



Legislation Details (With Text)

**File #:** 37398      **Version:** 2      **Name:** Amending zoning code re tobacco retailers  
**Type:** Ordinance      **Status:** Passed  
**File created:** 2/23/2015      **In control:** PLAN COMMISSION  
**On agenda:** 5/19/2015      **Final action:** 5/19/2015  
**Enactment date:** 5/28/2015      **Enactment #:** ORD-15-00054

**Title:** SUBSTITUTE Amending Sections 28.211, 28.151, and 28.061 of the Madison General Ordinances to amend existing zoning regulations for tobacco retailers in the City of Madison.

**Sponsors:** Paul R. Soglin

**Indexes:**

**Code sections:**

**Attachments:** 1. Substitute Body, 2. Body, 3. ZT Staff Comments.pdf, 4. Comments 032315.pdf, 5. Comments to 040115.pdf, 6. Mayor Tobacco Retailers Memo Plan Commission.pdf, 7. 37398 Comments to 403015.pdf, 8. TOBACCO MEMO 5-1-15.pdf, 9. Tobacco retailers ordinance FAQ 5-2015, 10. Map.Current Regulation, 11. Map.Proposed Ordinance

Date	Ver.	Action By	Action	Result
5/19/2015	2	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
5/4/2015	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING	Pass
4/6/2015	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO RE-REFER - RECESSED PUBLIC HEARING	Pass
3/31/2015	1	COMMON COUNCIL	Re-refer for Recessed Public Hearing	Pass
3/23/2015	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING	Pass
3/3/2015	1	COMMON COUNCIL	Referred	
2/23/2015	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

No appropriation is necessary.

**Title**

SUBSTITUTE Amending Sections 28.211, 28.151, and 28.061 of the Madison General Ordinances to amend existing zoning regulations for tobacco retailers in the City of Madison.

**Body**

DRAFTER'S ANALYSIS: The City's zoning code currently permits tobacco shops in the NMX, TSS, MXC, CC-T, and CC districts. However, the code does not specifically define tobacco shops and does not provide specific regulations for them. Nor does the code specifically address e-cigarettes, which the Common Council recently added to the City's ban on indoor smoking.

This amendment will amend the zoning code to create new definitions for Tobacco Retailer, Tobacco Paraphernalia, and Tobacco Products, which will include and incorporate e-cigarette products. Tobacco retailers (currently referred to as tobacco shops) will continue as permitted uses in the NMX, TSS, MXC, CC-T, and CC districts, and tobacco retailers established after the effective date of this ordinance will be subject to supplemental regulations pertaining to locating and operating such establishments.

Key supplemental regulations under this ordinance include that no tobacco retailer shall be located within one-thousand (1,000) feet of the boundary of any residential zone or parcel occupied by certain other uses, such as schools, day cares, playgrounds, youth centers, parks, libraries, and health care facilities. Furthermore,

this ordinance contains a dispersion requirement, which prohibits a tobacco retailer to locate within five hundred (500) feet of a site occupied by another tobacco retailer. Finally, the ordinance contains supplemental regulations regarding the display and sale of tobacco products and paraphernalia.

\*\*\*\*\*

The Common Council of the City of Madison do hereby ordain as follows:

    Please see "Substitute Body" in Attachments.