



AGENDA ITEM # 9G/H/I

**AGENDA ITEM EXECUTIVE SUMMARY
Village Board Meeting
August 23, 2021**

Item Title: Cannabis Text Amendments

Staff Contact: Caron Bricks, AICP, Village Planner

VILLAGE BOARD ACTION

- 1. Pass an Ordinance Repealing the Cannabis Text Amendment Moratorium.**
- 2. Pass an Ordinance Amending the Zoning Ordinance (Appendix A to the Village of Roselle Code of Ordinances) Regarding Cannabis Business Establishments.**
- 3. Pass an Ordinance Amending the Code of the Village of Roselle by the Addition of Article X to Chapter 20 (Taxation) Imposing a Municipal Cannabis Retailer’s Occupation Tax.**

Executive Summary:

Per discussion and direction received by the Village Board at the July 26, 2021 meeting, attached are three (3) ordinances which would permit cannabis business establishments in the Village of Roselle.

The first ordinance repeals the moratorium currently in place until September 27, 2021. This ordinance is necessary in order to approve the zoning ordinance text amendments in the second ordinance.

The zoning ordinance text amendments within the second ordinance create definitions for each business establishment type (using the definitions from state law) and makes all cannabis business establishments a special use. The chart below summarizes the changes proposed:

	B-2	B-3	B-4	B-5	M	ORI	ORI-BP	ORI-HC
Dispensary	S		S	S				
Craft Grower					S	S	S	S
Cultivation Center					S	S	S	S
Infusing					S	S	S	S
Processing					S	S	S	S
Transportation					S	S	S	S
On-site Consumption								

S = Special Use = Prohibited

On site consumption will be prohibited in the Village. Special conditions for all cannabis business establishments include:

- Proposed use must meet off-street parking requirements within the Zoning Ordinance
- Security plan must be submitted for review and approval by the Roselle Police Department
- Hours of operation permitted are the same as the current liquor code: 6:00 AM to 1:00 AM on any day except Saturday, Sunday, or a federally designated legal holiday when the closing hour shall be no later than 2:00 AM.

Drive-through uses are prohibited by state law.

The third ordinance will allow staff to file a Municipal Cannabis Retailers' Occupation Tax by the October 1, 2021 deadline with an effective date of January 1, 2022 and disbursement date of April 2022 (pending any cannabis business establishments opening within the Village at that time). Per direction, the ordinance has been drafted to reflect the maximum 3% sales tax on transactions.

Implications:

Is this item budgeted? No.

Any other implications to be considered? The issuance of additional cannabis business licenses including dispensaries has been delayed due to pending litigation against the State. Staff will keep the Board informed on any businesses interested in Roselle.

Attachments:

Ordinances

ORDINANCE NO. 2021-

**AN ORDINANCE REPEALING AN AMENDMENT TO A TEXT AMENDMENT
TO THE ROSELLE ZONING ORDINANCE PROHIBITING
CANNABIS BUSINESS ESTABLISHMENTS IN THE VILLAGE OF ROSELLE**

WHEREAS, On December 2, 2019, the Roselle Village Board adopted a text amendment to the Roselle Zoning Ordinance prohibiting “Cannabis Business Establishments” within any zoning district of the Village of Roselle pursuant to Ordinance 2019-4065.

WHEREAS, On December 7, 2020, the Roselle Village Board adopted Ordinance Number 2020-4126 extending the moratorium imposed by Ordinance Number 2019-4065 up to and including the 28th day of June 2021.

WHEREAS, On June 14, 2021, the Roselle Village Board adopted Ordinance Number 2021-4158 further extending the moratorium of Ordinance Number 2019-4065 up to and including the 27th day of September 2021.

WHEREAS, the Corporate Authorities of the Village of Roselle have determined that the moratorium adopted by Ordinance Number 2019-4065 should be repealed as described herein.

NOW, THEREFORE, BE IT ORDAINED by the Corporate Authorities of the Village of Roselle, DuPage and Cook Counties, Illinois, pursuant to the authority set forth in the Cannabis Regulation and Tax Act (Public Act 101-0027) that:

SECTION 1: Ordinance 2019-406 is hereby repealed.

SECTION 2: This Ordinance shall become effective upon its passage and publication as required by law.

AYES:

NAYS:

ABSTAIN:

ABSENT:

PASSED AND APPROVED this 23rd day of August, 2021

PUBLISHED IN PAMPHLET FORM this ____ day of August, 2021

David Pileski, Mayor

ATTEST:

Patricia Burns, Village Clerk

ORDINANCE 2021-

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
(APPENDIX A TO THE VILLAGE OF ROSELLE CODE OF ORDINANCES)
REGARDING CANNABIS BUSINESS ESTABLISHMENTS**

WHEREAS, the Zoning Ordinance of the Village of Roselle, a municipal corporation located in DuPage and Cook Counties, Illinois (hereinafter “Village”), is Appendix A to the Village’s Code of Ordinances and is hereinafter referred to as the “Zoning Ordinance”; and,

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act, 410 ILCS 705/1 et seq (hereinafter “the Act”), which pertains to the possession, use, cultivation, transportation, and dispensing of adult-use cannabis; 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: the rules governing the time, place, manner, and number of cannabis business establishments; minimum distance limitations between cannabis business establishments; and locations of the same; and,

WHEREAS, the Planning and Zoning Commission of the Village held a public hearing (PZ 21-1096) on July 6, 2021, pursuant to a published legal notice as required by the Zoning Ordinance and by the laws of the State of Illinois, to consider the proposed text amendments; and,

WHEREAS, the Mayor and Board of Trustees of the Village (hereinafter “Corporate Authorities”) have been advised of the findings and recommendation of the Planning and Zoning Commission with respect to the proposed text amendments; and,

WHEREAS, the amendments to the text of the Zoning Ordinance described herein are being approved pursuant to the authority set forth in the Zoning Ordinance, Section 13.10, entitled “Amendments.”

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, as follows:

SECTION 1: That Section 3.02 of the Zoning Ordinance, entitled “Definitions” is hereby amended by adding the following definitions:

Cannabis business establishment. A dispensing organization, craft grower, cultivation center, infuser organization, processing organization, transporting organization as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq) as amended, operated in strict compliance with State law and the regulations set forth in the Village of Roselle Code of Ordinances.

Cannabis dispensary. A “dispensing organization” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq) as amended, operated in strict compliance with State law and the regulations set forth in the Village of Roselle Code of Ordinances.

Cannabis craft grower. A “craft grower” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq) as amended, operated in strict compliance with State law and the regulations set forth in the Village of Roselle Code of Ordinances.

Cannabis cultivation center. A “cultivation center” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq) as amended, operated

in strict compliance with State law and the regulations set forth in the Village of Roselle Code of Ordinances.

Cannabis infuser. An “infuser organization” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq) as amended, operated in strict compliance with State law and the regulations set forth in the Village of Roselle Code of Ordinances.

Cannabis processor. A “processing organization” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq) as amended, operated in strict compliance with State law and the regulations set forth in the Village of Roselle Code of Ordinances.

Cannabis transporter. A “transporting organization” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq) as amended, operated in strict compliance with State law and the regulations set forth in the Village of Roselle Code of Ordinances.

SECTION 2: That Section 4.19 of the Zoning Ordinance, entitled “Cannabis business establishments prohibited”, is hereby repealed and replaced in its entirety with the following:

4.19 – Cannabis business establishment conditions and requirements.

(A) That cannabis business establishments as defined in the Cannabis Regulation and Tax Act (Public Act 101-0027) (hereinafter "Cannabis Act"), as of the date of the adoption of this Ordinance, which currently includes cultivation centers, craft growers, processing organizations, dispensing organizations, and transporting organizations, and any future amendments to the definition of cannabis business establishments under the

Cannabis Act, are hereby designated as special uses in Section 8.00 Business Districts, Section 9.00 Office Research Districts, and Section 10.00 Industrial District of the Roselle Zoning Ordinance.

(B) That any cannabis business establishment that applies for a special use permit in compliance with 13.11 “Special Uses”, in addition to the requirements specified in Appendix A for special uses, shall submit the following:

1. A security plan for review and approval by the Roselle Chief of Police or their designee prior to a public hearing being scheduled before the Planning and Zoning Commission.
2. A site plan showing compliance with the off-street parking regulations in Section 11.05 “Parking and Stacking Schedule.” No variations from Section 11.05 may be requested for a cannabis business establishment.

(C) The permitted hours of operation for a cannabis business establishment shall be from 6:00 AM to 1:00 AM on any day except Saturday, Sunday, or a federally designated legal holiday when the closing hour shall be no later than 2:00 AM.

(D) On-site consumption of cannabis at any permitted cannabis business establishment is prohibited.

SECTION 2: That Section 8.03(C) of the Zoning Ordinance, entitled “Special Uses” for the B-2 Convenience Shopping Center District, is hereby amended by adding a new subsection (4.3), which shall read as follows:

(4.3) Cannabis dispensary.

SECTION 3: That Section 8.04(C) of the Zoning Ordinance, entitled “Special Uses” for the B-3 Town Center District, is hereby amended by adding a new subsection (1)(c), which shall read as follows:

(1)(c) Cannabis dispensary.

SECTION 4: That Section 8.05(C) of the Zoning Ordinance, entitled “Special Uses” for the B-4 General Business District, is hereby amended by adding a new subsection (2.1), which shall read as follows:

(2.1) Cannabis dispensary.

SECTION 5: That Section 8.06(C) of the Zoning Ordinance, entitled “Special Uses” for the B-5 Arterial Business District, is hereby amended by adding a new subsection (1.15), which shall read as follows:

(1.15) Cannabis dispensary.

SECTION 6: That Section 9.01(C) of the Zoning Ordinance, entitled “Special Uses” for the ORI Office, Research, and Light Industrial District, is hereby amended by adding new subsections, which shall read as follows:

(6) Cannabis craft grower.

(7) Cannabis cultivation center.

(8) Cannabis infuser.

(9) Cannabis processor.

(10) Cannabis transporter.

SECTION 7: That Section 9.02(C) of the Zoning Ordinance, entitled “Special Uses” for the ORI-BP Business Park Subdistrict, is hereby amended by adding new subsections, which shall read as follows:

- (6) Cannabis craft grower.
- (7) Cannabis cultivation center.
- (8) Cannabis infuser.
- (9) Cannabis processor.
- (10) Cannabis transporter.

SECTION 8: That Section 9.01(C) of the Zoning Ordinance, entitled “Special Uses” for the ORI-HC High Cube Subdistrict, is hereby amended by adding new subsections, which shall read as follows:

- (7) Cannabis craft grower.
- (8) Cannabis cultivation center.
- (9) Cannabis infuser.
- (10) Cannabis processor.
- (11) Cannabis transporter.

SECTION 9: That Section 10.01(C) of the Zoning Ordinance, entitled “Special Uses” for the M Limited Industrial District, is hereby amended by adding new subsections, which shall read as follows:

- (10) Cannabis craft grower.
- (11) Cannabis cultivation center.
- (12) Cannabis infuser.
- (13) Cannabis processor.
- (14) Cannabis transporter.

SECTION 3: The Village Clerk is hereby directed to make the foregoing changes to the text of the Zoning Ordinance.

SECTION 4: All ordinances and parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as is hereby authorized and directed to be done by the Corporate Authorities.

AYES:

NAYS:

ABSENT:

PASSED and APPROVED this ____ day of _____, 2021.

Mayor, Village of Roselle

ATTEST:

Village Clerk

ORDINANCE NO. 2021-

**AN ORDINANCE AMENDING THE CODE OF THE VILLAGE OF ROSELLE
BY THE ADDITION OF ARTICLE X TO CHAPTER 20 (TAXATION) IMPOSING
A MUNICIPAL CANNABIS RETAILER'S OCCUPATION TAX**

WHEREAS, the Village of Roselle has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its citizens; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Municipal Cannabis Retailers' Occupation Tax Law, 65 ILCS 5/8-11-23 et seq. (hereinafter "the Act"); and

WHEREAS, this Ordinance is intended to impose the tax authorized by the Act providing for a municipal cannabis retailers' occupation tax which will be collected by the Illinois Department of Revenue.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois as follows:

SECTION 1: 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: Chapter 20- Taxation of the Code of Ordinances of the Village of Roselle shall be amended by the addition of Article X that will read as follows:

ARTICLE X – MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX

Section 20-130. Tax imposed; rate.

- a. A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of

Medical Cannabis Pilot Program Act, at retail in the Village of Roselle at the rate of 3% of the gross receipts from these sales made in the course of that business.

- b. The imposition of this tax is in accordance with the provisions of Sections 8-11-23, of the Illinois Municipal Code (65 ILCS 5/8-11-23).

Section 20-131. Collection of tax by retailers.

- a. The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue (hereinafter “the Department”). Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller’s tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.
- b. All taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, are collected and enforced by the Department.

SECTION 3: If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence will 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 this Ordinance.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, provided, however, that the tax provided

for herein shall take effect for all sales on or after the first day of January, 2022. Copies of this Ordinance shall be certified and sent to the Illinois Department of Revenue prior to October 1, 2021.

AYES:

NAYS:

ABSENT:

PASSED and APPROVED this ____ day of _____, 2021.

Mayor, Village of Roselle

ATTEST:

Village Clerk