

MEMORANDUM

To: Mayor Donna Dodgen and Seguin City Council
Steve Parker, City Manager

From: Kyle Kramm, Main Street & CVB Director

Through: Rick Cortes, Deputy City Manager

Subject: Vape and CBD Shops

Date: March 26, 2024

The allowable land uses within the downtown historic district are located within the Unified Development Code's Land Use Matrix. Uses are either allowed outright, require a limited use permit, require a specific use permit, or are not allowed at all. A limited use permit is subject to staff review and the use must meet criteria established for that use. A specific use permit requires review by the Planning & Zoning Commission and specific rules and regulations can be applied to that use at that location.

Recently, staff was asked to investigate developing policies for vape and CBD shops within the downtown historic district. Currently, these are allowed outright in the commercially zoned areas of the downtown historic district.

Attached with this memo is a summary of rules and regulations from other communities on the allowance of Vape, CBD, tobacco, and headshops in their respective zoning uses.

At its December 2023 meeting, the Main Street Advisory Board recommended that vape shops and CBD shops be allowed in downtown with a limited use permit and that the permit have set distance requirements of being at least 300 feet (door to door) from another CBD shop, vape shop, church, and school. This will allow these uses within the downtown historic district but limit their frequency.

MAIN STREET & CVB

At its March 2024 meeting, the Planning & Zoning Commission recommended adding distance requirements of 300 feet from day care and parks.

Additionally, the UDC will need to define what a vape shop and CBD shop are. The two boards recommended the following definition: a retail establishment that predominately sales electronic cigarettes, e-cigs, vapes, e-hookahs, vape pens, electronic nicotine delivery systems, products containing tetrahydrocannabinol (THC), and paraphernalia for the consumption of products containing THC. This would allow retailers to carry one line of CBD lotions or gummies without being called a CBD shop and having to get the limited use permit.

Both the Main Street Advisory Board and Planning & Zoning Commission have recommended approval of these amendments to the Land Use Matrix.