

**AN ORDINANCE MODIFYING THE CITY'S ZONING ORDINANCE CONCERNING TOBACCO, VAPE, AND CBD SHOPS AND SMOKING LOUNGES.**

**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**, the City Council has directed City Staff to prepare amendments to the City's Zoning Regulations that would: (1) eliminate regulations that apply to tobacco, vape, and CBD shops in the Zoning Regulations that are duplicative of the City's licensing rules, with the intent that these will be treated as other retail uses by the Zoning Regulations; and (2) establish clear zoning rules for establishments where indoor smoking is allowed (collectively, the "**Requested Amendment**"); 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; and

**WHEREAS**, the City's Planning and Zoning Commission ("**PZC**"), after notice was provided as required by law, conducted a public hearing on February 4, 2025 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 to modify the following defined terms in correct alphabetical order [additions are **bold and double-underlined**; deletions are struck through]:

**"Sec. 122-86. - Definitions.**

The words defined are those which have special or limited meanings as used in this Code. Words whose meanings are self-evident as used in this Code are not defined.

\* \* \*

Smoking lounge: A commercial establishment or portion thereof where tobacco or nicotine, industrial hemp, vaping, or other related products used to consume tobacco and hemp products are used by persons on the premises. A "smoking lounge" shall not include any private residence.

\* \* \*

~~Tobacco/vape/CBD shop: A "Specialty Shop", as that term is defined in section 22-106.~~

\* \* \*

**Section 3:** Amendment to Section 122-88. Pursuant to Sections 122-394 ("Amendments") and the City's home rule authority, Section 122-88 ("Tobacco, vape, and CBD Shops") of Article III ("Regulations of General Applicability") of Chapter 122 ("Zoning") is hereby amended as follows [additions are **bold and double-underlined**; deletions are struck through]:

**Sec. 122-88. Tobacco, vape, and CBD shops. Smoking lounges.**

(a) *Purpose and applicability.* It is the intent and purpose of this section to provide regulations regarding ~~tobacco, vape, and CBD shops~~ **smoking lounges** within the corporate limits of the City of Rolling Meadows.

(b) *Special use.* ~~Tobacco, vape, and CBD shops~~ **Smoking lounges**, as defined herein, require approval of a special use in the districts in which they are listed according to Table 5.13 (located in section 122-331) and such request for a special use shall be processed in accordance with section 122-395 (Special Uses) and as provided herein below. If a ~~tobacco, vape, and CBD shop~~ **smoking lounge** 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) *Requirements of ~~for a tobacco, vape, and CBD shop~~ **smoking lounges**.* All ~~tobacco, vape, and CBD shops~~ **smoking lounges** proposed to locate in the city must comply with the following:-

(1) — ~~Tobacco, vape, and CBD shops~~ must comply with all applicable state and city regulations and requirements, including, **without limitation**: all provisions of Chapter 22, Article II, Division 2 of the Municipal Code, being the city's business regulations applicable to tobacco and industrial hemp dealers, **including smoking lounges; and the Smoke Free Illinois Act (410 ILCS 82/)**.

(2) — ~~No public hearing may commence to consider granting a special use permit to authorize a tobacco, vape, and CBD shop unless the city council first refers the proposed establishment to the planning and zoning commission for special use consideration. If the city council refuses to refer the matter, the matter shall not move forward and no hearing shall commence.~~ "

**Section 4: Amendment to Section 122-331.** Pursuant to Sections 122-394 (“Amendments”) and the City’s home rule authority, Table 5.13 (“Land Use Table”) of Section 122-331 (“Permitted and Special Land Uses”) of Article V (“Regulations for Zoning Districts”) of Chapter 122 (“Zoning”) of the City Code is hereby amended as follows, with additions to be made in correct alphabetical order [additions are **bold and double-underlined**; deletions are struck through]:

“

<i>Zoning District</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>M-1</i>	<i>M-2</i>
	<i>Community Commercial</i>	<i>Corridor Commercial</i>	<i>Office, Institutional, and Research</i>	<i>Business Park</i>	<i>Manufacturing</i>
<b><u>Smoking Lounge</u></b>		<b><u>S</u></b>	<b><u>S</u></b>		
<del>Tobacco, Vape, and CBD Shops</del>		<del>S</del>	<del>S</del>		

*[This use is not listed and is therefore a prohibited use in any district not included above.]*

**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.

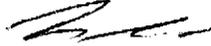
*[Signature page follows.]*

**PASSED AND APPROVED** by the City Council of Rolling Meadows, Cook County, Illinois this 25<sup>th</sup> day of February, 2025.

AYES: Reyez, Koehler, McHale, O'Brien

NAYS: Budmats, Boucher

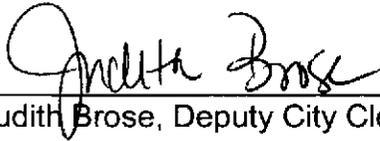
ABSENT: Vinezeano



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Lara Sanoica, Mayor

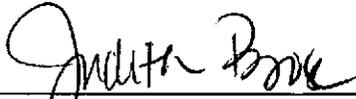
ATTEST:



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Judith Brose, Deputy City Clerk

Published this 26<sup>th</sup> day of February, 2025.



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Judith Brose, Deputy City Clerk

## **EXHIBIT A**

### **PZC's Adopted Findings of Fact**

#### **Amendment Standards**

**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 amendment would allow retail uses in retail areas, which is consistent with their purpose. The amendment would not displace or discontinue any existing tobacco, vape, or CBD shop, which would (generally speaking) continue as a permitted retail use where they are located. The amendment includes safeguards, by operation of the Smoke Free Illinois Act, to ensure that smoking lounges would not unreasonably affect the value, use, and enjoyment of nearby properties. The City's special use permit process is an additional safeguard to achieve these ends.

**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:* See findings concerning "potential impacts," above, which functionally incorporates this standard when evaluating a proposed text amendment.

**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 City has adopted regulations that more effectively address the special concerns that apply to tobacco, vape, and CBD shops and their effect upon the public health and welfare. The Zoning Regulations are better suited to regulating smoking lounges and would be if the proposed amendment is adopted.

**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:* The proposed amendment does not conflict with any provision of the City's adopted plans and policies.

**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:* The proposed amendment would make it more simple and efficient for new establishments to locate within the City while still protecting the public health, safety, and welfare.