

MOTION
(LYING OVER)
NO. M-25-254

CITY HALL: April 24, 2025



**BY: COUNCILMEMBERS THOMAS, GIARRUSSO, HARRIS, GREEN AND KING
(BY REQUEST)**

WHEREAS, Louisiana law (La. R.S. 14:91.8) prohibits the sale and distribution of tobacco products to individuals under the age of 21, with the intent to prevent youth access to harmful tobacco products; and

WHEREAS, research has shown that both vape shops and traditional tobacco product shops tend to be disproportionately located in communities of lower socio-economic status and with lower air quality; and

WHEREAS, research has found that increased baseline exposure to e-cigarette advertising, including point-of-sale advertising in stores, is linked to an increase in the subsequent reporting of nicotine use within the last 30 days among youth aged 13-20; and

WHEREAS, flavored tobacco and nicotine products sold at tobacco-nicotine businesses, including alternative products like vapes and pouches, have been shown to appeal particularly to youth and young adults, with 90% of middle and high school tobacco users reporting use of a flavored product; **NOW, THEREFORE**

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct a public hearing to consider amending and reordaining Article 26 of the Comprehensive Zoning Ordinance of the City of New Orleans (Ordinance No. 4,264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments) to create a new use definition for a "Tobacco-Nicotine Business," which is defined as follows:

A retailer with a unique municipal address whose primary activity is the sale, manufacture, or promotion of tobacco, tobacco products and accessories, or nicotine, nicotine products and accessories, such that the sale of other products is merely incidental.

BE IT FURTHER MOVED, That the City Planning Commission is directed to identify which zoning districts shall allow Tobacco-Nicotine Business and any applicable use standards.

BE IT FURTHER MOVED, That the City Planning Commission is also directed to consider appropriate distance and density restrictions for Tobacco-Nicotine Businesses to ensure these businesses are appropriately spaced, are compatible with their surroundings, and that new Tobacco-Nicotine Businesses shall be at least one mile from existing Tobacco-Nicotine Businesses.

BE IT FURTHER MOVED, That any fees required to effectuate this request and the Project Neighborhood Participation Program requirement are both waived.

BE IT FURTHER MOVED, That in the process studying and reviewing this request, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance, as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

AND THE MOTION WAS ADOPTED.



LEGISLATIVE SUMMARY

TO ACCOMPANY MOTIONS

BEFORE SUBMISSION TO CLERK OF COUNCIL

Requesting Department or Agency: Health

Name of Contact Person: Daisy Ellis

Telephone Number: 504-250-5621

Email Address: Daisy.ellis@nola.gov

Initials of Sponsoring Councilmember(s): _____

DETAILED SYNOPSIS OF THE MOTION

Please generally describe the purpose, intent, and effect of the proposed motion.

The proposed motion would define "Tobacco-Nicotine Business" as a distinct land use

and direct the City Planning Commission to determine in which zoning districts these

businesses can operate, along with any rules or limitations that should apply to them.

It also calls for the CPC's consideration of distance and density restrictions to ensure

compatibility with surrounding areas and limit youth exposure to harmful nicotine products

If the Motion is to appoint an individual to a City Board or Commission, please follow the procedures set forth in Rule 15 of the Council Rules and Regulations.

REQUESTED ADOPTION DATE: _____

Calendar No.

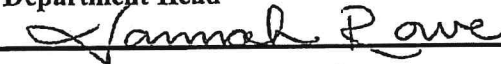
(Rev)
(Exp)

Name Daisy Ellis Ext. 8-2508
Person responsible for routing

**CHECK SHEET TO BE USED FOR
CLEARING ORDINANCES, MOTIONS, AND RESOLUTIONS
BEFORE SUBMISSION TO COUNCIL CLERK**

The originating agency shall attach a copy of each proposed ordinance, motion, or resolution to the check sheet for processing in the sequence indicated after preparing a synopsis. The detailed memorandum of explanation shall also be attached to this check sheet.

SYNOPSIS OF DOCUMENT: The proposed motion would define "Tobacco-Nicotine Business"
as a distinct land use and direct the City Planning Commission to determine in which zoning districts
these businesses can operate, along with any rules or limitations that should apply to them. It also calls
for the City Planning Commission's consideration of distance and density restrictions, including a
requirement that new Tobacco-Nicotine Businesses are located at least one mile from existing ones, to
ensure compatibility with surrounding areas and limit youth exposure to harmful and addictive
nicotine products.

1. 
Department Head
2. 
Department of Law
3. 
Chief Administrative Officer
4. 
Director of Council Relations
5. _____
Initials of Sponsoring Council Member

COUNCIL ACTION

Council Members Present: _____
Absent: _____

AMENDMENTS:

FINAL ADOPTION:

MOVED: _____
2ND: _____
YEAS: _____
NAYS: _____
ABSENT: _____
RECUSED: _____