

AN ORDINANCE AMENDING SECTIONS 122-85 AND 122-331 OF THE CODE OF ORDINANCES OF THE CITY OF ROLLING MEADOWS, ILLINOIS TO ALLOW AND REGULATE ADULT USE CANNABIS DISPENSARIES IN COMMERCIAL ZONING DISTRICTS

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 allow and regulate adult use cannabis dispensaries located in commercial zoning districts; and

WHEREAS, the PZC, after notice of public hearing as required by law, conducted a public hearing on February 1, 2022, to consider the proposed text amendments; 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 dispensaries located in commercial zoning districts in the City of Rolling Meadows; and

WHEREAS, after taking and considering all testimony presented at the public hearing, the PZC made the Text Amendment findings of fact enumerated below and recommended that the City Council approve the text amendment;

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 intent of a commercial district is for retail businesses and similar uses. An adult-use cannabis dispensary is a retail operation. The existing dispensary on Rohlwing Road has operated with little incident except related to the parking. Parking in commercial areas tends to be more abundant, which makes

commercial areas an ideal location for retail businesses with customers coming on site. Nearby municipalities have adopted similar regulations allowing adult-use dispensaries in commercial areas, and these businesses have seemed to operate smoothly.

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:

The Comprehensive Plan acknowledges the triangle area formed by New Wilke, Golf, and Algonquin as a commercial district. It is the largest commercial district in the City. The area was largely developed under Planned Developments, and cross-access easements exist to ensure adequate access and parking.

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:

State law allows adult-use cannabis and nearby municipalities provide commercially zoned spaces for dispensaries. Allowing dispensaries in the City's commercial districts allows the City to continue to be competitive in attracting new businesses and growing the tax base.

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:

The City's Comprehensive Plan identifies this area as commercial. The Zoning Code identifies the commercial districts under discussion as primarily retail, and includes uses that might attract visitors from outside the City. As this use is retail in nature, it is compliant with the Comprehensive Plan.

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:

As previously stated, the districts in question are the commercial zones east of New Wilke Road. The primary purpose is retail development. Allowing for an expanded definition of retail uses allows the City to expand the types of businesses that can be attracted to the area, filling vacancies and generating taxes.

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 adult use cannabis dispensaries located in commercial zoning districts 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 122-85 in Article III ("Regulations of General Applicability") of Chapter 122 ("Zoning") of the Code of Ordinances of the City of Rolling Meadows, Illinois is hereby repealed, and replaced in its entirety as shown in Exhibit 1.

Section 3. That Section 122-331 in Article V ("Regulations for Zoning District") of Chapter 122 ("Zoning") of the Code of Ordinances of the City of Rolling Meadows is hereby modified to add alphabetically in the Manufacturing Section of the table the following uses: Adult Use Cannabis Dispensaries, Adult Use Cannabis Cultivation Centers, and Adult Craft Grow Facilities, as shown in Exhibit 2.

Section 4. This Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

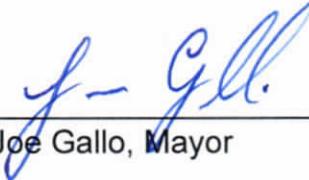
PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County,

Illinois this 8th day of March, 2022.

AYES: McHale, Bisesi, Reyez, Sanoica

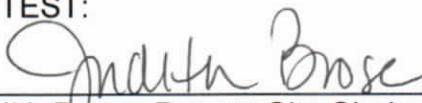
NAYS: Budmats, O'Brien, Vinezeano

ABSENT: 0



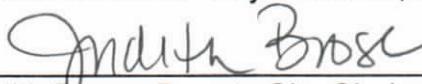
Joe Gallo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 9th day of March, 2022.



Judith Brose, Deputy City Clerk

Exhibit 1

Proposed Language

Section 122-85(f)

(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) Except for Commercially zoned properties east of New Wilke Road, a 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) Except for Commercially zoned properties east of New Wilke Road, a 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. Except for commercially zoned properties east of New Wilke Road, a facility 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 percent 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 article IV, 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 section 122-395 herein. Additionally, off-site parking may be utilized when authorized and/or conditioned by the city council in the ordinance granting the special use.

(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.

(10) There shall be no more than a total of one (1) adult-use cannabis dispensing organization permitted as a special use across all commercial zoning districts of the City.

Exhibit 2

Proposed Additions to Use Table

Section 122-331

Table 5.13

	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	M-1	M-2
Manufacturing Uses										
Adult Use Cannabis Dispensaries							S ¹	S ¹	S	S
Adult Use Cannabis Cultivation Centers									S	S
Adult Use Cannabis Craft Grow Facilities									S	S

(1) In conformance with 122-85(f)