

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORSICANA, TEXAS, AMENDING CHAPTER 12, *PLANNING AND ZONING*, ARTICLE 12.100, *ZONING ORDINANCE*, SECTIONS 8-100, 8-600, AND 19-100 OF THE CITY CODE OF ORDINANCES TO REGULATE THE ZONING OF RETAIL TOBACCO STORES WITHIN THE CITY BY ESTABLISHING AN APPROPRIATE ZONE FOR THE BUSINESS.

WHEREAS, in accordance with the provisions of the laws of the State of Texas, the City Council has conducted a public hearing for the purpose of considering the amendment to the Code of Ordinances for the City of Corsicana, Texas; and

WHEREAS, the City Council of the City of Corsicana (“City Council”) has determined the Heavy Industrial Zoning is appropriate for the location of retail tobacco stores; and

WHEREAS, the City of Corsicana is expressly authorized to regulate the location of retail tobacco stores by virtue of being a home rule municipality; and

WHEREAS, retail tobacco stores that currently operate in the City of Corsicana may continue to do so if operated in accordance with the laws of the State of Texas; and

WHEREAS, the City Council has determined that it is in the public's best interest and in support of the health, safety, and general welfare of the citizens of the City that retail tobacco stores will be allowed to operate in the Heavy Industrial (I-2) zoning.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Corsicana, Texas, that Chapter 12, Article 12.100, Section 8-100, Section 8-600, and Section 19-100 of the City Code of Ordinances be amended to include the changes to hereafter read as follows:

Chapter 12: Planning and Zoning

Article 12.100 Zoning Ordinance

Section 8-100 Use Regulation Districts

Type Use 8-109 Retail and Service Type Uses

Retail Tobacco Store – Permitted in Zone I-2, New Definition (95)

Section 8-600 Special Definitions and Explanations Noted in Use Regulations

(95) Retail Tobacco Store means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. For purposes of this article, other products that are merely incidental means not exceeding ten percent (10%) of annual gross sales. Sales of incidental products shall not include the sale of alcohol regardless of percentage of total gross sales.

Section 19-100 Certificate of Occupancy and Compliance

19-104 All current legally permitted and operating retail tobacco stores, game rooms, vape shops, and hookah lounges as defined in Chapter 12 Article 12.100 Section 8-600 shall be allowed to continue to operate with a valid certificate of occupancy. If these businesses fail to operate in accordance with the laws of the State of Texas and the City, the Building Official may suspend or revoke the certificate of occupancy. If the certificate is suspended or revoked, the business will no longer be allowed to operate.

The suspension or revocation of the Certificate of Occupancy by the Building Official may be appealed to the City Council, which shall conduct a de novo review of the Building Official's actions. The appeal must be instituted, in writing, within 30 days of suspension or revocation.

PASSED, APPROVED AND ADOPTED this the **23rd** day of **September, 2024**.

Michael Fletcher, Mayor

ATTEST:

Cathy McMullan, Acting City Secretary

APPROVED AS TO FORM:

Kerri Anderson Donica, City Attorney