

ORDINANCE NO. 4332

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 230 SITE STANDARDS OF THE HUNTINGTON BEACH ZONING CODE AND SUBDIVISION ORDINANCE BY ADDING NEW SECTION 230.54 ENTITLED "SMOKE OR TOBACCO SHOPS" (ZONING TEXT AMENDMENT NO. 25-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 25-001, which amends Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance involving Citywide site standards; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to add new Section 230.54 Entitled "Smoke and Tobacco Shops" to read as follows:

230.54 SMOKE OR TOBACCO SHOPS

APPLICABILITY. This section applies to all smoke or tobacco shops permitted within this Zoning and Subdivision Ordinance and for all applicable areas located within specific plans, subject to the following requirements:

A. Definitions.

Smoke or Tobacco Shop. Any premises dedicated to the display, sale, distribution, delivery, or offering of tobacco, tobacco products, or tobacco paraphernalia, except grocery stores, supermarkets, convenience stores, or similar uses that only sell conventional cigars, cigarettes, e-cigarettes or tobacco as an accessory tobacco sale use. "Accessory tobacco sale use" means an accessory use at a grocery store, supermarket, convenience store, or similar primary use, where no more than ten percent (10%) of a business' floor area is devoted to sales, display, and storage of conventional cigars, cigarettes, e-cigarettes or tobacco.

Tobacco paraphernalia. Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products.

Tobacco product. Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

Youth-populated area. A parcel in the City that is:

1. Occupied by a private or public kindergarten, elementary, middle, junior high, or high school;
2. Occupied by a licensed child-care facility or preschool as defined in California Health and Safety Code Section 1596.78;
3. Occupied by a library open to the public;
4. Occupied by a playground open to the public;
5. Occupied by a youth center;
6. Occupied by a recreational facility open to the public; or
7. Occupied by a park open to the public.

B. Minimum Standards.

Other Regulations. Compliance with all other state and federal laws regulating smoke or tobacco shops.

Residential Zone. Smoke or tobacco shops shall not be permitted in any locations zoned exclusively for residential uses.

Adjacent Uses. No smoke or tobacco shop shall be located within 1,000 feet of a hospital or youth-populated area. The distance requirement shall be measured by a straight line from the nearest point of the property line of the site of a youth-populated area to the nearest point of the property line of the site of the applicant's business premises.

Concentration of Uses. No smoke or tobacco shop shall be located within 1,000 feet of another smoke or tobacco shop. The distance requirement shall be measured by a straight line from the property lines of each use.

No Smoking on Premises. No smoking shall be permitted on the premises at any time.

Windows and Lighting. No more than 20% of the visible area of a window shall be obscured and adequate interior lighting levels shall be maintained during business hours to maintain clear visibility of tobacco shop operations from the exterior of the tenant space.

Signage. Smoke or tobacco shops shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke or tobacco shop. It shall be unlawful for a smoke shop and tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.

Nonconforming Retailers. Existing smoke or tobacco shops that do not comply with this chapter may remain on site after the effective date of the ordinance and shall not be resumed, reestablished, or reopened after it has been abandoned, discontinued or changed to a conforming use. See Chapter 236, Nonconforming Uses and Structures.

SECTION 2. All other provisions of Chapter 230 not modified herein shall remain in full force and effect.

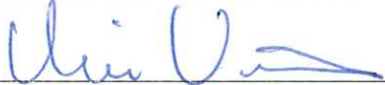
SECTION 3. This ordinance shall become effective immediately 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2025.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


City Attorney

REVIEWED AND APPROVED:

City Manager

INITIATED AND APPROVED:


Director of Community Development