



Wylie City Council

AGENDA REPORT

Department: Planning
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Account Code: _____

Subject

Discuss ordinances regarding smoke shops, retailers that sell smoke, vape, CBD, and related products, and the use of those products within the City of Wylie.

Recommendation

Discussion.

Discussion

In December 2024, staff and Council held a work session to discuss the Smoke Shop within the City of Wylie. Council directed staff to work toward requiring all entities within the City that sold smoke, vape, or cannabis related products to only be allowed to do so with a Special Use Permit.

Toward that end staff is making the following recommendations:

- **Amend zoning ordinance to remove smoke shop as a use.**
- **Amend zoning ordinance to add a “Smoke and Head shop provisions” section.**

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.

- 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.
- 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.
- 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.
- 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.

This amendment, with any recommendations of the City Council, is scheduled for a public hearing with the Planning and Zoning Commission on March 18, 2025 and a public hearing with possible City Council adoption on March 25, 2025.

In addition to the proposed zoning ordinance amendment, staff was asked to propose potential changes to the City Code of Ordinances regarding smoking/vaping within various spaces. Currently, Section 74-3 prohibits smoking in a public preschool, a public or private primary or secondary school, city property, city facilities and city parks. In addition, Section 74-183 addresses regulations for smoking in food establishments.

Staff is asking for guidance on any desired expansion to this Ordinance. Potential amendments include: redefining 'smoking' to include all tobacco and/or vaping products, expanding the prohibition of smoking in certain other, or all, indoor and/or enclosed spaces open to the public, include areas within a number of feet of said spaces, and providing exceptions for business, if they gain an approved Special Use Permit or certain private property, such as residences.