

**AN ORDINANCE MODIFYING THE CITY'S ZONING ORDINANCE
TO AUTHORIZE ADULT-USE CANNABIS TRANSPORTING ORGANIZATIONS
AS A SPECIAL USE IN CERTAIN ZONING DISTRICTS.**

WHEREAS, the City of Rolling Meadows is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Section 122-394 ("Amendments") of Chapter 122 ("Zoning") sets forth procedures for considering amendments to the map and text of the City's Zoning Ordinance.

WHEREAS, the City desires to amend the Zoning Ordinance in order to eliminate the prohibition of "adult-use cannabis transporting organization" and to authorize said use as a special use in certain zoning districts ("**Requested Amendment**"); and

WHEREAS, the City's Planning and Zoning Commission ("**PZC**"), after notice was provided as required by law, conducted a public hearing on March 5, 2024 to consider a petition to consider the Requested Amendment; and

WHEREAS, after taking and considering all testimony presented at the public hearing, the PZC made the findings of fact enumerated in **Exhibit A** and recommended that the City Council approve the Requested Amendment; and

WHEREAS, the Corporate Authorities of the City of Rolling Meadows have determined that it would be in the best interest of the City to approve the Requested Amendment as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois:

Section 1: Recitals. The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

Section 2: Amendment to Section 122-42. Pursuant to Sections 122-394 ("Amendments") and the City's home rule authority, Section 122-42 ("Definitions") of Article II ("Definitions") of Chapter 122 ("Zoning") is hereby amended as [additions are **bold and double-underlined**; deletions are struck through]:

* * *

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 is specifically excluded from the definition of the term "adult-use cannabis business establishment," as such uses are is a prohibited uses in any

zoning district of the city.

* * *

Section 3: Amendment to Section 122-85. Pursuant to Sections 122-394 (“Amendments”) and the City’s home rule authority, Section 122-85 (“Adult Use Cannabis”) of Article III (“Regulations of General Applicability”) of Chapter 122 (“Zoning”) is hereby amended as [additions are **bold and double-underlined**; deletions are struck through]:

“* * *

(c) *Prohibited uses:* The business of adult-use cannabis processing organization ~~and adult use cannabis transporting organization are~~ **is** a prohibited uses in any zoning district of the city, and is 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 section 122-395 (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:

* * *

(8) Compliance with all **applicable** requirements provided in **any** subsection (e) (adult use cannabis cultivation center), subsection (f) (Adult-Use Cannabis Dispensing Organization), (g) Adult-Use Cannabis Craft Grower, (h) adult use cannabis infuser organization or infuser and subsection (i) (Additional Requirements) of this section 122-85, as applicable.

* * *

(i) *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 two adult-use cannabis business establishment within the corporate limits of the City of Rolling Meadows. **This limit excludes adult-use cannabis transporting organizations.**

(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.

(j) Adult-use cannabis transporting organization: In those zoning districts in which an adult-use cannabis transporter organization may be located, the proposed facility must comply with the following:

- (1) Cannabis products of any kind, including but not limited to flower or edible cannabis, may not be present within the facility or within any transport vehicle parked on the property.**
- (2) The approval for an adult-use cannabis transporter organization shall specify a limit upon the number and size of transport vehicles to be operated and stored for the use.**
- (3) Transport vehicles shall not have any signs, markings, or other identification as a cannabis transport vehicle except as may be required by law.**

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Section 4: Amendment to Section 122-331. Pursuant to Sections 122-394 (“Amendments”) and the City’s home rule authority, Section 122-331 (“Permitted and Special Land Uses”) of Article V (“Regulations for Zoning Districts”) of Chapter 122 (“Zoning”) is hereby amended as follows, with insertions to be made in the correct alphabetical order [additions are **bold and double-underlined**; deletions are struck through]:

“* * *

Table 5.13: Land Use Table

	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	M-1	M-2
<u>Adult Use Cannabis Transporting Organization</u>							<u>S</u>	<u>S</u>		

* * *

Section 5: Severability. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

Section 6: 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.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 26th day of March, 2024.

AYES: Vinezeano, Boucher, Reyez, Koehler, McHale, Budmats, O'Brien

NAYS: 0

ABSENT: 0



Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 1st day of ~~March~~ April, 2024.



Judith Brose, Deputy City Clerk

EXHIBIT A

PZC's Adopted Findings of Fact

All text amendments are required to show evidence that the standards listed in the Code are met. Each standard is listed below in **bold**, with staff's finding for that standard listed in *italics*.

Standard 1: Potential impacts: The amendment shall not adversely impact existing land uses in proximity to a subject property, or, in the case of a text amendment, the overall zoning district purpose or intent of a code section proposed for amendment. The amendment should not unreasonably affect the value, use and enjoyment of nearby properties.

Findings: The proposed land use, cannabis transporting organization, is a cannabis related business that operates similarly to a business office except for the parking of delivery vehicles. As such, it is compatible with other office uses and its classification as a special is intended to ensure that each location is compatible with existing businesses and surrounding properties.

Standard 2: Trend of development/consistency: Map amendments should be a logical extension of the trend of development in the area around the subject property, or consistent with the approved comprehensive plan. In the case of a text amendment, the amendment shall be consistent with the overall zoning district purpose or intent of a code section proposed for amendment.

Findings: Being a cannabis related business and similar in its characteristics and impacts on adjacent properties as typical business offices, adding cannabis transporting organizations to the same districts as business is consistent with the purpose and intent of the Zoning Ordinance.

Standard 3: Externalities: Relevant physical or market conditions that may have changed to make the existing zoning of a property inappropriate, or that make the proposed text amendment necessary for this chapter to be in keeping with the desirable development of the city shall be specified.

Findings: The enactment of the Illinois Cannabis Regulation and Tax Act in 2020 created a new industry in the State of Illinois. Subsequently, the City of Rolling Meadows amended its Zoning Ordinance to add certain adult use cannabis businesses to the list of allowable land uses. The proposed cannabis transporting organization is thus a relatively new land use category and is a necessary support business to the adult use cannabis industry.

Standard 4: City plans: Amendments should be consistent with the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the city.

Findings: Being a cannabis related business and similar to a business office, allowing cannabis transporting organizations in the same districts as business offices is consistent with the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the city.

Standard 5: Zoning appropriateness: The extent to which use of the subject property (or relevant properties in the case of a text amendment) is diminished by the current zoning standards or designation and is no longer suitable for the underlying zoning shall be specified.

Findings: Given similar characteristics to other land uses in these districts, adding cannabis transporting organizations will have no negative impact on current zoning standards.