

Exhibit “B”

Staff and the Planning and Zoning Commission recommend the deletion of Section 4 (39) (c) Non-conformity of the draft ordinance as shown below. This change allows Tobacco Product Store(s) to follow the existing non-conformity regulations found in Chapter 155.098 of the City’s Code of Ordinances, which establishes regulations on the continuation of lawful non-conforming use of property and existence of structures.

SECTION 4.

That Section 155.099(B)(39) be created to provide special conditions for tobacco products stores as follows:

(39) *Tobacco products store.* Tobacco products stores shall conform to the following provisions:

~~(c) — *Non-conformity.* A tobacco products store that existed and was lawfully constructed, located or operating on the effective date of this Section 155.099(B)(39), and that does not conform to the zoning district or distance requirements as set forth herein shall be deemed a non-conforming use and may continue in operation subject to the provisions in Section 155.098 and as provided below:~~

~~i. — If a tobacco products store ceases operations at a particular location, a new certificate of occupancy shall not be issued for a new tobacco products store at that location without first complying with all the requirements of this paragraph.~~

~~ii. — The ability to continue a lawful non-conforming tobacco products store shall cease and such use shall terminate whenever either of the following occur:~~

a. ~~—— A certificate of occupancy for a change of owner, occupant, tenant, or business is required.~~

b. ~~—— The certificate of occupancy for the use is relinquished, canceled, or terminated in accordance with other applicable codes, ordinances, regulations, and standards of the City.~~