

## ORDINANCE 2556

**AN ORDINANCE AMENDING CHAPTER 27 OF THE HURST CODE OF ORDINANCES BY AMENDING SECTION 27-3 DEFINITIONS BY ADDING (29.1) CONVENIENCE STORE, (29.2) CBD/HEMP/CANNABIS STORE, AND (29.3) CANNABIS; AND BY AMENDING SECTION 27-12 LIMITED BUSINESS (C) PLANNED DEVELOPMENT USES BY ADDING (4) CONVENIENCE STORE AND CBD/HEMP/CANNABIS STORE, SECTION 27-13 GENERAL BUSINESS DISTRICT (C) PLANNED DEVELOPMENT USES BY ADDING (7) CONVENIENCE STORE AND CBD/HEMP/CANNABIS STORE, SECTION 27-14. OUTDOOR COMMERCIAL DISTRICT (C) PLANNED DEVELOPMENT USES BY ADDING (6) CONVENIENCE STORE AND CBD/HEMP/CANNABIS STORE; AND SECTION 27-15.1 TX 10 MULTI USE DISTRICT (c) PLANNED DEVELOPMENT USES BY ADDING CONVENIENCE STORE AND CBD/HEMP/CANNABIS STORE; BY AMENDING CHAPTER 12, LICENSES AND BUSINESSES, ARTICLE VIII, CONVENIENCE STORES BY ADDING NEW SECTIONS 12-731 AND 12-732, SPECIFIC USE PERMITS FOR CONVENIENCE STORES AND NEW SECTIONS 12-733 AND 12-734, SPECIFIC USE PERMITS FOR CBD/HEMP/CANNABIS STORES; PROVIDING A PENALTY; CONTAINING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.**

**WHEREAS,** the City of Hurst (the “City”) is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens’ health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

**WHEREAS,** the City Council has received recommendations of the Neighborhood Community Advisory Committee and the Planning and Zoning Commission concerning matters herein dealt with; and

**WHEREAS,** the City Council has determined that the Comprehensive Zoning Ordinance is periodically amended to add or clarify permitted uses within zoning sections or to more carefully regulate such uses; and

**WHEREAS,** the City Council has determined that the amendment to the Hurst Code of Ordinances herein made is in the best interest of the health, safety, and general welfare of the citizens of the City of Hurst;

**WHEREAS,** the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance, including but not limited to the Open Meetings Act; and

**WHEREAS,** the purposes of this Ordinance include protecting and promoting the public health, safety, and general welfare of the citizens of the City of Hurst.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS;**

SECTION 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That the City of Hurst, Texas Code of Ordinances be amended by amending Chapter 27 "Zoning", Section 27-3" Definitions by adding subsections 29.1, 29.2, and 29.3 to read as follows:

(29.1) Convenience Store A convenience store, bodega, convenience shop, corner store or corner shop is a small retail business that stocks a range of everyday items such as coffee, groceries, snack foods, confectionery, soft drinks, ice creams, tobacco products, lottery tickets, over-the-counter drugs, toiletries, newspapers and magazines.

(29.2) CBD/Hemp/Cannabis Store A store that sells products containing cannabidiol otherwise known as CBD, containing a tetrahydrocannabinol (THC) concentration of less than 0.3%; any product processed or manufactured for human consumption containing hemp; and/or any product containing cannabis.

(29.3) Cannabis Is any product derived from the plant *cannabis sativa* that has a tetrahydrocannabinol (THC) concentration of greater than 0.3%. SECTION 3. That the City of Hurst, Texas Code of Ordinances be amended by amending Chapter 27 "Zoning", Section 27-12 "Limited Business" by adding subsection (c)(4) to read as follows:

**Sec. 27-12 Limited Business.**

(c) *Planned development uses:*

(4) Convenience Stores and CBD/Hemp/Cannabis Stores

SECTION 4. That the City of Hurst, Texas Code of Ordinances be amended by amending Chapter 27 "Zoning", Section 27-13 "General Business District": by adding subsection (c)(7) to read as follows:

**Sec. 27-13.GB General Business District.**

(c) *Planned development uses:*

(7) Convenience Stores and CBD/Hemp/Cannabis Stores

SECTION 5. That the City of Hurst, Texas Code of Ordinances be amended by amending Chapter 27 "Zoning", Section 27-14 "OC Outdoor Commercial District": by adding subsection (c)(6) to read as follows:

**Sec. 27-14 OC Outdoor Commercial District**

(c) *Planned development uses:*

(6) Convenience Stores and CBD/Hemp/Cannabis Stores

SECTION 6. That the City of Hurst, Texas Code of Ordinances be amended by amending Chapter 27 “Zoning”, Section 27-15.1 “TX-10’ Texas Highway 10 Multi Use District” by deleting the current subsection (c) and adding subsection (c) below to read as follows:

**Sec. 27-15.1 “TX-10” Texas Highway 10 Multi Use District**

(c) *Planned development uses.* The following uses are permitted in the Highway 10 Multiuse District subject to the general conditions, regulations contained in this section, other sections as may be applicable, and regulations or conditions as may be imposed by the planned development application and the accompanying site plan and ordinance adopting such site plan: Convenience stores, CBD/Hemp/Cannabis stores, Electronic-cigarette sales, Tattoo studio, outdoor automotive and equipment sales, multifamily residences, lodges, civic clubs, fraternal organizations, day care, churches, veterinary clinics, contractor services, electrical power substations, theme parks, and pawn shops. Other planned development uses may be considered if they meet the general purpose of the Texas Highway 10 Multiuse District.

SECTION 7. THAT the City of Hurst Code of Ordinances, Chapter 12 is amended with a new sections 12-731 and 12-732 as follows:

**Sec. 12-731. – Convenience Store Required Specific Use Permit.**

- (a) A convenience store specific use permit issued under the process set out in this article shall be required for any proposed convenience store to be located within the city on public or private property.
- (b) No convenience store shall be constructed or operated except with approval of a specific use permit with conditions established at public hearings by the planning and zoning commission and the city council.

**Sec. 12-732 – Convenience Store Application and Fees**

- (a) In writing; applicant/operator authorized to act. Every application for a convenience store specific use permit issued pursuant to this article shall be in writing signed by the operator, or some person duly authorized to sign on his behalf and filed with the planning and development department.

- (b) The applicant for a specific use permit for a convenience store shall include as part of the specific use permit application the following:
1. A detailed site plan which identifies the location of all improvements, lighting, paving, signage, and traffic plans for the location.
  2. A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, location descriptions for all product sales, locations of check-out registers and all building ingress and egress points.
  3. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum, the following:
    - a. Surveillance camera system to record audio and video of the interior and exterior of the premises;
    - b. Video and audio recording and storage system with minimum thirty (30) day retention;
    - c. Commercially monitored alarm system with appropriate permit;
    - d. Drop safes anchored to the floor.
- (c) Details should be provided concerning any proposed features that adhere to any crime prevention through environmental design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.
- (d) The detailed site plan must meet the following minimum requirements:
1. The front building façade shall be a minimum of eighty (80) percent non-tinted, clear glass;
  2. No curtain, display, hanging, sign, storage, or other obstruction that prevents a clear view of the interior of a convenience store;
  3. The exterior premises must be lit to the maximum allowed under the zoning ordinance.

SECTION 8. THAT the City of Hurst Code of Ordinances, Chapter 12 is amended with a new sections 12-733 and 12-734 as follows:

**Sec. 12-733. – CBD/Hemp/Cannabis Store Required Specific Use Permit.**

- (c) A CBD/Hemp/Cannabis store specific use permit issued under the process set out in this article shall be required for any proposed CBD/Hemp/Cannabis store to be located within the city on public or private property.
- (d) No CBD/Hemp/Cannabis store shall be constructed or operated except with approval of a specific use permit with conditions established at public hearings by the planning and zoning commission and the city council.

**Sec. 12-734 – CBD/Hemp/Cannabis Store Application and Fees**

- (e) In writing; applicant/operator authorized to act. Every application for a CBD/Hemp/Cannabis store specific use permit issued pursuant to this article shall be in writing signed by the operator, or some person duly authorized to sign on his behalf and filed with the planning and development department.
- (f) The applicant for a specific use permit for a CBD/Hemp/Cannabis store shall include as part of the specific use permit application the following:
  - 1. A detailed site plan which identifies the location of all improvements, lighting, paving, signage, and traffic plans for the location.
  - 2. A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, location descriptions for all product sales, locations of check-out registers and all building ingress and egress points.
  - 3. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum, the following:
    - 4. Surveillance camera system to record audio and video of the interior and exterior of the premises;
    - 5. Video and audio recording and storage system with minimum thirty (30) day retention;
    - 6. Commercially monitored alarm system with appropriate permit;
    - 7. Drop safes anchored to the floor.
- (g) Details should be provided concerning any proposed features that adhere to any crime prevention through environmental design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

(h) The detailed site plan must meet the following minimum requirements:

4. The front building façade shall be a minimum of eighty (80) percent non-tinted, clear glass;
5. No curtain, display, hanging, sign, storage, or other obstruction that prevents a clear view of the interior of a CBD/Hemp/Cannabis store;
6. The exterior premises must be lit to the maximum allowed under the zoning ordinance.

SECTION 9. THAT 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 of the City of Hurst, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) or Five Hundred (\$500.00), as applicable, for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 10: THAT it is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 11: THAT this ordinance shall become effective and shall be in full force and effect from and after the final date of passage and adoption by the City Council of the City of Hurst, Texas and following publication as provided by law.

SECTION 12: THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause of this ordinance as an alternative method of publication provided by law.

AND SO IT IS ORDERED.

PASSED on the first reading on the 12<sup>th</sup> day of December 2023 by a vote of 6 to 0.

PASSED on the second reading on the 9<sup>th</sup> day of January 2024 by a vote of 6 to 0.

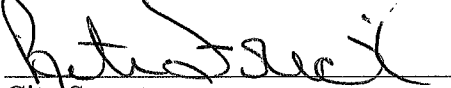
CITY OF HURST



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Henry Wilson, Mayor

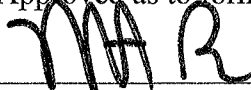
ATTEST:



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City Secretary

Approved as to form and legality:



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City Attorney