

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : September 24, 2019 **(BOT) Date:** October 03, 2019

SUBJECT: PC 19-19 Text Amendment to the Zoning Ordinance - Cannabis

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development *WJH*

BACKGROUND/POLICY IMPLICATIONS:

Attached for the Village Board's consideration and final approval is a revised Ordinance that reflects the requested changes by the Village Board. Please place this item on the October 3 Village Board agenda under Items for Separate Action.

So that the proposed Ordinance properly aligns with the other pending actions pertaining to cannabis sales and given that the Board discussed the matter at length at its September 19 Village Board meeting, staff recommends a waiver of first reading of the revised Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: October 3, 2019

SUBJECT: **PC 19-19: Text Amendment to the Zoning Ordinance - Cannabis**

On September 19, the Village Board considered the recommendations of the Plan Commission relative to retail sale of cannabis within the Village. Through this discussion, the Village Board directed staff and Counsel to prepare a revised draft Ordinance for final consideration by the Village Board at their October 3 meeting that differs in part from the initial recommendation of the Plan Commission.

For reference purposes, below is a chart showing what the initial Village Board direction from their July 31 workshop Session, what the Plan Commission recommended on August 2, and the Village Board vote on September 19.

Zoning District	Proposed Designation by Village Board at the July workshop session	Plan Commission Recommendation	Proposed Ordinance for the Village Board for the 10/3/19 meeting
O	Permitted	Permitted	Permitted
I	Permitted	Permitted	Permitted
B1	Conditional	Conditional	Conditional
B2	Conditional	Conditional	Conditional
B3	Permitted	Conditional	Conditional
B4	Permitted	Conditional	Conditional
B4A	Permitted	Permitted	Permitted
B5	Conditional	Prohibited	Conditional
B5A	Conditional	Prohibited	Conditional

ACTION REQUESTED

Attached for the Village Board's consideration and final approval is a revised Ordinance that reflects the requested changes by the Village Board. Please place this item on the October 3 Village Board agenda under Items for Separate Action.

So that the proposed Ordinance properly aligns with the other pending actions pertaining to cannabis sales and given that the Board discussed the matter at length at its September 19 Village Board meeting, staff recommends a waiver of first reading of the revised Ordinance.

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ORDINANCE _____

**AN ORDINANCE AMENDING
TITLE XV., CHAPTER 155 OF THE LOMBARD VILLAGE CODE
IN REGARD TO THE ZONING REGULATIONS
APPLICABLE TO CANNABIS BUSINESS ESTABLISHMENTS**

WHEREAS, the Village of Lombard (the "Village") maintains a Zoning Code which is found in Title XV., Chapter 155 of the Lombard Village Code (the "Village Code"); and

WHEREAS, the Village has enacted Village Code regulations for the purpose of improving and protecting the public health, safety and welfare of the residents of the Village; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et seq.* (the "Act"), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Act, the Village may enact reasonable zoning regulations or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the Village deems sensitive; and

WHEREAS, the President and Board of Trustees of the Village (the "Corporate Authorities") deem it reasonable to periodically review said Zoning Code and make necessary changes thereto; and

WHEREAS, a public hearing, to consider text amendments to the Zoning Code, relative to cannabis business establishments, as set forth below, was conducted by the Village's Plan Commission (the "Plan Commission") on August 29, 2019, pursuant to appropriate and legal notice; and

WHEREAS, the Plan Commission has filed its recommendations with the Corporate Authorities recommending approval of the Zoning Code text amendments as set forth in Sections 1 through 7, and 10 through 12, below; and

WHEREAS, the Corporate Authorities approve and adopt the findings and recommendations of the Plan Commission, as to the Zoning Code revisions referenced in Sections 1 through 7, and 10 through 12, below, and incorporate such findings and recommendations herein by reference as if they were fully set forth herein; and

WHEREAS, the Corporate Authorities have determined that it would be appropriate to allow for the sale of cannabis, in strict compliance with the State law applicable thereto, as a conditional use only, in the B5 Central Business District and the B5A Downtown Perimeter District;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title XV., Chapter 155, Section 155.412(B) of the Lombard Village Code is amended as follows:

- A. Current subsection (5) is relabeled as subsection (6).
- B. A new subsection (5) is hereby added thereto, to read in its entirety as follows:
“(5) Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto.”

SECTION 2: That Title XV., Chapter 155, Section 155.412(C) of the Lombard Village Code is hereby amended by repealing subsection (9) thereto, and relabeling current subsections (10) through (22) as subsections (9) through (21), respectively.

SECTION 3: That Title XV., Chapter 155, Section 155.413(C) of the Lombard Village Code is amended as follows:

- A. Current subsection (11) is relabeled as subsection (12).
- B. A new subsection (11) is hereby added thereto, to read in its entirety as follows:
“(11) Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto.”

SECTION 4: That Title XV., Chapter 155, Section 155.414(C) of the Lombard Village Code is amended as follows:

- A. Current subsection (26) is relabeled as subsection (27).
- B. A new subsection (26) is hereby added thereto, to read in its entirety as follows:
“(26) Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto.”

SECTION 5: That Title XV., Chapter 155, Section 155.415(C) of the Lombard Village Code is amended as follows:

- A. Current subsections (31) and (32) are relabeled as subsections (32) and (33), respectively.
- B. A new subsection (31) is hereby added thereto, to read in its entirety as follows:
“(31) Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto.”

SECTION 6: That Title XV., Chapter 155, Section 155.416(C) of the Lombard Village Code is amended as follows:

- A. Current subsection (35) is relabeled as subsection (36).
- B. A new subsection (35) is hereby added thereto, to read in its entirety as follows:

“(35) Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto.”

SECTION 7: That Title XV., Chapter 155, Section 155.417(G)(1)(a) of the Lombard Village Code is amended by adding a new subsection (xlvii) thereto, which shall read in its entirety as follows:

“(xlvii) Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto.”

SECTION 8: That Title XV., Chapter 155, Section 155.418(C) of the Lombard Village Code is amended as follows:

C. Current subsection (25) is relabeled as subsection (26).

D. A new subsection (25) is hereby added thereto, to read in its entirety as follows:

“(25) Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto.”

SECTION 9: That Title XV., Chapter 155, Section 155.419(C) of the Lombard Village Code is amended as follows:

C. Current subsection (23) is relabeled as subsection (24).

D. A new subsection (23) is hereby added thereto, to read in its entirety as follows:

“(23) Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto.”

SECTION 10: That Title XV., Chapter 155, Section 155.420(B) of the Lombard Village Code is amended as follows:

A. Current subsection (16) is relabeled as subsection (17).

B. A new subsection (16) is hereby added thereto, to read in its entirety as follows:

“(16) Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto.”

SECTION 11: That Title XV., Chapter 155, Section 155.802 of the Lombard Village Code is amended as follows:

A. The following new definition shall be added thereto:

“*Cannabis Dispensing Facility* means a “dispensing organization,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 *et seq.*), as amended, or a “medical cannabis dispensing organization,” as defined in the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS

130/1 *et seq.*), as amended, and is operated in strict compliance with State law, and the regulations promulgated thereunder, applicable thereto.”

- B. That the definition of “Medical Cannabis Dispensing Organization,” as contained therein, is hereby repealed.
- C. That the definition of “Smoking Establishment,” as set forth therein, is revised to read in its entirety as follows:

“*Smoking Establishment* is an establishment, which has its principal business purpose dedicated to, or has the majority of its gross floor area dedicated to, the on-premises smoking or vaping of tobacco products or other legal substances, excluding cannabis, and/or is regulated through the Illinois Smoke Free Act, 410 ILCS 82/1 *et seq.*”

SECTION 12: That Title XV., Chapter 155 of the Lombard Village Code is amended by adding a new Section 155.225 thereto, which shall read in its entirety as follows:

“§ 155.225 – Cannabis Business Establishments.

- (A) Pursuant to the authority granted to the Village by the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 *et seq.*), as amended, cultivation centers, craft growers, infuser organizations, processing organizations and transporting organizations, as defined in the Illinois Cannabis Regulation and Tax (410 ILCS 705/1 *et seq.*), as amended, are prohibited as a permitted or conditional use in all zoning districts; and
- (B) The on-site consumption of cannabis at a Cannabis Dispensing Facility, that exists as a permitted or conditional use within the zoning district in which it is located, is prohibited.”

SECTION 13: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2019.

First reading waived by action of the Board of Trustees this 3rd day of October, 2019.

Passed on second reading this 3rd day of October, 2019, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this 3rd day of October, 2019.

ATTEST:

Keith T. Giagnorio, Village President

Sharon Kuderna, Village Clerk

Published in pamphlet from this 4th day of October, 2019.

Sharon Kuderna, Village Clerk