



Cigar Bars/Lounges & Smoking Ordinance

City Council Meeting
September 17, 2019

Issue

- City Council/staff have received inquiries related to a new cigar bar/lounge wanting to operate within the city
- City-wide smoking ban ordinance (effective Oct 1, 2019) prohibits this new type of business from operating
- Comprehensive Zoning Ordinance does not address this type of use
 - *CZO allows “tobacco store” with a smoking area as an accessory use (allowed by right LR-2, C, LI and H; includes e-cigarettes)*
 - *CZO prohibits “hookah/vapor lounges” in all zoning districts*

Direction Requested

- Is Council interested in amending the city-wide smoking ban ordinance to allow for cigar bars/lounges?
 - *If no – then no further action needed.*
 - *If yes – then how to allow for the use?*

Before you answer... several items to consider...

Items to Consider – Public Health Perspective

- From a staff perspective, the public health issue is less of a concern
- Patrons knowingly enter this type of establishment and subject themselves to smoke inhalation; it is a personal choice
- Use differs from other places of business that are not customarily identified as smoking establishments where the general public would not anticipate being potentially subject to smoke inhalation
- Distance proximity should be considered in relation to schools

Items to Consider – Zoning Perspective

- Where should the use be allowed to occur?
 - *Allow city-wide within certain standard zoning districts? (i.e. LR-1, LR-2, C, LI)*
 - *Only in certain areas of the city regardless of base zoning? (i.e. overlay districts)*
 - *Amend Planned Development Districts as requested by applicants/property owners?*
 - *Allow by right?*
 - *Allow subject to approval of a specific use permit (SUP)?*

Items to Consider – Zoning Perspective (continued)

- Cigar bars/lounges may generate primary source of revenues from sale of alcoholic beverages for on-premise consumption – not from the sale of tobacco and accessories
 - *Is that acceptable?*
 - *Requires approval of a private club SUP (per CZO); however, business establishments may not want to pursue private club permit from TABC*
 - *Should the city allow for on-premise consumption through some other means without the private club permit? (i.e. qualifying restaurant/mixed beverage permit with food and beverage certificate)*

Items to Consider – Zoning Perspective (continued)

- Should the use be required to have a certain amount of food sales?
 - *Full service restaurant, catering only, or no food requirement at all?*
 - *Depending upon how alcohol sales for on-premise consumption allowed may impact the food sales component (e.g. qualifying restaurants 50%/50%; private clubs food sufficient for general membership)*
 - *If food service required – need to address cigar bars/lounges opened adjacent to a restaurant such that the area used for smoking does not evolve into a “smoking section” of a restaurant*
 - *Some businesses may not want to have the food requirement*
- Other items:
 - *Live and/or DJ music, entertainment*
 - *Special events/private parties*
 - *Allow within a single-tenant building vs. multi-tenant building*
 - *Hours of operation limitations*

Direction Requested

- Is Council interested in amending the city-wide smoking ban ordinance to allow for cigar bars/lounges?
 - *If no – then no further action needed*
 - *If yes – then how to allow for the use?*

If yes – How to allow for the use? (Initial Direction)

- Where should the use be allowed to occur?
 - *Allow city-wide within certain standard zoning districts? (i.e. LR-1, LR-2, C, LI)*
 - *Only in certain areas of the city regardless of base zoning? (i.e. overlay districts)*
 - *Amend Planned Development Districts on an as needed basis?*
 - *Allow by right?*
 - *Allow subject to approval of a specific use permit (SUP)?*
- Is it acceptable for the use to have higher sources of revenue from alcohol sales instead of tobacco sales and/or food consumption?
- Should the use be required to have a certain amount food sales?
- Live and/or DJ music, entertainment – is that acceptable?



DISCUSSION