area is dedicated to the storage, mixing, display and/or retail sale of nicotine-enriched solutions and/or liquid products that are manufactured for use with e-cigarettes.”

Hookah/Smoke Lounge

The language in the proposed amendment will provide a definition for a new use - Hookah/Smoke Lounge, and provide regulations in the Permitted Uses table that would permit the use as a Special Use Permit in the Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District.

As stated in the Background section of this staff report, some Retail Electronic-Cigarette/Vaporizer Stores have provided lounge areas to allow for on-site use/consumption of products purchased. The inclusion of a lounge area alters the function of the retail establishment; therefore, this additional use is proposed.

Retail Tobacco Store

The language in the proposed amendment will provide clarification for the Retail Tobacco store definition to allow for a more objective and quantifiable determination of use based on floor area. The current language defines a Retail Tobacco store as a “... store that sells mainly tobacco products...”; the amended definition defines a Retail Tobacco store as a “...business establishment for which more than 50% of the gross floor area is dedicated to the display and retail sale of tobacco products...”. The full language of the Retail Tobacco Store definition is included in the attached Draft Ordinance. The above references only include the language pertaining to quantifying the use.

It should be noted that if this Ordinance is passed, existing uses would be classified as Legal Nonconforming Uses and would be permitted to continue provided they are not abandoned for a period greater than six months. For clarification, the abandonment pertains to the use and not the operator/proprietor of the establishment.

Budgetary Considerations

None.

Staff Recommendations

Staff recommends approval of an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances, Chapter 11 "Zoning," Article 2, by adding definitions for Electronic Cigarette or E-Cigarette, Hookah/Smoke Lounge, Retail Electronic-Cigarette/Vaporizer Store; by amending the definition for Retail Tobacco Store; by amending Schedule I "Permitted Uses" to add Hookah/Smoke Lounge use in Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit; by amending Schedule I "Permitted Uses" to add Retail Electronic-Cigarette/Vaporizer Store in General Commercial C-2 District, Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit.



CITY COUNCIL

JANUARY 20, 2014

REQUEST

Conduct a public hearing and consider an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances, Chapter 11 "Zoning," Article 2, by adding definitions for Electronic Cigarette or E-Cigarette, Hookah/Smoke Lounge, Retail Electronic-Cigarette/Vaporizer Store; by amending the definition for Retail Tobacco Store; by amending Schedule I "Permitted Uses" to add Hookah/Smoke Lounge use in Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit; by amending Schedule I "Permitted Uses" to add Retail Electronic-Cigarette/Vaporizer Store in General Commercial C-2 District, Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit.



BACKGROUND

HISTORY / TIMELINE

In the past, the City of Sachse has adopted the following regulations pertaining to the sale/use/possession of tobacco, cigarette, smoking paraphernalia, and e-cigarettes:

- ❑ The City of Sachse adopted zoning regulations for Retail Tobacco Stores and Smoking Paraphernalia Establishments on May 3, 2010 via Ord. No. 3209.
- ❑ On December 2, 2013 via Ord. No. 3551, the City of Sachse adopted E-Cigarette Regulations with the main purpose being to prohibit the purchase, use, or possession of e-cigarettes by minors; and to prohibit the sale of e-cigarettes to minors.



POLICY CONSIDERATIONS

PROPOSED AMENDMENTS

Electronic Cigarette or E-Cigarette

- ❑ Added Definition (copy from Ord. No. 3551)

Definition

“Any device that uses an atomizer or similar device that allows users to inhale nicotine vapor or other vapor without the use of fire, smoke, or ash. The definition of e-cigarette shall include, but is not limited to, electronic cigars, electronic cigarillos, or electronic pipe, and any cartridge or other component of the device or related product including any liquid products that are manufactured for use with e-cigarettes. ”



POLICY CONSIDERATIONS

PROPOSED AMENDMENTS

Retail Electronic-Cigarette/Vaporizer Store

- Definition for a new use - Retail Electronic-Cigarette/Vaporizer Store
- Permitted as an SUP in the C-2, I-1 and I-2 Districts

Definition

“A business establishment for which more than 50% of the gross floor area is dedicated to the storage, mixing, display and/or retail sale of electronic cigarette devices, nicotine-enriched solutions and/or liquid products that are manufactured for use with e-cigarettes.”



POLICY CONSIDERATIONS

PROPOSED AMENDMENTS

Hookah/Smoke Lounge

- Definition for a new use – Hookah/Smoke Lounge
- Permitted as an SUP in the I-1 and I-2 Districts

Definition

“A business establishment for which the configuration of the floor area is to facilitate on-site consumption of tobacco, cigarette, and nicotine-enriched solutions. For clarification purpose, a hookah/smoke lounge and/or any other similar uses shall be considered an individual business class separated from a Retail Tobacco Store or a Retail Electronic-Cigarette/ Vaporizer Store.”



POLICY CONSIDERATIONS PROPOSED AMENDMENTS

Retail Tobacco Store

- Clarification of Definition

Definition

“A business establishment for which more than 50% of the gross floor area is dedicated to the display and retail sale of tobacco products such a cigars, pipe tobacco and cigarettes. This business may also sell tobacco accessories such as lighters, matches, cigarette holders and devices used to preserve tobacco, cigars or cigarettes, which are merely incidental to the sale of tobacco products.”



STAFF RECOMMENDATION

Staff recommends approval of the Ordinance as presented.

Planning & Zoning Commission Recommendation

On January 13, 2013, Planning and Zoning Commission voted 7-0 to recommend approval of this Ordinance request, with the amendment to include electronic cigarette devices in the definition for items to comprise the sales within a Retail Electronic-Cigarette/Vaporizer Store.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 11 “ZONING,” ARTICLE 2, BY ADDING DEFINITIONS FOR ELECTRONIC CIGARETTE OR E-CIGARETTE, HOOKAH/SMOKE LOUNGE, RETAIL ELECTRONIC-CIGARETTE/VAPORIZER STORE; BY AMENDING THE DEFINITION FOR RETAIL TOBACCO STORE; BY AMENDING SCHEDULE I “PERMITTED USES” TO ADD HOOKAH/SMOKE LOUNGE USE IN RESTRICTED MANUFACTURING AND WAREHOUSING I-1 DISTRICT AND GENERAL INDUSTRIAL I-2 DISTRICT BY APPROVAL OF A SPECIAL USE PERMIT; BY AMENDING SCHEDULE I “PERMITTED USES” TO ADD RETAIL ELECTRONIC-CIGARETTE/VAPORIZER STORE IN GENERAL COMMERCIAL C-2 DISTRICT, RESTRICTED MANUFACTURING AND WAREHOUSING I-1 DISTRICT AND GENERAL INDUSTRIAL I-2 DISTRICT BY APPROVAL OF A SPECIAL USE PERMIT; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sachse adopted the Zoning Regulations for the protection of the public health and general welfare of the people of the City of Sachse; and

WHEREAS, the City Council and the Planning and Zoning Commission have recognized that certain provisions of the Zoning Regulations should be reviewed and updated; and

WHEREAS, the City Council has a substantial interest in promoting the public health, safety, and welfare of the community and also promoting land use compatibility within the City; and

WHEREAS, the City Council recognizes the need to develop reasonable regulations regarding the location of retail tobacco stores, retail electronic cigarette/vaporizer stores and hookah/ smoke lounges; and

WHEREAS, the Planning and Zoning Commission of the City of Sachse and the governing body of the City of Sachse, in compliance with state laws applying to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Sachse is of the opinion that said comprehensive zoning ordinance should be amended as provided herein;

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

SECTION 1. The Code of Ordinances, City of Sachse, Texas, be amended, by amending Chapter 11, Zoning, in part, to read as follows:

“Chapter 11

ZONING

....

ARTICLE 2. DEFINITIONS

....

1.1

....

Electronic Cigarette or E-Cigarette. Any device that uses an atomizer or similar device that allows users to inhale nicotine vapor or other vapor without the use of fire, smoke, or ash. The definition of e-cigarette shall include, but is not limited to, electronic cigars, electronic cigarillos, or electronic pipe, and any cartridge or other component of the device or related product including any liquid products that are manufactured for use with e-cigarettes.

....

Hookah/Smoke Lounge. A business establishment for which the configuration of the floor area is to facilitate on-site consumption of tobacco, cigarette, and nicotine-enriched solutions. For clarification purpose, a hookah/smoke lounge and/or any other similar uses shall be considered an individual business class separated from a Retail Tobacco Store or a Retail Electronic-Cigarette/ Vaporizer Store.

....

Retail Electronic-Cigarette/Vaporizer Store. A business establishment for which more than 50% of the gross floor area is dedicated to the storage, mixing, display and/or retail sale of electronic cigarette devices, nicotine-enriched solutions and/or liquid products that are manufactured for use with e-cigarettes.

....

Retail Tobacco Store. A business establishment for which more than 50% of the gross floor area is dedicated to the display and retail sale of tobacco products such a cigars, pipe tobacco and cigarettes. This business may also sell tobacco accessories such as lighters, matches, cigarette holders and devices used to preserve tobacco, cigars or cigarettes, which are merely incidental to the sale of tobacco products.

....

SCHEDULE I. PERMITTED USES

COMMERCIAL	<i>Agricultural</i>	<i>Single Family R-39</i>	<i>Single Family R-15</i>	<i>Single Family R-12</i>	<i>Single Family R-10</i>	<i>Single Family R-E</i>	<i>Office Park</i>	<i>Mixed Use</i>	<i>Commercial-1</i>	<i>Commercial-2</i>	<i>Industrial-1</i>	<i>Industrial-2</i>	<i>Planned Development</i>	<i>Parking Requirements</i>
...											S	S	*	1/70 gfa
...										S	S	S	*	1/200 gfa
...														

”

SECTION 2. All provisions of the ordinances of the City of Sachse, Texas, in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be invalid, void or unconstitutional, the same shall not affect the validity of the remaining portions of this ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. An offense committed before the effective date of this ordinance is governed by the prior law and provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as hereby amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage, and publication of the caption, as the law and charter in such cases provide.

DULY APPROVED AND PASSED by the City Council of the City of Sachse, Texas
on the _____ day of _____, 2014.

APPROVED:

Mike Felix
Mayor

DULY ENROLLED:

Terry Smith
City Secretary

APPROVED AS TO FORM:

Peter G. Smith
City Attorney
(12-18-13/64042)