



Legislation Text

File #: 37398, **Version:** 2

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.