

A G E N D A

SPECIAL MEETING OF THE PLAN COMMISSION OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON WEDNESDAY, SEPTEMBER 23, 2020 AT 7:00 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS.

DUE TO THE COVID 19 PANDEMIC, THE VILLAGE WILL BE UTILIZING A CONFERENCE CALL FOR THIS MEETING.

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

Dial in Phone Number: 312-626-6799

Meeting ID: 849 3480 1695

Password: 834931

Written public comments can be submitted by no later than 6:00pm on September 23, 2020 to planner@willowbrook.il.us.

1. CALL TO ORDER
2. ROLL CALL
3. OMNIBUS VOTE AGENDA
 - A. Waive Reading of Minutes (APPROVE)
 - B. Minutes - August 5, 2020
4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 20-07: Petition for text amendments to amend Sections 9-2-2, 9-6B-1, 9-6C-1, 9-6D-2 and other relevant sections of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code to define "Retail tobacco stores with smoking lounge", to replace "Tobacco stores" and "Tobacco shops" with "Retail tobacco stores with smoking lounge" in the B-2 and B-3 zoning districts, and to add "Retail tobacco stores with smoking lounge" as a new special use in the B-4 Zoning District.
 - A. PUBLIC HEARING
 - B. DISCUSSION/RECOMMENDATION
5. VISITOR'S BUSINESS
6. COMMUNICATIONS
7. ADJOURNMENT

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, AUGUST 5, 2020 AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS

DUE TO THE COVID 19 PANDEMIC THE VILLAGE WILL BE UTILIZING A ZOOM CONFERENCE CALL FOR THIS MEETING.

1. CALL TO ORDER

Chairmen Kopp called the meeting to order at the hour of 7:00 p.m.

2. ROLL CALL

Those present at roll call were Commissioners Soukup, Ruffalo, Kaucky, Walec, Vice Chairman Wagner, and Chairman Kopp

Also present were Planning Consultant Anne Choi, Building Official Roy Giuntoli

Absent: Commissioner Remkus and Recording Secretary Shemroske

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting, July 8, 2020

MOTION: Made by Commissioner Ruffalo seconded by Vice Chairman Wagner to approve the Omnibus Vote Agenda as presented.

All in Favor

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 20-06: Petition to rezone the subject property from the R-1 Single Family Residence District to the R-1A Single Family Residence District, and review and recommendation regarding a Final Plat of Subdivision for 6224 South Bentley Avenue, Willowbrook, Illinois(minor subdivision for a two residential lot subdivision) and approval of a written recommendation regarding a Final Plat of Subdivision for 6224 South Bentley Avenue, Willowbrook, Illinois(minor subdivision for a two residential lot subdivision).

A. PUBLIC HEARING

Motion to close public hearing.

B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation.

MOTION: The following motion made by Commissioner Walec was seconded by Commissioner Ruffalo and all in favor

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on pages 4 and 5 of the staff report for PC Case Number 20-05 to allow service businesses to utilize exterior space to conduct business activities as a temporary building permit, allow for outdoor dining within the M1 Light Manufacturing District in conjunction with a production brewery taproom as a temporary use, allow for outdoor dining at fast food restaurants as a temporary use, and allow for outdoor dining to extend beyond September 30 of each year.

Roll Call Votes: AYES: Commissioner Soukup, Ruffalo, Kaucky Walec, Vice Chairman Wager and Chairman Kopp NAYES: None

MOTION DECLARED CARRIED

5. VISTOR'S BUSINESS

No Visitors attending: Planner Choi mentioned that she was contacted by a Resident just North of parcel and their main concern was the dust with the demo.

6. COMMUNICATIONS:

Building Official Giuntoli informed Commissioners that the Delta Marriot (previously the Willowbrook Inn) were issued their C/O. Also Plainfield Road paved and permanent traffic lights still work in progress.

7. ADJOURNMENT

Motion to adjourn made at 7:15pm by Commissioner Soukup and second by Commissioner Kaucky all in favor

MOTION DECLARED CARRIED

PRESENTED, READ, AND APPROVED,

September 23, 2020

Chairman _____

8/5/2020

PLANNING & ZONING COMMISSION

ROBIN HEJNAR

CITY OF WILLOWBROOK
PROCEEDINGS BEFORE THE
PLANNING & ZONING COMMISSION
OF THE CITY OF WILLOWBROOK

WEDNESDAY, AUGUST 05, 2020

7:00 p.m.

RECORD OF THE PROCEEDINGS had at the meeting held before the Planning & Zoning Commission of Willowbrook, on Wednesday, the 5th day of August 2020, commencing at 7:00 p.m., as reported by Robin Hejnar, a Certified Shorthand Reporter and Registered Professional Reporter and Notary Public in and for the County of DuPage and State of Illinois.

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3 APPEARANCES:4
5 Daniel Kopp - Chairman
6 John Wagner - Vice-Chairman
7 Roy Giuntoli - Acting Secretary
8 Gregory Ruffolo - Member
9 Leonard Kaucky - Member
10 Maciej Walec - Member
11 James Soukup - Member
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21 Staff Also Present:

22 Ann Choi - Planning Consultant

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5 CHAIRMAN KOPP: I call to order the regular
6 meeting of the Planned Commission of the Village of
7 Willowbrook, and ask the Acting Plan Commissioner
8 Secretary to call the role.

9 MR. GIUNTOLI: Thank you, Commissioner,
10 Chairman Kopp.

11 Commissioner Remkus? Commissioner Soukup?

12 MR. SOUKUP: Here.

13 MR. GIUNTOLI: Commissioner Ruffolo?

14 MR. RUFFOLO: Here.

15 MR. GIUNTOLI: Commissioner Kaucky?

16 MR. KAUCKY: Here.

17 MR. GIUNTOLI: Commissioner Walec?

18 MR. WALEC: Here.

19 MR. GIUNTOLI: Vice Chairman Wagner?

20 MR. WAGNER: Here.

21 MR. GIUNTOLI: Chairman Kopp?

22 CHAIRMAN KOPP: Here.

1 MR. GIUNTOLI: Planner, Ann Choi?

2 MS. Choi: Here.

3 MR. GIUNTOLI: And I'm Building Official Roy
4 Giuntoli. I am present.

5 CHAIRMAN KOPP: Next item on the agenda is
6 the omnibus vote agenda. Does anybody -- would anybody
7 like any item removed from the omnibus vote agenda?

8 If not, will someone make a motion to
9 approve the omnibus vote agenda?

10 MR. RUFFOLO: So moved, Chairman.

11 MR. WAGNER: Second.

12 CHAIRMAN KOPP: All in favor say, Aye.

13 ALL MEMBERS: Aye.

14 CHAIRMAN KOPP: The ayes have it.

15 MR. GIUNTOLI: I'm just confirming that
16 Commissioner Ruffolo motioned and Vice Chairman Wagner
17 seconded. Is that accurate?

18 CHAIRMAN KOPP: Yes.

19 MR. GIUNTOLI: Thank you.

20 CHAIRMAN KOPP: Next item on the agenda is
21 the public hearing for zoning hearing Case No --

22 MR. GIUNTOLI: Do we have to vote on that?

1 CHAIRMAN KOPP: No, not for that. We just
2 did it by --

3 MR. GIUNTOLI: Okay. I'm sorry. Thank you.

4 CHAIRMAN KOPP: That's fine.

5 Next item on the agenda is public hearing --
6 the public hearing for Zoning Hearing Case No. 20-06.
7 The purpose of this public hearing shall be to consider
8 a petitioner for a map amendment to rezone the subject
9 property from the R1 single-family residence district to
10 the R1A zoning single-family residence district, and
11 review and recommendation regarding the final plat of
12 subdivision for 6224 South Bentley Avenue, Willowbrook
13 Illinois, which is a minor subdivision for two
14 residential lot subdivision, and approval of a written
15 recommendation regarding a final plat of subdivision for
16 6224 South Bentley Avenue, Willowbrook, Illinois. The
17 final plat of subdivision will create two lots suitable
18 for single-family homes on property, again, at 6224
19 Bentley Avenue Willowbrook, Illinois.

20 The applicant for this petition is John
21 Jurinek of New Horizon Builders -- Homes Builder -- New
22 Horizon Home Builders of Willowbrook Illinois. Copy of

1 this notice of public hearing was published in the
2 July 16, 2020, Edition of the Doings Newspaper.

3 All right. Ann, would you like to proceed?

4 MS. CHOI: Yes. Thank you, Chairman Kopp.

5 The petitioner is requesting to rezone a
6 property from the R1 Single-Family Zoning District to
7 the R1A Single-Family Residence Zoning District, and
8 requests the rezoning to comply with the bulk
9 regulations of the R1A Zoning without any variation.

10 The 1.13 acre subject property is currently
11 approved with a single-family home and attached garage.
12 The parcel measures approximately 165 feet by 298 feet,
13 with a total approximate area of 49,320 square-feet.

14 The petitioner also proposes to subdivide
15 the property into two buildable lots that comply with
16 the minimum lot requirements of the R1A Zoning District,
17 and the new lots will comply in all respects with the
18 district bulk standards. Each lot would measure
19 approximately 82.74 feet by 298 feet, and a comparison
20 of the R1 versus the R1A Bulk Standards can be found on
21 page two of the staff report.

22 Per the subdivision regulations, the

1 proposed subdivision qualifies as a minor subdivision,
2 and can proceed directly to final plot approval without
3 a public hearing, but the Plan Commission will review
4 recommendation prior to Village Board consideration.

5 Planning Department has no objection to the
6 proposed rezoning and subdivision requests. It complies
7 with the guidelines set forth in the Village's
8 comprehensive plan and other land development
9 regulations. The requested zoning and lot
10 configurations should have no negative impacts on
11 surrounding land uses, and the newly proposed lots will
12 be similar to the typical lot sizes in the neighborhood.

13 Should the Plan Commission wish to support
14 this request, staff recommends that the following
15 conditions be included:

16 No. 1, the existing house and garage must be
17 demolished prior to the plat being recorded. It's
18 actually being demolished as we speak. It started
19 today. They have a demo permit;

20 And the second condition would be the
21 subdivider shall provide a miler and final plat of
22 subdivision with no required signatures other than those

1 of the Village officials with a 60-day approval by the
2 Village Board.

3 I wanted to note that I did have a -- a call
4 from -- I think the neighbor to the south who was --
5 actually, to the north, who was concerned about access
6 dust getting onto their property. So I spoke to Roy
7 about it today. He had advised the general contractor
8 to keep dust to a minimum, and he also noted that
9 there's a water tank on site to keep the area wet during
10 demolition.

11 So staff supports the proposed subdivision
12 and rezoning request, and if the Plan Commission
13 concurs, a sample recommendation is offered on page
14 three of the report for consideration, and that
15 concludes my report.

16 CHAIRMAN KOPP: Do any of the commissioners
17 have any questions for Ann before we go to the
18 petitioner?

19 All right. Mr. Jurinek, you're welcome to
20 speak, if you would like to, on this matter.

21 MR. JURINEK: No.

22 MRS. JURINEK: Everything sounded -- well,

1 this is Mrs. Jurinek. We're in this together.

2 CHAIRMAN KOPP: You need to be sworn.

3 MR. JURINEK: Yes.

4 CHAIRMAN KOPP: You need to be sworn in. I
5 forgot because of this unusual arrangement.

6 (Whereupon, parties are duly sworn.)

7 CHAIRMAN KOPP: So I interrupted you. You
8 can proceed.

9 MRS. JURINEK: Okay. So everything that Ann
10 said is exactly how we understand it, and how we've gone
11 forward with it, and the demolishing -- demolition is
12 taking place today, and so far it's going smoothly.

13 MR. JURINEK: We completed --

14 MRS. JURINEK: Yeah, we hope it will be
15 completed tomorrow; and then, we don't have any further
16 questions about it, but we'll answer any of your
17 questions.

18 CHAIRMAN KOPP: Great. Do any of the
19 commissioners have any questions for the petitioners?

20 All right. Don't be alarmed Mr. and Mrs.
21 Jurinek. I think it's because it's such a simple thing.

22 All right. That being the case, I'm going

1 to close public hearing -- the public hearing for Zoning
2 Hearing Case 20-06, and then we will have our discussion
3 and vote.

4 So as I said, I think this is a simple
5 matter. Looks like it's going to be an asset to the
6 neighborhood, getting rid of a little old house, and I
7 think two lots -- two pretty large lots of the same size
8 as the neighbors, so I'm certainly in favor of this.

9 If anybody else would like to speak to that,
10 that's great. If not, I'll just read the motion.

1 the August 5, 2020, commission, will someone make that
2 motion?

3 MR. WALEC: I will make that motion.

4 MR. RUFFOLO: Second.

5 MR. GIUNTOLI: Who made the motion?

6 MR. MACIEJ: Walec did.

7 MR. GIUNTOLI: Thank you.

8 MR. RUFFOLO: Second by Ruffolo.

9 CHAIRMAN KOPP: I asked the Plan Commission
10 Secretary to call the vote.

11 MR. GIUNTOLI: Commissioner Soukup?

12 MR. SOUKUP: Yes.

13 MR. GIUNTOLI: Commissioner Ruffolo?

14 MR. RUFFOLO: Yes.

15 MR. GIUNTOLI: Commissioner Kaucky?

16 MR. KAUCKY: Yes.

17 MR. GIUNTOLI: Commissioner Walec?

18 MR. WALEC: Yes.

19 MR. GIUNTOLI: Vice Chairman Wagner?

20 VICE CHAIRMAN WAGNER: Yes.

21 MR. GIUNTOLI: Chairman Kopp?

22 CHAIRMAN KOPP: Yes.

1 All right. Thank you, Mr. and Mrs. Jurinek,
2 for accommodating this during this kind of crazy time.

3 MRS. JURINEK: Thank you so much.

4 (WHICH WERE ALL THE PROCEEDINGS HAD.)

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF DUPAGE)
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5 I, ROBIN HEJNAR, a certified shorthand reporter
6 and registered professional reporter do hereby certify:

7 That prior to being examined, the witness in
8 the foregoing proceeding was by me duly sworn to testify
9 to the truth, the whole truth, and nothing but the
10 truth;

11 That said proceedings were taken remotely
12 before me at the time and places therein set forth and
13 were taken down by me in shorthand and thereafter
14 transcribed into typewriting under my direction and
15 supervision;

16 I further certify that I am neither counsel
17 for, nor related to, any party to said proceedings, not
18 in anywise interested in the outcome thereof.

19 In witness whereof, I have hereunto subscribed
20 my name.

21 Dated: August 19, 2020

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ROBIN HEJNAR, RPR

CSR No. 084-004689



Village of Willowbrook

Staff Report to the Plan Commission

Public Hearing Date:	September 23, 2020
Prepared By:	Ann Choi, Planning Consultant
Case Title:	PC 20-07: Consideration of a petition for text amendments to amend Sections 9-2-2, 9-6B-1, 9-6C-1, 9-6D-2 and other relevant sections of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to define “Retail tobacco stores with smoking lounge”, to replace “Tobacco stores” and “Tobacco shops” with “Retail tobacco stores with smoking lounge” in the B-2 and B-3 zoning districts, and to add “Retail tobacco stores with smoking lounge” as a new special use in the B-4 Zoning District.
Petitioner:	Roy Dobrasinovic, 11308 75th Street, Burr Ridge IL 60527
Action Requested by Applicant:	<p>Title 9 – Zoning Sections:</p> <p>9-2-2 Definitions (Add “Retail tobacco store with smoking lounge”).</p> <p>9-6B-1 Delete “Tobacco stores” from the list of permitted uses and replace with “Retail tobacco stores with smoking lounge” in the appropriate alphabetical location.</p> <p>9-6C-1 Delete “Tobacco shops” from the list of permitted uses and replace with “Retail tobacco stores with smoking lounge” in the appropriate alphabetical location.</p> <p>9-6D-2 Add “Retail tobacco stores with smoking lounge” to Section 9-6D-2 as a special use of the Zoning Ordinance in the appropriate alphabetical location.</p>
Proposed Location:	Existing property zoned B-4 at the southwest corner of Joliet Road and 75 th Street.
Documents Attached:	<ol style="list-style-type: none">1. Smoke Free Illinois Act2. Comparison of Other Municipalities3. Public hearing notice
Necessary Action by Plan Commission:	<p>Make a recommendation to the Mayor and Village Board regarding approval of the proposed text amendment.</p> <p>A sample motion can be found on page 3.</p>



History & Discussion of Request

Roy Dobrasinovic, petitioner, requests a text amendment to allow a cigar lounge as a new proposed use in the B-4 zoning district. Notification requirements for this application have been satisfied. A legal notice for the public hearing was published in the September 8, 2020 edition of *The Chicago Sun Times* newspaper.

The Smoke Free Illinois Act (2008), includes provisions for retail tobacco establishments which allow for indoor smoking on the premises. The operation must derive 80% of its gross revenue from retail sales and any type of liquor, food, or restaurant license is not allowed. Several other regulations would be required. A copy of the Act has been attached as **Exhibit A** of this staff report.

The Village currently allows "Tobacco stores" and "Tobacco shops" as permitted uses in the B-2 and B-3 zoning districts, respectively. Since "Tobacco stores" and "Tobacco shops" are not currently defined in the Zoning Ordinance and the terms are variations of essentially the same use, one of the objectives of this text amendment is to establish a use category that is used consistently in the Zoning Ordinance. "Tobacco stores" and "tobacco shops" will be replaced by "Retail tobacco stores with smoking lounge" in the B-2 and B-3 zoning districts' list of permitted uses. Indoor smoking is allowed in these establishments under the current state regulations. The Village of Willowbrook currently has one "Retail tobacco store with smoking lounge" already in town. "Stogies" is a 1,451-square foot retail tobacco store that allows the on-site consumption of tobacco products and is in the Hinsdale Lake Commons Shopping Center. This retail tobacco store has been grandfathered in as it existed prior to the state requirement for retail tobacco stores to be located within a standalone building.

Village staff researched zoning ordinances from other communities to understand how the on-site consumption of tobacco and/or tobacco-related products are specifically regulated. Refer to **Attachment 2** for the summary containing the results from the research. Research has shown that many communities in the surrounding area have drafted or approved ordinances that vary widely from one community to the other. Some communities such as Aurora, Downers Grove, and Naperville consider retail tobacco stores as retail sales and are permitted by-right in their business districts. Other communities like Lombard and Homer Glen make a distinction between tobacco retail stores and smoking lounges and are permitted as special uses in the business districts. In these cases, a distinction is made by defining lounges as devoting the majority of the store's floor area for the on-site consumption of tobacco products.

On September 14, 2020, staff's findings were presented to the Law & Ordinance Committee, and there was consensus that Village staff should prepare Text Amendments for Plan Commission and Village Board consideration.

Proposed Text Amendments

The following sections are to be amended. New language is highlighted in the **red and is underlined**. Language to be eliminated is indicated with a **strikethrough**.

Add the following definition to Section 9-2-2 in the appropriate alphabetical location:

RETAIL TOBACCO STORE WITH SMOKING LOUNGE: a retail establishment that derives more than eighty percent (80%) of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store with smoking lounge" includes an enclosed workplace that manufactures, imports, or distributes tobacco or tobacco products, when, as a necessary and integral part of the process of making, manufacturing,



importing, or distributing a tobacco product for the eventual retail sale of that tobacco or tobacco product, tobacco is heated, burned, or smoked, or a lighted tobacco product is tested, provided that the involved business entity: (1) maintains a specially designated area or areas within the workplace for the purpose of the heating, burning, smoking, or lighting activities, and does not create a facility that permits smoking throughout; (2) satisfies the 80% requirement related to gross sales; and (3) delivers tobacco products to consumers, retail establishments, or other wholesale establishments as part of its business. "Retail tobacco store with smoking lounge" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license. "Retail tobacco store with smoking lounge" does not permit the on-site consumption of cannabis or marijuana products. "Retail tobacco store with smoking lounge" is regulated through the Illinois Smoke Free Act, 410 ILCS 82/1 et seq.

Delete "Tobacco stores" in Section 9-6B-1 (permitted uses in the B-2 zoning district) and "Tobacco shops" in Section 9-6C-1 (permitted uses in the B-3 zoning district) and replace with "Retail tobacco stores with smoking lounge" in the appropriate alphabetical location in both instances.

9-6B-1: PERMITTED USES:

Permitted uses in this district are:

Accessory uses and structures as provided in chapter 12 of this title.

Antique shops.

Apparel and clothing stores.

Art and craft supply stores and studios.

Art galleries.

Auto supply stores, provided that retail sales only shall be permitted, and further provided that machining of any type and/or outdoor storage are expressly prohibited.

Bakeries where not more than sixty percent (60%) of the floor area is devoted to storage of supplies and product processing.

Banks and other financial institutions.

Barber shops and beauty parlors, including therapeutic massage, where not more than twenty percent (20%) of the floor area is devoted to massage therapy.

Blueprinting and photocopying establishments.

Book, stationery stores and newsstands.

Camera and photographic supply stores.

Candy, ice cream and bakery shops or shops selling similar commodities.

Carpet and rug stores.

China and glassware stores.

Clinics, medical and/or dental; including laboratories.

Clothing and costume rental shops.

Coin and philatelic stores.

Computer sales and service.

Department stores.

Dry cleaning and laundry retail establishments, providing that processing, if done on the premises, shall utilize nonexplosive and nonflammable materials, and that such processing shall be limited to service of the principal use.

Electrical, gas and other household appliance stores, including radio and television sales, but excluding repairs.

Florists.



Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.

Furriers.

Hardware stores.

Hat and shoe repair shops.

Hobby shops.

Housewares stores.

Interior decorating shops.

Jewelry shops, including watch repair.

Laundries, self-service and shops for the collection and distribution of laundry and dry-cleaning articles.

Leather goods and luggage stores.

Liquor stores (occupancy permit subject to issuance of liquor license).

Loan offices.

Locksmiths.

Millinery stores.

Music stores.

Musical and instrument stores.

Office supply and stationery stores.

Offices and office buildings.

Optical stores and optometrist offices.

Orthopedic and medical appliance stores.

Paint and wallpaper stores.

Pet shops.

Photographer, artist or similar studios.

Photography studio.

Physical culture and health service, gymnasiums and reducing salons.

Picture framing shops.

Real estate sales and brokerage offices.

Retail tobacco stores with smoking lounge.

Sales and display rooms.

Sewing machines sales and service, household machines only.

Shoe stores and shoe repair.

Sporting goods stores.

Tailor or dressmaking shops.

Tanning salons.

~~Tobacco stores.~~

Toy stores.

Travel agencies and transportation ticket offices.

Typewriter and office equipment sales and service.

Variety stores.

Video gaming cafe.

Video tape/disc sales and rental stores.

Similar and compatible uses which are of the same general character as the above permitted uses.

Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 84-O-51, 10-22-1984; amd. Ord. 87-O-20, 5-11-1987; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 97-O-10, 4-14-1997; amd. Ord. 19-O-32, 11-25-2019)



9-6C-1: PERMITTED USES:

Permitted uses in this district are:

Accessory uses and structures as provided in chapter 12 of this title.
Animal hospitals and veterinarian offices.
Art galleries.
Auction rooms.
Banks and other financial institutions.
Bicycle stores; sales, rental and repair.
Blueprinting and photocopying establishments.
Carpet and rug stores.
China and glassware stores.
Clothing and costume rental shops.
Coin and philatelic stores.
Computer sales and service.
Dry cleaning and laundry retail establishments, provided that processing, if done on the premises, shall utilize nonexplosive and nonflammable materials, that such processing shall be limited to service of the principal use.
Electrical, gas and other household appliance stores, including radio and television sales, accessory repair and service thereof.
Employment agencies.
Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.
Furrier shops, including the incidental storage and conditioning of furs.
Garden supply and seed stores.
Greenhouses and conservatories.
Interior decorating shops, including upholstery and making draperies, slipcovers and other similar articles when conducted as part of the retail operation and secondary to the principal use.
Job printing shops, using presses having beds of not more than fourteen inches by twenty inches (14" x 20").
Kennels, with no outdoor dog runs.
Leather goods and luggage stores.
Liquor stores, retail sales of packaged goods only (occupancy permit subject to issuance of liquor license).
Locksmith shops.
Mail order service stores.
Millinery stores.
Music stores, sheet music, tape and disc sales.
Musical instrument sales and repair.
Office supply stores.
Orthopedic and medical appliance stores, not including the assembly or manufacture of such articles.
Paint and wallpaper stores.
Parking lots, for passenger motor vehicles only.
Pet service, domestic.
Pet shops.
Physical culture and health service, gyms and exercise salons.
Picture framing, when conducted on the premises for retail trade.



Plumbing, heating, air conditioning and electrical fixtures and equipment; show room shops for domestic use only.

Printing plants for newspapers and similar publications.

Radio and television broadcasting studios.

Radio and television service and repair shops.

Recording studios.

Retail tobacco stores with smoking lounge.

Service, cleaning and repair shops for personal, household or garden equipment.

Sewing machines sales and services, household machines only.

Shoe and hat repair stores.

Shoe stores.

Tailor shops.

Taxidermists.

Tobacco shops.

Toy shops.

Typewriter and adding machine sales and service establishments.

Video gaming cafe.

Similar and compatible uses which are of the same general character as the above permitted uses.

Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 87-O-20, 5-11-1987; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 19-O-32, 11-25-2019)

Add "Retail tobacco stores with smoking lounge" in Section 9-6D-2 as a special use in the B-4 zoning district. Staff recommends that the proposed smoking lounge use be allowed in the B-4 zoning district as a special use.

9-6D-2: SPECIAL USES:

Special uses in this district are:

Equipment rentals, not including outside storage.

Fast food establishments.

Firing range, indoor.

Planned unit developments.

Radio and television broadcasting studios.

Retail tobacco stores with smoking lounge.

Restaurants and banquet halls, including musical entertainment and dancing.

Similar and compatible uses which are of the same general character as those allowed as special uses in the B-4 zoning district. Determination of whether a particular use constitutes a similar and compatible shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 79-O-12, 4-9-1979; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 14-O-15, 3-24-2014; amd. Ord. 19-O-32, 11-25-2019)

In addition to adding "Retail tobacco stores with smoking lounge" as a special use in the B-4 zoning district, planning staff would consider the following conditions of approval to impose on future special use petitions for smoking lounges.

1. All smoking lounge patrons and occupants must be at least twenty-one (21) years of age.



2. Smoking lounges can only sell pre-packaged snacks such as chips and nuts with no on-site food preparation.
3. No live entertainment shall be permitted.

It should be noted that the Plan Commission does not have the authority to limit the hours of operation, the number of licenses, or set license fees. These would be under the purview of the Village Board. Additionally, the Village will need to review and amend portions of the Willowbrook Municipal Code to comply with the State's most recent legislation, to amend codes that are outdated, to identify conflicts with the new use, and to make definitions consistent. The following codes to be reviewed and amended include, but are not limited to:

1. Title 3 Business Regulations, Chapter 5 Tobacco Dealers. The Village is looking to update this section to align with state legislation regarding tobacco use and the Smoke Free Illinois Air Act (2008). The update would clarify any ambiguity between tobacco dealer and retail tobacco store and would authorize a special use for a retail tobacco store with smoking lounge.
2. Title 6 Health and Sanitation, Chapter 10 Smoking Regulations. The Village is looking at updating this Chapter to align with the most recent state legislation, the Smoke Free Illinois Act (2008).

Recommendation

Staff believes the requirement of a special use for "Retail tobacco stores with smoking lounges" within the B-4 zoning district to be the most appropriate process for consideration. This process will require notification of surrounding property owners and a public hearing before the Plan Commission. The Plan Commission would be able to recommend reasonable conditions to the proposed project before forwarding their recommendation to the Village Board for final approval. The intent of the special use process is to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to determine whether they will be compatible with surrounding uses and development patterns. Staff is confident that this process will provide for the most effective review and approval process for the regulation of "Retail tobacco stores with smoking lounges" in Willowbrook.

If additional time or testimony is needed, the Plan Commission may wish to continue this hearing and/or consideration of the amendment. If the Plan Commission's work is completed, the following sample motion is provided for the Plan Commission's use:

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend approval of the text amendments presented on Pages 2 through 6 of the Staff Report for PC Case Number 20-07 that add the definition of "Retail tobacco stores with smoking lounge", replaces "Tobacco stores" and "Tobacco shops" with "Retail tobacco stores with smoking lounge" in the B-2 and B-3 zoning districts, and adds "Retail tobacco stores with smoking lounge" as a new special use in the B-4 Zoning District.



Attachment 1
Smoke Free Illinois Act (420 ILCS 82/1 *et seq.*)

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as [Public Acts](#) soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the [Guide](#).

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

PUBLIC HEALTH (410 ILCS 82/) Smoke Free Illinois Act.

(410 ILCS 82/1)

Sec. 1. Short title. This Act may be cited as the Smoke Free Illinois Act.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/5)

Sec. 5. Findings. The General Assembly finds that tobacco smoke is a harmful and dangerous carcinogen to human beings and a hazard to public health. Secondhand tobacco smoke causes at least 65,000 deaths each year from heart disease and lung cancer according to the National Cancer Institute. Secondhand tobacco smoke causes heart disease, stroke, cancer, sudden infant death syndrome, low-birth-weight in infants, asthma and exacerbation of asthma, bronchitis and pneumonia in children and adults. Secondhand tobacco smoke is the third leading cause of preventable death in the United States. Illinois workers exposed to secondhand tobacco smoke are at increased risk of premature death. An estimated 2,900 Illinois citizens die each year from exposure to secondhand tobacco smoke.

The General Assembly also finds that the United States Surgeon General's 2006 report has determined that there is no risk-free level of exposure to secondhand smoke; the scientific evidence that secondhand smoke causes serious diseases, including lung cancer, heart disease, and respiratory illnesses such as bronchitis and asthma, is massive and conclusive; separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate secondhand smoke exposure; smoke-free workplace policies are effective in reducing secondhand smoke exposure; and smoke-free workplace policies do not have an adverse economic impact on the hospitality industry.

The General Assembly also finds that the Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are capable only of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments because it cannot determine a safe level of exposure to secondhand smoke, which contains cancer-causing chemicals, and ASHRAE acknowledges that technology does not exist that can remove chemicals that cause cancer from the air. A June 30, 2005 ASHRAE position document on secondhand smoke concludes that, at present, the only means of eliminating health risks associated with indoor exposure is to eliminate all smoking activity indoors.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/10)

Sec. 10. Definitions. In this Act:

"Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

"Department" means the Department of Public Health.

"Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

"Employer" means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons.

"Enclosed area" means all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

"Enclosed or partially enclosed sports arena" means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

"Gaming equipment or supplies" means gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

"Gaming facility" means an establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

"Healthcare facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Healthcare facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

"Place of employment" means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a "place of employment", nor are enclosed laboratories, not open to the public, in an accredited university or government facility where the activity of smoking is exclusively conducted for the purpose of medical or

scientific health-related research. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

"Private club" means a not-for-profit association that (1) has been in active and continuous existence for at least 3 years prior to the effective date of this amendatory Act of the 95th General Assembly, whether incorporated or not, (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

"Private residence" means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

"Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

"Restaurant" means (i) an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and (ii) a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area

within the restaurant.

"Retail tobacco store" means a retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" includes an enclosed workplace that manufactures, imports, or distributes tobacco or tobacco products, when, as a necessary and integral part of the process of making, manufacturing, importing, or distributing a tobacco product for the eventual retail sale of that tobacco or tobacco product, tobacco is heated, burned, or smoked, or a lighted tobacco product is tested, provided that the involved business entity: (1) maintains a specially designated area or areas within the workplace for the purpose of the heating, burning, smoking, or lighting activities, and does not create a facility that permits smoking throughout; (2) satisfies the 80% requirement related to gross sales; and (3) delivers tobacco products to consumers, retail establishments, or other wholesale establishments as part of its business. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

"Smoke" or "smoking" means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment. "Smoke" or "smoking" does not include smoking that is associated with a native recognized religious ceremony, ritual, or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a.

"State agency" has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

"Unit of local government" has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution of 1970. (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09; 96-797, eff. 1-1-10.)

(410 ILCS 82/15)

Sec. 15. Smoking in public places, places of employment, and governmental vehicles prohibited. No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State. An owner shall reasonably assure that smoking is prohibited in indoor public places and workplaces unless specifically exempted by Section 35 of this Act.

(Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09.)

(410 ILCS 82/20)

Sec. 20. Posting of signs; removal of ashtrays.

(a) "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this Act

by the owner, operator, manager, or other person in control of that place.

(b) Each public place and place of employment where smoking is prohibited by this Act shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(c) All ashtrays shall be removed from any area where smoking is prohibited by this Act by the owner, operator, manager, or other person having control of the area.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/25)

Sec. 25. Smoking prohibited in student dormitories. Notwithstanding any other provision of this Act, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/30)

Sec. 30. Designation of other nonsmoking areas. Notwithstanding any other provision of this Act, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in subsections (a) and (b) of Section 20 of this Act.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/35)

Sec. 35. Exemptions. Notwithstanding any other provision of this Act, smoking is allowed in the following areas:

(1) Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.

(2) Retail tobacco stores as defined in Section 10 of this Act in operation prior to the effective date of this amendatory Act of the 95th General Assembly. The retail tobacco store shall annually file with the Department by January 31st an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of this amendatory Act may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited. A retail tobacco store may, with authorization or permission from a unit of local government, including a home rule unit, or any non-home rule county within the unincorporated territory of the county, allow the on-premises consumption of cannabis in specially designated areas.

(3) (Blank).

(4) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that

all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

(5) Enclosed laboratories that are excluded from the definition of "place of employment" in Section 10 of this Act. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(6) Common smoking rooms in long-term care facilities operated under the authority of the Illinois Department of Veterans' Affairs or licensed under the Nursing Home Care Act that are accessible only to residents who are smokers and have requested in writing to have access to the common smoking room where smoking is permitted and the smoke shall not infiltrate other areas of the long-term care facility. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(7) A convention hall of the Donald E. Stephens Convention Center where a meeting or trade show for manufacturers and suppliers of tobacco and tobacco products and accessories is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:

- (i) is a trade-only event and not open to the public;
- (ii) is limited to attendees and exhibitors that are 21 years of age or older;
- (iii) is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and
- (iv) involves the display of tobacco products.

Smoking is not allowed in any public area outside of the hall designated for the meeting or trade show.

This paragraph (7) is inoperative on and after October 1, 2015.

(8) A dispensing organization, as defined in the Cannabis Regulation and Tax Act, authorized or permitted by a unit local government to allow on-site consumption of cannabis, if the establishment: (1) maintains a specially designated area or areas for the purpose of heating, burning, smoking, or lighting cannabis; (2) is limited to individuals 21 or older; and (3) maintains a locked door or barrier to any specially designated areas for the purpose of heating, burning, smoking or lighting cannabis.

(Source: P.A. 101-593, eff. 12-4-19.)

(410 ILCS 82/40)

Sec. 40. Enforcement; complaints.

(a) The Department, State-certified local public health departments, and local, Department of Natural Resources, and Department of State Police law enforcement agencies shall

enforce the provisions of this Act through the issuance of citations and may assess civil penalties pursuant to Section 45 of this Act.

(a-2) The citations issued pursuant to this Act shall conspicuously include the following:

- (1) the name of the offense and its statutory reference;
- (2) the nature and elements of the violation;
- (3) the date and location of the violation;
- (4) the name of the enforcing agency;
- (5) the name of the violator;
- (6) the amount of the imposed civil penalty and the location where the violator can pay the civil penalty without objection;
- (7) the address and phone number of the enforcing agency where the violator can request a hearing before the Department to contest the imposition of the civil penalty imposed by the citation under the rules and procedures of the Administrative Procedure Act;
- (8) the time period in which to pay the civil penalty or to request a hearing to contest the imposition of the civil penalty imposed by the citation; and
- (9) the verified signature of the person issuing the citation.

(a-3) One copy of the citation shall be provided to the violator, one copy shall be retained by the enforcing agency, and one copy shall be provided to the entity otherwise authorized by the enforcing agency to receive civil penalties on their behalf.

(b) Any person may register a complaint with the Department, a State-certified local public health department, or a law enforcement agency for a violation of this Act. The Department shall establish a telephone number that a person may call to register a complaint under this subsection (b).

(c) The Department shall afford a violator the opportunity to pay the civil penalty without objection or to contest the citation in accordance with the Illinois Administrative Procedure Act, except that in case of a conflict between the Illinois Administrative Procedure Act and this Act, the provisions of this Act shall control.

(d) Upon receipt of a request for hearing to contest the imposition of a civil penalty imposed by a citation, the enforcing agency shall immediately forward a copy of the citation and notice of the request for hearing to the Department for initiation of a hearing conducted in accordance with the Illinois Administrative Procedure Act and the rules established thereto by the Department applicable to contested cases, except that in case of a conflict between the Illinois Administrative Procedure Act and this Act, the provisions of this Act shall control. Parties to the hearing shall be the enforcing agency and the violator.

The Department shall notify the violator in writing of the time, place, and location of the hearing. The hearing shall be conducted at the nearest regional office of the Department, or in a location contracted by the Department in the county where the citation was issued.

(e) Civil penalties imposed under this Act may be collected in accordance with all methods otherwise available to the enforcing agency or the Department, except that there shall be no collection efforts during the pendency of the hearing before the Department.

(f) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois

Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.
 (Source: P.A. 100-877, eff. 1-1-19.)

(410 ILCS 82/45)

Sec. 45. Violations.

(a) A person, corporation, partnership, association or other entity who violates Section 15 or 20 of this Act shall be liable for a civil penalty pursuant to this Section. Each day that a violation occurs is a separate violation.

(b) A person who smokes in an area where smoking is prohibited under Section 15 of this Act shall be liable for a civil penalty in an amount that is \$100 for a first offense and \$250 for each subsequent offense. A person who owns, operates, or otherwise controls a public place or place of employment that violates Section 15 or 20 of this Act shall be liable for a civil penalty of (i) \$250 for the first violation, (ii) \$500 for the second violation within one year after the first violation, and (iii) \$2,500 for each additional violation within one year after the first violation.

(c) A civil penalty imposed under this Section shall be allocated as follows:

(1) one-half of the civil penalty shall be distributed to the Department; and

(2) one-half of the civil penalty shall be distributed to the enforcing agency.

With respect to funds designated for the Department of State Police under this subsection, the Department of State Police shall deposit the moneys into the State Police Operations Assistance Fund. With respect to funds designated for the Department of Natural Resources under this subsection, the Department of Natural Resources shall deposit the moneys into the Conservation Police Operations Assistance Fund.

(d) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 100-877, eff. 1-1-19.)

(410 ILCS 82/50)

Sec. 50. Injunctions. In addition to any other sanction or remedy, the Department, a State-certified local public health department, law enforcement agency, or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of this Act.

(Source: P.A. 100-877, eff. 1-1-19.)

(410 ILCS 82/55)

Sec. 55. Discrimination prohibited. No individual may be discriminated against in any manner because of the exercise of any rights afforded by this Act.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/60)

Sec. 60. Severability. If any provision, clause or paragraph of this Act shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this Act.

(Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09.)

(410 ILCS 82/65)

Sec. 65. Home rule and other local regulation.

(a) Any home rule unit of local government, any non-home rule municipality, or any non-home rule county within the unincorporated territory of the county may regulate smoking in public places, but that regulation must be no less restrictive than this Act. This subsection (a) is a limitation on the concurrent exercise of home rule power under subsection (i) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any regulation authorized under subsection (a) or authorized under home rule powers, any home rule unit of local government, any non-home rule municipality, or any non-home rule county within the unincorporated territory of the county may regulate smoking in any enclosed indoor area used by the public or serving as a place of work if the area does not fall within the definition of a "public place" under this Act.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/70)

Sec. 70. Entrances, exits, windows, and ventilation intakes. Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this Act so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/75)

Sec. 75. Rules. The Department shall adopt rules necessary for the administration of this Act.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/80)

Sec. 80. (Amendatory provisions; text omitted).

(Source: P.A. 95-17, eff. 1-1-08; text omitted.)

(410 ILCS 82/90)

Sec. 90. The Illinois Clean Indoor Air Act is repealed.

(Source: P.A. 95-17, eff. 1-1-08.)



Attachment 2
Comparison of Other Communities

Municipality	Cigar Lounge	Definition	Rules and Regulations
Aurora	Cigarette or Tobacco Shops – Permitted Uses in the B-1, B-2, B-3, M-1 and M-2 Districts, Accessory Use in the ORI District	Undefined.	N/A
Darien	Tobacco Shops – Permitted Uses in the B-2 and Special Use in the B-3 Districts	Undefined.	N/A
Downers Grove	Retail sales – Default to State requirements which provides an exemption for retail tobacco stores (in this case cigar shops). Retail tobacco stores that derive more than 80% of its gross revenue from the sale of tobacco products and do not have a liquor, food or restaurant license can have a smoking lounge. Hookah lounges are prohibited.	The two in town are considered retail sales.	Per State requirements.
Homer Glen	Smoke Shops – Permitted Uses in the C-1, C-2, C-3, and C-4 Districts; Smoking Lounge – Special Use in the C-1, C-2, C-3, and C-4 Districts	Smoking Lounge – A business establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances, including but not limited to establishments known variously as cigar lounges, tobacco clubs, tobacco bars, etc. (Collectively referred to as “smoking lounge(s).”) Hookah bars, hookah cafes, and hookah lounges are not included in this definition, as hookah pipes and related devices are defined as drug paraphernalia in Article II (Drug Paraphernalia) of Chapter 5 (Public Safety) of the Code of the Village of Homer Glen.	N/A

Lombard	<p>Smoking establishments – Conditional Use in the B4A District, Roosevelt Road.</p> <p>Lux Hookah Lounge & Bar at 1221 S. Main Street – approved prior to Illinois Smoke Free Act so it is not in a freestanding building.</p>	<p>Smoking establishment is an establishment, which has its principal business purpose dedicated to, or has the majority of its gross floor area dedicated to, the on-premises smoking or vaping of tobacco products or other legal substances, excluding cannabis, and/or is regulated through the Illinois Smoke Free Act, 410 ILCS 82/1 et seq.</p>	<p>In conformance with Illinois Smoke Free Act, 410 ILCS 82/1 et seq.</p>
Naperville	<p>Tobacco shops – Permitted Use in the B-2, B-3 District.</p> <p>Cigar lounges are reviewed similar to how hookah lounges are reviewed. They would be permitted under the definition of an eating and drinking establishment.</p>	<p>Drinking Establishment – A building, structure or portion thereof where liquors are sold to be consumed on the premises, but not including eating establishments where the principal use is serving food.</p> <p>Eating Establishment – A building, structure or portion thereof within which food is offered for sale and which permits consumption within the building or structure.</p>	<p>Must be in a standalone building per State requirements and additional building code requirements.</p>
Park Ridge	SU-12-01 TA-12-02		N/A
Schaumburg	<p>Retail Tobacco and Smoking Store – Special Use in the B-2, B-4, and B-5 Planned Regional Center Business District</p>	<p>Retail Tobacco and Smoking Store –</p> <p>(A) A retail establishment that derives more than eighty percent (80%) of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and ninety percent (90%) of the space, and in which the sale of other products is merely incidental.</p> <p>(B) "Retail tobacco store and smoking store" includes an enclosed workplace that manufactures, imports, or distributes tobacco or tobacco products, when, as a necessary and integral part of the process of making, manufacturing, importing, or distributing a tobacco product for eventual retail sale of that tobacco or tobacco product, tobacco is heated, burned, or smoked, or</p>	<p>See Section 154.90.17 of Code.</p>

		<p>a lighted tobacco product is tested, provided that the involved business entity:</p> <p>(1)Maintains a specially designated area or areas within the workplace for the purpose of the heating, burning, smoking, or lighting activities, and does not create a facility that permits smoking throughout;</p> <p>(2)Satisfies the eighty percent (80%) requirement related to gross sales; and</p> <p>(3)Delivers tobacco products to consumers, retail establishments, or other wholesale establishments as part of its business.</p> <p>(C) "Retail tobacco and smoking store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food or restaurant license.</p>	
Skokie	Not permitted. The two lounges in town are grandfathered in.	N/A	Health Code prohibits on-site smoking.
Villa Park	Retail Sales of Tobacco products (includes on-site consumption) – Permitted Use in the M-1 and M-2 Districts.		None.
Westmont	Tobacco and vape lounges and bars – Special Use in the B-2 District PZ 19-016 June 26, 2019	Tobacco and vape lounges and bars – Any product (a) sold for the purposes of consumption by ingestion or inhalation through the lungs, including tobacco, vape-liquids, e-cigarette liquids, and similar tobacco and nicotine products, and (b) the devices used to ingest or inhale such tobacco and vape products, including cigarettes, cigars, pipes, electronic cigarettes, and vape pens. Tobacco and vape products does not include cannabis or marijuana products.	Such special use may be permitted provided that no buildings or outdoors portions of the lot containing such use are located within 1,000 feet of a school (not to include nursery schools).



Attachment 3
Public Hearing Notice

NOTICE OF PUBLIC HEARING
ZONING HEARING CASE NO. 20-07

NOTICE IS HEREBY GIVEN that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, will conduct a public hearing at a special meeting of the Plan Commission on the 23rd of September 2020 at the hour of 7:00 P.M. This meeting would typically take place in the Willowbrook Police Department Training Room, 7760 S. Quincy St, Willowbrook, IL 60527. However, due to the current circumstances concerning Covid-19, this meeting will be held virtually. Internet address and access instructions will be provided on the Village of Willowbrook's Plan Commission website once available:

<https://www.willowbrookil.org/Archive.aspx?AMID=44>

The purpose of this public hearing shall be to consider a petition for text amendments to amend Sections 9-2-2, 9-6B-1, 9-6C-1, 9-6D-2 and other relevant sections of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to define “Retail tobacco stores with smoking lounge”, to replace “Tobacco stores” and “Tobacco shops” with “Retail tobacco stores with smoking lounge” in the B-2 and B-3 zoning districts, and to add “Retail tobacco stores with smoking lounge” as a new special use in the B-4 Zoning District.

A copy of the Village's petition is on file in the Office of the Village Planner, Village of Willowbrook, 835 Midway, Willowbrook, Illinois, and is available for public inspection.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Willowbrook should contact Ann Choi, Village of Willowbrook, 835 Midway, Willowbrook, IL 60527, or call (630) 920-2233, Monday through Friday, between 8:30 A.M. and 4:30 P.M.

All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. Written comments may be submitted up to the hour of 6:00pm on September 23, 2020 to planner@willowbrook.il.us. This hearing may be recessed to another date if not concluded on the evening scheduled.

/s/ Brian Pabst
Village Administrator
(630) 920-2261

Published in the September 8, 2020 edition of *The Chicago Sun Times* newspaper.

CLASSIFIEDS 312.321

Public Notices

Public Notice

Given that utility line clearance is scheduled for 2020, in the following municipalities: Abingdon, Heights, Barrington Hills, Bedford Park, Bensenville, Bourbonnais, Bridgeview, Bell Valley, Burr Ridge, Calumet, Channahon, Cherry Valley, Chicago, Cook County, Elkhorn, Elmhurst, Elmhurst, Evergreen Park, Fox Lake, Grandwood Park, Grundy County, Gurnee, Hanover Park, Joliet, Justice, Kane County, Kankakee County, Lake in the Hills, Lake County, Libertyville, Lisle, Loves Park, McHenry, Monee, Morrison, Morton Grove, New Lenox, Niles, Northbrook, Northfield, Oak Brook Terrace, Old Mill Creek, Palatine, Palos Heights, Phoenix, Plainfield, Riverdale, Round Lake, Round Lake Beach, Skokie, South Chicago, Sterling, Streamwood, Sycamore, Thornton, Westmont, Whiteside County, Will County, Willow Springs, Winfield, Winnebago, Woodridge and Woodstock. Tree trimming, tree removal and brush control to clear mid electric wires running from pole to pole. This work interfering with electric lines can cause service outages. Line clearance is not required on all properties in work will be performed on wires running from buildings. Maps of the affected areas are on file at local offices. All trees requiring maintenance in each area will be projects. Property owners may appeal the planned activities through ComEd or the Illinois Commerce Commission. For questions regarding vegetation management, call 1-800-EDISON-1 and ask to speak with a Vegetation Manager or visit our website at www.comed.com/Pages/TreePractices.aspx. You may also request this resolution process. To contact a Consumer Affairs representative, call 1-800-524-0795.

HEARING CONCERNING THE INTENT TO PARK COMMISSIONERS OF VETERANS PARK DISTRICT, COOK COUNTY, ILLINOIS, 750,000 GENERAL OBLIGATION BOND TAX PARK BONDS

HEREBY GIVEN that the Veterans Park District, Illinois (the "District"), will hold a public hearing on September 2020, at 8:30 o'clock P.M. be held at Bulger Park, 1601 North Hirsch Street, Chicago, Illinois. The purpose of the hearing will be to consider the proposal to sell bonds amount of \$2,750,000 for the payment of purchased for parks, for the building, maintenance and protection of the same and the existing District and for the payment of the expense.

to be live-streamed via Webex and will be to allow individuals to observe and comment in, please call 1-408-418-9388 and enter 873-5710, followed by the # sign. If you have comments, please enter FsaMKEmp262 (or has and video systems). Written public comments will be submitted by 6:00 o'clock P.M. on September 15, 2020 to Vetpark@veteransparkdistrict.org.

Ident of the Board of Park Commissioners, District, Cook County, Illinois

of September, 2020

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Illinois
113417

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NOTICE OF PUBLIC SALE

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Time: 10:00 AM

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PUBLIC STORAGE # 25493, 2115 Berwick Road, Lansing, IL 60436, (708) 722-1008

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Public sale terms, rules, and regulations will be made available prior to the sale. All sales are subject to cancellation. We reserve the right to refuse any bid. Payment must be in cash or credit card/no checks. Buyers must secure the units with their own personal locks. To claim tax-exempt status, original RESALE certificates for each space purchased is required. By PS OrangeCo, Inc., 701 Western Avenue, Glendale, CA 91201 (818) 244-8080 9/8/15/2020 #1113353

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