



**NOTICE OF A SPECIAL MEETING
BRENHAM PLANNING AND ZONING COMMISSION
MONDAY, APRIL 7, 2025, AT 5:15 PM
SECOND FLOOR CITY HALL BUILDING
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

1. Call Meeting to Order

2. Public Comments

[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]

3. Reports and Announcements

CONSENT AGENDA

4. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that the Commission may act on with one single vote. A Commissioner may pull any item from the Consent Agenda in order that the Commission discuss and act upon it individually as part of the Regular Agenda.

4-a. Minutes from February 24, 2025, Planning and Zoning Commission Meeting.

4-b. Case Number LOTLINE-25-0005: A request by the Brenham Community Development Corporation (BCDC) for approval of a Replat (Commercial) of Lot 2, Southwest Industrial Park Section III to create Lot 2-A, containing 29.124-acres, and Lot 2-B, containing 19.868-acres, and dedication of 1.199-acres of Right-of-Way to the City of Brenham for the future extension of Longwood Drive, being a total of 50.191-acres currently addressed as 2602 Longwood Drive, and further described as part of the Philip Coe Survey, A-31, in Brenham, Washington County, Texas.

REGULAR AGENDA

5. Public Hearing, Discussion and Possible Action on Case Number LOTLINE-25-0004: A request by Sanvaez Properties, LLC for approval of a Replat of the middle part of Lot 26 of the Norris Addition (unrecorded) to create Lot 1 of the Sanvaez Addition containing 0.215-acres currently addressed as 1005 Nelson Street, and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

6. **Public Hearing, Discussion and Possible Action on Case Number TEXT AMEND-25-001: A City initiated request to amend the City of Brenham’s Code of Ordinances, Appendix A: Zoning to create two (2) definitions in Section 5.02, Definitions, to define Smoke Shop and Vape Shop uses, and; to amend Section 4.02, Permitted uses within the B-2, Commercial, Research, and Technology District to include the two new defined uses within the list of permitted uses:**

- **Appendix A: Zoning, Part I, Division 1, Section 5.02, instating proposed definitions to Smoke Shop and Vape Shop uses, to include distance requirements; and**
- **Appendix A: Zoning, Part II, Division 2, Section 4.02, regarding the addition of Smoke Shop and Vape Shop uses to the list of permitted uses within the B-2, Commercial, Research and Technology District.**

7. **Adjourn**

CERTIFICATION

I certify that a copy of April 7, 2025, agenda of items to be considered by the Planning & Zoning Commission, was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on April 3, 2025, at 9:00 a.m.

Kim Hodde

Kim Hodde, Planning Technician

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the _____ day of _____, 2025 at _____.

Signature

Title

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
FEBRUARY 24, 2025**

The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.

A regular meeting of the Brenham Planning and Zoning Commission was held on February 24, 2025, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

M. Keith Behrens, Chair
Deanna Alfred, Vice Chair
Chris Cangelosi
Darren Heine
Calvin Kossie

Commissioners absent:

Cayte Neil
Cyndee Smith

Staff present:

Stephanie Doland, Development Services Director
Shauna Laauwe, City Planner
Kim Hodde, Planning Technician

Citizens/Media present:

Donald W. Lampe,	DaShawn Wright
Connie Wilder	Duane Ahrens
Angela Miller	Randy Bayer
Blaine Hayes	Sarah Forsythe, Brenham Banner
Stacey Hayes	Joshua Blaschke, KWHI
Roger Hayes	

1. Call Meeting to Order

Chairman Behrens called the meeting to order at 5:15 pm with a quorum of five (5) Commissioners present.

2. Public Comments

There were no public comments.

3. Reports and Announcements

There were no reports or announcements.

4. Statutory Consent Agenda

The Statutory Agenda includes non-controversial and routine items that the Commission may act on with one single vote. A Commissioner may pull any item from the Consent Agenda in order that the Commission discuss and act upon it individually as part of the Regular Agenda.

- 4-a. Minutes from January 27, 2025, Planning and Zoning Commission Meeting.**
- 4-b. Case Number LOTLINE-25-0003: A request by Comcast Cable Communication Management, LLC for approval of a Replat (Commercial) of Tract 1 of the Brian O’Leary Division No. 1 to create Tract 1R, being 1.491-acres, and further described as part of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas.**
- 4-c. Case Number SUBPRE-25-0001: A request from Ronnie Gibson, Sr. and Jorge Luis Vega-Flores for approval of a Preliminary Plat of the Gibson & Vega Subdivision creating Lot 1 containing 1.000-acres and Lot 2 containing 2.132-acres, being further described as part of the James Walker Survey, A-106 in Brenham, Washington County, Texas.**
- 4-d. Case Number SUBFIN-25-0001: A request from Ronnie Gibson, Sr. and Jorge Luis Vega-Flores for approval of a Final Plat of the Gibson & Vega Subdivision creating Lot 1 containing 1.000-acres and Lot 2 containing 2.132-acres, being further described as part of the James Walker Survey, A-106 in Brenham, Washington County, Texas.**

Chairman Behrens called for a motion for the statutory consent agenda. A motion was made by Commissioner Cangelosi and seconded by Commissioner Alfred to approve the Statutory Consent Agenda (Items 4-a to 4-d), as presented. The motion carried unanimously.

REGULAR SESSION

- 5. Public Hearing, Discussion and Possible Action on Case Number LOTLINE-25-0002: A request by Cornelia Wilder for approval of a Replat of Lot 38 of the West Main Street Addition to create Lot 38A containing 0.258-acres and Lot 38B containing 0.256-acres, being a total of 0.514-acres currently addressed as 409 W. Alamo Street, and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. LOTLINE-25-0002. Ms. Laauwe stated that the property owner and applicant is Cornelia Wilder and the surveyor is Donald W. Lampe / Lampe Surveying, Inc. The subject property, currently identified as Lot 38 of the West Main Street Addition, is approximately 0.514-acres total and is generally located on the south side of W. Alamo Street and extends south through to Peabody Street. The property is currently developed with an existing single-family residence and several accessory buildings. The property owner would like to replat the existing lot into two lots with proposed Lot 38A being 0.258-acres and proposed Lot 38B being 0.256-acres for the future development of an additional single-family residence on proposed Lot 38B.

A Public Hearing Notice was published in the Banner Press and notices were mailed to property owners within 200 feet of the subject properties on February 6, 2025. Three written citizen comments were received in support of the request from Cheryl and Frank Dutil of 501 W. Main Street, Sean Phillips of 410 W. Alamo Street, and Suzanne Callaway of 501 Peabody Street.

Chairman Behrens closed the regular session and opened the public hearing at 5:20 pm. There were no public comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 5:20 pm.

A motion was made by Commissioner Alfred and seconded by Commissioner Kossie to approve the request by Cornelia Wilder for approval of a Replat of Lot 38 of the West Main Street Addition to create Lot 38A containing 0.258-acres and Lot 38B containing 0.256-acres, being a total of 0.514-acres currently addressed as 409 W. Alamo Street, as presented. The motion carried unanimously.

WORKSHOP AGENDA

6. Discussion and Possible Direction to Staff on Case No. P-25-WKSHP-001: Concerning a Text Amendment to Appendix A – Zoning of the Code of Ordinances, specifically to Section 5.02 Definitions, to add definitions for Vape Shop and Smoke Shop, and to the B-2, Commercial, Research and Technology District to allow Vape Shops and Smoke Shops as a Permitted Use.

Shauna Laauwe, City Planner, presented the staff report for Case No. LOTLINE-25-0001. Ms. Laauwe stated that the Development Services Department is researching amendments to the Code of Ordinances, Appendix A – Zoning, to regulate the use of vape and smoke shops in the City of Brenham. In recent years, the City of Brenham has seen an increase in the number of permits for vape and smoke shops that are currently an undefined use and have been simply regarded as a general retail use in current commercial zoning districts to include the B-1, Local Business/Residential Mixed-Use District and downtown districts. The City of Brenham currently has seven (7) businesses that primarily sell vape and other tobacco products. The staff report said that there were eight; however, one of these is a convenience store and vape products are not their main source of business. These numbers do not include the recently closed Lucky's Hookah Lounge that was located at 216 E Main Street in downtown and Smoke World Smoke Shop that is now listed as temporarily closed.

Electronic cigarettes, also known as e-cigarettes and vapes, were invented in 2003. E-cigarettes come in a variety of shapes and sizes, but the components typically include a battery, heating element, and a place to hold liquid. The liquid, that may contain nicotine, flavorings, and other chemicals, is heated to make an aerosol that is breathed into the lungs.¹ Though considered smokeless, bystanders may also breathe in the aerosol when the user exhales into the air.² It has also been found that since 2014, e-cigarettes have been the most used tobacco product among youth and young adults.³ In addition, the Centers of Disease Control studies show that e-cigarettes appeal to young people due to flavoring and taste, curiosity, and low perceptions of harm. Due to concerns of the growing number of vape and smoke shop businesses that have formed over the last few years, many Texas communities have adopted ordinances restricting vape shops and similar tobacco businesses based on the concerns for the health, safety and welfare of their residents. In 2023, State laws were enacted that prohibit vaping in public schools and regulated the use of vape products to individuals over the age of 21. The current 89th Texas Legislature Session has seen many bills introduced that could potentially enact minimum distances of vape and smoke shops from uses such as public schools, churches, similar uses, and residential neighborhoods. Currently there are nine (9) bills being considered by the Texas Legislature.

In researching municipal vape shop regulations, city staff compared the requirements of seven cities throughout Texas. Please refer to Appendix A that summarizes the explicit standards regarding vape and tobacco shops that have been adopted in the researched cities since 2023. The regulations found are

¹ Centers for Disease Control and Prevention. (2024). About E-Cigarettes

² Ibid.

³ Centers for Disease Control and Prevention. (2023). E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. https://www.cdc.gov/tobacco/sgr/e-cigarettes/pdfs/2016_sgr_entire_report_508.pdf

comparable to one another as each municipality amended their zoning or unified develop codes to define vape shop use, with some also defining and restricting “smoke shops” and “lounges.” The City of Sugar Land banned new vape shops, smoke shops and hookah bars outright and grandfathered existing affected shops with limits on expansions. However, most municipalities chose to place location buffers on such businesses, from between 300 to 1,000 feet from public and private schools, churches, and similar establishments, with some also restricted distances from single-family zoned property, hospitals and public parks. Lastly, about half of the researched municipalities placed limited hours of operation, with none having a closing time later than 10PM.

After reviewing the research and considering the needs and opportunities within the City of Brenham, City Staff narrowed down the vape and smoke shop recommendations for the Planning and Zoning Commission and City Council to consider. Staff chose not to regulate the hours of operation as this is hard to regulate and enforce. Staff recommends that smoke shops and vape shops should be categorized as defined uses rather than general retail uses. This is accomplished by adding a definition for each use in Appendix A: Zoning Ordinance under Section 5.02 and then listing the use as either a permitted or a specific use within a zoning district. Given the health effects and studies showing the prevalence of e-cigarette use in youth and recent State Laws, staff finds that smoke shop and vape shop uses should be listed as permitted uses in the B-2, Commercial, Research, and Technology District. As permitted uses in the B-2 District, the uses would be limited to the B-2 District and the I, Industrial District, which allows all permitted commercial uses. The smoke shop and vape shop uses would not be allowed in the B-1, Local Business and Residential Mixed-Use District, or in the downtown districts that include the B-3, Historical Central Business District and B-4 Neighborhood Business District. Existing smoke and vape shops in the B-1, B-3, or B-4 Districts would become legally nonconforming uses (grandfathered uses). There are currently three (3) existing smoke and vape shops in the B-1 Zoning District and there may be two in the B-2 district that are either too close to residential or hospital uses. The existing smoke and vape shops located in the B-1 Zoning District would be allowed to expand but only with approval of a specific use permit. If an existing grandfathered use is voluntarily discontinued for one year, the use may not be reestablished.

In addition, the proposed definitions also include use distance requirements that are like those imposed by the Texas Alcoholic and Beverage Commission (TABC) for alcohol and liquor sales. Lastly, it should be noted that lounge uses, such as cigar or hookah lounges, are not affected by these proposed regulations as they are establishments for consumption by adults that are 21 or older and not solely for the sale of e-cigarettes or tobacco products.

Staff recommendations:

- Defining smoke shops and vape shops, similar to the City of Leander.
 - Smoke Shop: A retail outlet whose main purpose is selling tobacco products, as that term is defined by the Food and Drug Administration, and smoking equipment. Smoke shops shall have a minimum distance (from property lines) of 300 feet from single-family residential use; and 1,000 feet from public or private schools, public parks, religious facility, public hospital, day care facility, and from another Smoke Shop that is in current operation.
 - Vape Shop: A retail outlet whose main purpose is selling vaping products. Vaping means using a vaporizer or inhalant-type device, also known as an electronic cigarette, that contains a power source and heating element designed to heat a substance and inhaling the vapor of the device directly through the mouth, whether or not the vapor contains nicotine. Vape shops shall have a minimum distance (from property lines) of 300 feet from single-family residential use; and 1,000 feet from public or private schools, public

parks, religious facilities, public hospital, public hospital, day care facility, and from another Vape Shop that is in current operation.

- District restrictions:
 - Permitted in B-2, Research and Technology District and Industrial Districts

- Use Distances:
 - 1000 feet from public and private schools, public park, religious facility, public hospital, and from another vape shop that is in current operation.

 - 300 feet from single-family residential uses.

Based on the research and request, staff recommends that the Planning and Zoning Commission and City Council consider text amendments to restrict new vape shops and smoke shops. Staff recommends the text amendments include restricting the uses to the B-2 and I, Industrial districts, requiring a minimum distance from churches, public and private schools, public parks, day care centers, single-family residential uses, and other vape shop uses.

In conclusion, Staff is seeking feedback from the Planning and Zoning Commission regarding the proposed text amendments.

In response to Commissioner questions, Ms. Laauwe clarified the following:

- The 300' buffer to the residential is to protect the residential neighborhoods from potential nuisances similar to the existing buffer yard requirements in place between commercial and residential uses.
- The Texas Legislature may discuss and regulate separation distances but they will not discuss zoning or in which zoning districts, the use may be allowed.

Duane Ahrens lives at 70 New Wehdem Road and stated that he is with Texas Premium Hemp producers. They are not in the tobacco business; they produce hemp products (CBD). They currently have all edible products – no vapes. Their products are mainly sold for medicinal uses not recreational uses. Their products include gummies, tinctures, dog products, etc. However, the market is out there for CBD vape products. If they sold CBD vapes in a store front, would they be considered a smoke shop or vape shop since it is not a tobacco product? Stephanie Doland stated that the proposed definition describes the vaporizer or inhalant type device which would include CBD vapes; however, if vaping products are not the main purpose of the business, it would likely not be considered a vape shop.

Blaine Hayes, owner and operator of Haze Hemp, stated that he was just curious about whether his existing hemp store would be a non-conforming use / grandfathered. He stated that although they do have a nicotine license, they do not have 50% of their sales being nicotine.

Randy Bayer who owns Brown Water Cigar Bar stated that he is unsure of the definition of a smoke shop where it says the main purpose is selling tobacco. He would like it to be further clarified because he does not have a smoke shop but 65% of his business is selling tobacco (premium cigars). He does not have any cigarettes, e-cigarettes or vape sales. He only sells 100% premium cigars and pipe tobacco. Mr. Bayer stated that in August 2023, the US District Court ruled to exclude premium cigars from the FDA's regulation of cigarettes since there are distinct requirements for "premium cigars". He further stated that in Louisville, Kentucky banned smoking in all city establishments; however, the Kentucky Legislation has recently introduced a bill to allow smoking in cigar lounges. Mr. Bayer just wants to make sure that his Cigar Lounge and sale of premium cigars does not get lumped into the Smoke Shop definition to the sale of tobacco products.

Stephanie Doland stated that since on-site consumption is not allowed at smoke shops or vape shops, clarification could be added since consumption is allowed at a “lounge”.

Darren Heine stated that he doesn’t understand the real issue with the 300’ requirement from residential. Why should we be more restrictive with vape and smoke shops than we are with convenience stores. Several commissioners agreed. The consensus was not to proceed with the distance requirements to single family residential uses.

Commissioner Heine also stated that we might consider waiting until after the legislative session and incorporate any changes that might come about as a result of the Legislative Session. The next step will be a workshop presentation at the City Council meeting on March 6th.

7. Adjourn.

A motion was made by Commissioner Kossie and seconded by Commissioner Heine to adjourn the meeting at 5:54 pm. The motion carried unanimously.

The City of Brenham appreciates the participation of our citizens, and the role of the Planning and Zoning Commissioners in this decision-making process.

Certification of Meeting Minutes:

_____	<u>M. Keith Behrens</u>	<u>April 7, 2025</u>
Planning and Zoning Commission	Chair	Meeting Date
_____	<u>Kim Hodde</u>	<u>April 7, 2025</u>
Attest	Staff Secretary	Meeting Date



CASE: LOTLINE-25-0005
REPLAT: LOT 2 OF THE SOUTHWEST INDUSTRIAL PARK (SWIP), SECTION III
TO CREATE LOT 2-A AND LOT 2-B

PLAT TITLE: Replat of Lot 2 of the Southwest Industrial Park, Section III to create Lot 2-A and Lot 2-B **CITY/ETJ:** City Limits

PLAT TYPE: Commercial Replat

STAFF CONTACT: Shauna Laauwe ACIP, City Planner

OWNER: Brenham Community Development Corporation (BCDC)

APPLICANT/AGENT: Owners / Gessner Engineering (Glenn T. Dial)

LOT AREA /LOCATION: 50.191-acres / 2602 Longwood Drive

PROPOSED LEGAL DESCRIPTION: Lot 2-A and Lot 2-B of the Southwest Industrial Park, Section III in Brenham, Washington County, Texas

ZONING DISTRICT: I, Industrial District

EXISTING USE: Vacant Land

COMP PLAN Industrial

FUTURE LAND USE:

REQUEST: A request by the Brenham Community Development Corporation (BCDC) for approval of a Replat (Commercial) of Lot 2, Southwest Industrial Park Section III to create Lot 2-A, containing 29.124-acres, Lot 2-B, containing 19.868-acres of the Southwest Industrial Park Section III, and 1.199 acres for right-of-way dedication for a total of 50.191-acres currently addressed as 2602 Longwood Drive, and further described as part of the Philip Coe Survey, A-31, in Brenham, Washington County, Texas.

BACKGROUND:

The subject property, identified as Lot 2 of the Southwest Industrial Park (SWIP), Section III, is owned by the Brenham Community Development Corporation. Lot 2 is undeveloped and is currently addressed as 2602 Longwood Drive. The subject property is generally located on the south side of Longwood Drive and east of Industrial Boulevard. The owner would like to replat this one tract into two tracts for future development. Lot 2-A is proposed to contain 29.124-acres of land and Lot 2-B is proposed to contain 19.868-acres of land. The proposed replat includes a dedication of 1.199 acres of right-of-way to allow for the extension of Longwood Drive per the Thoroughfare Plan. In addition, the proposed replat also includes the building setback lines in relation to established property lines, a temporary easement at the existing cul-de-sac until the Longwood Drive extension is complete, an existing 15-foot public utility

easement along the Longwood Drive property line, an existing 30-foot utility easement along the Industrial Boulevard property line, as well as a 30-foot drainage and utility easement along the southern property line.

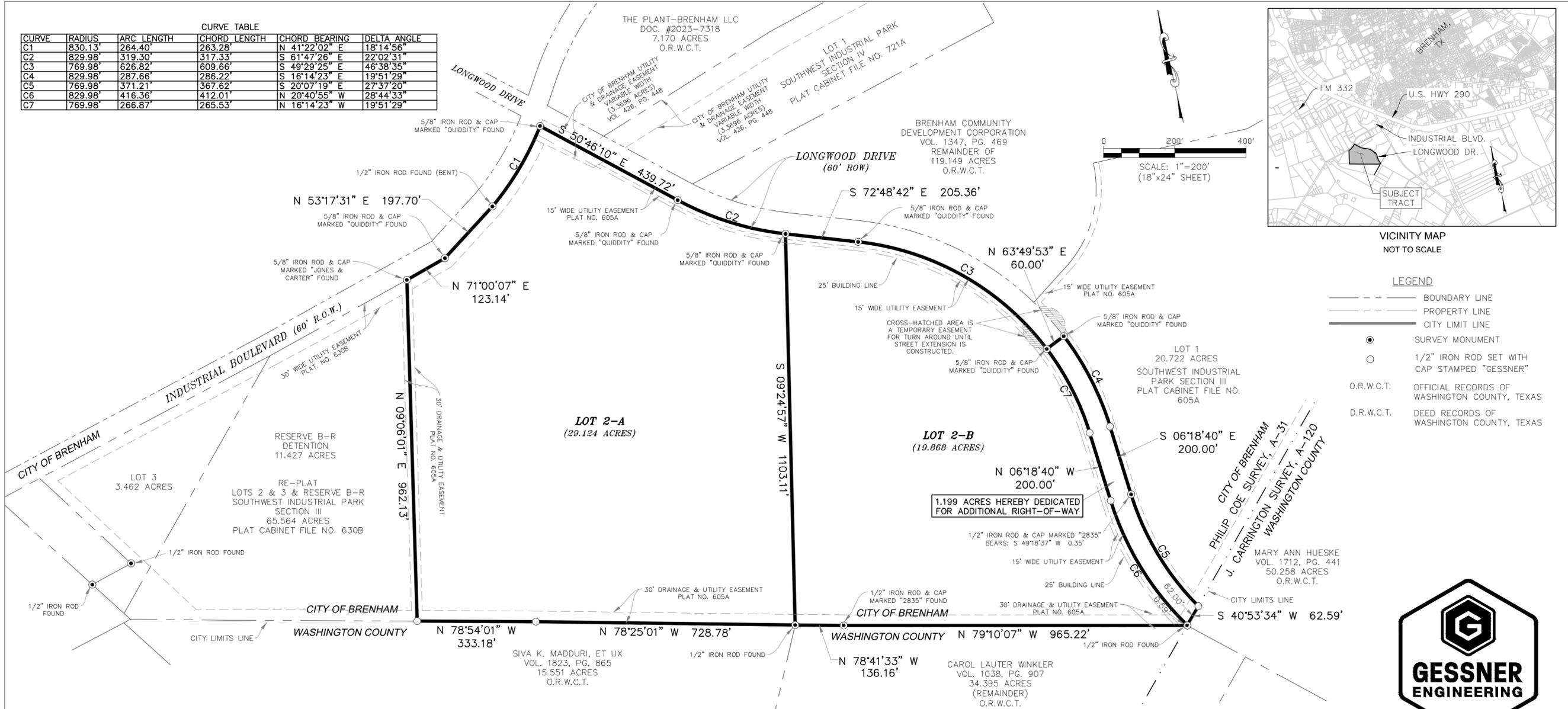
STAFF RECOMMENDATION:

Development Services staff and Engineering have reviewed the proposed Commercial Replat for compliance of the City of Brenham's regulations and ordinances and **recommends approval** of the proposed commercial Replat as presented.

EXHIBITS:

- A. Proposed Commercial Replat

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	830.13'	264.40'	263.28'	N 41°22'02" E	18°14'56"
C2	829.98'	319.30'	317.33'	S 61°47'26" E	22°02'31"
C3	769.98'	626.82'	609.66'	S 49°29'25" E	46°38'35"
C4	829.98'	287.66'	286.22'	S 16°14'23" E	19°51'29"
C5	769.98'	371.21'	367.62'	S 20°07'19" E	27°37'20"
C6	829.98'	416.36'	412.01'	N 20°40'55" W	28°44'33"
C7	769.98'	266.87'	265.53'	N 16°14'23" W	19°51'29"



OWNER ACKNOWLEDGEMENT

BREHAM COMMUNITY DEVELOPMENT CORPORATION, THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHOSE NAME IS SUBSCRIBED HERETO, DOES HEREBY OFFER, ADOPT AND ACKNOWLEDGE THE SUBDIVISION OF SAID PROPERTY IN ACCORDANCE WITH THE PLAT SHOWN HEREON.

CAROLYN MILLER
PRESIDENT
BREHAM COMMUNITY DEVELOPMENT CORPORATION

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS }
COUNTY OF WASHINGTON }

THE INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2025,
BY CAROLYN MILLER, PRESIDENT, ON BEHALF OF SAID CORPORATION.

NOTARY PUBLIC, STATE OF TEXAS

NOTARY PRINTED NAME

NOTARY COMMISSION EXPIRATION

CERTIFICATE OF CITY PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____, 2025,
BY THE CITY PLANNING COMMISSION OF THE CITY OF BREHAM, TEXAS.

CHAIRMAN

SECRETARY

COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT

STATE OF TEXAS }
COUNTY OF WASHINGTON }

I, NICHOLAS PRENZLER, CLERK OF THE COUNTY COURT OF WASHINGTON COUNTY, TEXAS DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATION OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON THE _____ DAY OF _____, 2025, AT _____ O'CLOCK _____ M. AND DULY RECORDED IN PLAT SHEET _____ OF THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE, AT BREHAM, WASHINGTON COUNTY, TEXAS, THE DAY AND DATE LAST WRITTEN ABOVE.

NICHOLAS PRENZLER
CLERK OF THE COUNTY COURT
WASHINGTON COUNTY, TEXAS

DRAINAGE NOTE:

DRAINAGE PATTERNS FOR LOTS 2A AND 2B SHALL ADHERE TO SWIP III DRAINAGE AND DETENTION REPORT, JONES & CARTER NOV, 2012 (DRAINAGE REPORT). LOT TO LOT FLOWS SHALL NOT BE IMPEDED; AND MAY BE COLLECTED AND CONVEYED IN ACCORDANCE WITH THE DRAINAGE REPORT.

SURVEYOR'S ACKNOWLEDGEMENT

THIS IS TO CERTIFY THAT I, GLENN T. DIAL, A REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5168, IN THE STATE OF TEXAS, HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BREHAM, TEXAS.

GLENN T. DIAL, R.P.L.S. NO. 5168
FIELD WORK PERFORMED
MARCH 26, 2025



NOTES:

- BEARINGS BASED ON GRID NORTH (NAD83), TEXAS STATE PLANE - CENTRAL ZONE, OBTAINED FROM GPS OBSERVATION. COORDINATES SHOWN HEREON ARE GRID, NAD83 DATUM, TX. STATE PLANE - CENTRAL ZONE, EXPRESSED IN U.S. SURVEY FEET.
- THE SUBJECT TRACT DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, TEXAS (UNINCORPORATED AREAS), COMMUNITY NO. 480648, PANEL NO. 0295C, MAP NO. 48477C0295C, EFFECTIVE DATE: AUGUST 16, 2011.
- SUBJECT TO BUILDING SETBACK LINES AND YARD REQUIREMENTS ACCORDING TO ZONE AND USE AS SET FORTH IN THE CITY OF BREHAM ZONING ORDINANCE.
- THIS SURVEY WAS CONDUCTED WITH THE BENEFIT OF A TITLE COMMITMENT ISSUED BY REPUBLIC TITLE OF TEXAS, INC. GF NO.1002-389214-RTT, EFFECTIVE DATE: SEPTEMBER 22, 2023.
- ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- THIS PLAT DOES NOT INTEND TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

**RE-PLAT OF
LOT 2,
SOUTHWEST INDUSTRIAL
PARK SECTION III,
TO CREATE
LOT 2-A, 29.124 ACRES &
LOT 2-B, 19.868 ACRES &
1.199 ACRES FOR
RIGHT-OF-WAY DEDICATION
FOR A TOTAL OF
50.191 ACRES**

PHILIP COE SURVEY, ABSTRACT 31,
CITY OF BREHAM,
WASHINGTON COUNTY, TEXAS
SCALE: 1"=200' MARCH, 2025

OWNED & DEVELOPED BY:
BREHAM COMMUNITY DEVELOPMENT CORPORATION
200 W. VULCAN STREET
BREHAM, WASHINGTON COUNTY, TEXAS 77833



CIVIL | CMT | GEOTECHNICAL
STRUCTURAL | SURVEY

CORPORATE OFFICE
401 W 26TH ST
BRYAN, TEXAS 77803
www.gessnerengineering.com

BREHAM 979.836.6855
BRYAN 979.680.8840
FORT WORTH 817.405.0774
GEORGETOWN 512.930.5832
SAN ANTONIO 210.305.4792

TBPELS FIRM REGISTRATION
NUMBERS:
F-7451 & F-101914599

REPLAT

ISSUE DATE: 3/26/25
DRAWN BY: TPD/GTD
CHECKED BY: GTD
PROJECT #: 25-0092



CASE LOTLINE-25-0004
REPLAT: MIDDLE PART OF LOT 1 OF THE NORRIS ADDITION (UNRECORDED)
TO CREATE LOT 1 OF THE SANVAEZ ADDITION

PLAT TITLE: Replat of middle part of Lot 1 of the Norris Addition (unrecorded) to create Lot 1 of the Sanvaez Addition **CITY/ETJ:** City Limits

PLAT TYPE: Residential Replat

OWNERS: Sanvaez Properties, LLC

APPLICANT/AGENT: Owners / Kerr Surveying (Reid Ullrich)

LOT AREA /LOCATION: 0.215-acres located at 1005 Nelson Street

PROPOSED LEGAL DESCRIPTION: Lot 1 of the Sanvaez Addition in Brenham, Washington County, Texas

ZONING DISTRICT: R-1, Single Family Residential

EXISTING USE: Vacant land

COMP PLAN FUTURE LAND USE: Single-Family Residential

REQUEST: A request by Sanvaez Properties, LLC for approval of a Replat of the middle part of Lot 26 of the Norris Addition (unrecorded) to create Lot 1 of the Sanvaez Addition containing 0.215-acres currently addressed as 1005 Nelson Street, and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

BACKGROUND:
The subject property, currently identified as the middle part of Lot 1 of the Norris Addition (unrecorded), is owned by Sanvaez Properties, LLC. The subject property is approximately 0.215-acres total and generally located on the north side of Nelson Street, west of Kerr Street. The property is currently vacant land. The property owner would like to replat the property for the future development of a single-family residence on proposed Lot 1.

STAFF RECOMMENDATION:
Development Services staff and Engineering have reviewed the proposed residential Replat for compliance with the City of Brenham’s regulations and ordinances and **recommend approval** of the proposed residential Replat as presented.

EXHIBITS:
A. Proposed residential Replat

GENERAL NOTES

THIS TRACT LIES WITHIN FLOOD ZONE 'X' UNSHADED AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WASHINGTON COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48477C0295C, EFFECTIVE DATE: 08-16-2011.

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORRS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.00002217183095 (CALCULATED USING GEOID12B).

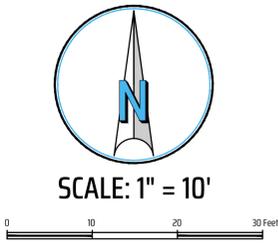
(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED TO REFLECT THE TITLE COMMITMENT ISSUED BY BLUEBONNET ABSTRACT AND TITLE, LLC, GF NO. 24-617-WASH, EFFECTIVE DATE: 3-04-2025. NO SURVEY RELATED ITEMS WERE LISTED UNDER SCHEDULE B.

ALL KNOWN OR APPARENT OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE, ANY BUILDING LINES REQUIRED BY THE CITY OF BRENHAM CODE ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.



LEGEND:

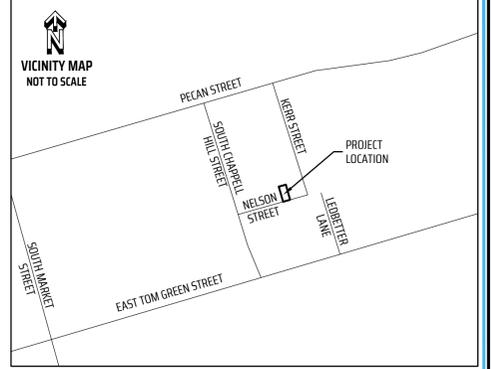
DRWCT = DEED RECORDS OF WASHINGTON COUNTY, TEXAS

ORWCT = OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS

123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS

N/F = NOW OR FORMERLY

() = RECORD INFORMATION



OWNER ACKNOWLEDGEMENT

WE, PEDRO DAVID RODRIGUEZ MENDOZA, CO-OWNER OF SANVAEZ PROPERTIES, LLC., MAGOLA ISABEL PENARANDA BUSTAMANTE, CO-OWNER OF SANVAEZ PROPERTIES, LLC., ROBEL RAFAEL BARRIOS TOVAR, CO-OWNER OF MAVARO, LLC., AND MARIA T. GIOVINALE FERNANDEZ, CO-OWNER OF MAVARO, LLC., OWNERS OF THE LAND SHOWN ON THIS PLAT, BEING THE TRACT OF LAND CONVEYED TO US IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS IN VOLUME 1611, PAGE 504, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSES IDENTIFIED.

DATE: _____
 PEDRO DAVID RODRIGUEZ MENDOZA
 1 WATERWAY AVE, APT 1349
 WOODLANDS, TX 77380

DATE: _____
 MAGOLA ISABEL PENARANDA BUSTAMANTE
 1 WATERWAY AVE, APT 1349
 WOODLANDS, TX 77380

DATE: _____
 ROBEL RAFAEL BARRIOS TOVAR
 11810 SOUTHLAKE DRIVE
 HOUSTON, TX 77845

DATE: _____
 MARIA T. GIOVINALE FERNANDEZ
 11810 SOUTHLAKE DRIVE
 HOUSTON, TX 77845

NOTARY PUBLIC ACKNOWLEDGEMENT
 STATE OF TEXAS
 COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED PEDRO DAVID RODRIGUEZ MENDOZA, MAGOLA ISABEL PENARANDA BUSTAMANTE, ROBEL RAFAEL BARRIOS TOVAR, AND MARIA T. GIOVINALE FERNANDEZ, KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME IS SUBSCRIBED TO THE FOREGOING DOCUMENT, AND ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS STATED HEREON.

 MY COMMISSION EXPIRES: _____
 NOTARY PUBLIC
 STATE OF TEXAS

CERTIFICATE OF CITY PLANNING COMMISSION
 APPROVED THIS _____ DAY OF _____ BY THE CITY PLANNING COMMISSION OF THE CITY OF BRENHAM, TEXAS.

 CHAIRMAN

 SECRETARY

COUNTY CLERK FILING ACKNOWLEDGEMENT
 STATE OF TEXAS
 COUNTY OF WASHINGTON

I, NICHOLAS PRENZLER, CLERK OF THE COUNTY COURT OF WASHINGTON COUNTY, TEXAS DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON THE _____ DAY OF _____, 2025, AT _____ O'CLOCK _____ M. AND DULY RECORDED IN CABINET _____ SHEET _____ OF THE RECORD IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE, AT BRENHAM, WASHINGTON COUNTY, TEXAS, THE DAY AND DATE LAST WRITTEN ABOVE.

 NICHOLAS PRENZLER
 CLERK OF THE COUNTY COURT
 WASHINGTON COUNTY, TEXAS



SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: THAT I, DAVID POWELL BRISTER, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6537, IN THE STATE OF TEXAS, HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BRENHAM, TEXAS.

 DAVID POWELL BRISTER
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6537

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE

REPLAT
OF NORRIS ADDITION (UNRECORDED), PART OF LOT 26 TO CREATE
SANVAEZ ADDITION, LOT 1
BEING 0.215 TOTAL ACRES
ARRABELLA HARRINGTON LEAGUE SURVEY, ABSTRACT 55
BRENHAM, WASHINGTON COUNTY, TEXAS



KERR SURVEYING

SCALE: 1 INCH = 10 FEET
 SURVEY DATE: 01-15-2025 | PLAT DATE: 02-07-2025
 JOB NUMBER: 24-1564 | CAD NAME: 24-1564-PRELIM
 POINT FILE: 24-1564
 DRAWN BY: RCU CHECKED BY: DPB
 PREPARED BY: KERR SURVEYING, LLC
 TBPELS FIRM#10018500
 409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
 PHONE: (979) 268-3195
 SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM

"When one person stands to gain over another, the facts must be uncovered"



CASE NUMBER: TEXT AMEND-25-001
TEXT AMENDMENTS TO ZONING REGULATIONS

REQUEST:

The City of Brenham initiated this request to amend the City of Brenham’s Code of Ordinances, Appendix A: Zoning to create two (2) definitions in Section 5.02, Definitions, to define Smoke Shop and Vape Shop uses, and; to amend Section 4.02, Permitted uses within the B-2, Commercial, Research, and Technology District to include the two new defined uses within the list of permitted uses:

- Appendix A: Zoning, Part I, Division 1, Section 5.02, instating proposed definitions to Smoke Shop and Vape Shop uses, to include distance requirements; and
- Appendix A: Zoning, Part II, Division 1, Section 4.02, regarding the addition of Smoke Shop and Vape Shop uses to the list of permitted uses within the B-2, Commercial, Research and Technology District.

BACKGROUND:

The Zoning Ordinance is a living document that requires revisions from time to time to reflect new codes, make corrections, revise/add new definitions, to allow for new uses or perhaps remove uses that are no longer seen as compatible within a particular zoning district or development pattern. The City of Brenham has seen an increase in the number of permits for vape and smoke shops, with currently seven (7) such businesses that are currently an undefined use and have been simply regarded as a general retail use in all commercial zoning districts to include the B-1, Local Business/Residential Mixed-Use District and the B-3 and B-4 Downtown districts. This text amendment request is to add use definitions for smoke shops and vape shops and to designate them as permitted uses in the B-2, Commercial, Research and Technology District.

Electronic cigarettes, also known as e-cigarettes and vapes, come in a variety of shapes and sizes, with components that typically include a battery, a heating element, and a place to hold liquid. The liquid, that may contain nicotine, flavorings, and other chemicals, is heated to make an aerosol that is breathed into the lungs.¹ Though considered smokeless, bystanders may also breathe in the aerosol when the user exhales into the air.² It has also been found that since 2014, e-cigarettes have been the most used tobacco product among youth and young adults.³ In addition, the Centers of Disease Control studies show that e-cigarettes appeal to young people due to flavoring and taste, curiosity, and low perceptions of harm. Due to concerns of the growing number of vape and smoke shop businesses that have formed over the last few years, many Texas communities have adopted ordinances restricting vape shops and similar tobacco businesses based on the concerns for the health, safety and welfare of their residents. In 2023, State laws were enacted that prohibit vaping in public schools and regulated the use of vape products to

¹ Centers for Disease Control and Prevention. (2024). About E-Cigarettes

² Ibid.

³ Centers for Disease Control and Prevention. (2023). E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. https://www.cdc.gov/tobacco/sqr/e-cigarettes/pdfs/2016_sqr_entire_report_508.pdf

individuals over the age of 21. The current 89th Texas Legislature Session has seen many bills introduced that could potentially enact minimum distances of vape and smoke shops from uses such as public schools, churches, similar uses, and residential neighborhoods.

In researching municipal vape shop regulations, city staff compared the requirements of seven cities throughout Texas. Please refer to Appendix A that summarizes the explicit standards regarding vape and tobacco shops that have been adopted in the researched cities since 2023. The regulations found are comparable to one another as each municipality amended their zoning or unified develop codes to define vape shop use, with some also defining and restricting “smoke shops” and “lounges.” The City of Sugar Land banned new vape shops, smoke shops and hookah bars outright and grandfathered existing affected shops with limits on expansions. However, most municipalities chose to place location buffers on such businesses, from between 300 to 1,000 feet from public and private schools, churches, and similar establishments, with some also restricted distances from single-family zoned property, hospitals and public parks. Lastly, about half of the municipalities researched placed limited hours of operation, with none having a closing time later than 10PM.

After reviewing the research and considering the needs and opportunities within the City of Brenham, Staff recommends that smoke shops and vape shops should be categorized as defined uses rather than general retail uses. This is accomplished by adding a definition for each use in Appendix A: Zoning Ordinance under Section 5.02 and then listing the use as either a permitted or a specific use within a zoning district. Given the health effects and studies showing the prevalence of e-cigarette use in youth, the tendency of such shops to be near one another, and recent State Laws, staff finds that smoke shop and vape shop uses should be listed as permitted uses only in the B-2, Commercial, Research, and Technology District. As permitted uses in the B-2 District, the uses would be limited to the B-2 District and the I, Industrial District, which allows all permitted commercial uses. Gas stations and convenience stores, which are only allowed by right in the B-2 District, also sell vape and smoking products. This provision would protect the Historic Downtown and residential areas as smoke shop and vape shop uses would not be allowed in the B-1, Local Business and Residential Mixed-Use District, or in the downtown districts that include the B-3, Historical Central Business District and B-4 Neighborhood Business District. Existing smoke and vape shops in the B-1, B-3, or B-4 Districts would become legally nonconforming uses. In addition, the proposed definitions also include use distance requirements that are like those imposed by the Texas Alcoholic and Beverage Commission (TABC) for alcohol and liquor sales. Lastly, it should be noted that limitations on the hours of operation are not recommended, and that lounge uses, such as cigar or hookah lounges, are not affected by these proposed regulations as they are establishments for on-premises consumption by adults that are 21 or older and not solely for the sale of e-cigarettes or tobacco products.

Please see below for a summary of the reasoning behind each amendment and the attached Exhibits for the proposed ordinance edits to include deletions and additions.

Proposed Amendments:

Appendix A: Zoning, Part I, Division 1, Section 5.02, instating proposed use definitions to Smoke Shop and Vape Shop uses, to include distance requirements:

- **(Section 5.02) [Definitions.]**
 - ***Smoke Shop:*** A retail outlet whose main purpose is selling tobacco products, as that term is defined by the Food and Drug Administration, and smoking equipment for off-site consumption. Smoke shops shall have a minimum distance (from property lines) of 300 feet from a single-family residential use; and 1,000 feet from public or private schools, public

parks, religious facility, public hospital, day care facility, and from another smoke shop or vape Shop that is in current operation.

- **Vape Shop:** A retail outlet whose main purpose is selling vaping products for off-site consumption. Vaping means using a vaporizer or inhalant-type device, also known as an electronic cigarette, that contains a power source and heating element designed to heat a substance and inhaling the vapor of the device directly through the mouth, whether or not the vapor contains nicotine. Vape shops shall have a minimum distance (from property lines) of 300 feet from a single-family residential use; and 1,000 feet from public or private schools, public parks, religious facility, public hospital, day care facility, and from another vape shop or smoke shop that is in current operation.

Appendix A: Zoning, Part II, Division 1, Section 4.02, addition of Smoke Shop and Vape Shop uses to the list of permitted uses within the B-2, Commercial, Research and Technology District.

- Sec. 4. B-2 Commercial, Research and Technology District

(Sec. 4.01) Purpose. The B-2 District is established as a mixed-use district to preserve and to protect appropriate locations for existing light industry. It is also designed to include new high-tech commercial uses such as technical laboratories, computer centers, engineering/ operations and research facilities that will benefit from direct access and/or close proximity to highway routes, while providing safe and convenient locations for multifamily uses through the strict enforcement of performance standards.

(Sec. 4.02) Permitted uses:

- (25) **Smoke Shop.**
- (26) Upholstering shops which may involve furniture manufacturing.
- (27) **Vape Shop.**
- (28) Veterinarian or animal hospital.
- (29) Wholesale establishments and warehouses.
- (30) Uses similar to the abovementioned permitted uses, provided activities conducted observe applicable performance standards as provided in Part II, Division 2 of this ordinance.
- (31) Accessory buildings and uses customarily incident to any of the above uses, provided that such uses observe applicable performance standards as provided in Part II, Division 2 of this ordinance.

ANALYSIS:

As cited in the city's adopted Zoning Ordinance, site development standards are established for the purpose of promoting and protecting the health, safety, morals and general welfare of the residents, citizens, and inhabitants of the City of Brenham and for the protection and preservation of the small-town character of Brenham. This includes Brenham's historical places, places of cultural importance and places that reflect the predominant community values as reflected in the City's Comprehensive Plan.

The City of Brenham's Comprehensive Plan titled Historic Past, Bold Future: Plan 2040 was adopted in September 2019 and serves as the City's guiding document in determining zoning and land uses decisions.

Adopted with the Comprehensive Plan is the Future Land Use Plan and the establishment of use-specific land use policies, general city-wide land use policies, standards which produce a quality neighborhood, and guiding principles. Staff finds that Guiding Principle # 1 from Plan 2040 (page 12) is relevant to this text amendment request: "Brenham will emphasize QUALITY as it grows, ensuring growth is managed in a way that adds value to the city, while also strengthening existing neighborhoods and commercial areas." The Comprehensive Plan also highlights the importance of maintaining the historic downtown district and a goal to improve commercial corridors. Staff finds that the proposed text amendments to define Smoke Shops and Vape Shops and to designate the uses as permitted uses in the B-2 District will build upon Downtown's success, maintain Brenham's "small town feel," support a healthy active community, and preserve the corridor appearance. These proposed text amendments are in line with the vision of the Comprehensive Plan.

PUBLIC COMMENTS:

The Notice of Public Hearing for the proposed Text Amendment was published in the Brenham Banner on March 23, 2025. Any public comments submitted to staff will be provided prior to the Planning and Zoning Commission and City Council prior to their decision on the matter.

STAFF RECOMMENDATION:

Staff recommends **approval** to amend Appendix A: Zoning, Part I, Division 1, Section 5.02, instating proposed definitions to Smoke Shop and Vape Shop uses, to include distance requirements; and Appendix A: Zoning, Part II, Division 1, Section 4.02, regarding the addition of Smoke Shop and Vape Shop uses to the list of permitted uses within the B-2, Commercial, Research and Technology District.

Attachments:

1. Exhibit "A": Proposed Amendments to Appendix A: Zoning, Part I, Division 1, Section 5.02
2. Exhibit "B": Proposed Amendments to Appendix A: Zoning, Part II, Division 1, Section 4.02
3. Exhibit "C": Vape and Smoke Shop zoning ordinance research from Texas municipalities

Exhibit "A"

Appendix A. Zoning

Part I. General Provisions.

Chapter 5. Definitions and interpretation.

(Section 5.02) **[Definitions.]** The following definitions shall apply in the interpretation and the enforcement of this ordinance:

Smoke Shop: A retail outlet whose main purpose is selling tobacco products, as that term is defined by the Food and Drug Administration, and smoking equipment for off-site consumption. Smoke shops shall have a minimum distance (from property lines) of 300 feet from a single-family residential use; and 1,000 feet from public or private schools, public parks, religious facility, public hospital, day care facility, and from another smoke shop or vape Shop that is in current operation.

Vape Shop: A retail outlet whose main purpose is selling vaping products for off-site consumption. Vaping means using a vaporizer or inhalant-type device, also known as an electronic cigarette, that contains a power source and heating element designed to heat a substance and inhaling the vapor of the device directly through the mouth, whether or not the vapor contains nicotine. Vape shops shall have a minimum distance (from property lines) of 300 feet from a single-family residential use; and 1,000 feet from public or private schools, public parks, religious facility, public hospital, day care facility, and from another vape shop or smoke shop that is in current operation.

Exhibit "B"

Appendix A. Zoning

Part II. District Regulations

Division 2. Zoning District Regulations

Section 4. B-2 Commercial, Research and Technology District

Sec. 4. B-2 Commercial, Research and Technology District

(Sec. 4.01) Purpose. The B-2 District is established as a mixed-use district to preserve and to protect appropriate locations for existing light industry. It is also designed to include new high-tech commercial uses such as technical laboratories, computer centers, engineering/operations and research facilities that will benefit from direct access and/or close proximity to highway routes, while providing safe and convenient locations for multifamily uses through the strict enforcement of performance standards.

(Sec. 4.02) Permitted uses:

(Nonresidential uses)

- (1) Permitted uses in B-1.
- (2) Apparel and other products assembled from finished textiles.
- (3) Automobile/vehicular uses (including boats, mobile homes, motorcycles, motor homes, camper trailers, and other vehicles) such as:
 - (a) Paint and body shops or upholstery shops.
 - (b) Automobile (car) wash.
 - (c) Parts sales.
 - (d) Service stations.
 - (e) Repair and service garage.
 - (f) Tire sales.
 - (g) Vehicular sales and rentals.
 - (h) Vehicular storage.
- (4) Bakeries, wholesale.
- (5) Building material storage yards or lumber yards.
- (6) Brewpub and micro distillery or craft distillery.
- (7) Candy and jewelry manufacturing.

- (8) Carpentry, painting, tin smithing or welding shops.
- (9) Cemeteries.
- (11) Creamery, ice cream manufacturing and dairy operations.
- (12) Drugs and pharmaceutical products manufacturing.
- (13) Educational institutions (private).
 - (a) Business and trade schools.
 - (b) Accredited elementary and secondary schools.
 - (c) Colleges and universities.
- (14) Electronic products manufacturing.
- (15) Farm implement display and salesroom.
- (16) Hospitals, acute and/or chronic care, nursing homes or convalescent homes, assisted living facilities and medical clinics.
- (17) Mini-storage lots, enclosed.
- (18) Plumbing shops for retail or wholesale distribution of fixtures, fittings and bathroom accessories, and similar uses involving stone, clay and blocks, etc. that require outside storage generally as permitted in the B-2 District (see applicable performance standards in Part II, Division 1, Section 11(5), Open Storage).
- (19) Printing, engraving and newspaper plants.
- (20) Private clubs on a site of three (3) acres or more.
- (21) Research, development labs and offices.
- (22) Retirement villages on site areas of two (2) acres or more.
- (23) Radio or television broadcasting towers and stations or studios.
- (24) Shopping centers, retail stores, general sales and services, on a site of three (3) acres or more.
- (25) **Smoke Shop.**
- (26) Upholstering shops which may involve furniture manufacturing.
- (27) **Vape Shop.**
- (28) Veterinarian or animal hospital.
- (29) Wholesale establishments and warehouses.
- (30) Uses similar to the abovementioned permitted uses, provided activities conducted observe applicable performance standards as provided in Part II, Division 2 of this ordinance.
- (31) Accessory buildings and uses customarily incident to any of the above uses, provided that such uses observe applicable performance standards as provided in Part II, Division 2 of this ordinance.

Exhibit "C"

Researched Texas cities that have updated their zoning ordinances regarding Vape and Smoke shops since 2023.

City of Allen

- **New regulations made for "Smoke Shops"** The Allen Land Development Code (ALDC), the document that guides how Allen's land is and isn't allowed to be used, has been updated to include a new definition of and new regulations for Smoke Shops.
- The new definition of a Smoke Shop, as it appears in the ALDC, is as follows: *Smoke Shop means a retail establishment utilized primarily for the sale of cigarettes, electronic cigarettes, vapes, cigars, tobacco, pipes, and other smoking supplies. On-site smoking or consumption is prohibited.*
- In addition to prohibiting minors from entering a Smoke Shop without the accompaniment of an adult, the following location requirements for a Smoke Shop will also be established:
- Must be at least 300 feet from a single-family zoned property, religious facility, public hospital or day care facility;
- At least 1,000 feet from a public, private, or parochial school;
- At least 1,000 feet from another Smoke Shop that is in current operation.

City of Rosenberg

- Requires licenses, annual inspections from law enforcement, fire marshal, and building officials.
- At least 2,000 feet from schools, churches, parks, daycare centers, and similar establishments.
- Shop hours 10am-10pm. No one under the age of 21 is allowed in store.

City of Galveston

- **Vape Shop** means a retail establishment primarily engaged in the sale of electronic nicotine delivery systems (ENDS), vaporizers, electronic cigarettes, and related accessories. This includes but is not limited to devices, liquids, cartridges, and other products designed for the purpose of inhaling aerosolized substances. This definition does not include establishments in which the sale of vaping products is incidental to the primary business activity.
- Vape shops must be at least 300 feet from schools, hospitals, and childcare facilities.
- Hours 7 AM – 10 PM

City of Sugar Land- Ordinance No. 2333

- Banned new smoke shops, vape shops and hookah bars
- Existing shops are grandfathered with development code limits on expansions.

City of La Porte

- Amended zoning code to add a new classification for e-cigarette and vape stores.
- Placed a moratorium in April 2024 until ordinance was adopted in August 2024.

City of Leander

- Updated definitions, added uses and criteria for vape shops and smoke lounges.,
- Retail use as local commercial. Lounges, such as Hookah lounges considered Heavy Commercial.
- 1,000 feet from public or private schools.
- **Lounge means** any establishment or place of business in which patrons consume alcohol, smoke tobacco products, smoke hookah, or use vape products.
- **Smoke Shop** means a retail outlet whose main purpose is selling tobacco products, as that term is defined by the Food and Drug Administration, and smoking equipment.
- **Vape Shop** means a retail outlet whose main purpose is selling vaping products. Vaping means using a vaporizer or inhalant-type device, also known as an electronic cigarette, that contains a power source and heating element designed to heat a substance and inhaling the vapor of the device directly through the mouth, whether or not the vapor contains nicotine.

Included in the packet for City of Leander:

City	Category - Sales Only	Zoning Districts	Category - On site consumption	Zoning Districts
City of Kyle	Retail (Tobacco Sales)	CBD-2 (Central Business District 2) RS (Retail and Services District) W (Warehouse District) C/M (Construction and Manufacturing District) NC (Neighborhood Commercial District) CC (Community Commercial District) MXD (Mixed use Development District)		
City of Round Rock	Retail Sales and Services	C-1 (General Commercial) C-1a (General Commercial - Limited) C-2 (Local Commercial) OF-2 (Mid-Rise Office) BP (Business Park) MU-1 (Mixed-Use Historic Commercial Core) MU-2 (Mixed-Use Downtown Medium Density) MU-L (Mixed Use Limited) MU-R (Mixed-Use Redevelopment and Small Lot) MU-G (Mixed-Use Greenfield and Large Lot)		
City of Cedar Park	Retail	NB (Neighborhood Business) LB (Local Business) GB (General Business) HC (Heavy Commercial) MU (Mixed Use) PA (Planning Area) EC (Entertainment Center)		
City of Pflugerville	Retail Sales and Services	Office (O) Neighborhood Services (NS) Retail (R) General Business 1 (GB1) General Business 2 (GB2) Campus industrial (CI)	Lounge	General Business 1 (GB1) General Business 2 (GB2)
City of Georgetown	Personal Services, Restricted	C1 (Local Commercial (S)) C3 (General Commercial (P)) (MUDT Mixed Use Downtown(S))		
City of Hutto	Retail	B-1 (commercial: local/neighborhood) B-2 (commercial: general) T-4 (General urban) T-5 (Urban Center) OT-4T (Transition) OT-5H (Historic) OT-5C (Co-op) SD-A (Arterial)		

City of Nacogdoches

- SUP in general business zones, permitted use in Industrial districts.
- 1,000' from church, school, public park, hospital, or another smore or vape shop

Vape Shop definitions:

A smoke shop is a store that sells tobacco products, such as cigarettes, cigars, and pipe tobacco. A vape shop is a store that specializes in the sale of electronic cigarettes and related vaping devices. While some smoke shops also sell vaping products, the two types of stores are typically distinct from one another.

Vaping Products in the Vape Shop

Vape stores specialize in catering to the rapidly growing vaping community. With a distinct emphasis on electronic alternatives, vape stores have become synonymous with innovation in the smoking industry, offering a modern and evolving product range to meet the dynamic demands of consumers.

Here are some of the common products vape stores mainly focus on:

- Vape Pens
- Box Mods
- Pod Systems
- Nicotine E-Liquids
- CBD E-Liquids
- THC Cartridges
- Vape Accessories

Vape stores serve as hubs for innovation, providing a comprehensive range of products that reflect the dynamic landscape of the vaping industry, ensuring customers have access to the latest and most diverse vaping experiences.

<https://www.ovvihq.com/blogs/difference-between-a-vape-shop-and-a-smoke-shop>