

ORDINANCE 7728

PAMPHLET

PC 19-19: AN ORDINANCE AMENDING TITLE XV, CHAPTER 155 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE ZONING REGULATIONS APPLICABLE TO CANNABIS BUSINESS ESTABLISHMENTS



PUBLISHED IN PAMPHLET FORM THIS 4th DAY OF OCTOBER 2019, BY ORDER OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS.



Janet Downer
Deputy Village Clerk

ORDINANCE 7728

**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:

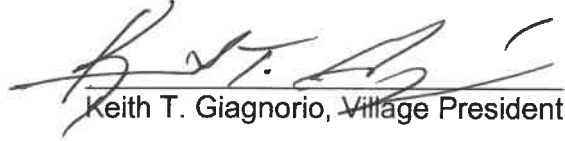
Ayes: Trustee Whittington, Puccio, Foltyniewicz, Honig and Ware

Nays: None

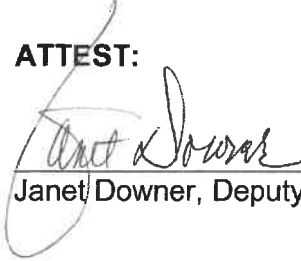
Absent: None

Abstain: Trustee Militello

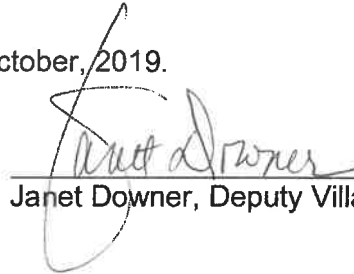
Approved by me this 3rd day of October, 2019.


Keith T. Giagnorio, Village President

ATTEST:


Janet Downer, Deputy Village Clerk

Published by me in pamphlet form this 4th day of October, 2019.


Janet Downer, Deputy Village Clerk