
Sec. 31-4. Prohibition of smoking in enclosed public places.

Smoking shall be prohibited in all enclosed public places within the city, including but not limited to, the following places:

- (a) Galleries, libraries, and museums.
- (b) Areas available to and customarily used by the general public in businesses and nonprofit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.
- (c) Bars ~~and cigar bars~~.
- (d) Bingo facilities.
- (e) Convention facilities, conference centers, and exhibition halls.
- (f) Educational facilities, both public and private.
- (g) Elevators.
- (h) Health care facilities.
- (i) Hotels and motels.
- (j) Licensed childcare and adult day care facilities.
- (k) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- (l) Polling places.
- (m) Private clubs, but excluding those which regularly and most commonly are situated in private homes in areas where such residential uses are lawfully permitted, such as book clubs, knitting clubs, and garden clubs, bridge, so long as they are in such residential locations.
- (n) Public transportation facilities, including buses and taxicabs, and ticket, boarding, and waiting areas of public transit depots stations, and terminals.
- (o) Restaurants.
- (p) Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- (q) Retail stores.
- (r) Rooms, chambers, places of meeting or public assembly, including school buildings.
- (s) Service lines.
- (t) Shopping malls.
- (u) Sports arenas.
- (v) Theaters, performance halls, lecture halls, and similar facilities, inclusive of lobbies, audience seating areas, dressing rooms, projections booths, back stage areas, and the stage, but excluding smoking on stage when it is an integral part of a theatrical performance.

(Ord. No. 4083, 7-10-2012)

Sec. 31-8. Where smoking is not regulated.

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the prohibitions of sections 31-4, 31-5, and 31-6 of this article:

- (a) Private residences, except when used as a licensed childcare, adult day care, or health care facility.
- (b) Retail tobacco stores, provided that smoke from the establishment does not infiltrate into areas where smoking is prohibited under the provisions of this article. The pervasive and continuing presence of the odor of stale tobacco smoke in areas where smoking is prohibited shall be accepted as evidence that tobacco smoke infiltration has occurred. Retail tobacco store proprietors shall be responsible for achieving compliance by using whatever design, construction, or technological means actually preclude tobacco smoke infiltration into areas where smoking is prohibited. In areas outside the central business district, smoking on patios, decks, and porches attached to retail tobacco stores is permitted provided the smoke does not infiltrate into areas where it is otherwise prohibited. No business license or certificate of occupancy may be issued for a retail tobacco store without the applicant first providing a detailed plan for compliance with this provision. Nevertheless, the issuance of a certificate of occupancy or a business license to a retail tobacco store shall not be construed as the city's determination that the retail tobacco store is in compliance with the requirement of this provision.
- ~~(c) Cigar Bars, provided that smoke from the establishment does not infiltrate into areas where smoking is prohibited under the provisions of this article. The pervasive and continuing presence of the odor of stale tobacco smoke in areas where smoking is prohibited shall be accepted as evidence that tobacco smoke infiltration has occurred. Cigar Bar proprietors shall be responsible for achieving compliance by using whatever design, construction, or technological means actually preclude tobacco smoke infiltration into areas where smoking is prohibited. Smoking on patios, decks, and porches attached to a cigar bar is permitted provided the smoke does not infiltrate into areas where it is otherwise prohibited. No business license or certificate of occupancy may be issued for a cigar bar without the applicant first providing a detailed plan for compliance with this provision. Nevertheless, the issuance of a certificate of occupancy or a business license to a cigar bar shall not be construed as the city's determination that the cigar bar is in compliance with the requirement of this provision.~~
- ~~(e)~~(d) Outdoor areas of places of employment except those covered by the provisions of section 31-6 and section 31-7 of this article.

(Ord. No. 4083, 7-10-2012)

APPENDIX A - ZONING
ARTICLE III. DEFINITIONS OF TERMS USED IN THIS ORDINANCE

Brewpub. A tavern, public house, restaurant, or hotel, which produces on the permitted premises a maximum of 2,000 barrels a year of beer for sale on the premises.

Building. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels.

Building, accessory. A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

Building, height. The vertical distance from grade to the average elevation of the roof of the highest story.

Building, principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

Centerline of street. That line surveyed and monumented by the governing body having jurisdiction shall be the centerline of street; or if such centerline has not been surveyed, it shall be that line running midway between the outside curbs or roadway of such street.

Certificate of occupancy. Written authorization from the responsible agency whereby an owner receives permission to and may occupy a property and utilize the property in its intended and approved manner.

Cigar bar shall mean an establishment that offers a meaningful selection of fine cigars and fine tobacco for pipes, including hookahs, for smoking on the premises as well as retail purposes and which is licensed for the on-premises sale of beer, wine, or alcoholic beverages, or some combination of those, as well as some food service. The term does not include any establishment which is primarily a bar or restaurant and which undertakes to make retail offerings of tobacco products as a means of circumventing the purposes of this article. No bar can be considered a cigar bar unless at least 30 percent of its gross revenue can be demonstrated to come from the sale of cigars, pipe tobacco, and related products.

Conditional use. A use that must meet specific conditions, restrictions, or limitations as defined elsewhere in this ordinance. Such conditions are required in addition to the other development regulations for the zoning district in which the use is to be located. If all applicable conditions are met, then the zoning administrator may issue a permit for the use without additional review by the zoning board of appeals.

Construction document phase. Final drawings and specifications setting forth in detail the requirements for the construction of a project.

Design review board (DRB). A duly authorized group of individuals charged with the specific purpose of reviewing, approving or rejecting design-related information regarding proposed development, according to an approved set of criteria or guidelines.

Developer. An individual or organization who is the legal or beneficial owner or owners relative to a specific project. Also, a person holding an option or contract to lease or purchase, or any other proprietary interest in such project. For the purposes these guidelines, the terms "developer" and "owner" are considered synonymous.

Development. A specific project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive uses.

Drive-in establishment. A business where a customer is encouraged or permitted, either by the design of physical facilities or by service and/or packaging procedures, to carry on his business in the off-street parking area accessory to the business while seated in his motor vehicle.

Dwelling, group. A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such residents, persons or

Sec. 5. B-1 (central business district) zone.

The following regulations shall apply in the B-1 zone:

- (a) *Intent.* The B-1 zone is designed to provide for the central and most intense functions of economic activity in the city. Activities are not generally oriented to serving residential areas in the same manner as less intensive combinations of retail and service uses. It is intended to keep this district centrally located and compact so that maximum convenience is afforded both the users and occupants of the B-1 zone.
- (b) *Permitted uses.* Within the B-1 zone the following uses shall be permitted, subject to limitations of uses permitted by the Southern Standard Building Code for fire districts.
 - (1) Restaurants, except drive-ins.
 - (2) Offices, financial institutions, including drive-in loan companies.
 - (3) Transportation terminal facilities, except commercial operations.
 - (4) Commercial parking lots and parking garages.
 - (5) Printing, publishing, and similar activities.
 - (6) Retail sales and services.
 - (7) Wholesaling and warehousing as inside uses.
 - (8) Motels and hotels.
 - (9) Fraternal organizations and lodges.
 - (10) Clinics and institutions, including those of a religious, eleemosynary, educational, and philanthropic nature.
 - (11) Commercial recreation as indoor use.
 - (12) Utility and communication services.
 - (13) Governmental uses, parks, libraries, offices, and other public uses.
 - (14) ~~Reserved. Cigar bars~~
 - (15) Reserved.
 - (16) Reserved.
 - (17) Upper-story housing; provided, that all housing shall be properly maintained and that there shall be no exterior evidence of internal residential area that would alter the business character of the principal building. A conditional use permit is required.
 - (18) Single-family and multifamily residential dwellings including townhouses and condominiums. A conditional use permit is required.
 - (19) Dental laboratories, under 1,500 square feet in size. Such uses shall not front on major streets.
 - (20) Breweries and brewpubs: shall comply with the following standards:

Maximum annual production. Breweries are limited to production of 15,000 barrels per year. Brewpubs are limited to production of 2,000 barrels per year.

Facility size. The production area of the facility is limited to 10,000 square feet. No limits exist for the remaining portions of the facility.