



## CITY OF UNIVERSITY PARK AGENDA MEMO

**Meeting Date:**  
9/5/2023

**Item Type:**  
Action Item

**Subject:** Consider an Ordinance relative to PZ 23-002: The City of University Park is requesting to amend section 5.1.1 the zoning district use table 5.1 to authorize and regulate “smoke/vape shop” occupancies by specific use permit.

**Prepared By:** Patrick Baugh, Community Development Director

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### Background:

The Planning and Zoning Commission recommends that the City Council change the Zoning Ordinance to require Smoke Shops to meet certain Specific Use Requirements in order to conduct business within the City. This item presents the action item for amending Ordinance adoption to change the Zoning Ordinance. The requisite public hearing is within this same agenda.

The City Council requested the Zoning and Development Advisory Committee (ZADAC) review the operation of Smoke/Vape/ Tobacco shops within the City of University Park. Further, the request included receiving a recommendation on what, if any, controls or regulations ought to be adopted to regulate such occupancies.

The ensuing January ZADAC discussion centered on the attractive exhibition and introduction of various nefarious and duplicitous smoking materials that may entice or influence minors to partake of tobacco or chemical compounds injurious to their health. Legal remedies, such as those regulating the alcohol beverage industry, were discussed. Considerations included:

- distance from schools and churches,
- limitations on quantities displayed,
- percentage of all product display area dedicated to smoking paraphernalia,
- lighting,
- signage.

City Council discussion of the ZADAC recommendations report resulted in a direction to staff to initiate the Zoning Change process. The initial step in that process is a public hearing before the Planning and Zoning Commission. The Commission conducted that hearing during a regular meeting on August 8, 2023.

After public hearing and discussion, Planning and Zoning Commission recommends that additional regulations be imposed on Smoke Shops and obtaining a Certificate of Occupancy ought to be through a Specific Use Permit (SUP) process. That recommendation also includes a minimum separation distance dimension of such shops from schools, parks, and churches of 1000 feet. The City ordinance can include any other limitations as well, but, would recommend them to be defensible if challenged. Additionally, the City ordinance should not be so restrictive as to obviously eliminate the opportunity for these businesses to operate altogether.

The attached draft Ordinance includes the parameters allowed by the State as well as the recommended restrictions.

**Fiscal Impact:**

- ☒ Not Applicable
- ☐ Proposed Expenditure
- ☐ Proposed Revenue
- ☐ Budget Amendment Required

**Master Plan Goal (optional):**



	Theme	Action Item
<input type="checkbox"/>	Affirming Sense of Place	Click or tap here to enter text.
<input type="checkbox"/>	Assuring Connectivity	Click or tap here to enter text.
<input type="checkbox"/>	Innovative Governance	Click or tap here to enter text.
<input type="checkbox"/>	Technological Integration	Click or tap here to enter text.
<input type="checkbox"/>	Preparing for the Future	Click or tap here to enter text.

**Recommendation:**

The Planning and Zoning Commission recommends the City Council amend the Zoning Ordinance to require smoke shops to comply with particular regulations of a Specific Use Permit. Staff recommends that City Council conduct a Public Hearing on the proposed SUP requirements and forward a recommendation to City Council.

**Committee Review (*optional*):**

Zoning and Development Advisory Committee discussed January, 2023

Planning and Zoning Commission conducted a Public Hearing and discussion August 8, 2023

**Attachments:**

1. Draft SUP ordinance
2. Minutes from the ZADAC January 18, 2023 meeting
3. DRAFT P&Z Minutes 08-08-23