

It's real.**MEMORANDUM**

To: Seguin Planning & Zoning Commission
From: Kyle Kramm, Main Street & CVB Director
Subject: Vape and CBD Shops
Date: March 5, 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.

Staff is recommending 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 keep them from taking up an entire block.

Additionally, the UDC will need to define what a vape shop and CBD shop are. The Main Street Advisory Board is recommending the following definition: a retail establishment that specializes in the sale of 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.

The Main Street Advisory Board recommended approval of the regulations for vape and CBD shops in downtown at its December meeting. After Planning & Zoning Commission approval, the regulations for vape and CBD shops will go to City Council.