



TO: The Honorable Mayor and City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: August 11, 2022

SUBJECT: Petition of the City of East Peoria to amend the City Code to require a Special Use and licensing for Smoke Shops.

BACKGROUND: The petition here is to add smoke shops in the City Code. Over the past year, the City has seen a significant increase in the interest for these retail establishments. Many of them are looking at the former cash store locations throughout the City, but not all. The proposal here would make them a Special Use and require a license as well as developing a definition for smoke shops. Of particular concern are locations in close proximity to schools, daycare, and recreational facilities for those under the age of 21. In reviewing area communities, some sort of licensing requirement for these uses is fairly common. While the Special Use would apply to only new petitions for this use once the code change is adopted, the licensing requirements would be applicable to all smoke shops which meet the requirements set forth in the ordinance.

The ZBA recommends approval (4-0) of the proposed text amendment.

RECOMMENDATION: Approval, as presented.

ORDINANCE NO. 4668

**AN ORDINANCE AMENDING ZONING REGULATIONS IN TITLE 5
OF THE EAST PEORIA CITY CODE ADDING SMOKE AND TOBACCO SHOPS
AS A SPECIAL USE IN THE B-2 BUSINESS DISTRICT**

WHEREAS, the City of East Peoria has proposed amendments to certain zoning regulations found at Title 5 of the East Peoria City Code, which proposed amendments are hereinafter set forth; and

WHEREAS, the City Council has adopted new Chapter 39 of Title 3 of the East Peoria City Code for regulating smoke shops and tobacco shops within the City in an effort to limit access to young persons to the harmful products sold by these types of businesses, which includes limitations on the location of such businesses; and

WHEREAS, the City Council also seeks to further limit that location of smoke shops and tobacco shops within the City under the City's zoning regulations as an additional means of limiting access of these types of businesses by young persons; and

WHEREAS, after holding a public hearing pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed amendment set forth herein; and

WHEREAS, the City Council finds that adoption of the proposed amendment to the City's zoning regulations would serve the best interests and the public good of the City of East Peoria and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. New Section 3(b)(15) is hereby added to Title 5, Chapter 9 of the East Peoria City Code as follows:

5-9-3. B-2 Business district, general retail.

(b) *Special uses.*

(15) Smoke or tobacco shops provided that such business is properly licensed under Chapter 39 of Title 3 of the East Peoria City Code and is not located within five hundred (500) feet of any school, childcare facility, or other building used for educational or recreational programs for persons under the age of twenty-one (21).

Section 2. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 3. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 4. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2022.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel