

AN ORDINANCE REPEALING ORDINANCE NO. 23-14 AND AMENDING THE CITY OF ROLLING MEADOWS ZONING ORDINANCE TO ESTABLISH SPECIAL USE REGULATIONS FOR TOBACCO, VAPE, AND CBD SHOPS

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, at the conclusion of the hearing, the PZC made the necessary affirmative findings of fact and recommended that the City Council approve the text amendments; and

WHEREAS, on April 11, 2023, the corporate authorities of the City of Rolling Meadows accepted the recommendation of the PZC and adopted Ordinance No. 23-14 to amend the text of the Zoning Ordinance in order to regulate Tobacco, Vape and CBD Shops as special uses in the C-1 and C-2 zoning districts; and

WHEREAS, the City Council concurrently adopted business licensing regulations for Tobacco, Vape, and CBD Shops via Ordinance No. 23-13; and

WHEREAS, the business licensing regulations established by Ordinance No. 23-13 inadvertently conflict with the special use regulations established by Ordinance No. 23-14; and

WHEREAS, the corporate authorities of the City of Rolling Meadows have determined that it is in the best interest of the City to repeal Ordinance No. 23-14 in order to establish consistency surrounding the business licensing and special use regulations applicable to Tobacco, Vape and CBD Shops.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Cook County, Illinois, as follows:

Section 1: Findings. That the facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2: Repeal of Original Ordinance. That Ordinance No. 23-14, entitled *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"Tobacco, Vape, and CBD Shops" as Special Uses in the C-1 and C-2 Zoning Districts*, adopted April 11, 2023, is hereby repealed.

Section 3: Adoption of Special Use Regulations. That the City of Rolling Meadows Zoning Ordinance is hereby amended as set forth in **Exhibit 1**, attached hereto and incorporated herein.

Section 4: Repealer. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

Section 5: Severability. If any provision of this ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision or application of such provision is severable, unless otherwise provided by ordinance.

Section 6: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form as provided by law.

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

Illinois this 25th day of April, 2023.

AYES: McHale, Budmats, O'Brien, Vinezeano, Bisesi, Reyez, Sanoica

NAYS: 0

ABSENT: 0



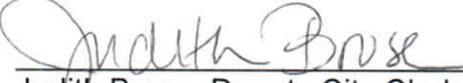
Joe Gallo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 28th 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 "Specialty Shop", as that term is defined in Section 22-106.

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) Special use. Tobacco, vape, and CBD shops, 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 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 a tobacco, vape, and CBD shop. All tobacco, vape, and CBD shops 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 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.
- (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 122-331 shall be updated to insert the new use designation "Tobacco, Vape, and CBD Shops" in correct alphabetical order as follows:

Zoning District	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	M-1	M-2
<u>Tobacco, Vape, and CBD Shops</u>						<u>S</u>	<u>S</u>			