

DATE: August 27, 2019  
TO: Mayor & City Council  
FROM: Planning Director *KA*  
SUBJECT: Zoning Ordinance Amendment  
Articles 3, 4, 9 & 10 – Related to the manufacturing of alcoholic beverages,  
tobacco stores and vape stores.



SUGGESTED ACTION

**Approval of the ordinance amendments as discussed.**

PLANNING COMMISSION RECOMMENDATION

*The Planning Commission held a scheduled public hearing on August 19, 2019. There were no public comments.*

***Planning Commission recommends APPROVAL of the amendment to Article 3, 4, 9, and 10 as presented by Staff on August 19, 2019. (5-0)***

ISSUE

Planning staff has prepared recommended policy changes to several sections of the zoning ordinance pertaining to the manufacture and sale of alcoholic beverages as a result of recent changes to state law as well as tobacco and vape stores to address recent market changes and policy trends.

**Tobacco and Vape Stores**

**Article 3. Definitions**

Tobacco store

Shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco or tobacco-related products.

Tobacco-related products

Means any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product. Including any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco or tobacco-related products such as pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. The term “tobacco-related product” excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose. Lighters and matches shall be excluded from the definition of tobacco-related products.

Vape store

Means any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of vape, or vape-related products.

Vape or vape juice

Means any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring and water, and can be used to deliver nicotine, synthetics or other substances to a person inhaling from the device.

Vape-related products

Means any product or device that employs an electronic heating element, power source, electronic circuit, battery, or other electronic, chemical, or mechanical means to produce a vapor that delivers nicotine, synthetics, or other substances to a person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bong, electronic pipes and similar products or devices, whether manufactured, distributed, marketed, or sold as such.

#### **Article 4. Section 406-Restrictions on principal uses**

##### **Vape stores and stands**

No more than 10% or 120 square feet whichever is less of the floor area of a building or business location shall be dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of vape, or vape-related products.

Shall not be located within 1,500 feet, measured property line to property line, from a school (public or private), child care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.

Shall not be located within 1,300 feet, measured property line to property line, from another vape store or vape stand.

No operator or owner shall knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any vape store or stand.

##### **Tobacco stores and stands**

No more than 10% or 120 square feet whichever is less of the floor area of a building or business location shall be dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco or tobacco-related products.

Shall not be located within 1,500 feet, measured property line to property line, from a school (public or private), child care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.

Shall not be located within 1,300 feet, measured property line to property line, from another tobacco store or stand.

No operator or owner shall knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any tobacco store or stand.

**Article 4. Table 4.1**

Vape store and stand. Will require a special use permit with restrictions under the general business (BG) zoning classification.

Tobacco store and stand. Will require a special use permit with restrictions under the BG zoning classification.

**Article 10. Section 1002.D.2 Prohibited Uses in the Central Business District**

**Add the following uses to the list of prohibited uses in the CBD.**

Tobacco store and stand

Vape store and stand

**Distillery in the Central Business District (CBD)**

**Add the following use to the list of conditional uses in the CBD.**

Distillery, No outdoor storage. Must include a restaurant or tasting room.