



## Legislation Text

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**File #:** 230097, **Version:** 1

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### 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

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

LRB-177828-2  
Gunnar Raasch  
5/22/2023