

**Building
Regulations
Enhancing
Anti-vaping Trends
and Habits
(B.R.E.A.T.H.)**

Community Health Committee – Item 3

March 24, 2025



Council Consideration Request



Submitted September 5, 2024, by Council District 9

Background

- Update code for zoning, regulations for tobacco stores and vape shops
 - Ch. 35 Unified Development Code (UDC), Article III
- Jan. 1, 2025 - Electronic Smoking Devices (ESDs) added to smoking ordinance

Request

- Update to prohibit tobacco retail stores, including vape shops, from opening within 1,000 feet of:
 - A public or private school
 - Daycare
 - Or institution of higher learning

Legislative Overview

Cities can adopt ordinances prohibiting e-cigarette retailers within:



SB 464

300 feet of a public or private primary or secondary school campus



HB 1816

1,000 feet of a public or private primary or secondary school campus



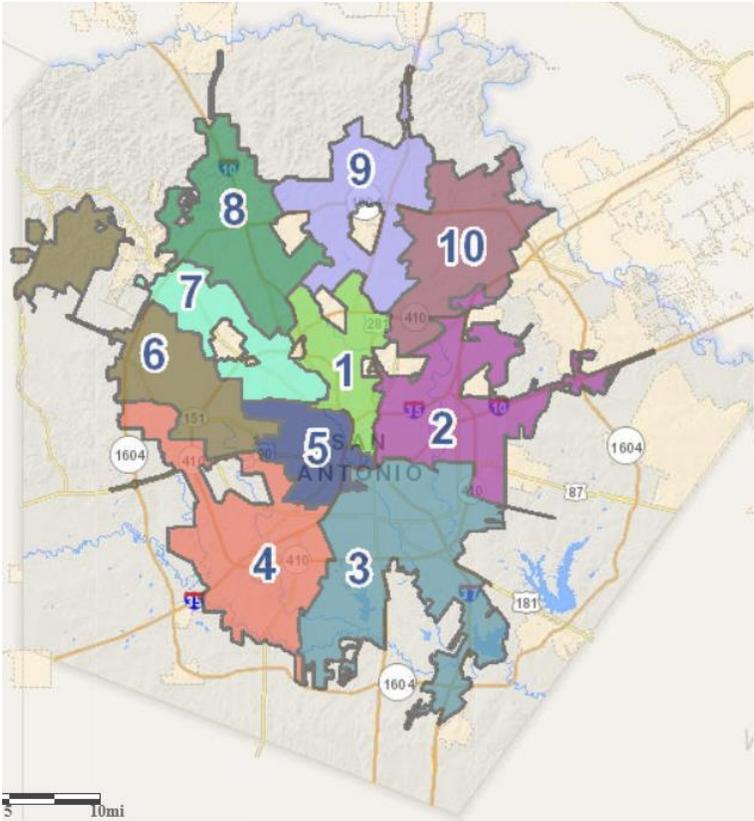
HB 3965 & SB 1315

1,000 feet of a public or private primary or secondary school campus or 300 feet of a church

Adoption of any state law could preempt local ordinance.

Vape Shops

By Council Districts

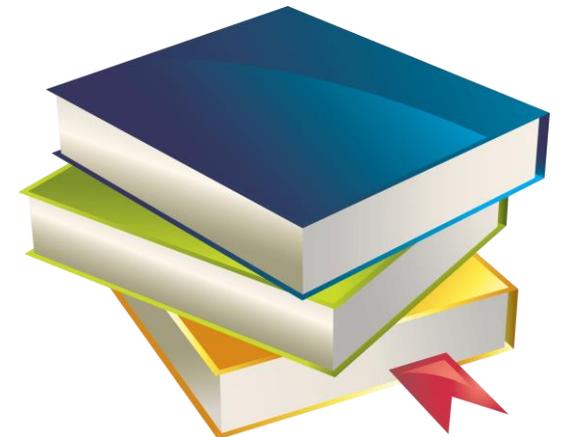


| Council District | Total Vape Shops |
|------------------|------------------|
| 1 | 35 |
| 2 | 21 |
| 3 | 16 |
| 4 | 18 |
| 5 | 15 |
| 6 | 17 |
| 7 | 17 |
| 8 | 33 |
| 9 | 31 |
| 10 | 22 |

Unified Development Code Amendment

Article III. Zoning (Supplemental Use Regulations)

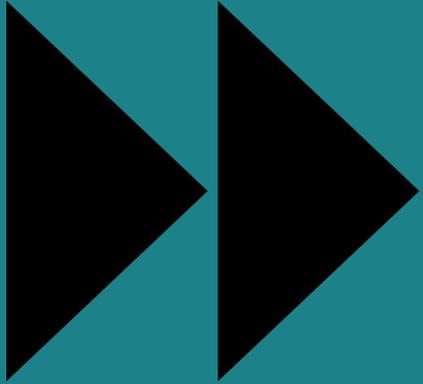
- **Sec. 35-398.02:** Prohibition of Tobacco and/or vape shops from certain uses.
- **(a) Applicability.** No tobacco store or vape shop shall be allowed to operate within 1,000 feet of a public or private school, daycare, or institution of higher learning **unless granted an “S” Specific Use Authorization to do so by City Council, in accordance with Sec. 35-423.**
- Existing locations within 1,000 feet of such uses would be considered legal, nonconforming (grandfathered)



Staff Recommendation



- Staff recommends the Unified Development Code (UDC) be updated to prohibit operation of tobacco and vape shops within 1,000 feet of public or private schools, daycares, or institutions of higher learning.



THANK YOU!

Michael Shannon, PE, CBO
Director

