

DISCUSSION AND POSSIBLE ACTION
REGARDING UPDATED DRAFT ORDINANCE
LANGUAGE PERTAINING TO
SMOKE SHOP REGULATIONS

Background

- City Council Discussion–August 19, 2025
 - Amend the buffer requirements to require a minimum distance of 600 feet between smoke shops, and at least 600 feet from high schools and youth centers
 - Amend the definition of e-cigarette
 - Amend the definition of “Youth Center”
 - Remove references to cannabis from the definitions section
 - Add “Hookah Lounge” in the exemption that applies to a Smokers’ Lounge
 - Remove the prescriptive standards related to hours of operation

Background Continued

- Cap the maximum number of smoke shops at 5.
- More clearly define “ancillary sales” and evaluate whether existing businesses can comply

Smoke Shop Cap

- Draft language allows existing legal nonconforming smoke shops to continue operating for 5 years following its adoption
- Original draft required that the number be initially reduced to 10 and regulated through the CUP process
- City Council directed that the initial cap be lowered from 10 to 5
- A maximum of 5 CUPs during 5-year period
- Licenses can be issued/transferred to continue operation at the existing location for 5-year period

Ancillary Sales

- Original draft allowed “two percent of the gross floor area, or 200 square feet, whichever is less”
- Majority rely on vertical wall space with range of 20–50 sf.
- Language updated to limit the vertical display area to a maximum of 50 square feet
- Floor space to no more than one percent of the gross floor area.
- Allow Community Development Director to require reductions or approve minor increases in display areas, provided that the sale and display of tobacco products remain ancillary to the primary use

Additional Ordinance Updates

- Clarify procedural requirements
- Cross reference other code sections
 - Title 5, Chapter 9, Article 2 (Tobacco Retail Permit)
- Added regulations aimed at preventing underage smoking

Recommendation

PROVIDE DIRECTION ON THE FINAL ORDINANCE LANGUAGE AND SET NOVEMBER 18, 2025 AS THE DATE FOR A PUBLIC HEARING TO CONSIDER INTRODUCTION AND FIRST READING OF THE PROPOSED ORDINANCE