

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
THE CITY OF ROLLING MEADOWS TO DEFINE AND REGULATE ADULT-USE
CANNABIS CRAFT GROWER BUSINESS ESTABLISHMENTS AND ADULT-USE
CANNABIS INFUSER ORGANIZATIONS AS SPECIAL USES IN THE M-1 AND M-2
ZONING DISTRICTS**

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 previously enacted regulations applicable to Adult-Use Cannabis Business Establishments, which regulations did not allow for the establishment of Adult-Use Cannabis Craft Growers and Infuser Organizations within the City of Rolling Meadows; 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 authorize and establish regulations applicable to Adult-Use Cannabis Craft Growers and Infuser Organizations; and

WHEREAS, the PZC, after notice of public hearing as required by law, conducted a public hearing on July 7, 2020, to consider the proposed text amendment; and

WHEREAS, after taking and considering all testimony presented at the public hearing, the PZC recommended that the City Council approve the petition to revise Zoning Ordinance 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 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 as follows:

Adult-Use Cannabis Business Establishment means an Adult-Use Cannabis Cultivation Center, an Adult-Use Cannabis Dispensing Organization, an Adult-Use Cannabis Craft Grower, or an Adult-Use Cannabis Infuser 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 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.

Section 3. That Article I of Chapter 122, entitled "Zoning," is hereby amended 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, craft growing, infusing 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"), the Department of Agriculture rules, and the 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 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), (g) Adult-Use Cannabis Craft Grower, (h) Adult-Use Cannabis Infuser Organization or Infuser and Paragraph (i) (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) **Adult-Use Cannabis Craft Grower:** In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

- (1) Single-use property. Adult-use cannabis craft growers shall not be established in a non-cannabis multiple-use building or multi-tenant properties, or on a property that shares parking with other uses.
- (2) Facility may not conduct any retail sales or distribution of cannabis other than as authorized by the Act.
- (3) For purposes of determining required parking, Adult-Use Cannabis Craft Growers 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.
- (4) 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.

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

- (1) Single-use property. Adult-use cannabis dispensing facilities shall not be established in a non-cannabis multiple-use building or multi-tenant properties or on a property that shares parking with other uses.
- (2) Facility may not conduct any retail sales or distribution of cannabis other than as authorized by the Act.
- (3) For purposes of determining required parking, Adult-Use Cannabis Infuser Organizations or Infusers 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.
- (4) 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.

(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 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.

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

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

(23) Microbreweries.

(24) Microdistilleries.

(25) Microwineries.

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, and one parking space for every business vehicle used in the operation, or as required pursuant to the requirements of Article I, Section 122-28 and Article V.

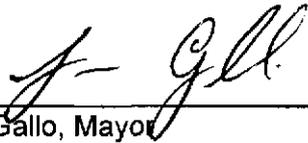
Section 6. This Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 11th day of August, 2020.

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

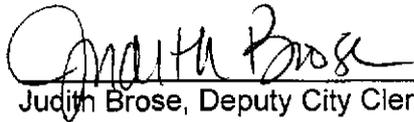
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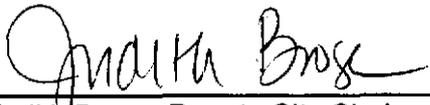
Joe Gallo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

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Judith Brose, Deputy City Clerk