

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

  X   Resolution or Ordinance (Blue) \_\_\_\_\_ *Waiver of First Requested*  
  X   Recommendations of Boards, Commissions & Committees (Green)  
\_\_\_\_\_ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: December 29, 2014 (B of T) Date: January 8, 2015

TITLE: PC 14-38: Text Amendment to the Zoning Ordinance – Definition of Smoking Establishments

SUBMITTED BY: Department of Community Development *WJ*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing a text amendment to Section 155.802 (and any other relevant sections for clarity) to add considerations for the use of e-cigarettes, or “vaping,” to the definition of a smoking establishment. (DISTRICTS - ALL)

The Plan Commission recommended approval of this petition by a vote of 5-0.

Fiscal Impact/Funding Source:

Review (as necessary):  
Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X \_\_\_\_\_ Date \_\_\_\_\_

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

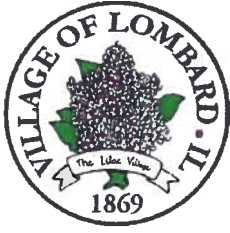
**DATE:** January 8, 2015

**SUBJECT:** **PC 14-38; Text Amendment to the Zoning Ordinance – Definition of Smoking Establishments**

Please find the following items for Village Board consideration as part of the January 8, 2015 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 14-38, including completed Standards for a Text Amendment; and
3. An Ordinance granting approval of the proposed text amendment to modify the definition of smoking establishments.

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the January 8, 2015 Board of Trustees agenda.



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

January 8, 2015

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Peter Breen, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
Scott R. Niehaus

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

*"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

Mr. Keith T. Giagnorio,  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: PC 14-38; Text Amendment to the Zoning Ordinance –  
Definition of Smoking Establishments**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing a text amendment to Section 155.802 (and any other relevant sections for clarity) to add considerations for the use of e-cigarettes, or "vaping," to the definition of a smoking establishment.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 15, 2014. Sworn in to present the petition was Matt Panfil, AICP, Senior Planner. The staff report was submitted to the public record in its entirety.

Mr. Panfil began by stating that the recent opening of two e-cigarette retailers and other inquiries into the potential for opening other e-cigarette establishments within the Village made staff aware that it is common practice for customers to use the e-cigarettes, "or vape," within the retail establishment.

While the Smoke Free Illinois Act does not regulate indoor vaping or the sale of e-cigarettes, staff finds that there is a notable difference between the land use impacts of the two activities. The retail sale of e-cigarettes is very similar to the retail sale of tobacco, which is conducive to a quick turnover of parking spaces because the customer consumes the product outside the establishment. Smoking establishments, where people assemble to consume the product within

the establishment, cause an increase in the demand for parking as well as a decrease in the turnover in parking spaces.

Mr. Panfil stated that the proposed text amendment does not change the zoning district classifications for smoking establishments or tobacco stores, so there should be no changes to existing establishments. Staff is recommending that the definition of smoking establishments be changed to, “smoking establishment is an establishment, which, as its principal business purpose, or if the majority of the gross floor area, is dedicated to the on-premises smoking or vaping of tobacco products or other legal substances, excluding medical cannabis, and/or is regulated through the Illinois Smoke Free Act, 410 ICLS 82/1 et seq.”

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

On a motion by Commissioner Mrofcza, and a second by Commissioner Sweetser, the Plan Commission voted 5 to 0 to recommend that the Village Board approve the proposed text amendment associated with PC 14-38.

Respectfully,

**VILLAGE OF LOMBARD**

Donald Ryan, Chairperson  
Lombard Plan Commission

c. Lombard Plan Commission

H:\CD\WORDUSER\PCCASES\2014\PC 14-38\PC 14-38\_Referral Letter.docx

ORDINANCE \_\_\_\_\_

**AN ORDINANCE APPROVING TEXT AMENDMENTS  
TO THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155, SECTION 802  
OF THE CODE OF LOMBARD, ILLINOIS**

PC 14-38: Definition of Smoking Establishment

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on December 15, 2014 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendment described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

**SECTION 1:** That the following definitions set forth within Title 15, Chapter 155, Section 802, of the Code of Lombard, Illinois, is hereby amended to read as follows:

**155.802 RULES AND DEFINITIONS**

**SMOKING ESTABLISHMENT**

is an establishment, which, as its principal business purpose, **or if the majority of the gross floor area**, is dedicated to the on-premises smoking **or vaping** of tobacco products or other legal substances, excluding medical cannabis, and/or is regulated through the Illinois Smoke Free Act, 410 ILCS 82/1 et seq.

Ordinance No. \_\_\_\_\_

Re: PC 14-38

Page 2

**SECTION 2:** That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk