

AN ORDINANCE AMENDING SECTIONS 122-42, 122-88, AND 122-331 OF THE CITY OF ROLLING MEADOWS ZONING CODE OF ORDINANCES TO DEFINE AND REGULATE “TOBACCO, VAPE, AND CBD SHOPS” AS SPECIAL USES IN THE C-1 AND C-2 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 define and regulate Tobacco, Vape, and CBD shops as special uses in the C-1 and C-2 zoning districts; and

WHEREAS, the PZC, after notice of public hearing as required by law, conducted a public hearing on January 3, 2023, to consider the proposed text amendments; 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; 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 to define and regulate Tobacco, Vape, and CBD shops as permitted uses in the C-1 and C-2 zoning districts, and hereby recommends the following findings of fact:

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 text amendment, as recommended by staff, will have limited impact on existing users, except that the two existing users on Plum Grove Road would become non-conforming. Under the existing ordinance provisions, those two users would be allowed to continue to exist as legal, non-conforming uses. New users coming into the City will either need to find a location that meets all the requirements of the Code or replace an existing user if/when they close, except in the case of the Plum Grove Road sites – when one closes, that use will not be allowed to be replaced.

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:

This text amendment is consistent with the intent of the surrounding code section, which is to ensure that all users have a fair chance to thrive in the City. Similar restrictions are in place for adult use of cannabis and for video gaming cafes.

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:

This amendment is necessary to ensure consistent good development, and to protect the City from an overabundance of a single type of use to the detriment of all others.

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 plans call for smart economic development. The City's base depends on a wide variety of users spread out throughout 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:

This amendment is proposed to allow a wide variety of uses in the City's commercial districts, including the Kirchoff Road corridor.

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 sections 122-42, 122-88, and 122-331 of the City of Rolling Meadows Zoning Code of Ordinances are hereby modified as shown in Exhibit 1.

Section 3. This Ordinance shall be in full force and effect upon its passage and approval,

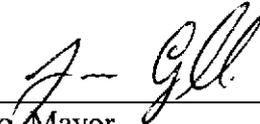
as provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois, this 11th day of April, 2023.

AYES: Bisesi, Reyez, McHale, O'Brien

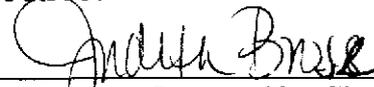
NAYS: Sanoica, Budmats, Vinezeano

ABSENT: 0



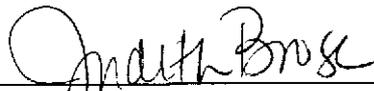
Joe Gallo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 14th day of April, 2023.



Judith Brose, Deputy City Clerk

Exhibit 1

Proposed Changes shown in red underscore

Section 122-42 is changed by adding the following definition:

Tobacco/Vape/CBD Shop A retail establishment where 40% or more of the sales are tobacco related products, vapes, and related products, or CBD.

Section 122-88 is added to include the following:

Section 122-88. – Tobacco, Vape, and CBD shops

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

(b) Requirements of a tobacco, vape, and CBD shop. All tobacco, vape, and CBD shops proposed to locate in the City of Rolling Meadows must comply with the following:

- (1) Tobacco, vape, and CBD shops are allowed as Special Uses in the C-1 and C-2 commercial zoning districts.
- (2) Only one (1) Tobacco, Vape, and CBD Shop is allowed in a multi-tenant building.
- (3) Tobacco, Vape, and CBD Shops shall be separated from each other by a distance of not less than 2,000 feet, as measured between the closest points of each tenant space.

Section 122-331 shall be updated as follows:

Zoning District	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	M-1	M-2
Business Uses										
Tattoo Parlor							S		S	S
<u>Tobacco, Vape, and CBD Shops</u>						<u>S</u>	<u>S</u>			
Veterinary Services							S	S	S	S

Exhibit 2

PROPERTY OWNER FEEDBACK FROM THE OWNER OF 1910 CENTRAL ROAD:

On Wednesday, January 18, 2023, staff discussed the history and status of this text amendment with the owner of 1910 Central Road, who has been waiting on the results of this amendment with hopes to fill a remaining 1,200 square foot space that has remained vacant at the east end of this shopping center for some time. The building is shown in the image below. In addition to the vacant space, existing tenants include Subway, a dry cleaner, and a carry-out Chinese restaurant.

According to this owner, their potential tenant list is limited, given the lack of parking does not allow for another restaurant. She also stated that a recent change in laws related to how mail-order retailers like Amazon are allowed to ship tobacco products has resulted in an increase in retailers looking for small sites like this one. She further commented that other true retailers are NOT interested in sites like this because consumers can buy products that most people can buy online for cheaper. Despite the highly visible corner location of the vacant space, the only interest she has received in this space is for tobacco, adult uses, liquor, and other non-traditional retail uses, most of which are either not allowed or only allowed by special use. She further commented that special use processes are longer than many small retailers are willing to go through.

