

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
THE CITY OF ROLLING MEADOWS TO ESTABLISH REGULATIONS APPLICABLE
TO ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS**

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*) ("Act"), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis; and

WHEREAS, pursuant to the Act, the City may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the City deems sensitive; and

WHEREAS, the City of Rolling Meadows petitioned the Planning and Zoning Commission ("PZC") to consider text amendments to the City's Zoning Ordinance in order to establish regulations applicable to Adult-Use Cannabis Business Establishments; and

WHEREAS, the PZC, after notice of public hearing as required by law, conducted a public hearing on October 1, 2019, which hearing was continued to November 5, 2019, to consider the proposed text amendment; and

WHEREAS, after taking and considering all testimony presented at the public hearing, the Plan Commission recommended that the City Council approve the petition to revise its Zoning Ordinance to establish regulations applicable to Adult-Use Cannabis Business Establishments in the City of Rolling Meadows; and

WHEREAS, the corporate authorities of the City of Rolling Meadows have determined that it is advisable, necessary and in the best interest of the City to revise its Zoning Ordinance to establish regulations applicable to Adult-Use Cannabis Business Establishments in the City of Rolling Meadows.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Cook County, Illinois, as follows:

Section 1. The recitals set forth above are incorporated herein by reference.

Section 2. That Section 122-3, entitled "Definitions and rules generally," of Article 1, of Chapter 122, entitled "Zoning," of the Code of Ordinances City of Rolling Meadows, Illinois is hereby amended by creating the following definitions and inserting them alphabetically into Section 122-3:

Adult-Use Cannabis Business Establishment means an Adult-Use Cannabis Cultivation center or an Adult-Use Cannabis Dispensing Organization, as permitted by the City as a special use in the designated zoning district and regulated by this Chapter. For purposes of the City's Zoning Ordinance, the businesses of Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Infuser Organization, Adult-Use Cannabis Processing Organization, and Adult Use Cannabis Transporting Organization are specifically excluded from the definition of the term "Adult-Use Cannabis Business Establishment," as such uses are prohibited uses in any zoning district of the City.

Adult-Use Cannabis Craft Grower means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act.

Adult-Use Cannabis Cultivation Center means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act.

Adult-Use Cannabis Dispensing Organization means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act.

Adult-Use Cannabis Infuser Organization or Infuser means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

Adult-Use Cannabis Processing Organization or Processor means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act.

Adult Use Cannabis Transporting Organization or Transporter means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college

licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act.

Section 3. That Article I of Chapter 122, entitled "Zoning," is hereby amended by adding the following new Section 122-28 as follows:

Sec. 122-28: Adult-Use Cannabis

(a) **Purpose and Applicability:** It is the intent and purpose of this Section to provide regulations regarding the cultivation and dispensing of adult-use cannabis occurring within the corporate limits of the City of Rolling Meadows. Adult-Use Cannabis Business Establishments shall comply with all regulations provided in the Cannabis Regulation and Tax Act ("Act") and the regulations City regulations provided in the City's Zoning Ordinance. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

(b) **Special Use:** Adult-Use Cannabis Business Establishment facilities, as defined herein, require approval of a special use in the respective districts in which they are listed or identified and such request for a special use shall be processed in accordance with Article V (Special Uses) of Chapter 122 (Zoning) and Section (d) (Adult-Use Cannabis Business Establishment Facility Components) as provided herein below. If an Adult-Use Cannabis Business Establishment is not identified as a permitted or special use in a particular zoning district of the City, such use shall be deemed prohibited in that zoning district.

(c) **Prohibited Uses:** The businesses of Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Infuser Organization, Adult-Use Cannabis Processing Organization, and Adult Use Cannabis Transporting Organization are prohibited uses in any zoning district of the City, and are specifically excluded from the definition of the term "Adult-Use Cannabis Business Establishment."

(d) **Adult-Use Cannabis Business Establishment Facility Components:** In determining compliance with Article V (Special Uses) of Chapter 122 (Zoning), the following components of the Adult-Use Cannabis Business Establishment facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties in the immediate area:

- (1) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- (2) Proposed structure in which the facility will be located, including total square footage, security installations/security plan and building code compliance.
- (3) Hours of operation and anticipated number of customers/employees.
- (4) Anticipated parking demand and available parking supply. On-site parking must meet the requirements of Article III, Division 5, Section 122-223, or may be supplemented with reasonably available nearby off-site parking when authorized by this Section. Parking must be visible from the public road or private road in which it is accessible, unless otherwise authorized in writing by the Police Chief.
- (5) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- (6) Site design, including access points, internal site circulation, and adequate loading facilities and security.

- (7) Proposed signage plan in compliance with the following regulations:
 - i. No outdoor, window, or on-site media display of merchandise and/or products related to marijuana or cannabis allowed.
 - ii. No exterior signage that contains any statement or illustration that is: (a) is false or misleading; (b) promotes excessive consumption; (c) depicts a person under 21 years of age consuming cannabis; (d) includes the image of a cannabis leaf; or (e) includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any imitation of candy packaging or labeling, or that promotes consumption of cannabis.
- (8) Compliance with all requirements provided in Paragraph (e) (Adult-Use Cannabis Cultivation Center), Paragraph (f) (Adult-Use Cannabis Dispensing Organization), and Paragraph (g) (Additional Requirements) of this Section 122-28, as applicable.
- (9) Other criteria determined to be necessary to assess compliance with Article V (Special Uses) of Chapter 122 (Zoning) of the Code of Ordinances City of Rolling Meadows, Illinois.

(e) **Adult-Use Cannabis Cultivation Center:** In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within 2,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- (2) Facility may not be located within 2,500 feet of the property line of a vacant property zoned residential or a pre-existing use or structure on a property zoned or used for residential purposes.
- (3) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) For purposes of determining required parking, Adult-Use Cannabis Cultivation Center shall be in compliance with Section 122-223(8) of Division 5 of Article III, provided, however, that the City may require that additional or less parking be provided, as a result of the analysis completed pursuant to this Section and Article V herein. Additionally, off-site parking may be utilized when authorized and/or conditioned by the City Council in the ordinance granting the special use pursuant to this Section and Article V herein.
- (5) Petitioner shall file an affidavit with the City affirming compliance with Chapter 122 "Zoning", of the Code of Ordinances City of Rolling Meadows, Illinois, and all other requirements of the Act.

(f) **Adult-Use Cannabis Dispensing Organization:** In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary

school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

- (2) Facility may not be located within 1,000 feet of the property line of a vacant property zoned residential or a pre-existing use or structure on a property zoned and used for residential purposes.
- (3) Single-use property. Adult-use cannabis dispensing facilities shall not be established in a multiple-use or multi-tenant properties or on a property that shares parking with other uses.
- (4) At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises.
- (5) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (6) Adult-use cannabis dispensing facilities shall only operate between the hours of 6:00 a.m. and 8:00 p.m.
- (7) Facility shall not dispense cannabis or other products through a drive-through window.
- (8) For purposes of determining required parking, Adult-Use Cannabis Dispensing Organizations shall be in compliance with Section 122-223(8) of Division 5 of Article III, provided, however, that the City may require that additional or less parking be provided, as a result of the analysis completed pursuant to this Section and Article V herein. Additionally, off-site parking may be utilized when authorized and/or conditioned by the City Council in the ordinance granting the special use pursuant to this Section and Article V herein.
- (9) Petitioner shall file an affidavit with the City affirming compliance with Chapter 122 "Zoning", of the Code of Ordinances City of Rolling Meadows, Illinois, and all other requirements of the Act.

(g) Additional Requirements.

- (1) On-site consumption. On-site consumption of cannabis or any cannabis infused product is prohibited in any Adult-Use Cannabis Business Establishment, or on any property occupied by an Adult-Use Cannabis Business Establishment.
- (2) Limits on Adult-Use Cannabis Business Establishments. There shall be no more than one (1) Adult-Use Cannabis Business Establishment within the corporate limits of the City of Rolling Meadows.
- (3) Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use permit, to ensure the safety of employees and customers of the Adult-Use Cannabis Business Establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

Section 4. That paragraph (c), entitled "Special Uses," of Section 122-221, entitled M-1 Manufacturing District," of Division 5, entitled "Manufacturing," of Article III,

entitled "Districts," of the Chapter 122, entitled "Zoning," is hereby amended by adding the following additional special uses:

(19) Adult-Use Cannabis Dispensing Organization, established in accordance with the procedures outlined in Section 122-28 and the remaining provisions of this Chapter.

(20) Adult-Use Cannabis Cultivation Center, established in accordance with the procedures outlined in Section 122-28 and the remaining provisions of this Chapter.

Section 5. That Section 122-223, entitled "Schedule of parking requirements," of Division 5, entitled "Manufacturing," of Article III, entitled "Districts," of the Chapter 122, entitled "Zoning," is hereby amended to insert the following provision as number 8, renumber the remaining provisions in sequential order as numbers 9 and 10:

(8) Adult Use Cannabis Business Establishments as authorized in this Chapter. One parking space for every 250 square feet of sales area accessible to the public or customers, plus one parking space for every employee on the maximum shift, or as required pursuant to the requirements of Article I, Section 122-28 and Article V.

Section 6. This Ordinance shall be in full force and effect upon its passage and approval, as provided by law.


PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 3rd day of December, 2019.

YEAS: D'Astice, Sanoica, Cannon, Budmats, O'Brien, Vinezeano, Bisesi

NAYS: 0

ABSENT: 0

Passed and Approved this 3rd day of December, 2019.



Joe Gallo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 4th day of December, 2019.



Judith Brose, Deputy City Clerk