

Zoning Ordinance 0001-26 – Tobacco or Smoke Shops

An ordinance to repeal in part and amend Chapter 114, Article V, Section 114.447, and to create Chapter 114, Article V, Section 114-487(b)(30).

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Chapter 114, Article V, Section 114.447 is repealed in part and amended as follows:

Sec. 114-447 (b)(36) is hereby repealed and Sec. 114-447 (b)(37-46) are renumbered as follows:

- (36) Toy Stores
- (37) Wearing apparel shops
- (38) Variety stores
- (39) Accessory uses, incidental to and on the same zoning lot as a principal use
- (40) Community living arrangements having the capacity to serve eight or fewer persons, excluding staff or live-in-family.
- (41) Dance studios or dance schools above the building's street level, or at the building's street level but no closer than 20 feet to the store front with instruction and performance areas being screened from view.
- (42) Family day care home.
- (43) Group day care center, when operated within an existing educational institution, recreation and social facility, or religious institution.
- (44) Class 2 non-commercial-type uses as defined in section 114-1.
- (45) Short term rental establishments, as an accessory use, as permitted in the R-1 district

Part 2: Chapter 114, Article V, Section 114-487(b)(30) is created as follows:

- (30) Tobacco or Smoke Shop subject to the following standards:
 - a. The subject location shall not be located closer than 1,000 feet from another Tobacco or Smoke Shop.
 - b. The subject location shall not be located closer than 1,000 feet from any active place of worship, licensed day care center, school, community center, or other facility predominantly attended by individuals under the age of 21.

Part 3: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within five days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.