



# Wylie City Council

## AGENDA REPORT

Department: Planning  
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Account Code: \_\_\_\_\_

### Subject

Hold a Public Hearing, consider, and act upon, the writing of an Ordinance to amend the City of Wylie Zoning Ordinance, Articles 5.1 Land Use Charts, 5.2 Listed Uses, 7.0 General Development Regulations, as they relate to Smoke Shops, Smoking Establishments and Alcohol uses.

### Recommendation

Motion to direct staff to prepare an ordinance approving the zoning change requested and bring it back for final consideration at a subsequent meeting.

### Discussion

In February 2023, the P&Z Commission held a work session with staff regarding Smoke Shops, Smoking Establishments, and Alcohol Use requirements. The impetus for this work session was the need to offer clearer requirements for certain tobacco and alcohol related uses. At that work session the Commission directed staff to draft amendments to the Zoning Ordinance that would:

- Establish Smoke Shops as a use and create requirements.
- Establish Smoking Establishments as a use and create requirements.
- Establish Winery, Brewery, and Distillery uses and create requirements.
- Reorganize the requirements for alcohol related uses for readability and usefulness.
- Establish a formal procedure for property owners to request a variance to alcohol related requirements.

#### Smoke Shops

Currently, the City of Wylie allows Smoke Shops under the General Merchandise Store use category. This allows Smoke Shops to be allowed by-right in many areas of the city that may be detrimental to the health, safety, and welfare of Wylie's citizens and their property.

The proposed amendments to the Zoning Ordinance include creating a 'Smoke Shop' use and its definition. The amendment allows the use in Commercial Corridor districts by Special Use Permit and Light Industrial Districts by-right. The definition includes uses that sell tobacco and 'vape' products. The use also specifies distance requirements from schools and other Smoke Shops of 300 and 1,500 feet, respectively.

#### Smoking Establishments

Currently, the City of Wylie does not allow Smoke Shops as a stand-alone use. Smoking Establishments in the City currently operate as restaurant uses, in which food is served and extensive ventilation is provided. Creating a use will allow for stand-alone establishments and provide for defined requirements.

The proposed amendments to the Zoning Ordinance include creating a 'Smoking Establishment' use and its definition. The amendment allows the use in most non-residential districts by Special Use Permit, and Light Industrial Districts by-right. The

definition includes uses typical of a cigar or hookah lounge. The use also specifies distance requirements from schools and other Smoke Shops of 300 and 500 feet, respectively along with the requirement for the use to be located in a stand-alone structure, i.e. not in a 'strip mall.'

### **Alcohol Uses**

Currently, the City of Wylie does not have a defined use for breweries, brewpubs, wineries, or distilleries. These establishments in the City currently operate as uses as they are defined by the Texas Alcohol Beverage Code along with Planned Development or Special Use Permit conditions as appropriate. Creating a use will codify the use and provide for clear, defined requirements.

The proposed amendments to the Zoning Ordinance include creating the uses and their definition. The amendment allows the use in most non-residential districts by-right, as allowed by State Law and the City's local option elections. However, the Special Use Permit option is being proposed to allow for other associated uses, such as event centers and food truck parks. The definition references the use as allowed by the Texas Alcohol Code.

### **Alcohol Provisions**

Currently the Zoning Ordinance has alcohol provisions listed under several different uses even though these provisions are identical and based on State Law. The amendments propose to relocate these provisions to Chapter Seven of the Ordinance, which also includes other 'general provisions' that apply to multiple uses, such as noise, parking, and tree preservation. Relocation makes these provisions both easier to locate, understand, and reduce the chance for clerical error due to the same material being located in multiple locations throughout the Zoning Ordinance.

Additionally, a section has been added that formally codifies the requirements for an applicant to request a variance from the distance requirements. As part of the request procedure, staff is recommending that the school or church be notified along with a notice be published in the newspaper before City Council consider the request, however, neither of these are required by State Law.

### **P&Z Recommendation**

The Commissioners voted 7-0 to recommend approval with the amendments of the Smoke Shop use requiring an SUP in all districts and eliminating the need for the Smoking Establishment use be in stand-alone buildings only. Those amendments are reflected in the Ordinance presented.