

NARRATIVE

C-1 and C-2 Text Amendment – Tobacco, electronic cigarette, and other smoking supplies retailers

With the continued expansion of certain tobacco products, such as electronic cigarettes, as alternatives to conventional tobacco products, there has been increased demand for retailers dedicated to provision of these products. In an effort to regulate these use types and protect the character of the C-1 and C-2 zoning districts, which are home to many of the Village's historic buildings, the Village is proposing a text amendment to prohibit the establishment of businesses where the primary function is to sell tobacco, electronic cigarettes, and the associated products within the C-1 or C-2 district. The prohibition of these uses is proposed in order to preserve the historic character of the Village's existing downtown (C-1) and the bordering commercial areas (C-2).

The Village will continue to permit Tobacco stores as a principal use with accessory sales of e-cigarettes and related products in the C-3 and C-4 zoning districts, however the establishment of these types of dedicated principal uses in the C-1 and C-2 district should be prohibited in order to preserve the character of the downtown area.

PC 26-XX Request is for a Text Amendment to the Libertyville Zoning Code Section 26-5-2 and 26-5-3 regarding Permitted Uses relating to Miscellaneous store retailers in the C-1 Downtown Core Commercial District and C-2 Community Commercial District in order to exclude Tobacco stores as a permitted or specially permitted use.

C-1 Downtown Core Commercial District

26-5-2.2. *Permitted uses.* Except as specifically limited herein and in subsection 26-5-2.4, the following uses are permitted as of right in the C-1 Downtown Core Commercial District, but only when conducted entirely within an enclosed building, unless otherwise specified:¹

- (a) Accommodations and food service, but limited to:
 - (1) Accommodations (721), but further limited to:
 - a. Hotels and motels (except casino hotels) (72111).
 - b. Other traveler accommodations, but limited to bed-and-breakfast inns (721199).
 - (2) Food service and drinking places (722), but further limited to:
 - a. Drinking places (7224).
 - b. Full service restaurants (7221), including outdoor eating area, but excluding drive-in restaurants.
 - c. Limited service eating places (7222), including outdoor eating areas, but excluding drive-in restaurants.
- (b) Administrative and support services, but limited to:
 - (1) Business support service (5614).
 - (2) Employment services (5613)*.
 - (3) Investigation and security services (5616)*.
 - (4) Office administrative services (5611)*.
 - (5) Travel arrangement and reservation services (5615)*.
- (c) Arts, entertainment and recreation, but limited to:
 - (1) Agents and managers for artists, athletes, entertainers, and other public figures (7114)*.
 - (2) Independent artists, writers, and performers (7115)*.
 - (3) Museums, historical sites, and similar institutions (712).
 - (4) Promoters of performing arts, sports and similar events (7113)*.

¹Note(s)—* Use limitations for the location of the specified use shall apply to this use. See subsection 26-5-2.4(c).

- (d) Dwellings, but only above the first floor of any structure containing a commercial use.
- (e) Educational services, but limited to fine arts schools (61161).
- (f) Finance and insurance, including indoor and outdoor automatic teller machines, but excluding drive-in establishments and pawn shops (52)*.
- (g) Health care and social assistance, but limited to:
 - (1) Offices of dentists (6212)*.
 - (2) Offices of other health practitioners (6213)*.
 - (3) Offices of physicians (6211)*.
 - (4) Social assistance (624), but limited to:
 - a. Child day care services (6244).
 - b. Services for the elderly and persons with disabilities (62412).
- (h) Other services, but limited to:
 - (1) Personal and laundry services (812), but further limited to:
 - a. Death care services (8122), but limited to funeral homes and funeral services.
 - b. Dry cleaning and laundry services (8123), but limited to dry cleaning and laundry services.
 - c. Other personal services (8129), but limited to:
 - 1. All other personal services (812990), but limited to wedding planning services, personal fitness trainers, personal shopping services, and party planning services.
 - 2. One-hour photofinishing (812922).
 - 3. Parking lots and garages (812930).
 - 4. Pet care (except veterinary) services (812910), but limited to pet grooming services, but only as an accessory use and subject to the requirements of subsection 26-5-2.4.
 - 5. Photofinishing (81291).
 - d. Personal care services (8121), but limited to:
 - 1. Hair, nail and skin care services (81211).
 - 2. Other personal care services (81219), but limited to diet and weight reducing centers.
 - (2) Religious grantmaking, civic, professional and similar organizations (813), but excluding religious organizations*.
 - (3) Repair and maintenance (811), but limited to footwear and leather goods repair (811430).

- (i) Personal wireless services antennas, indoor and outdoor, with or without antenna support structures, and related electronic equipment and equipment structures where no single personal wireless services antenna exceeds fifteen (15) square feet in area or twelve (12) feet in any single dimension, and subject to the requirements of subsection 12-12.4.
- (j) Professional, scientific and technical service, but limited to:
 - (1) Accounting tax preparation, bookkeeping and payroll services (5412)*.
 - (2) Advertising and public relations and related services (5418)*.
 - (3) Architectural, engineering and related services (5413), except testing laboratories, and environmental engineering services*.
 - (4) Computer systems design and related services (5415)*.
 - (5) Legal services (5411)*.
 - (6) Management, scientific and technical consulting services (5416)*.
 - (7) Other professional, scientific and technical services (5419), except veterinary*.
 - (8) Specialized design services (5414)*.
- (k) Real estate and rental and leasing, but limited to:
 - (1) Real estate (531), except lessors of mini-warehouses and self-storage units*.
 - (2) Rental and leasing services (532), but limited to consumer goods rental.
- (l) Retail trade, but limited to:
 - (1) Building material and garden equipment and supplies dealers (444), but limited to:
 - a. Hardware stores (44413).
 - b. Other building material dealers (44419), limited to glass stores.
 - c. Paint and wallpaper stores (44412).
 - (2) Clothing and clothing accessory stores (448).
 - (3) Electronics and appliance stores (443).
 - (4) Food and beverage stores (445).
 - (5) Furniture and home furnishing stores (442).
 - (6) General merchandise stores, but excluding warehouse clubs and superstores (452).
 - (7) Health and personal care stores (446).
 - (8) Miscellaneous store retailers (453), except manufactured home dealers and tobacco, electronic cigarette, and other smoking supplies retailers.**
 - (9) Motor vehicle and parts dealers, but limited to automotive parts and accessory stores, but excluding vehicle repair (441).

- (10) Sporting goods, hobby, book and music stores (451), but excluding gun shops (451110).
- (m) Transit and ground passenger transportation, limited to commuter rail systems, including outdoor platform areas (485112).
- (n) Cut and sew apparel contractors (31521).
- (o) Management of companies and enterprises (55), but limited to:
 - (1) Corporate, subsidiary, and regional managing offices (551114).

C-2 Downtown Community Commercial District

26-5-3.2. *Permitted uses.* Except as specifically limited herein and in subsection 26-5-3.4, the following uses are permitted as of right in the C-2 Downtown Community Commercial Districts but only when conducted entirely within an enclosed building, unless otherwise specified:

- (a) Accommodations and food service, but limited to:
 - (1) Accommodations (721), but further limited to:
 - a. Hotels and motels (except casino hotels) (72111).
 - b. Other traveler accommodations, but limited to bed-and-breakfast inns (721199).
 - (2) Food service and drinking places (722), but further limited to:
 - a. Drinking places (7224).
 - b. Full service restaurants (7221), including outdoor eating area, but excluding drive-in restaurants.
 - c. Limited service eating places (7222), including outdoor eating areas, but excluding drive-in restaurants.
- (b) Administrative and support services, but limited to:
 - (1) Business support service (5614).
 - (2) Employment services (5613).
 - (3) Investigation and security services (5616).
 - (4) Office administrative services (5611).
 - (5) Travel arrangement and reservation services (5615).
- (c) Arts, entertainment and recreation, but limited to:
 - (1) Agents and managers for artists, athletes, entertainers, and other public figures (7114).
 - (2) Independent artists, writers, and performers (7115).
 - (3) Museums, historical sites, and similar institutions (712).

- (4) Promoters of performing arts, sports and similar events (7113).
- (d) Educational services, but limited to fine arts schools (61161).
- (e) Finance and insurance, but limited to:
 - (1) Monetary authorities-central banks (521).
 - (2) Credit intermediation and related activities (522), excluding pawn shops.
 - (3) Securities, commodity contracts and other financial investments and related activities (523).
 - (4) Funds, trusts, and other financial vehicles (525).
 - (5) Insurance carriers and related activities, but limited to:
 - a. Insurance carriers (5241).
 - b. Agencies, brokerages, and other insurance related activities (5242).
- (f) Health care and social assistance, but limited to:
 - (1) Offices of dentists (6212).
 - (2) Offices of other health practitioners (6213).
 - (3) Offices of physicians (6211).
 - (4) Social assistance (624), but limited to:
 - a. Child day care services (6244).
 - b. Services for the elderly and persons with disabilities (62412).
- (g) Other services, but limited to:
 - (1) Personal and laundry services (812), but further limited to:
 - a. Death care services (8122), but limited to funeral homes and funeral services.
 - b. Dry cleaning and laundry services (8123), but limited to dry cleaning and laundry services.
 - c. Other personal services (8129), but limited to:
 - 1. All other personal services (812990).
 - 2. One-hour photofinishing (812922).
 - 3. Parking lots and garages (812930).
 - 4. Pet care (except veterinary services) (81291), but limited to grooming.
 - 5. Photofinishing (81291).
 - d. Personal care services (8121), but limited to:
 - 1. Hair, nail and skin care services (81211).

2. Other personal care services (81219), but limited to diet and weight reducing centers.
- (2) Religious grantmaking, civic, professional and similar organizations (813), but excluding religious organizations.
 - (3) Repair and maintenance, but limited to:
 - a. Automotive repair and maintenance, but limited to vehicle repair, minor.
 - b. Electronic and precision equipment repair maintenance (8112).
 - c. Personal and household goods repair and maintenance (8114).
 - (h) Personal wireless services antennas, indoor and outdoor, with or without antenna support structures, and related electronic equipment and equipment structures where no single personal wireless services antenna exceeds fifteen (15) square feet in area or twelve (12) feet in any single dimension, and subject to the requirements of subsection 26-12-12.4.
 - (i) Professional, scientific and technical service, but limited to:
 - (1) Accounting tax preparation, bookkeeping and payroll services (5412).
 - (2) Advertising and public relations and related services (5418).
 - (3) Architectural, engineering and related services (5413), except testing laboratories, and environmental engineering services.
 - (4) Computer systems design and related services (5415).
 - (5) Legal services (5411).
 - (6) Management, scientific and technical consulting services (5416).
 - (7) Other professional, scientific and technical services (5419), except veterinary.
 - (8) Specialized design services (5414).
 - (j) Real estate and rental and leasing, but limited to:
 - (1) Real estate (531), except lessors of mini-warehouses and self-storage units.
 - (2) Rental and leasing services, but limited to consumer goods rental (5322).
 - (k) Retail trade, but limited to:
 - (1) Building material and garden equipment and supplies dealers (444), but limited to:
 - a. Hardware stores (44413).
 - b. Other building material dealers (44419), limited to glass stores.
 - c. Paint and wallpaper stores (44412).
 - (2) Clothing and clothing accessory stores (448).
 - (3) Electronics and appliance stores (443).

- (4) Food and beverage stores (445).
- (5) Furniture and home furnishing stores (442).
- (6) Gasoline stations, but limited to gasoline stations with convenience stores (44711), including minor vehicle repair.
- (7) General merchandise stores, but excluding warehouse clubs and superstores (452);.
- (8) Health and personal care stores (446).
- (9) Miscellaneous store retailers (453), except manufactured home dealers **and tobacco, electronic cigarette, and other smoking supplies retailers.**
- (10) Motor vehicle and parts dealers, but limited to automotive parts and accessory stores, but excluding vehicle repair (441).
- (11) Sporting goods, hobby, book and music stores (451), but excluding gun shops (451110).
- (l) Sports and recreation instruction (611620).
- (m) Public administration (92) but excluding correctional facilities (922140).

**Response to Standards for Amendments to the Municipal Code in Chapter 26
regarding uses in the C-1 and C-2 Zoning District**

- (a) The consistency of the proposed amendment with the purposes of this chapter.
- The proposed text amendment would be consistent with the Village's stated purpose with regard to zoning and ensuring consistent and compatible uses within the Village's zoning district.
- (b) The existing uses and zoning classifications of properties in the vicinity of the subject property.
- Not applicable. The proposed amendment to the municipal code would apply to the C-1 and C-2 zoning districts as a whole.
- (c) The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present zoning classification.
- With the continued expansion of certain tobacco products, such as electronic cigarettes, as alternatives to conventional tobacco products, there has been increased demand for retailers dedicated to provision of these products. The Village will continue to permit Tobacco stores as a principal use with accessory sales of e-cigarettes and related products in the C-3 and C-4 zoning districts, however the establishment of these types of dedicated principal uses in the C-1 and C-2 district should be prohibited in order to preserve the character of the downtown area.
- (d) The extent to which the value of the subject property is diminished by its present zoning classification.
- The C-1 and C-2 districts will continue to allow numerous other business operations as permitted uses in each district. Sale of tobacco and electronic cigarettes products will still be allowed as an accessory use to certain other uses permitted in these districts provided the activity is determined customarily incidental to and subordinate to the principal use, but this proposed amendment would prohibit establishments where the primary function is to sell tobacco, electronic cigarettes, and the associated products.
- (e) The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.
- The prohibition of uses where sale of tobacco and electronic cigarettes is the primary purpose will further protect the character and enjoyment of the C-1 and C-2 districts.
- (f) The extent, if any, to which the use and enjoyment of adjacent properties would be adversely affected by the proposed amendment.
- The adjacent zoning districts would not be affected by the proposed text amendment.
- (g) The extent, if any, to which the value of adjacent properties would be adversely affected by the proposed amendment.
- The property values of the adjacent zoning districts would not be affected by the proposed text amendment.
- (h) The extent, if any, to which the future orderly development of adjacent properties would be adversely affected by the proposed amendment.
- The proposed text amendment would not impact the orderly development of any properties, as numerous other uses would remain as permitted by-right or via special use permit.

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- (i) The suitability of the subject property for uses permitted or specially permitted under its zoning classification.
- Not applicable. The proposed amendment to the municipal code would apply to the C-1 and C-2 zoning districts as a whole.
- (j) The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.
- Not applicable. The proposed amendment to the municipal code would apply to the C-1 and C-2 zoning districts as a whole.
- (k) The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or specially permitted under its present and proposed zoning classification.
- Not applicable. The proposed amendment to the municipal code would apply to the C-1 and C-2 zoning districts as a whole.
- (l) The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
- Not applicable. The proposed amendment to the municipal code would apply to the C-1 and C-2 zoning districts as a whole.
- (l) The community need for the proposed amendment and for the uses and development it would allow.
- The proposed text amendment would prohibit establishment of operations in which the primary purpose is to sell tobacco products, including electronic cigarettes and other tobacco alternatives. The proposed text amendment does not add any uses to the permitted or specially permitted list of uses in either zoning district.