

Memorandum

Community and Economic Development Department

To: Rock Island City Council

Subject: Retail Tobacco Zoning Ordinance Amendments

Date: March 2, 2023



In June 2022, the City Council unanimously approved a moratorium for all new businesses that operate as “vape shops” for six (6) months. During the six (6) month moratorium period, the Mayor and City Council directed City staff to provide updated language and regulations on nicotine products, including vaping products to Article XVIII Sale/Possession of Tobacco Products of the City of Rock Island Code of Ordinances.

Staff worked on updates to Article XVIII that were presented to the City Council at the December 12th Study Session. One of staff’s recommendations was to house location requirements for tobacco sales in the Zoning Code due to the existing framework in place for other types of businesses, such as bars, cannabis related uses, and adult regulated uses. Additionally, a location requirement in the Zoning Code is less arbitrary than a cap on a type of business and allows for due process through Special Use Permits, variances, etc. Based on Council’s feedback, staff moved forward with drafting the revisions to the Zoning Code.

Proposed Amendments:

For the Zoning Code, staff propose to include a new definition for a *Retail Tobacco Business*. This definition will align with the new definition for the same type of business in Article XVIII that includes expanded language regarding nicotine containing products. The difference between a Retail Tobacco Business and a store with incidental tobacco sales is the sales of said products being greater than 80% of gross revenue. This number is based on the “Smoke Free Illinois Act.” Additionally, staff recommend that both classes of business be limited to B-2, B-3, and B-4 zoning districts, and that Retail Tobacco Businesses be prohibited within one hundred feet (100’) of residentially zoned parcels. A map of B-2, B-3, B-4 zoning districts that are outside of a 100-foot buffer from residential districts is attached to this memo.

At their March 1st meeting, the Planning Commission unanimously recommended the approval of the proposed amendments.

Recommendation:

The Community and Economic Development Department and Planning Commission recommend that the City Council approve the proposed amendments to the Zoning Code and consider the ordinance.

Submitted by: Tanner Osing, Planning & Zoning Manager
Miles Brainard, Community & Economic Development Director

Approved by: Todd Thompson, City Manager

**AN ORDINANCE AMENDING APPENDIX A
TO THE CODE OF ORDINANCES OF THE CITY OF ROCK ISLAND, ILLINOIS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, ILLINOIS:

Section One: Appendix A to the Code of Ordinances of The City of Rock Island, Illinois, is hereby amended by adding a definition in Article VI for Retail Tobacco Business as follows:

Tobacco Business, Retail: Any premises where the sale of tobacco products, electronic cigarettes, or alternative nicotine products is the principal use, as defined by the sale of said products generating more than 80% of gross revenue for the premise.

Section Two: Appendix A to the Code of Ordinances of The City of Rock Island, Illinois, is hereby amended by adding a permitted use in Article XIX, Section 19.2d for Retail Tobacco Business as follows:

Bar, dance hall, cocktail lounge or nightclub, private clubs, lodges, union halls, tavern, retail tobacco business, on-site cannabis product dispensing and product consumption dispensing business, micro-brewery when enclosed and with building(s) and outside storage at least one hundred feet (100') from any residentially zoned private property.

Section Three: Appendix A to the Code of Ordinances of The City of Rock Island, Illinois, is hereby amended by adding an accessory use in Article XIX, Section 19.3 as follows:

19.3c Sales of tobacco products, electronic cigarettes, or alternative nicotine products that do not meet the definition of a retail tobacco business.

Section Four: All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they do so conflict.

Section Five: This ordinance shall be in full force and effect from and after its passage and approval, as required by law.

MAYOR OF THE CITY OF ROCK ISLAND

PASSED: _____

APPROVED: _____

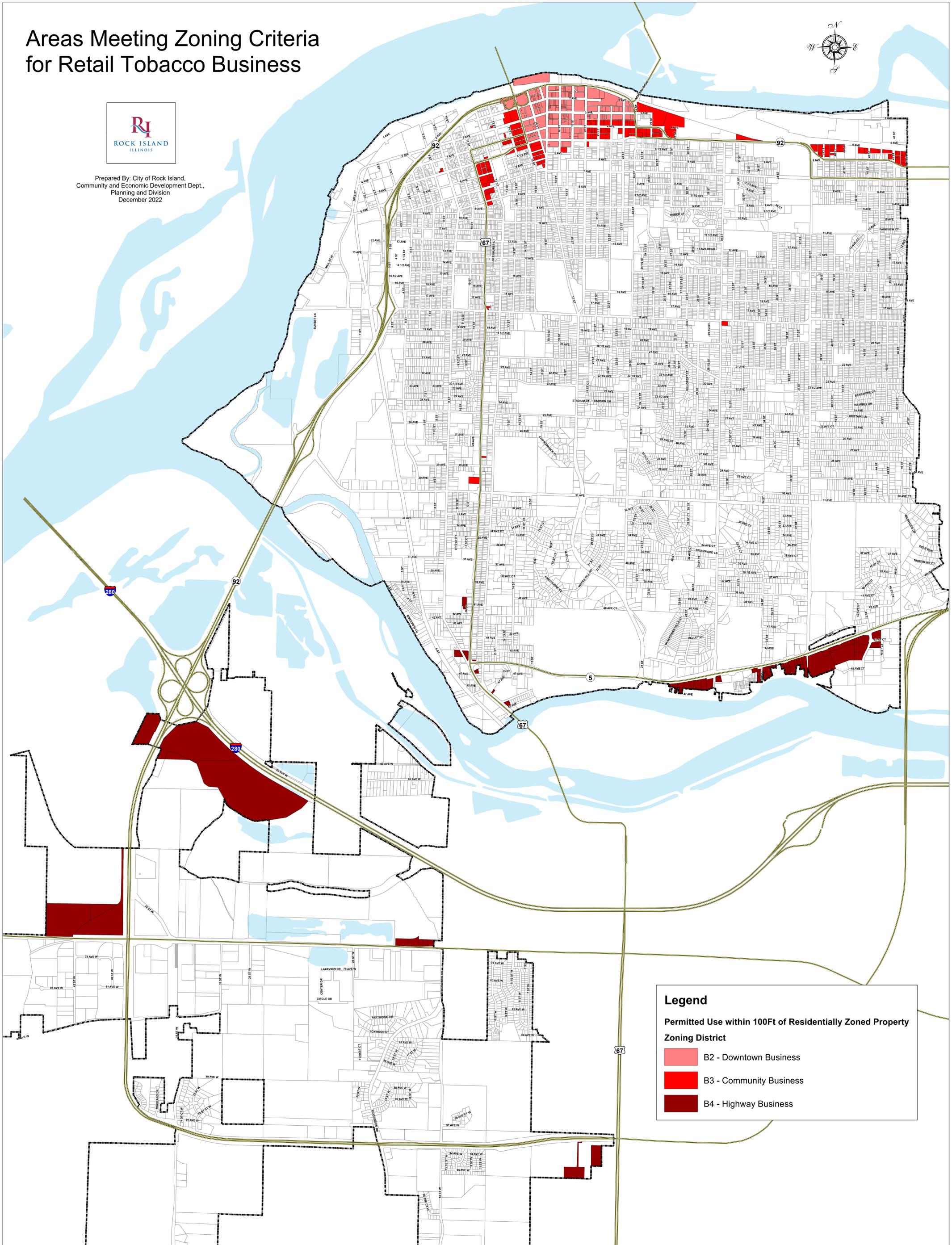
ATTEST: _____

CITY CLERK

Areas Meeting Zoning Criteria for Retail Tobacco Business



Prepared By: City of Rock Island,
Community and Economic Development Dept.,
Planning and Division
December 2022



Legend

Permitted Use within 100Ft of Residentially Zoned Property

Zoning District

- B2 - Downtown Business
- B3 - Community Business
- B4 - Highway Business