



June 27, 2023

Proposed Smoke Shop Code Amendment

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Agenda

- Group Agreements
- Meeting Purpose
- Background
- Smoke Shop Regulations Elsewhere in AZ
- Proposed Smoke Shop Definition
- Analysis and Discussion of Alternatives and Proposed Options
- Next Steps

Group Agreements

- Please be concise
- Allow everyone to speak before speaking again
- Be respectful of others and of differing viewpoints
- Stay on topic

Meeting Purpose

- Review options for zoning regulations regarding the location of future smoke shops
- Discuss and share feedback on proposed code amendment
- Gain understanding of areas that stakeholders feel need refinement
- Share next steps

Background

- At a February 7, 2023 Study Session, Mayor & Council expressed concern about the proximity of smoke shops to schools, and their clustering around other smoke shops
- Directed City Staff to initiate a code amendment to the UDC to require smoke shop uses to be separated from one another, and the separation of smoke shops from sensitive use
- Requirements will apply to new uses only, existing legal smoke shop uses would become “grandfathered” or legally non-conforming uses

Smoke Shop Regulations Elsewhere in AZ

- Tempe – ¼ mile separation distance from all schools except instructional or vocational schools
- Avondale – ¼ mile separation distance from other smoke shops, sexually oriented business, bar, night club, or wine bar
- Phoenix – 500-foot separation distance from other smoke shops and ¼ mile separation from schools, parks, recreational center, place of worship, or shelter

How Smoke Shops are Defined

- Reviewed definitions from other jurisdictions
- Evaluated activities may be covered – retail sales
- Included tobacco and tobacco related products, including vaping
- Looked at minimum floor area for sales/display
 - Generally consisted of 15% to 20% in other jurisdictions

Proposed Smoke Shop Definition

Smoke Shop: Any establishment in which retail sales of tobacco products, tobacco-related products, and other tobacco products such as vapor products and tobacco paraphernalia and accessories consist of either fifteen (15) percent or more of the product display, sales, or storage areas of the space. Smoke Shops include any person or business that operates a store, stand, booth, concession, or other place at which the sales of tobacco products, tobacco-related products, and other tobacco products are made to purchasers for personal consumption.

Analysis of Separation Distance Alternatives

- PDSD conducted a geospatial analysis to determine how different setback requirements would impact the number of suitable sites
- Based Mayor & Council direction to require smoke shop uses to be separated from one another, as well as from sensitive uses
- Several scenarios were created. The following two were selected to put forward
 - Option 1: 500-feet from schools and other smoke shops
 - Option 2: 1,000-feet from schools and other smoke shops

Discussion

What feedback do you have on these proposed Options?

- Separation distances
 - Option 1 – 500 feet from smoke shops and schools
 - Option 2 – 1,000 feet from smoke shops and schools

Do the proposed changes achieve Mayor and Council's direction?

Any other comments?



Opportunity to Comment Further

- Written comments can be submitted via the following, which is also posted in the chat
 - <https://forms.office.com/g/bfPRGsQQ3j>

Timeline and Next Steps

