

ORDINANCE NO. 15- 1458

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF DEARBORN BY AMENDING ARTICLE 7.00, SECTION 7.02 V, ENTITLED "SITE DEVELOPMENT STANDARDS FOR NON RESIDENTIAL USES – SMOKING LOUNGES."

THE CITY OF DEARBORN ORDAINS TO:

Amend Article 7.00, Sec. 7.02 of the Zoning Ordinance of the City of Dearborn to read as follows:

ARTICLE 7.00

SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES

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**Sec. 7.02. Site development standards for nonresidential uses.**

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V. **Smoking lounges.** Smoking lounges shall comply with the following requirements:

1. **Off-street parking.** Smoking lounges shall provide off-street parking per the standard for Restaurants, Bar/Lounge/Taverns in Section 4.01
2. **Access.** Points of vehicular ingress and egress shall be limited to the thoroughfare having business zoned frontage only.
3. ~~**Food services and/or products.** If food services and/or food products are provided, bathroom and toilet facilities shall be provided within the principal building in accordance with the requirements of the State Plumbing Code Standards.~~
4. ~~**Ventilation standard.** A smoking lounge shall be required to install and operate a ventilation system which prevents any smoke from permeating the walls or leaving the confines of the smoking lounge area in any way. The ventilation system must be designed and function to prevent smoke from being smelled or seen by any persons outside the smoking lounge.~~
3. **Mechanical ventilation required.** Mechanical ventilation shall be supplied in compliance with the Michigan Mechanical Code to ensure sufficient ventilation of the smoking lounge. The recirculation and the natural ventilation of air from the smoking lounge are prohibited. The air supplied to the smoking lounge shall be

exhausted and discharged to an approved location in compliance with the Michigan Mechanical Code.

4. **Hours of operation; outdoor dining; other outdoor activities prohibited.**
  - a. **Businesses operating a licensed smoking lounge shall be closed between the hours of 2:00 a.m. and 10:00 a.m.**
  - b. **Outdoor dining of carryout food or food properly brought on the premises by a customer may be permitted provided it is in compliance with the Zoning Ordinance and does not violate any other section of the code or state law.**
  - c. **No outdoor dining of any kind, including carryout food or food properly brought on the premises by a customer, shall occur at a business operating a licensed smoking lounge with outdoor seating between the hours of 12:00 a.m. and 10:00 a.m.**
  - d. **All other smoking lounge business activities shall be conducted wholly indoors, unless otherwise approved by the City Council.**
5. **Notice on exterior.** A clearly visible notice shall be posted by the entry door to the premises that: ~~indicates that it contains a smoking lounge.~~
  - a. **indicates that it is a smoking lounge;**
  - b. **indicates it is not a food service establishment;**
  - c. **states that no loitering is permitted on the premises; and**
  - d. **states that no minors are permitted on the premises.**
6. **Minimum distances between uses.**
  - a. **The establishment of a smoking lounge is prohibited if it constitutes the second such use within a one thousand, two-hundred (1,200) foot radius;**
  - b. **The establishment of a smoking lounge is prohibited if it is located within seven hundred (700) feet of a school, childcare facility, or a park.**
7. **Cap on allowable number of smoking lounges.** The number of smoking lounges, as defined in Chapter 12, Article XXV, of the Code of the City of Dearborn, shall be capped at fifteen (15).
  - a. **An individual may petition the City Council for permission to exceed the cap.**
8. **Smoking Lounges, as defined in Chapter 12, Article XXV of the Code of the City of Dearborn, shall not:**
  - a. **advertise as a restaurant or other type of food establishment;**
  - b. **have paper or electronic menus for customers of the smoking lounge to use to place carry out orders for food;**
  - c. **facilitate ordering or food deliveries from another food establishment;**
  - d. **store or prepare food on-site;**
  - e. **provide condiments, small wares such as silverware, dishware, drinking glasses or cups, dishwashing, etc., for customers of the smoking lounge;**

- f. have wait staff to facilitate the serving of food;
  - g. provide ice in individual servings; or
  - h. provide water, or drinks, other than to sell incidental amounts of pre-packaged beverages.
9. Smoking lounges, as defined in Chapter 12, Article XXV of the Code of the City of Dearborn, may only be located on premises that are physically separated from any areas of the same or adjacent establishments in which smoking is prohibited by state law and where 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 ceiling.
10. Federal, State and local regulations. All smoking lounges shall be constructed, maintained, and operated in conformance with applicable laws, ordinances, and code provisions.