

AN ORDINANCE AMENDING “THE 2002 COMPREHENSIVE AMENDMENT OF THE ZONING
ORDINANCE OF THE VILLAGE OF ARLINGTON HEIGHTS,” AS AMENDED, REGARDING
ADULT USE CANNABIS DISPENSARIES

WHEREAS, on June 25, 2019, the Governor of the State of Illinois signed into law Public Act 101-0027, establishing the Cannabis Regulation and Tax Act (“**Act**”); and

WHEREAS, the Act legalizes the possession and use of cannabis for recreational purposes by adults over the age of 21, authorizes the sale of recreational cannabis at dispensaries, permits the expansion of cultivation centers previously only authorized to supply medical cannabis sales, and authorizes new types of cannabis businesses such as craft growers, infusers, and processors; and

WHEREAS, “The 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights,” as amended (“**Zoning Ordinance**”), establishes, among other things, zoning districts and permitted land uses within those zoning districts; and

WHEREAS, pursuant to Section 5.5 of the Zoning Ordinance, any uses not specifically listed as either permitted or as a special use is deemed prohibited; and

WHEREAS, the Act provides that municipalities may enact reasonable zoning regulations concerning the cannabis businesses described above, including, without limitation, the prohibition of any cannabis businesses described above; and

WHEREAS, on _____, 2019, the Village Board of Trustees adopted Ordinance No. _____, amending the Village Code to prohibit all land uses associated with adult use cannabis (collectively, “**Adult Use Cannabis Business Establishments**”); and,

WHEREAS, on May 11, 2022, the Village Ordinance Review Committee met to further consider the land use impacts of Adult Use Cannabis Business Establishments, and reached consensus to direct the Village Plan Commission to conduct a public hearing to consider amendments to the Zoning Ordinance to authorize Adult Use Cannabis dispensaries in specified zoning districts as a permitted use (“**Proposed Amendments**”); and

WHEREAS, a public hearing by the Plan Commission to consider the Proposed Amendments to the Zoning Ordinance was duly advertised in the _____ on _____, 2022, and held on May 25, 2022, and findings of fact in support of the Proposed Amendments were approved by the Plan Commission on May 25, 2022 (Public Hearing No. _____), in accordance with and pursuant to Section _____ of the Zoning Ordinance; and

WHEREAS, the Village President and Board of Trustees have considered the Proposed Amendments and the recommendation of the Plan Commission, and have determined that adoption of the Proposed Amendments, as set forth in this Ordinance, will serve and be in the best interest of the Village and its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. DEFINITIONS. Section 28-3, titled “Definitions,” of the Zoning Ordinance is hereby amended further to add the following definitions:

“Section 28-3 Definitions. For the purposes of this Chapter, the following words shall have the meanings set forth in this Section.

* * *

ADULT USE CANNABIS BUSINESS ESTABLISHMENTS: Adult use cannabis businesses, including, but not limited to: adult use cannabis cultivation centers, adult use cannabis dispensaries, cannabis craft growers, cannabis infusers, and cannabis processors.

ADULT USE CANNABIS CULTIVATION CENTERS: A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport, and perform other necessary activities to provide cannabis and cannabis-infused products to adult use cannabis business establishments.

ADULT USE CANNABIS DISPENSARY: A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire cannabis from a cannabis cultivation center, cannabis craft grower, cannabis processor, or another cannabis dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies for recreational, non-medicinal purposes to purchasers other than registered qualifying patients under the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*).

* * *

CANNABIS: “Cannabis” has the meaning set forth in the Illinois Cannabis Regulation and Tax Act.

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CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package small quantities of cannabis and perform other necessary activities to make small quantities of cannabis available for sale at an adult use or medicinal cannabis dispensary or use at a cannabis processor or infuser.

CANNABIS INFUSER: A facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

CANNABIS PROCESSOR: A facility operated by an organization or business that is licensed by the Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

CANNABIS TRANSPORTER: An organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.

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COMPASSIONATE USE OF MEDICAL CANNABIS PROGRAM ACT: The Illinois Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 et seq.

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CULTIVATION CENTER: “Cultivation Center” has the meaning set forth in the Compassionate Use of Medical Cannabis Program Act.

* * *

DEBILITATING MEDICAL CONDITION: “Debilitating Medical Condition” has the meaning set forth in the Compassionate Use of Medical Cannabis Program Act

DISPENSING ORGANIZATION: “Dispensing Organization” has the meaning set forth in the Compassionate Use of Medical Cannabis Program Act

DISPENSING ORGANIZATION AGENT: “Dispensing Organization Agent” has the meaning set forth in the Compassionate Use of Medical Cannabis Program Act.

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MEDICAL CANNABIS INFUSED PRODUCT: “Medical Cannabis Infused Product” has the meaning set forth in the Compassionate Use of Medical Cannabis Program Act.

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QUALIFYING PATIENT: “Qualifying Patient” has the meaning set forth in the Compassionate Use of Medical Cannabis Program Act.”

SECTION 3. ADDITIONAL REGULATIONS FOR ADULT USE CANNABIS DISPENSARIES. Section 28-6, titled “General Provisions,” of the Zoning Ordinance is hereby amended to add a new Section 6.1-18, which Section 6.1-18 will hereafter read as follows:

“Sec. 6.1-18 Location Restrictions for Adult Use Cannabis Dispensaries.

Not more than one adult use cannabis dispensary may be located at any time within each of the following areas of the Village:

(A) Between the northern boundary of the Village to the north and Hintz Road to the south;

(B) Between Hintz Road to the north and Central Road to the south; and

(C) Between Central Road to the north and the southern boundary of the Village to the south.”

SECTION 4. PERMITTED USE TABLE. The “Permitted Use Table,” as set forth in Section 5.5, titled “Permitted Uses,” of the Zoning Ordinance is hereby amended further to add the following entries:

“PERMITTED USE TABLE

		*		*			*		
Commercial Uses	B1	B2	B3	B4	B5	OT	PL	M1	M2
<u>Adult Use Cannabis Business Establishments other than Adult Use Cannabis Dispensaries</u>									
<u>Adult Use Cannabis Dispensary (see Section 6.1-18)</u>		<u>p</u>	<u>p</u>						
		*		*			*		

SECTION 5. PARKING. Section 10.4-2 of the Zoning Ordinance is hereby amended to further add the following entry:

“10.4-2 RETAIL - COMMERCIAL AND SERVICES USES

USE

REQUIREMENTS

Adult Use Cannabis Dispensary

One space for each 200 square feet of floor area”

SECTION 6. 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 are to remain in full force and effect, and are to 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 7. EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

AYES:

NAYS:

PASSED AND APPROVED THIS ____ day of _____, 2022.

Village President

ATTEST:

Village Clerk