

# COAL CITY PLANNING AND ZONING BOARD MEETING

Monday  
September 16, 2024 @7:00 P.M.

## AGENDA

1. Call Meeting to Order

2. Approval of Minutes                      September 3, 2024

3. Public Comment

### ZONING BOARD OF APPEALS

4. Public Hearing: Patrick & Jessica Osipavicius  
225 S. Primrose Dr. - Variance for a fence within the Corner side yard
- i. Swear in Testimonials
  - ii. Presentation by Petitioner
  - iii. Public Comment
  - iv. Board Consideration
  - v. Action on Request

5. Discuss Text Amendment

6. Adjourn

**MEMO**

**TO:** Planning & Zoning Board Members  
**FROM:** Matthew T. Fritz  
Village Administrator  
**MEETING DATE:** September 16, 2024  
**RE:** **SEPTEMBER 16<sup>TH</sup> MEETING AGENDA ITEMS**

Variance from Placement of a Fence within the Corner Side Yard at 225 S. Primrose

Patrick and Jessica Osipavicius of 225 S. Primrose located at the northeast corner of Richards & Primrose would like to construct a fence along the bikepath that runs along Richards adjacent to their backyard. This location would require the construction of the fence within a corner side yard, which is not allowed within Section 156.171 of village code. These homeowners live adjacent to the new playground that was established on the north side of Richards and would like to enclose their corner sideyard at the same time a fence is installed across the rear yard. The portion surrounding the utilities located in the southeast corner of their yard will possess a 5' setback from the southerly boundary (along the sidewalk) and it will be returned along the sidewalk with a 2-foot setback.

The public hearing for this variance is scheduled for Monday evening.

Pertinent Code Section(s)

**Section 154.171**

Text Amendment Adopting the Elimination of the Permitted Use of Tobacco Shops within C3 zoned Properties

Back in February, the Board adopted a moratorium on any additional tobacco or vape shops, which wanted to locate within Coal City. Since that time, there were two occasions upon which the interested parties were informed they could not utilize the property in that manner. Disallowing their occupancy at existing retail within Coal City was not detrimental and a permanent text amendment is in order to ensure this formerly permitted use can no longer occur by right within commercially zoned areas of the village.

Included is a draft ordinance for the village board that can be adopted as soon as the October 9<sup>th</sup> Regular Meeting should the Zoning Board of Appeals conduct a public hearing on October 7<sup>th</sup> (the soonest it could be considered after a public hearing notice runs within the 9/18 edition of the Courant) to consider its passage.

**Remaining Work Items**

Downtown Remodeling Permits  
Carbon Hill Rd/113 Annexation  
Metal Siding  
Anti-Monotony Provisions  
Signage Requirements

**DRAFT**

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**THE VILLAGE OF COAL CITY**  
GRUNDY & WILL COUNTIES, ILLINOIS

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ORDINANCE  
NUMBER \_\_\_\_\_

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**AN ORDINANCE AMENDING THE ZONING CODE TO ELIMINATE TOBACCO  
SHOPS AS A PRIMARY PERMITTED USE IN THE C-3 ZONING DISTRICT**

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DAVID A. SPESIA, Village President  
ALEXIS STONE Village Clerk

TIMOTHY BRADLEY  
DANIEL GREGGAIN  
CJ LAUTERBUR  
BILL MINCEY  
PAMELA NOFFSINGER  
DAVID TOGLIATTI  
Village Trustees

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of  
Coal City  
on \_\_\_\_\_, 2024

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING CODE TO ELIMINATE TOBACCO SHOPS AS A PRIMARY PERMITTED USE IN THE C-3 ZONING DISTRICT**

**WHEREAS**, the Village of Coal City (hereinafter, the “*Village*”) is an Illinois municipal corporation organized and operated under the laws of the State of Illinois; and

**WHEREAS**, the Village is a non-home rule municipality and, as such, may exercise delegated statutory and Constitutional powers and such powers as are necessarily implied therefrom; and

**WHEREAS**, pursuant to 65 ILCS 5/11-13-1 *et seq.*, the Village has enacted zoning regulations to classify and regulate competing land uses and have codified such regulations in Chapter 156 of the Village Code (the “*Zoning Code*”); and

**WHEREAS**, the Village defines, regulates, licenses and zones tobacco shops; and

**WHEREAS**, in response to a recent proliferation of tobacco shops and prospective tobacco shops in the Village, the Village Board recently defined “tobacco shops” to distinguish between retailers whose primary stock-and-trade involves the sale of nicotine and alternative nicotine products and those retailers who incidentally sell such goods as a fractional part of their overall inventory; and

**WHEREAS**, tobacco shops were permitted uses in the C-3 zoning district until the Village Board adopted a temporary moratorium on the establishment of new tobacco shops via Ordinance 24-04, adopted on February 28, 2024; and

**WHEREAS**, the Village President and Board of Trustees (the “*Corporate Authorities*”) of the Village have determined that the externalities associated with tobacco shops and their deleterious impact on the public health, safety, comfort, morals and welfare outweigh the

economic benefits associated with the opening of new tobacco shops and wish to protect the vitality and character of development in the Village; and

**WHEREAS**, the Corporate Authorities have determined that eliminating tobacco shops as a primary use of property will promote and enhance the public health, safety, and welfare of the Village and its residents; and

**WHEREAS**, the Village Board and Zoning Board of Appeals found it to be desirable to disallow future standalone tobacco shop businesses and only allow existing tobacco shops to continue as a legal nonconforming use or for retailers desiring to sell tobacco products to incorporate such sales into part of a distinct primary use not revolving around the sale and use of nicotine and alternative nicotine products and paraphernalia; and

**WHEREAS**, in accordance with Sections 156-27(E)(1)(a), 156-271, and 156-313(A)(1)(a) of the Zoning Code, the Proposed Amendment to the Zoning Code was referred to the Zoning Board of Appeals (“**ZBA**”) for a public hearing and recommendation thereon; and,

**WHEREAS**, pursuant to notice duly published, the ZBA conducted a public hearing on October 7, 2024, for the purpose of hearing and considering testimony on the Proposed Amendment; and

**WHEREAS**, at the conclusion of the public hearing, the ZBA recommended that the Village Board adopt the Proposed Amendment by a vote of \_\_\_; and

**WHEREAS**, following deliberation on the evidence and testimony elicited during the public hearing the Zoning Board of Appeals has considered and recommended approval of the proposed text amendment, pursuant to those written findings of fact contained in the ZBA’s Findings of Fact and Recommendation attached hereto as **Exhibit A** and made part of this ordinance by this reference; and

**WHEREAS**, to prevent long-term or irreversible changes in the character of the commercial areas of the Village, the Corporate Authorities hereby find and determine that it is necessary and in the best interests of the Village and its residents to eliminate tobacco shops as primary uses in the Village; and

**WHEREAS**, the President and the Board of Trustees of the Village have determined that it is the best interest of the health, safety, and welfare of the Village and its residents to amend the Zoning Code as set forth herein; and

**WHEREAS**, the President and Board of Trustees have considered the recommendation of the ZBA and determined that it is in furtherance of the public health, safety and welfare and in the best interests of the Village and its residents to approve the amendment as set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, Counties of Will and Grundy, Illinois, as follows:**

**SECTION 1. RECITALS.** That the foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**SECTION 2. AMENDMENT TO PERMITTED USE IN COMMERCIAL DISTRICTS.** Title 15 (“Land Usage”), Chapter 156 (“Zoning Code”), Table 7 (“Permitted and Conditional Uses in Commercial Districts”) of the Coal City Village Code is hereby amended as follows, with all omitted portions continuing in full force and effect as currently written unless expressly stated otherwise (additions **underlined in bold font**, deletions marked with **~~bold strikethrough~~**):

*(Omitted text is unaffected by this ordinance)*

**Table 7: Permitted and Conditional Uses in Commercial Districts**

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**Group O: Additional Permitted Uses in C-3 Commercial District**

- (1) Animal hospitals.
- (2) Antique shops.
- (3) Appliance sales and repair stores, including radio, television, stereo, video, lighting and clock.
- (4) Art studios.
- (5) Art and graphic supply stores.
- (6) Auto parts and accessory stores.
- (7) Bicycle sales, rental, and repair shops.
- (8) Bookstores.
- (9) Business machine sales, rental, and service.
- (10) Camera shops.
- (11) Camping equipment sales.
- (12) Card shops.
- (13) Carpet and rug stores (retail sales).
- (14) Catering services.
- (15) China and glassware shops.
- (16) Clothing stores.
- (17) Clubs or lodges, private.
- (18) Coin and stamp stores.
- (19) Computer sales and service.
- (20) Custom dressmaking shops and repair.
- (21) Dance studios.
- (22) Dental offices.
- (23) Department stores.
- (24) Discount department stores.
- (25) Employment agencies.
- (26) Exterminating services.
- (27) Financial institutions, as defined in § 156-3.
- (28) Florists.
- (29) Frozen food stores, excluding locker rental.

- (30) Furniture stores.
- (31) Furrier shops, including incidental storage and cleaning of furs.
- (32) Garden supply stores.
- (33) Gift shops.
- (34) Gunsmith shops.
- (35) Gymnastic centers. (See “tumbling, rebound tumbling and gymnastic centers.”)
- (36) Hardware stores.
- (37) Hat shops and repair.
- (38) Hobby and craft shops.
- (39) Ice sales.
- (40) Jewelry and watch sales and repair.
- (41) Kennels, as defined in § 156-3.
- (42) Laboratories, medical, dental, research, and testing within a completely enclosed building.
- (43) Luggage shops.
- (44) Medical offices.
- (45) Motor vehicle sales or rental, including cars, trucks, boats, trailers, recreational vehicles, snowmobiles or motorcycles.
- (46) Music stores and instrument repair shops.
- (47) Music studios.
- (48) Newspaper distribution agencies.
- (49) Office supply stores.
- (50) Optometry offices.
- (51) Orthopedic and medical appliance stores (retail sales only).
- (52) Paint stores.
- (53) Pet grooming (does not include kenneling).
- (54) Pet shops.
- (55) Photo processing stores, except kiosks.
- (56) Post offices.
- (57) Print shops with six or fewer employees.
- (58) Produce markets.
- (59) Propane bottle exchanges.
- (60) Secondhand stores.
- (61) Shoe shops and repair.
- (62) Sporting goods stores.



- (63) Stationary stores.
- (64) Supermarkets.
- (65) Tailor shops and repair.
- (66) Tanning salons.
- (67) Taxidermists.
- (68) Ticket offices, theater and amusement.
- (69) Ticket offices, transportation.
- (70) Tile stores.
- ~~(71) Tobacco shops. **Reserved.\***~~
- (72) Toy stores.
- (73) Tumbling, rebound tumbling or gymnastic centers.
- (74) Variety stores.
- (75) Veterinary offices.
- (76) Video sales or rental.
- (77) Wallpaper stores.
- (78) Yard goods stores, notions and sundries.

**\* Tobacco shops are not a permitted use of property.**

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**SECTION 3. RESOLUTION OF CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 4. SAVING CLAUSE.** If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

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**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, at Coal City, Grundy and Will Counties, Illinois.

AYES:

ABSENT:

NAYS:

ABSTAIN:

**VILLAGE OF COAL CITY**

\_\_\_\_\_  
David A. Spesia, President

Attest:

\_\_\_\_\_  
Alexis Stone, Clerk