

ORDINANCE NO. 2022.04.11.A

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, BY AMENDING CHAPTER 14.02.005 DEFINITIONS AND APPENDIX A NOTES TO SCHEDULE OF USES; PROVIDING FOR REPEALING, SEVERABILITY, AND PROPER NOTICE, MEETING AND QUORUM CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Glen Rose, Texas (City) is a Type A general-law municipality located in Somervell County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City heretofore adopted Zoning Regulations, which regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence and other purposes, and provide for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and

WHEREAS, the City's Planning and Zoning Commission held a public hearing on March 28, 2023, and the City Council held a public hearing on April 11, 2023 with respect to the amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Texas Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the adoption of these zoning regulations; and,

WHEREAS, the City Council has determined for the good government, peace, and order of the municipality, to amend the City's Zoning Ordinance to provide for the reasonable definition of and location for cigar bars or smoking rooms within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLEN ROSE, TEXAS:

**SECTION 1
INCORPORATION OF RECITALS**

All of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2
AMENDING 14.02.005 DEFINITIONS**

The following definition is hereby added:

Cigar bar or smoking room means an establishment used primarily for the sale of cigars or cigar-related products and alcoholic beverages if desired; does not allow admittance to persons under the age of twenty-one (21) without a guardian; does not employ any persons under the age of eighteen (18); generates at least 15% of its quarterly gross revenue from the sale of cigars or cigar-related products; and has a humidor on the premises. The tobacco products sold may be for on-premise and off-premise consumption. The ventilation system shall ensure that smoke from the smoking lounge is incapable of

migrating into any other portion of the building hosting the smoking lounge or into any other building in the vicinity of the smoking lounge. A cigar bar shall comply with all State laws pertaining to the sale or furnishing of tobacco products to minors.

SECTION 3

AMENDING CHAPTER 14, APPENDIX A SCHEDULE OF USES

"Cigar bar or smoking room" shall be an allowable use in the following zoning districts:

- a. B-1 (Restricted Commercial District)
- b. B-2 (General Commercial District)
- c. B-3 (Central Business District)
- d. I (Industrial)

SECTION 4

SAVINGS/REPEALING CLAUSE

Chapter 14 of the City's Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5

SEVERABILITY CLAUSE

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

SECTION 6

PROPER NOTICE, MEETING, AND QUORUM CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was adopted by majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to Section 22.039 of the Texas Local Government Code.

SECTION 7

EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED this 11th day of April, 2023.

APPROVED:


Julia Douglas, Mayor

ATTEST:


Staci L. King, City Secretary

