

**CITY OF HIGHLAND PARK**

**ORDINANCE NO. 039-2023**

**AN ORDINANCE AMENDING THE "CITY OF HIGHLAND PARK ZONING  
ORDINANCE OF 1997," AS AMENDED, REGARDING TOBACCO AND SMOKING  
SHOP USES**

**WHEREAS**, Article IV of the "City of Highland Park Zoning Ordinance of 1997," as amended ("**Zoning Code**"), sets forth regulations for permitted and conditional uses within each zoning district of the City; and

**WHEREAS**, the City Council desires to amend the Zoning Code to modify the current regulations on tobacco and smoking shop uses ("**Proposed Amendments**"); and

**WHEREAS**, a public hearing by the Plan and Design Commission ("**PDC**") to consider the Proposed Amendments to the Zoning Code was duly advertised in the Lake County News-Sun News on March 6, 2023, and held on March 21, April 18, May 2, June 6, and June 20, 2023; and

**WHEREAS**, on June 20, 2023, the PDC adopted Findings of Fact, Public Hearing No. 2023-ZTA-001, recommending to the City Council approval of the Proposed Amendments, in accordance with and pursuant to Section 150.1506 of the Zoning Code; and

**WHEREAS**, the City Council has considered the Proposed Amendments and the recommendation of the PDC, and has determined that adoption of the Proposed Amendments, as set forth in this Ordinance, will serve and be in the best interest of the City and its residents;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND PARK, LAKE COUNTY, ILLINOIS**, as follows:

**SECTION ONE:**     **RECITALS.** The foregoing recitals are incorporated into, and made a part of, this Ordinance as findings of the City Council.

**SECTION TWO:**     **DEFINITIONS.** Section 150.202, titled "Definitions," of Article II, titled "Interpretation and Definitions," of the Zoning Code is hereby amended to read as follows:

"Sec. 150.202. - Definitions.

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Tobacco and Smoking Shop: A retail outlet that sells tobacco and smoking-related products as its principal use, including paraphernalia related to consumption of tobacco and legal recreational drugs, such as cannabis and herbs as well as selling smoking themed art, magazines, music, clothing, home décor, and accessories. "Tobacco and Smoking Shop" does not include Adult or Medical Use Cannabis Dispensary, or Vape or E-Cigarette Shops."

**SECTION THREE: ADDITIONAL REGULATIONS FOR TOBACCO AND SMOKING SHOPS.** Article IV, titled "Regulations for Permitted and Conditional Land Uses," of the Zoning Code is hereby amended to read as follows:

**"Sec. 150.431 - Additional Regulations for the Sale of Tobacco.**

- (A) Permitted Locations within B3 and I Districts.** Tobacco and Smoking Shops and are only allowed in those portions of the B3 and I Districts located between the Union Pacific Railroad right-of-way to the west and U.S. Route 41 to the east.
- (B) Smoking Prohibited.** The use of tobacco and legal recreational drugs is prohibited in all Tobacco and Smoking Shop uses, except as otherwise provided in Section 100.021.
- (C) Accessory Sales of Smoking Products and Paraphernalia.** Sale of tobacco and smoking products and paraphernalia as an accessory use to a principal use is permitted, provided that: (1) no more than 10% of the retail sales floor area of the establishment, including the adjacent aisle used to access the tobacco and smoking products and paraphernalia, is dedicated to the display and sale of these products; and (2) the display area of all tobacco, smoking products, and related paraphernalia must be located behind the sales counter.

~~Secs. 150.431~~ **150.432** - 150.439. - Reserved."

**SECTION FOUR: TABLE OF ALLOWABLE USES.** Section 150.490, titled "Tables of Allowable Uses," of Article IV, titled "Regulations for Permitted and Conditional Land Uses," of the Zoning Code is hereby amended to read as follows:

"Sec. 150.490. - Table of Allowable Uses

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(C) GENERAL RETAIL SALES AND RELATED SERVICE USES
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*	P = Permitted Uses C = Conditional Uses	HC	B1	B1A	B2	B3	B4-4	B4-5	B4-6	B4-BG	B5	I	PA	CDRO
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	<del>Tobacco Shops</del>		P	P	P	P	P	P	P	P	P	P	P	P
	<u>Tobacco and Smoking Shops</u> (see Sec. 150.431)					P						P		

"

#### **SECTION FIVE: TABLE OF PARKING AND LOADING REQUIREMENTS.**

Section 150.851, titled "Table of Parking and Loading Requirements," of Article VIII, titled "Off-Street Parking and Loading," of the Zoning Code is hereby amended to read as follows:

<b>(B) GENERAL RETAIL SALES AND RELATED SERVICE USES</b>
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<del>Tobacco Shops</del> <u>Tobacco and Smoking Shops</u>	3.3 spaces per 1000 sq. ft. GFA	None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter
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**SECTION SIX: PUBLICATION.** The City Clerk is hereby directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois.

**SECTION SEVEN: EFFECTIVE DATE.** This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**AYES:** Mayor Rotering, Councilmembers Ross, Hoobler, Tapia, Lidawer,  
Stone, Blumberg

**NAYS:** None

**PASSED:** July 17, 2023

**ADOPTED:** July 17, 2023

PUBLISHED IN PAMPHLET FORM: July 18, 2023

**ORDINANCE NO. O39-2023**

ATTEST:

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Nancy R. Rotering, Mayor

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Ghida S. Neukirch, City Clerk