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TO: City Planning Commission

FROM: Eric Fazzini, Staff

RE: Proposed text amendment to Chapter 50 of the 2019 Detroit City Code, Zoning (Zoning Ordinance), that would add smoking lounge, cigar, smoking lounge, other, and tobacco retail stores as specific land uses with spacing regulations, specific use standards, and off-street parking requirements. **(RECOMMEND APPROVAL)**

DATE: September 21, 2022

On July 7, 2022, the City Planning Commission (CPC) held a public hearing on the subject text amendment request as originally proposed within the initial June 22, 2022, draft text amendment ordinance and revised as stated at the July 7 meeting. On July 21, 2022, the CPC held a regular meeting to continue discussion of the second version of the draft ordinance dated July 18, 2022, as revised at the July 7 public hearing. This report contains a summary of the current draft ordinance dated September 20, 2022, which reflects discussions from these previous CPC meetings as well as CPC staff's refinement of the details contained within the ordinance.

SUMMARY OF RESEARCH

Census North American Industry Classification System

Unfortunately, CPC staff could not identify any national or state resources on zoning best practices for regulating hookah and vape shops/lounges that we could consider or model. This may be due to the relatively small-scale or newness of these uses. However, the U.S. Census Bureau provides a North American Industry Classification System (NAICS) that is a valuable standardized resource for considering uses and how they may relate to local zoning controls. The NAIC structure indicated in the below tables has been incorporated into the proposed ZO text amendment, and we note that the NAICS does not have any index entry for cigar bars/lounges. The NAICS classifies hookah lounges and vape shops as two separate uses:

2022 NAICS	
713990	All Other Amusement and Recreation Industries
<u>link</u>	This industry comprises establishments (except amusement parks and arcades; gambling industries; golf courses and country clubs; skiing facilities; marinas; fitness and recreational sports centers; and bowling centers) primarily engaged in providing recreational and amusement services.
	Corresponding Index Entry

	Hookah lounges (except primarily selling food and beverages)
459991	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers
link	This U.S. industry comprises establishments primarily engaged in retailing cigarettes, electronic cigarettes, cigars, tobacco, pipes, and other smokers' supplies.
	Corresponding Index Entries
	Vape shops, Cigar stores, Cigarette stands, Electronic cigarette stores, Smokers' supply stores, Tobacco stores

Cigar Bars vs. Tobacco Specialty Retail Stores – P.A. No. 188 of 2009

In Michigan under Public Act No. 188 of 2009, known as Michigan’s Smoke-Free Indoor Air Law, there are only a few types of establishments or locations where tobacco smoking is legal:

1. Cigar Bars that have a State approved exemption*
2. Tobacco Specialty Retail Stores (incl. hookah lounges) that have a State approved exemption*
3. The gaming floors only of the three Detroit casinos
4. Any tribal-owned establishment
5. Personal residences (unless HUD Housing or prohibited by landlord)

*It is important to note “exemption” is not a newly created status for establishments or applicants but refers to an establishment that was in existence prior to the Public Act No. 188 of 2009 effective date of May 1, 2010. Per the MDHHS, there is a maximum number of 300 exemptions that will ever occur within the State of Michigan: 100 for Cigar Bars and 200 for Tobacco Specialty Retail Stores (TSRS). These exemptions may be purchased and located within any jurisdiction within the state. This maximum number of 200 TSRS is important to note as without local restrictions, there is the potential from the state’s perspective for up to 200 TSRS (hookah lounges) to be located within any jurisdiction, including Detroit.

From the above list of five establishment types, only Cigar Bars and TSRS would be subject to the proposed text amendment given the similarity in state regulation and the specific concerns and community impacts resulting from hookah lounges. Under the Public Act, there are some key differences between Cigar Bars and TSRS:

Cigar Bars

- The Public Act does not require that an exempt Cigar Bar have either a food, liquor, or restaurant license. Rather, there is no specific mention in the Act that an exempt Cigar Bar cannot have a food, liquor, or restaurant license.
- MCL 333.12601(1)(d) defines Cigar Bar as “an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars, purchased on the premises or elsewhere.” Unlike exempt TSRS, the Act does not specifically prohibit an exempt Cigar Bar from having a food, liquor, or restaurant license. This is one reason why cigar bars are often established alongside bars that serve food.

Tobacco Specialty Retail Stores (includes hookah lounges)

- MCL 333.12601(1)(u) defines Tobacco Specialty Retail Store as “an establishment in which the primary purpose is the retail sale of tobacco products and smoking paraphernalia, and in which the sale of other products is incidental. Tobacco Specialty Retail Store does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.” Food, liquor, and

restaurant licenses are specifically prohibited. Any hookah lounge that is advertising food or liquor service in a manner that would require a license, such as a bar or restaurant, is likely operating illegally as this is specifically prohibited.

- Note that while “the retail sale of tobacco products” implies that the products would be smoked on-site which is the purpose for the exemption, “retail sale” also includes products that may be purchased for off-site uses like a typical retail store.
- The owner of a TSRS may allow customers to bring prepacked or single-service style to-go food into the TSRS. Specifically, patrons are allowed to personally purchase food at a licensed food establishment that has a different address than the TSRS for personal consumption at the TSRS.

Existing Detroit Establishments – MDHHS

The MDHHS has provided a list of establishments in Detroit that possess either a Cigar Bar or TSRS (hookah lounge) exemption to Public Act. No. 188 of 2009. Cigar Bars and TSRS provided in the MDHHS list of existing Detroit establishments are grouped into three categories based on their annual exemption status:

1. Establishments that have had their State exemption approved for use in 2022 (Green)
2. Establishments that have not had their State exemption approved for use in 2022 and are in the process of completing build-outs for potential MDHHS approval, or the MDHHS has yet to review the establishment’s renewal affidavit (Yellow)
3. Establishments that have not had their State exemption approved for use in 2022 and the earliest they could possibly be approved is January 2023 (Red)

All establishments must submit for their exemption renewal on an annual basis no later than February 21 of each year. Establishments that have not had their State exemption approved for use in 2022 (2 and 3 above) are permitted to operate as a non-tobacco smoking Cigar Bar or TSRS with no tobacco smoking permitted until their exemption is approved for use.

Summary of MDHHS List of Existing Detroit Establishments				
	TSRS (Hookah)	Cigar Bar	Zoning District	Council District
Exemption Not Approved for 2022	7	3	B4 - 4 B2 - 3 B5 - 1 SD4 - 1 R1 - 1	D2 - 4 D6 - 2 D5 - 2 D4 - 1
Exemption Approved for 2022	1	3	B5 - 2 B4 - 1 R2 - 1	D5 - 3 D6 - 1
Application/Renewal In Process for 2022	3	11	B4 - 4 B2 - 3 B5 - 2 B3 - 2 B6 - 1 M4 - 1	D2 - 5 D6 - 3 D5 - 2 D4 - 2 D7 - 1 D3 - 1
Hookah Lounge Totals (Cigar Excl.)	10	N/A	B2 - 5 B4 - 4 B5 - 1	D2 - 5 D4 - 2 D7 - 1 D6 - 1 D5 - 1

CPC staff findings:

- **Exemption Not Approved for 2022:** of these establishments, seven are hookah lounges (TSRS). All seven hookah lounges are zoned either B2, B4, or B5.
- **Exemption Approved for 2022:** of these establishments, one is a hookah lounge zoned B4.
- **Application/Renewal In Process for 2022:** of these establishments, three are hookah lounges zoned either B2 or B4.
- **Hookah Lounge Totals:** of the 10 hookah lounges, five are zoned B2, four are zoned B4, and one is zoned B5. Only one of these lounges has an exemption approved for use within the City of Detroit in 2022 (B4).
- Cigar bar exemptions are indicated for two sites with residential zoning (Detroit Golf Club and Abick’s Bar) and one with M4 industrial zoning (Bayview Yacht Club). Private clubs must adhere to the tobacco smoking prohibition of the Act, or receive a State exemption.
- **Establishments Not Listed:**
 - Google Maps indicates 20 “hookah lounges” within Detroit. Seven of these establishments are included in the MDHHS’s list, with only one establishment having an exemption approved for 2022 (Take Out Hookah Lounge, 1400 Gratiot Avenue- B4)
 - Other establishments may not be included in the MDHHS’s list as they are strictly a retail store that does not actually offer indoor smoking but may still loosely refer to their business as a “hookah lounge,” and therefore would not be required to have an approved exemption. Or they may be operating illegally as a hookah lounge with indoor smoking but without a State approved exemption to our knowledge, such as Lounge 31 at 14404 Gratiot Avenue- B4.
 - The proposed text amendment seeks to address this nuance that certain retail stores may loosely refer to their business as a “hookah lounge” without actually containing a legal indoor smoking lounge through the proposed addition of “Tobacco retail store” as a specific land use, which would not include indoor smoking but would permit retail sales for off-site use.

Model Metro Detroit Zoning Ordinance Requirements

The MDHHS has also provided CPC staff with smoking lounge ordinances from nine Metro Detroit communities that they believe could be used as a model for Detroit. Of the nine Metro Detroit model smoking lounge ordinances provided for guidance, five municipalities specifically address smoking lounges in their zoning ordinances: Canton Township, Dearborn, Dearborn Heights, West Bloomfield Township, and Ypsilanti Township. Below are CPC staff’s findings related to the five zoning ordinances reviewed. These findings directly informed the structure of the proposed text amendment, specifically West Bloomfield Township.

CPC staff findings:

- **Definitions.** “Smoking Lounge” is the preferred term used for State approved smoking lounges (cigar bars or hookah lounges), this term also matches each community’s “smoking lounge ordinance” business license requirement. Using the same term between the ZO code chapter and the business license requirement code chapter assists in administration of both requirements as it should be clear that both chapters apply to smoking lounges.
- **Districts Permitted.** There is not consistency between how and where the five model municipalities permit smoking lounges. Canton Township and Dearborn Heights permits smoking lounges as a by-right or conditional use in multiple zoning districts, while Dearborn, West Bloomfield Township, and Ypsilanti Township only permit smoking lounges as a conditional use in one intermediate zoning district (B-3 /B-B).
- **Use Standards.** There is some consistency between how four of the five model

municipalities permit smoking lounges as a conditional use. While Dearborn may appear to have the most comprehensive set of use standards, many of the requirements included in their ZO would be better suited in the business license requirement chapter as they are operational requirements that should be tied to licensing, rather than zoning.

- Lastly, there is some consistency between the four municipalities in that setbacks are required for smoking lounges from certain low intensity uses and other smoking lounges, and affirmation that minimum parking is required to try to mitigate potential impacts on neighborhoods.

Model Business License Ordinance Requirements – MDHHS

Below are CPC staff's findings related to smoking lounge ordinances adopted by the same five municipalities that specifically address smoking lounges in their zoning ordinances. These regulations are contained in code chapters that are separate from each community's zoning ordinance code chapter. CPC staff will be providing future information on a draft text amendment to the 2019 Detroit City Code that would constitute a new smoking lounge ordinance and business license requirement that would work alongside the proposed ZO text amendment, which, again, is something that the MDHHS is strongly encouraging for permitting and enforcement purposes.

CPC staff findings:

- Three of the five municipalities provide a maximum number of smoking lounge licenses that may be issued. Dearborn's maximum is flexible at 15 total with additional licenses permitted by City Council. A cap on the maximum number of smoking lounge licenses is something that could be considered for Detroit, though this has not been expressed as a desire to-date.
- All municipalities provide some restriction on hours of operation, generally being closed to the public between 1am/2am and 8am/10am daily. Employees are permitted on the site during these non-public hours.
- Dearborn permits take-out food only to be brought into smoking lounges. This is the only municipality that specifically permits this in their smoking lounge ordinance.
- Four of the five municipalities have a similar mechanical ventilation requirement, which refers to ventilation being supplied and exhausted per the Michigan Mechanical Code and prohibits recirculation and natural ventilation.
- Additional operational regulations are consistently required for signage that prohibits loitering, minors on the premises, and other activities. These activities are also consistently addressed as prohibited: alcoholic liquor, nudity, and controlled substances.
- Constant visual or video monitoring is something that is consistently required.
- Provisions for exterior lighting and ensuring patrons do not park in adjacent or neighboring parking lots or residential areas is also something that could be considered, though this may be impossible to determine and enforce if vehicles parked in certain off-site areas are patrons of a smoking lounge, or not.
- Outdoor activities are consistently restricted in the five municipalities. Three of the five prohibit any outdoor activities and require all doors and windows to remain closed. Dearborn and Dearborn Heights permit some outdoor activities, such as smoking in outdoor patios areas. In any case, outdoor activities within any parking areas are prohibited.
- Penalties and enforcement are consistent as a misdemeanor with a maximum \$500 fine and/or maximum 90 days in jail. Model ordinance penalties will be reviewed for consistency with existing 2019 Detroit City Code penalties.

SUMMARY OF DRAFT TEXT AMENDMENT ORDINANCE

Proposed Definitions (beginning on draft ordinance pg. 54)

As discussed during previous meetings, there is the desire to regulate cigar bars/lounges separately from hookah lounges, which were previously grouped together under the term “smoking lounge,” which was due to how model Metro Detroit communities regulate these uses. The text amendment as currently proposed provides the following definitions that would be added to the ZO as specific land use terms, except for the proposed definition of hookah that is only provided to inform the definition of smoking lounge:

1. **Hookah.** A type of water pipe used to smoke tobacco or other legal non-tobacco smoking products or substances, in which air is heated by charcoal or burning embers and passed through the tobacco or other substance to form smoke, and the smoke then passes through a water-filled chamber where it is filtered and cooled, and then inhaled through a tube and mouthpiece by one or more users during a smoking session. At the end of a smoking session, the dirty water is discarded and the water chamber is refilled for the next session. The term “hookah” may also be referred to as a water pipe, narghile, argileh, goza, or hubble bubble.
2. **Smoking lounge, cigar.** An establishment or area within an establishment that has a corresponding State issued smoking ban exemption certificate and is designated for the smoking of cigars as defined by the Tobacco Products Tax Act, MCL 205.422, on premises. Smoking lounge, cigar, does not include smoking lounge, other, as defined by this article, or medical marijuana facilities or adult-use marijuana establishments as defined by this chapter.
3. **Smoking lounge, other (hookah).** A retail establishment that has a State issued smoking ban exemption certificate in which the primary purpose is the retail sale of tobacco products as defined by the Tobacco Products Tax Act, MCL 205.422; non-tobacco smoking products or substances as defined in Chapter TBD of this Code, Smoking Lounges; smoking paraphernalia; and is designated wholly or in part for the smoking of tobacco products or non-tobacco smoking products or substances on premises, which may include the on-premise use of hookah as defined by this article. Smoking lounge, other, does not include tobacco retail store as defined by this article, smoking lounge, cigar, as defined by this article, medical marijuana facilities or adult-use marijuana establishments as defined by this chapter, a tobacco department or section of a larger commercial establishment, or any establishment with any type of liquor, food, or restaurant license.
4. **Tobacco retail store (carry-out use).** A retail establishment that does not have a State issued smoking ban exemption certificate in which the primary purpose is the retail sale of tobacco products as defined by the Tobacco Products Tax Act, MCL 205.422; non-tobacco smoking products or substances as defined in Chapter TBD of this Code, Smoking Lounges; smoking paraphernalia, and is not designated for the smoking of tobacco products or non-tobacco smoking products or substances on premises. Tobacco retail store does not include smoking lounge, cigar, as defined by this article, smoking lounge, other, as defined by this article, medical marijuana facilities or adult-use marijuana establishments as defined by this chapter, a tobacco department or section of a larger commercial establishment, or any establishment with any type of liquor, food, or restaurant license.

Zoning Districts

Highlighted below is a summary of where each of the proposed specific land uses defined above would be permissible. Text indicated in red is a revision from previous ordinances.

Smoking lounges (draft ordinance pg. 45):

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)			
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	P	W	S1	S2		S3	S4	S5
Recreation/entertainment, indoor	Arcade								C	C	C	C	R	R	R	R			L	R	R	R							C		CU; P; SPC; Sections 50-12-213, 50-12-515	
	Cabaret							C	C	C/R	C/R	C/R	C	C	C	C			L		C/R	C						C	C		RU: SPC; Section 50-12-218	
	Casinos and casino complexes																		L											R		
	Smoking lounge, cigar							R	R	R	R	R							L		R						R	R	R			
	Smoking lounge, other							C	C	C	C	C							L		C						C	C	C		SPC; Section 50-12-324	
	Firearms target practice range, indoor							C	C	C	C	C	C	C	C	C	C		L												P; Section 50-12-224	
	Pool hall							C	C	R	R	R	R	R	R	R			L		R	R					C	C			CU; P; SPC; Section 50-12-305	
	Recreation, indoor commercial and health club							R	R	R	R	R	R	R	R	R			L		R	R	R					R	R	R		Section 50-12-308
	Theater and concert café, excluding drive-in theaters							R	C	R			R	R	R	R			L		R	R					C/R		R		Section 50-12-317	

Tobacco retail store (draft ordinance pg. 47):

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)		
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	P	W	S1	S2		S3	S4
Retail sales and service; sales-oriented (cont'd)	Pawnshop								C				C	C	C	C			L		C										P; RU; SPC; GRT; Section 50-12-302
	Pet shop							R	R	R	R	R	R	R	R	R			L		R						R	R			Section 50-12-303
	Precious metal and gem dealers								C	C	C	R	R	R	R	R			L		C	C					C	C			SPC; Section 50-12-304
	Produce or food markets, wholesale												R	R	R	R			L		R										
	Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment							C	C	C	C	C	C	C	C	C			L		C						C	C	C		CU; P; SPC; Section 50-12-314
Retail sales and service; sales-oriented (cont'd)	Storage or killing of poultry or small game for direct, retail sale on the premises or for wholesale trade												R				R	R	R	R	L										Section 50-12-315
	Tobacco retail store							C	C	R	R	R							L		C						C	C	C		SPC; Section 50-12-324
	Trailer coaches or boat sale or rental, open air display							C		R	R	R	R	R	R	R			L		R										GRT
	Trailers, utility—sales, rental, or service; moving truck/trailer rental lots							C		R	R	R	R	R	R	R			L		R										
	Used goods dealer							C	C	C	R	R	R	R	R	R			L		C	C					C	C			SPC; Section 50-12-320
	All other							C	C	C	C	C	C	C	C	C			L		C								C		

Use Regulations – Required Spacing (draft ordinance pg. 48)

Revised proposed regulations regarding spacing of retail, service, and commercial uses would be as follows (full list of use types not included). Smoking lounge, cigar, would not be subject to spacing requirements. Text indicated in red is a revision based on previous meetings and staff discussion.

Use Type	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved)	Comment
<u>Smoking lounge, other</u>	2,000 feet	- Advertisement-sensitive property as defined in Section 4-1-1 of this Code: 1,000 feet;	<u>Section 50-12-324</u>
<u>Tobacco retail store</u>	N/A	- Advertisement-sensitive property as defined in Section 4-1-1 of this Code: 1,000 feet;	<u>Section 50-12-324</u>

Section 4-1-1. Definitions cited in the above table

Advertisement-sensitive property means a premises that is occupied by or used as any of the following:

1. A child-care home and center, which has the meaning as likewise defined in Section 50-16-152 of this Code;
2. A child-caring institution, which has the meaning as likewise defined in Section 50-16-152 of this Code;
3. A juvenile detention or correctional facility, which means a county facility or institution operated as an agency of the county or the juvenile division of the probate court, or a state institution or agency described in the Michigan Youth Rehabilitation Services Act, being MCL 803.301 et seq., to which a minor has been committed or in which a minor is detained;
4. A library, which means any designated public depository of books, periodicals, public and/or historical records, or other reference materials within the City that is created pursuant to Article VIII, Section 9, of the 1963 Michigan Constitution, and is operated pursuant to Section 12 of the Michigan District Library Establishment Act, being MCL 397.182;
5. A park, which means land that is improved or intended to be improved for active or passive recreational uses, or is preserved as open space, and is under the jurisdiction and control of the City, Wayne County, or the State of Michigan;
6. A playfield, which means land that is designed for major field sports, such as baseball, football, soccer, tennis, or softball, and which requires more area than is available on a playground, is so designated, and is under the jurisdiction and control of the City, Wayne County, or the State of Michigan;
7. A playground, which means land that is designed and maintained primarily for the recreational use of children aged up to 14 years, and is under the jurisdiction and control of the City, Wayne County, or the State of Michigan;
8. A playlot, which means land that is designed and maintained primarily for the recreational use of small children aged up to eight years and is under the jurisdiction and control of the City, Wayne County, or the State of Michigan;
9. A recreation center, which means a facility that is created primarily to benefit minors through the use of organized educational, social, or recreational activities and is under the jurisdiction and control of the City, Wayne County, or the State of Michigan;
10. A school, which means the buildings, grounds, and other facilities of any public, charter, parochial, or private educational institution that has as its primary purpose the education and instruction of children at the elementary, middle, junior, and senior high school levels; and
11. A youth activity center, which has the meaning as likewise defined in Section 50-16-462 of this Code.

Specific Use Standards (draft ordinance pg. 49)

Smoking lounge, other, (hookah lounges) and tobacco retail store would be regulated as follows. There would be no specific use standards for smoking lounge, cigar. Text indicated in red is a revision based on previous meetings and staff discussion. Items not addressed below, such as restrictions on hours of operations, minimum age requirements, and allowing take-out food are not included as these operational requirements are better suited within the smoking lounge ordinance/business license requirement that should immediately follow this ZO text amendment.

DIVISION 3. – SPECIFIC USE STANDARDS

SUBDIVISION E. – RETAIL, SERVICE AND COMERCIAL USES; GENERALLY

Sec. 50-12-324. – Smoking lounges, other; or Tobacco retail stores.

Smoking lounges, other, and Tobacco retail stores shall be subject to the spacing provisions of Section 50-12-131 of this Code and to the following requirements:

- (1) Points of vehicular ingress and egress shall be determined by the Department of Public Works Traffic Engineering Division.
- (2) Outdoor activities shall be prohibited.
- (3) Smoking lounges, other, shall require a smoking ban exemption certificate issued by the State of Michigan and shall also be licensed by the City of Detroit in accordance with Chapter TBD of this Code, Smoking Lounges. Proof of such certificate and licensing is required prior to opening for business and as a condition for the continued operation of any smoking lounge, other.
- (4) Smoking lounges, other, shall be physically separated from any areas of the same or adjacent establishments in which smoking is prohibited by State law such that smoke does not infiltrate into those nonsmoking areas. “Physically separated” shall mean an area that is enclosed on all sides by any combination of solid walls, windows, or doors that extend from the floor to the ceiling.
- (5) Smoking lounges, other, are not permitted as an accessory use and must not include an accessory use.

Development Standards (draft ordinance pg. 51)

Off-street parking regulations (minimum parking requirements) would be as follows:

Use Category	Specific Land Use	Off-Street Parking Spaces Required, Minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
Recreation and entertainment, indoor	Arcade	1 per 100 square feet	100
	Cabaret	3 (minimum) + 1 per 100 square feet for each 100 square feet in excess of 1,000	100
	Casino or casino complex	See provisions for SD5 District in Section 50-11-337	300
	<u>Smoking lounge, cigar/Smoking lounge, other</u>	<u>3 (minimum) + 1 per 100 square feet for each 100 square feet in excess of 1.000</u>	<u>100</u>
	Firearms target practice range, indoor	1 per 2 employees + 1 per target lane	100
	Pool hall	1 per 250 square feet or 1 per pool table, whichever is greater	100
	Recreation, indoor commercial and health club	Schedule C, where 1 space per 200 square feet of gross floor area is deemed by the Planning and Development Department to be inappropriate	Where Schedule C does not apply, 100; except where developed under the "school building adaptive reuses" provision as defined in Section 50-16-381; same lot
	Theater and concert café	1 per 4 seats	500
All other	1 per 100 square feet	100	

CONCLUSION

If approved by City Council, the proposed amendments to the Zoning Ordinance would specifically regulate the three proposed specific land use terms, instead of continuing to administer these uses, specifically hookah (smoking) lounges as a general retail use. In addition to the proposed ZO text amendment, CPC staff and the Law Department will also be providing future information on a potential smoking lounge ordinance and business license requirement that would supplement the proposed ZO text amendment, which would be considered at future meetings.

Based on the above analysis and consistent with the approval criteria of Section 50-3-49 of the Zoning Ordinance, CPC staff recommends **APPROVAL** of the proposed text amendment.

Attachment: Draft Hookah Text Amendment Ordinance 9/20/2022

- cc: Antoine Bryant, Director, PDD
- Karen Gage, PDD
- Greg Moots, PDD
- Scott Withington, Health Dept.
- David Bell, Director, BSEED
- Jayda Philson, BSEED
- James Ribbron, Director, BZA
- Conrad Mallett, Corp. Counsel

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