



Legislation Details (With Text)

File #: 230097 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/9/2023 **In control:** COMMON COUNCIL

On agenda: **Final action:** 6/20/2023

Effective date:

Title: A substitute ordinance relating to zoning regulations for tobacco or e-cigarette retailers.

Sponsors: ALD. BROSTOFF, ALD. DIMITRIJEVIC, ALD. MURPHY, ALD. WESTMORELAND, ALD. CHAMBERS JR., ALD. ZAMARRIPA, ALD. BAUMAN, ALD. STAMPER, ALD. A. PRATT, ALD. SPIKER

Indexes: SMOKING, ZONING

Attachments: 1. Substitute 1 Actual File Text, 2. Original - Actual File Text, 3. DCD Memo, 4. Zoning Code Technical Committee Letter, 5. Public Health Law Center Policy Paper, 6. Map, 7. City Plan Commission Letter, 8. DCD PowerPoint, 9. NYT Vaping Article 10062022, 10. CPC Staff Report, 11. Hearing Notice List, 12. Crockett Support, 13. EL Bethel Church of God in Christ Letter, 14. Foster-Toney Support, 15. Kheirich Support, 16. UMOs WHLTPN FACT Youth Support 1, 17. UMOs WHLTPN FACT Youth Support 2, 18. Various Organizations Letter Support, 19. Impacts of Proposed Tobacco and E-cigarette Retailer Zoning, 20. Notice published 5-19 and 5-26-23, 21. Legal and Enforceable, 22. NATO Letter, 23. Notice published 7/7/2023

Date	Ver.	Action By	Action	Result	Tally
5/9/2023	0	COMMON COUNCIL	ASSIGNED TO		
5/10/2023	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
5/12/2023	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
5/19/2023	0	CITY CLERK	PUBLISHED		
6/5/2023	0	CITY PLAN COMMISSION	RECOMMENDED FOR PASSAGE AND ASSIGNED	Pass	4:0
6/13/2023	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Pass	4:0
6/13/2023	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
6/20/2023	1	COMMON COUNCIL	PASSED	Pass	14:0
6/28/2023	1	MAYOR	SIGNED		
7/7/2023	1	CITY CLERK	PUBLISHED		

230097
SUBSTITUTE 1

ALD. BROSTOFF, DIMITRIJEVIC, MURPHY, WESTMORELAND, CHAMBERS, JR., ZAMARRIPA, BAUMAN, STAMPER, PRATT AND SPIKER

A substitute ordinance relating to zoning regulations for tobacco or e-cigarette retailers.

295-201-505 am
295-201-662 cr
295-203-5-j am

295-203-5-q	cr
295-403-2-a (table)	am
295-404-1 (table)	am
295-503-1 (table)	am
295-603-1 (table)	am
295-603-2-h	rn
295-603-2-h	cr
295-603-2-i	rn
295-603-2-j	rn
295-603-2-k	rn
295-603-2-L	rn
295-603-2-m	rn
295-603-2-n	rn
295-603-2-o	rn
295-603-2-p	rn
295-603-2-q	rn
295-703-1 (table)	am
295-703-2-k	rn
295-703-2-k	cr
295-703-2-L	rn
295-703-2-m	rn
295-703-2-n	rn
295-703-2-o	rn
295-703-2-p	rn
295-703-2-q	rn
295-703-2-r	rn
295-703-2-s	rn
295-703-2-t	rn
295-703-2-u	rn
295-703-2-v	rn
295-703-2-w	rn
295-703-2-x	rn
295-703-2-y	rn
295-703-2-z	rn
295-703-2-aa	rn
295-803-1 (table)	am
295-803-2-k	rn
295-803-2-k	cr
295-803-2-l	rn
295-803-2-m	rn
295-803-2-n	rn
295-803-2-o	rn
295-803-2-p	rn
295-803-2-q	rn
295-803-2-r	rn
295-803-2-s	rn
295-803-2-t	rn
295-803-2-u	rn
295-803-2-v	rn

295-803-2-w	rn
295-803-2-x	rn
295-803-2-y	rn
295-803-2-z	rn
295-803-2-aa	rn
295-903-2-a (table)	am
295-905-2-a (table)	am

This ordinance provides that, in the zoning code, the term “tobacco or e-cigarette retailer” shall mean an establishment in which 10 percent or more of the gross public floor area or 10 percent of stock in trade consists of cigarettes, tobacco products, or e-cigarette products.

This ordinance also provides that, for zoning purposes, the use classification of a tobacco or e-cigarette retailer shall be as follows:

1. Limited use - all commercial districts, all downtown districts, IM industrial districts.
2. Prohibited use - all residential districts, all other industrial districts, parks district, and institutional district.

The limited use standards for a tobacco or e-cigarette retailer shall be as follows:

1. The tobacco or e-cigarette retailer shall not be within 1,000 feet of an elementary or secondary school, library, day care center, park or playground. If this standard is not met, the use is prohibited.
2. The tobacco or e-cigarette retailer shall not be within 500 feet of a premises holding a cigarette and tobacco license. If this standard is not met, a special use permit is required.

See "Substitute 1 Actual File Text".

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB-177828-2
Gunnar Raasch

5/22/2023