

RESOLUTION NO.

A RESOLUTION BY THE PLANNING COMMISSION REQUESTING THAT ITS STAFF WITH PLANNING AND DESIGN SERVICES RESEARCH LAND USES THAT INCLUDE TOBACCO BUSINESSES AND ELECTRONIC SMOKING RETAIL STORES THAT SELL SMOKING AND/OR VAPING PRODUCTS AND RELATED ACCESSORIES, INCLUDING BUT NOT LIMITED TO CIGARETTES AND E-CIGARETTES, AND PROPOSE AMENDMENTS TO THE LAND DEVELOPMENT CODE RELATED TO THE ZONING AND LOCATION OF THESE USES AND FORWARD ITS RECOMMENDATIONS TO THE PLANNING COMMISSION AND LOUISVILLE METRO COUNCIL.

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), smoking is the leading cause of preventable death in the U.S.;

WHEREAS, approximately 480,000 people die in the U.S. from smoking-related diseases and exposure to secondhand smoke every year;

WHEREAS, according to the CDC, if cigarette smoking continues at the current rate among youth in the U.S., 5.6 million of today's Americans younger than 18 will die early from a smoking-related illness. That's about 1 of every 13 Americans aged 17 years or younger who are alive today;

WHEREAS, according to the CDC, electronic smoking devices (e-cigarettes) entered the U.S. marketplace around 2007, and since 2014, they have been the most commonly used tobacco product among U.S. youth. E-cigarette use by Kentucky 10th graders doubled between 2016 and 2018, from 11.7% to 23.2%, and in 2019, increased again to 27.5%; and

WHEREAS, youth who use e-cigarettes are twice as likely to take up smoking traditional cigarettes and addiction to nicotine may also increase likelihood of addiction to other substances in the developing adolescent brain;

WHEREAS, a high density of tobacco retailers has been associated with increased smoking rates, particularly among youth;

WHEREAS, the density and proximity of tobacco retailers influence smoking behaviors, including number of cigarettes smoked per day;

WHEREAS, adults who smoke have a harder time quitting when residential proximity to tobacco retailers is smaller and density is higher;

WHEREAS, tobacco retailer location and density also heavily contribute to social inequities as retailers are more prevalent in lower-income areas and communities in which a greater percentage of residents identify as African American or Hispanic, which perpetuates disparities in tobacco use and associated negative health effects;

WHEREAS, there are laws that prevent the sale of products to minors but there are no specific regulations in place to limit the retail locations and their efforts to appeal to minors;

WHEREAS, policies and regulations to reduce tobacco retailer density have been shown to be effective and may reduce or eliminate inequities in the location and distribution of tobacco retailers;

WHEREAS, given the public health impacts related to smoking and the rise of vaping and e-cigarette use, Louisville Metro should review its current zoning regulations related to businesses that sell such products and determine the appropriate locations for such businesses (which could involve restricting where such a use may be located via the zoning classifications and/or modifying the appropriate approval process);

WHEREAS, Louisville Metro's current comprehensive plan, known as Plan 2040, became effective on January 1, 2019;

WHEREAS, Plan 2040 sets a framework for growth by using five guiding principles – Connected, Healthy, Authentic, Sustainable, and Equitable (CHASE) – to strategically manage all the benefits and challenges that come from adding more people;

WHEREAS, Plan 2040 includes a Livability Element that provides guidance and direction for the provision and maintenance of the resources necessary for the health and well-being of citizens. This includes a focus on public health, promoting access to fresh food and health care, as well as designing places for health and safety; and

WHEREAS, a Livability Goal of Plan 2040 is to ensure equitable health and safety outcomes for all.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO PLANNING COMMISSION AS FOLLOWS:

SECTION I: Staff shall undertake a review of the Land Development Code and propose amendments thereto.

SECTION II: This resolution shall take effect upon its passage and approval.

Vince Jarboe
Chair