

Delete Section 5.1.F.29 Smoke Shop as a listed use

										CC	LI					
29. Smoke Shop										S	S					1 Per 300 sq ft

Delete Section 5.2.F.29 Smoke Shop as a use

~~29. Smoke Shop:~~

~~a. Definition: A retail establishment engaged in the sale of smoking and vaping products and/or paraphernalia for the consumption of smoking related products. These products include, but are not limited to; Cigarettes, cigars, e-cigarettes, pipes, hookahs, bong, tobacco, vape cartridges, and chewing tobacco. A business shall be classified as being within this use if more than 25% of the floor space, including displays and aisles, is based on the retail sale of the aforementioned products.~~

~~b. Additional Provisions:~~

~~(1) No smoke shop shall be established within 1,500 feet of another smoke shop.~~

~~(2) Shall not be closer than 300 feet to a public or private school measured in direct line from property line to property line, and in direct lines across intersections.~~

Add Section 7.11 - Smoke and Head Shop Provisions.

~~A . General Provisions. The sale of any smoking, vaping, and/or cannabis related products (to include but not limited to; Cigarettes, cigars, e-cigarettes, pipes, hookahs, bong, tobacco, vape cartridges, chewing tobacco, and legal cannabis products such as oils, edibles, tinctures, concentrates, and topicals.~~

- ~~o 1. Establishments are only permitted to sell the above products by right if the subject property was selling these products before the date of this ordinance. For property selling said products after the date of this ordinance, a Special Use Permit (SUP) must be obtained from the City of Wylie.~~
- ~~o 2. An establishment that sells the above products shall not be located closer than 300 feet to a church and/or public hospital measured along the property lines of the street fronts from front door to front door, and in direct lines across intersections.~~
- ~~o 3. An establishment that sells the above products shall not be located closer than 300 feet to a public or private school measured in a direct line from property line to property line, and in direct lines across intersections.~~
- ~~o 4. A SUP shall only be valid for the property owner, leasee, and /or applicant designated on the SUP for the listed lot or property. The approval of an SUP is not approval for the use on the property in perpetuity. Should the business tied to the owner, leasee, or applicant cease as a going concern, the property or lot reverts to the base zoning.~~

B. Appeal of Distance Requirements. The City Council may allow variances to the distance regulations if it is determined that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community. The distance variance shall become a part of the Special Use Permit Ordinance.