



**TO:** The Honorable Mayor and the City Council

**FROM:** Ty Livingston, Director of Planning & Community Development

**DATE:** January 27, 2021

**SUBJECT:** Moratorium on approval of any new smoke shops, as defined in the attached ordinance for a period of not more than 6 months to allow for additional review of this matter.

**BACKGROUND:**

Over the past few months, staff has received a few inquiries from smoke shop operators seeking locations here in East Peoria. Given this recent interest and based upon feedback from the City Council, staff believes it would be prudent for the City to take a pause from allowing these types of developments from opening in the City.

This moratorium would allow the City Council and staff to identify opportunities to manage these types of uses and ensure they are not located in close proximity to one another or other protected facilities – such as schools. In turn, staff and the City Attorney’s Office will be able to present appropriate tools to manage this use to the City Council at a future meeting. The final product of this review will offer clear guidance to property owners and other interested parties in the siting of this use.

**RECOMMENDATION:** Approval of the moratorium, as presented.

**RESOLUTION NO. 2021-101**

**East Peoria, Illinois**

\_\_\_\_\_, **2022**

**RESOLUTION BY COMMISSIONER \_\_\_\_\_**

**RESOLUTION ESTABLISHING MORATORIUM ON  
SMOKE SHOPS AND RELATED BUSINESS USES  
IN THE CITY OF EAST PEORIA**

**WHEREAS**, the City is undertaking a review of the licensing of businesses that sell tobacco and electronic smoking devices and related equipment, materials, and paraphernalia, as well as implementing restrictions on location of such businesses that receive a significant amount of their business and retail revenues for the sales of such items; and

**WHEREAS**, the Department of Planning and Community Development is evaluating potential amendments to the East Peoria Zoning Code to address possible development and uses of properties within or adjacent to protected uses, such as schools, for locating a smoke shop or similar businesses in the City of East Peoria; and

**WHEREAS**, it is in the best interests of the City to place a moratorium as provided herein on the issuance of any building permits, any zoning or special use permits, or any other City-issued permits or licenses for smoke shops or similar businesses seeking to locate or open for business in the City of East Peoria;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, AS FOLLOWS:**

**Section 1.** A moratorium is hereby declared and established on the issuance of any building permits, zoning or special use permits, or any other permits or licenses of any nature whatsoever which would allow the use, construction, renovation, or location of a smoke shop or similar business within the City of East Peoria during the moratorium period established herein.

**Section 2.** As used in this Resolution, a “smoke shop or similar business” is any business or retail operation that makes the majority or a significant portion of their revenues from the sale of tobacco products, electronic cigarettes, alternative nicotine products (as those terms are defined in Section 10-1-4.24 of the East Peoria City Code), including any tobacco or electronic smoking related products, equipment, materials, paraphernalia, and related merchandise.

**Section 3.** The moratorium declared by this Resolution shall expire August 1, 2022, unless earlier terminated by action of the City Council.

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk