



ADDENDUM REGULAR VILLAGE BOARD MEETING

May 11, 2021
7:00 PM

6. CONSENT AGENDA

- k. Consideration to award a construction contract to the lowest responsive and responsible bidder, Albrecht Enterprises, Inc. of Des Plaines, IL for demolition and site restoration at 1550 E. Higgins Road, in an amount not to exceed \$185,000 from the Busse-Elmhurst TIF.

(On Thursday, May 6, 2021, the Village opened sealed bids for the Demolition and Site Restoration Project located at 1550 E. Higgins Road.

(Thirteen (13) contractors obtained bid documents and eleven (11) bids were submitted. (The lowest responsive and responsible bid was received from Albrecht Enterprises, Inc. of Des Plaines in the amount of \$185,000.

(Adequate funds are available in the Busse-Elmhurst TIF.

(The Director of Community Development recommends approval.)

- l. Consideration to adopt Ordinance No. 3705 amending Section 7-1 of the Zoning Ordinance by establishing a minimum required building size for various zoning districts.

(This item was discussed at the April 27, 2021 Village Board Meeting and currently appears under Unfinished Business.)

- m. Consideration to adopt Ordinance No. 3706 amending Title 3 Business and License Regulations of the Village Code by adding thereto a new chapter entitled Cannabis Dispensary.

(This item was discussed at the March 23, 2021 Committee of the Whole Meeting following a recommendation from the Judiciary, Planning and Zoning Committee.

(The Village Board directed the Village Attorney to prepare this ordinance at the Village Board Meeting on March 23, 2021.)

- n. Consideration to adopt Ordinance No. 3707 granting a Special Use Permit to Royal Academy of Dance F/K/A Elevation Dance Center to operate a dance studio in the I-2 zoning district on property located at 2500 Touhy Avenue, Elk Grove Village.

(This item was discussed at the April 27, 2021 Village Board Meeting and currently appears under Unfinished Business.)

26. UNFINISHED BUSINESS

- a. Village Attorney - Direct the Village Attorney to prepare the necessary documents amending the Zoning Ordinance regarding minimum principal building size.
- b. Village Attorney - Direct the Village Attorney to prepare the necessary documents granting a Special Use Permit for the operation of a dance studio for property located at 2500 Touhy Avenue.

In compliance with the Americans with Disabilities Act and other applicable Federal and State laws, the meeting will be accessible to individuals with disabilities. Persons requiring auxiliary aids and/or services should contact the Village Clerk, preferably no later than five days before the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 7-1 OF THE ZONING ORDINANCE BY ESTABLISHING A MINIMUM REQUIRED BUILDING SIZE FOR VARIOUS ZONING DISTRICTS

WHEREAS, the Plan Commission of the Village of Elk Grove Village, at a public meeting, duly called and held according to law, considered the question of amending Section 7-1 of the Zoning Ordinance thereby establishing a minimum required building size for various zoning districts; and

WHEREAS, the Mayor and Board of Trustees of the Village of Elk Grove Village, after having reviewed the findings and recommendations of the Plan Commission, find and believe it is in the best interest of the Village that the Zoning Ordinance be amended as recommended.

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

Section 1: That Section 7-1 of the Zoning Ordinance be amended by adding a “Minimum Required Principal Building Size” column to the existing table with the following language:

- 1,000 square feet for R-1, R-2, and R-3 Zoning Districts;
- 2,000 square feet for A-1, A-2, and A-3 Zoning Districts;
- 10% of lot area for the B-1, B-2 and B-3 Zoning Districts;
- 25% of lot area or 5,000 square feet for I-1 and I-2 Zoning Districts; with footnote 3 which states: Whichever is the stricter requirement.

Section 2: That this ordinance shall be in full force and effect from and after its passage and approval according to law.

VOTE: AYES: _____ NAYS: _____ ABSENT: _____

PASSED this _____ day of _____ 2021.

APPROVED this _____ day of _____ 2021.

APPROVED:

Mayor Craig B. Johnson
Village of Elk Grove Village

ATTEST:

Loretta M. Murphy, Village Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 3 BUSINESS AND LICENSE REGULATIONS OF THE VILLAGE CODE BY ADDING THERETO A NEW CHAPTER ENTITLED CANNABIS DISPENSARY

WHEREAS, the Village of Elk Grove Village is a home rule unit pursuant to Article VII, Section 6 of the Illinois Constitution, and as a home rule unit may exercise any power and perform any function pertaining to its government affairs; and

WHEREAS, the Village of Elk Grove Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government affairs that protect the public health, safety and welfare of its citizens; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Act, the Village may enact reasonable zoning regulations or regulations not in conflict with the Act, regulating cannabis business establishments, including rules adopted 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 Mayor and Board of Trustees, after considering the results of the recent non-binding referendum wherein the residents of the Village, recommended by a substantial majority that the Village permit the sale of recreational cannabis; and

WHEREAS, the Mayor and Board of Trustees held a publicly convened Committee of the Whole where all interested parties were given the opportunity to raise their opposition or support for the proposition of permitting cannabis dispensaries in the Village; and

WHEREAS, the Mayor and Board of Trustees, after having considered and reviewed all of the evidence and testimony presented concerning this issue, have determined that it is in the best interest of the Village to permit cannabis dispensaries, subject to the conditions and regulations set forth in this Ordinance.

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

Section 1: That Title 3, Business & License Regulations of the Village Code be amended by adding thereto a new Chapter which shall read as set forth in Exhibit A attached hereto and incorporated herein.

Section 2: That the Village Clerk is hereby authorized to publish this Ordinance in pamphlet form.

Section 3: 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.

VOTE: **AYES:**_____ **NAYS:** _____ **ABSENT:**_____

PASSED this _____ day of _____ 2021.

APPROVED this _____ day of _____ 2021.

APPROVED:

Mayor Craig B. Johnson
Village of Elk Grove Village

ATTEST:

Loretta M. Murphy, Village Clerk

PUBLISHED in pamphlet form this _____ day of _____ 2021.

CannabisOrdinance

EXHIBIT A

CHAPTER 26

CANNABIS DISPENSING ORGANIZATIONS

3-26-1: DEFINITIONS:

Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below:

CANNABIS: Marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. “Cannabis” does not include industrial hemp as defined and authorized under the Industrial Hemp Act. “Cannabis” also means cannabis flower, concentrate, and cannabis-infused products.

CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), (Act) as it may be amended from time to time, and regulations promulgated thereunder.

3-26-2: COMMISSIONER; SUBCOMMISSION:

The Mayor shall be the Cannabis Dispensing Organization License Commissioner and shall perform all duties not pre-empted by the Act, as amended from time to time, which are necessary to enforce the provisions of this chapter. There is also established a Local Cannabis Dispensing Organization License Subcommittee which shall consist of the same two members appointed by the Mayor to the Liquor Control Subcommittee who shall advise the Mayor in the same manner as with the Liquor Control Commission. Any hearing before the Local Cannabis Dispensing Organization License Commission shall be called and conducted in the same manner as hearings before the Local Liquor Control Commission.

3-26-3: LICENSE REQUIRED:

It shall be unlawful for any person, firm or corporation to operate a cannabis dispensing facility without first having obtained a license from the Local Cannabis Dispensing Organization License Commissioner. It shall be a prerequisite to the issuance of any such license that the applicant have in place, a current, valid State of Illinois cannabis dispensing license issued pursuant to the Article 15 of the Act.

3-26-4: LICENSE FEE:

The annual license fee for a cannabis dispensing organization license shall be thirty thousand dollars (\$30,000.00), which fee shall be due before the annual commencement date of June 1st of each year. The Commissioner may prorate the initial year's license fee depending on the month and day the initial license is issued. All licenses shall terminate on May 1st of each subsequent year unless renewed in a timely fashion.

3-26-5: LOCATION AND BUILDING REQUIREMENTS:

A. Location Requirements

1. Dispensary Organizations will be permitted to open and operate in a building located in the B-1, B-2 or B-3 zoning districts adjacent to I-1 or I-2 zoning districts
2. Dispensary Organizations must not be located within 1,000 feet of any residential zoned district.
3. Dispensary Organizations must be located 1,000 feet away from public or private elementary and secondary schools and any day care centers.
4. Dispensary Organizations must be located 1,000 feet away from another marijuana dispensary.
5. Dispensary Organizations tenant space must be no less than 2,000 square feet.
6. Dispensary Organizations must provide onsite parking. The minimum parking space required shall be one parking space per every 100 square feet of dispensary tenant space.

B. Building Requirements

1. Cannabis Dispensing Facilities must have:
 - a. A lobby waiting area at the entrance with a minimum size of 100 square feet, secured or separated from the designated area for sales by full height walls extending from floor to ceiling.
 - b. A designated area for sales/dispensing.
 - c. A separate and secure designated area for storage.
2. Multi-Tenant Facilities: Dispensaries can be located in a multi-tenant building provided that no other business located therein holds a liquor license.
3. Building Enhancements: All licensed facilities shall install building enhancements such as security cameras, security alarm systems, lighting and such other improvements to ensure the safety of employees and customers of the facility, as well as its environs, consistent with the requirements of the Act and the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*). All lighting outside and inside the facility shall be maintained in good working order with sufficient wattage for security cameras.
4. Exterior and Interior Signage:
 - a. Terms including but not limited to “weed”, “pot” or the like are prohibited from all interior and exterior signage.
 - b. The use of marijuana leaf or the image of any marijuana paraphernalia on any exterior building identification signage is prohibited.
 - c. Each facility must display both State and Village business licenses on the premises.
 - d. Each facility must post signs that read:

- i. "NO MINORS PERMITTED ANYWHERE ON PREMISES"
- ii. "ONSITE CONSUMPTION OF CANNABIS PRODUCTS IS PROHIBITED"

3-26-6: LICENSE REQUIREMENTS; RESTRICTIONS:

- A. Hours of Operation: Cannabis Dispensing Organizations shall operate only between the hours of 7:00 a.m. and 10:00 p.m.
- B. Odors: No cannabis odors shall be detectable outside of the Cannabis Dispensing Organizations.
- C. Product Display: No products sold by a Cannabis Dispensing Organizations shall be visible from the public street, sidewalk or other public place.
- D. Deliveries: A Cannabis Dispensing Organization may only accept cannabis deliveries into a restricted access area. Deliveries may not be accepted through the public or limited access areas unless otherwise approved under the Act or Medical Cannabis Act.
- E. Packaging: A Cannabis Dispensing Organization must include the legal name of the dispensary on the packaging of any cannabis product it sells.
- F. Cannabis Dispensing Organizations are prohibited from selling any product containing alcohol, except tinctures, which must be limited to containers that are no larger than 100 milliliters.
- G. Cannabis Dispensing Organizations shall not:
 1. Sell cannabis, cannabis concentrate, or cannabis-infused products in combination or bundled with each other or any items for one price, and each item of cannabis, concentrate, or cannabis-infused product must be separately identified by quantity and price on the receipt;
 2. Sell clones or any other live plant material;
 3. Have fewer than 2 people working at the dispensary at any time while the dispensary is open;
 4. Operate a dispensary if its video surveillance equipment is inoperative;
 5. Operate a dispensary if the point-of-sale equipment is inoperative;
 6. Operate a dispensary if the State's cannabis electronic verification system is inoperative;
 7. Enter into agreements to allow persons who are not dispensing organization agents to deliver or transport cannabis to purchasers;
 8. Operate drive-through windows;
 9. Allow for the dispensing of cannabis or cannabis-infused products in vending machines;
 10. Transport cannabis to residences or other locations where purchasers may be for delivery;
 11. Produce or manufacture cannabis;
 12. Accept a cannabis product from an adult use cultivation center, craft grower, infuser, dispensing organization, or transporting organization unless it is pre-packaged and labeled in accordance with the Act and any rules that may be adopted pursuant to the Act,
 13. Obtain cannabis or cannabis-infused products from outside the State of Illinois;
 14. Sell cannabis or cannabis-infused products to a purchaser unless the dispensary organization is licensed under the Compassionate Use of Medical Cannabis Program, and the individual is registered under the Compassionate Use of Medical Cannabis Program or the purchaser has been verified to be over the age of 21;
 15. Permit any person to smoke, eat or otherwise consume or ingest any cannabis on the premises or within any parking areas or other public areas on the premises of the cannabis dispensing facility;
 16. Keep open for business or admit the public or patrons or customers or persons to the premises either before or after the permitted hours of operation or to permit or allow persons, patrons, or customers to remain in or about the premises either before or after the permitted hours of operation;
 17. Violate any other requirements or prohibitions set by State rules.

- H. Dual License Prohibited: A Cannabis Dispensing Organization may not be issued a license to operate any business other than the dispensing license issued herein at the location of their dispensing facility.

3-26-7: INSPECTIONS; VIOLATIONS; FINES; SUSPENSIONS; REVOCATION; APPEAL:

- A. Inspections; Entry Powers: The Local Cannabis Dispensing Organization Commissioner is hereby given the authority to enter or to authorize the entry at any time upon any premise licensed hereunder to determine whether any provisions of the Act or this Chapter have been or are being violated.
- B. Violation; Hearing; Fine; Suspension or Revocation of License: The Commissioner shall have the right to hold a hearing for any licensee upon whom a notice of violation has been served, to hear testimony and take proof for his information in the performance of his duties.

If after a hearing on an alleged violation, the Commissioner finds that there was a violation of any of the provisions of this Chapter, he may suspend or revoke any license and or fine any licensee for any violation.

If the Commissioner determines to suspend such license, the term of the suspension shall not be more than thirty (30) days.

If the Commissioner elects to fine such licensee, the amount of such fine shall not be less than two hundred fifty dollars (\$250.00), nor more than two thousand five hundred dollars (\$2,500.00) for each offense. The Commissioner is further authorized to assess the licensee for all costs associated with the hearing including attorney fees and court reporter fees.

- C. Proceedings Officially Recorded: All proceedings before the Commissioner shall be recorded and placed in a certified official record of such proceedings taken and prepared by a certified court reporter.
- D. Appeal: Any appeal of proceedings for imposition of a fine, suspension or revocation of licenses shall be limited to a review of the official record.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ROYAL ACADEMY OF DANCE F/K/A ELEVATION DANCE CENTER TO OPERATE A DANCE STUDIO IN THE I-2 ZONING DISTRICT ON PROPERTY LOCATED AT 2500 TOUHY AVENUE, ELK GROVE VILLAGE

WHEREAS, the Plan Commission of the Village of Elk Grove Village, at a public meeting, duly called and held according to law, considered the question of granting a Special Use Permit to Royal Academy of Dance F/K/A Elevation Dance Center to operate a dance studio in the I-2 zoning district; and

WHEREAS, the Mayor and Board of Trustees of the Village of Elk Grove Village, after having reviewed the findings and recommendations of the Plan Commission, find and believe that granting the Special Use Permit is in the best interest of the Village.

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

Section 1: That there be granted a Special Use Permit to Royal Academy of Dance F/K/A Elevation Dance Center to operate a dance studio in the I-2 zoning district on property located at 2500 Touhy Avenue, Elk Grove Village, subject to the following conditions:

1. All debris must be removed from the site.
2. The parking lot shall be restriped, with the necessary permits submitted to the Community Development Department for review and approval prior to commencement of work.
3. The Special Use Permit is valid only for Royal Academy of Dance F/K/A Elevation Dance Center at 2500 Touhy Avenue, and shall be null and void if another business takes over or it they vacate the building.

Section 2: That this ordinance shall be in full force and effect from and after its passage and approval according to law.

VOTE: AYES: _____ NAYS: _____ ABSENT: _____

PASSED this _____ day of _____ 2021.

APPROVED this _____ day of _____ 2021.

APPROVED:

Mayor Craig B. Johnson
Village of Elk Grove Village

ATTEST:

Loretta M. Murphy, Village Clerk