VILLAGE OF OAK BROOK Illinois

ITEM 5.A.

VILLAGE OF OAK BROOK
Cannabis Business Establishment
Text Amendment

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VILLAGE OF OAK BROOK
Plan Commission/Zoning Board of Appeals

STAFF REPORT

DATE: September 11, 2019

CASE NO: 2019-11-ZO-TA

DESCRIPTION: Text Amendment – To Prohibit Cannabis-Based Business Establishments

PETITIONER: Village of Oak Brook (VOB)

BACKGROUND:

Staff has received a Village Board initiated request to prepare a text amendment to add provisions to the Zoning Ordinance to prohibit recreational cannabis-based businesses. On May 31, 2019, both chambers of the Illinois General Assembly passed House Bill 1438, which means that when Governor J.B. Pritzker signs the bill, as expected, the Cannabis Regulation and Tax Act will be effective immediately, beginning preparation for the lawful use and sale of recreational cannabis by adults after January 1, 2020.

The proposed law allows local governments to "opt-out" by prohibiting or significantly limiting businesses in their jurisdiction. This would include the authority to opt out of either commercial production or distribution (dispensaries) of adult-use cannabis within their jurisdiction. Cannabis based businesses include, but are not limited to dispensaries, cultivation centers, craft growers, processing organizations, transportation organizations and cannabis lounges.

On July 9, 2019, the Village Board directed staff to prepare and present a text amendment to the Plan Commission and Zoning Board of Appeals establishing regulations to prohibit cannabis-based business in all zoning districts in the Village of Oak Brook. Draft text amendment language has been included in this staff report for review and reference purposes. The results of staff's research is also discussed below.

DISCUSSION:

Proposed Text Amendment

1. <u>Designate Cannabis Business Establishments as a Prohibited Use</u>

Staff has provided draft text amendment language based upon the model ordinance that the Illinois Municipal League has published for local municipalities. The Illinois Municipal League reference guide (including the model ordinance) has been included in your packet for review and reference.

The draft language prohibits commercial based business establishments producing, distributing and transporting adult-use cannabis within Oak Brook.

2. Supplemental Factors to be Considered

Police Chief James Kruger has provided a memorandum and supplementary data from the Illinois Law Enforcement Legislative Coalition. The factors provided by the coalition are the result of data collection in Colorado dating back to when cannabis was legalized in that state in 2013.

- Increase in marijuana related deaths.
- THC content of marijuana sold today is, on average, 6 times more potent than 30 years ago and therefore, more addictive.
- NIDA has observed that with respect to workers, marijuana smoking is related to increased absences, tardiness, accidents, worker's compensation claims, and job turnover.
- Emergency room admissions and poison center calls have risen sharply since legalization.
- Crime rates have gone up for burglaries, car thefts, murders, etc.
- Taxes on legally produced and sold marijuana is far less than the costs to society for legalization.
- Marijuana retail outlets are disproportionately concentrated in lower-income neighborhoods.
- Black market is thriving, including unlawful, unlicensed and untaxed large-scale marijuana cultivation and illegal sales, much of which is backed by organized crime.

The supplemental factors are intended to provide background information to further evaluate the impact that cannabis may have on public safety, health and well-being. Other municipalities have already adopted or are in the process of evaluating similar proposals to determine what specific policy initiatives are best for their communities.

3. Define Cannabis Business Establishments

The Zoning Code does not currently reference or define "cannabis based business establishments". To ensure that the text amendment is appropriately tailored and consistently enforced, several definitions are proposed to be added to the Zoning Code. The draft definitions are provided below:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE 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 and 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, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois 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, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois 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, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

4. Identify Applicable Zoning Districts

The draft text amendment language prohibiting cannabis-based businesses includes all non-residential zoning classifications including Business Districts, Institutional Districts and Office-Research-Assembly Districts.

Municipalities may not prohibit home cultivation or the use of cannabis in the home. The state is the only entity that is able to regulate medical cannabis. A homeowner/property owner may regulate a "renter" from using cannabis.

RESPONSIBILITIES OF THE HEARING BODY:

Staff would like the Plan Commission's initial feedback concerning the draft amendment and the content of the proposed regulations. If the Plan Commission feels that it has sufficient information to make a recommendation to the Zoning Board of Appeals, it may do so. Alternately, the Plan Commission may continue this matter to a future Plan Commission date.

CONCLUSION:

If the Plan Commission concurs with the proposed text amendment for Cannabis Business Establishments, I would ask that an affirmative motion be made to the Zoning Board of Appeals and Village Board recommending approval of the above-mentioned definitions for Cannabis Business Establishments and that the use be considered a prohibited use in all non-residential zoning classifications. A recommended motion has been provided below.

I recommend approval of the proposed text amendment(s) for Cannabis Business Establishment to add a new Section 13-3-18 to the Zoning Ordinance to include new definitions and provisions to prohibit Cannabis Business Establishments in all non-residential zoning classifications in accordance with the attached Draft Ordinance.

Respectfully Submitted,

Tony Budzikowski, AICP
Development Services Director

10.c

A new Section 18 in Chapter 3 is being proposed for the text amendment.

Chapter 3

13-3-18: CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED:

A. For purposes of this section, the following terms shall have the following meanings:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois 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, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

B. Cannabis Business Establishments Prohibited. The following Adult-Use Cannabis Business Establishments are prohibited in the Village of Oak Brook. No person shall located, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the Village of Oak Brook of any of the following:

Adult-Use Cannabis Craft Grower
Adult-Use Cannabis Cultivation Center
Adult-Use Cannabis Dispensing Organization
Adult-Use Cannabis Infuser Organization or Infuser
Adult-Use Cannabis Processing Organization or Processor
Adult-Use Cannabis Transportation Organization or Transporter

C. Public Nuisance Declared. Operation of any prohibited Cannabis Business Establishment within the Village of Oak Brook in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

D. Violations. Violations of this Chapter may be enforced in accordance with the provisions of Chapter 14 of this Code.

DRAFT

ILLINOIS MUNICIPAL LEAGUE

Adult-Use Cannabis Resources

8/20/19

Illinois Municipal League | 500 East Capitol Avenue | P.O. Box 5180 | Springfield, IL 62705 | iml.org

8.

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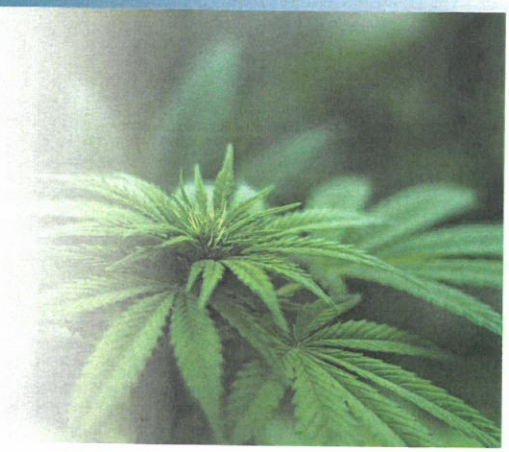
Fact Sheet

Adult-Use Cannabis

ILLINOIS MUNICIPAL LEAGUE

FACT SHEET

Adult-Use Cannabis



Public Act 101-0027 creates the Cannabis Regulation and Tax Act and was signed into law by Governor JB Pritzker on June 25, 2019. Effective January 1, 2020, the Act legalizes the possession and private use of cannabis for Illinois residents over 21 years of age.

7/15/19

LOCAL REGULATION OF CONSUMPTION

Municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, the Act prohibits the use of cannabis in public places, schools and child care facilities among other locations. Municipalities may adopt and enforce local ordinances to regulate possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act.

HOME GROW LIMITED TO MEDICAL PROGRAM PARTICIPANTS

Home grow cannabis will be authorized only for medical cannabis program participants, and is limited to five plants in their residence and subject to specified restrictions. Home grow of recreational cannabis by non-medical participants is prohibited. More information about the medical cannabis program is available via this link.

ZONING

The Act preserves local zoning authority and directly authorizes municipalities to prohibit (opt out) or significantly limit the location of cannabis businesses by ordinance. Municipalities will have the authority to enact reasonable zoning regulations that are not in conflict with the act. This would include the authority to opt out of either commercial production or distribution (dispensaries) of adult-use cannabis within their jurisdiction. Municipalities also may enact zoning ordinances and regulations designating the time, place, manner and number of cannabis business operations, including minimum distances between locations through conditional use permits.

BUSINESS REGULATION

In addition to zoning authority, municipalities will have the authority to allow for on-premise use of cannabis at locations to be determined locally. The Act anticipates that local authorities will engage in inspections of cannabis-related businesses. Municipalities may establish and impose civil penalties for violations of the local ordinances and regulations.

IML
ILLINOIS MUNICIPAL LEAGUE

500 East Capitol Avenue | PO Box 5180 | Springfield, IL 62705-5180 | Ph: 217.525.1220 | Fx: 217.525.7438 | www.iml.org

LOCAL REVENUE

Municipalities, by ordinance, may impose a Municipal Cannabis Retailers' Occupation Tax on adult-use cannabis products of up to 3% of the purchase price, in .25% increments. Counties may impose up to 3.75% in unincorporated areas, in .25% increments. The taxes imposed under this Act shall be in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois or by any unit of local government, such as sales tax.

SMOKE FREE ILLINOIS ACT

The Act applies the restrictions of the Smoke Free Illinois Act on smoking cannabis, and provides that property owners may prohibit the use of cannabis by any guest, lessee, customer or visitor. In addition, lessors may prohibit cultivation of cannabis by their lessees.

EMPLOYER PROVISIONS

The Act provides employer protections including that nothing in the enactment prohibits employers from adopting reasonable zero-tolerance or drug-free workplace employment policies concerning drug testing, smoking, consumption, storage or use of cannabis in the workplace or while on-call. These policies must be applied in a nondiscriminatory manner. Employers may prohibit the use of cannabis by employees in the workplace, and engage in discipline, including termination, for violations of those polices and workplace rules.

STATE LICENSING

The Act authorizes the production and distribution of cannabis and cannabis products through state-licensed cultivators, craft growers, infusers, transporters and dispensaries. Cannabis transporters will be separately licensed by the Act, as well. A market study due in March 2021 will inform future licensing. The state will issue licenses according to a graduated scale. By the end of the first year, there will be up to 295 dispensing organizations. The Act will allow up to 500 dispensing organizations by January 1, 2022. Cultivators will be capped at 50, and 100 craft growers will be allowed. By that same date, 100 infusers will also be authorized to be licensed.

GRANTS AND INVESTMENT

The Act establishes the Restore, Reinvest and Renew (R3) Program to invest in communities historically impacted by economic disinvestment and violence. The Illinois Criminal Justice Information Authority (ICJIA) will identify R3 areas that qualify for funding, and grants will be awarded by the R3 Board. A 22-member R3 Board will award grants throughout the state, subject to an application process and the Government Accountability and Transparency Act (GATA); the R3 Board shall be chaired by the Lt. Governor.

SOCIAL EQUITY

The Act provides for a social equity program to establish a legal cannabis industry that is accessible to those most adversely impacted by the enforcement of drug-related laws in this state, including cannabis-related laws. Qualifying social equity applicants may be awarded financial assistance and incentives if they are interested in establishing cannabis related businesses.

STATE REVENUE

State revenues derived from the Cannabis Regulation and Tax Act will be deposited into the Cannabis Regulation Fund. The funds will be distributed to multiple state agencies for implementation of the Act. The legalization of adult cannabis also includes a new source of Local Government Distributive Fund (LGDF) dollars. A portion of the Cannabis Regulation Fund revenues (8% of deposits) will go to local governments, through LGDF, which will be used to fund crime prevention programs, training and interdiction efforts. The Cannabis Regulation Fund is derived from moneys collected from state taxes, license fees and other amounts required to be transferred into the Fund.

DECRIMINALIZATION AND EXPUNGEMENTS

A significant portion of the Act addresses the decriminalization of cannabis through mandatory and discretionary expungements of criminal convictions relating to non-violent cannabis offenses.

Model Ordinance

Municipal Cannabis Business Prohibition

ILLINOIS MUNICIPAL LEAGUE

MODEL ORDINANCE
MUNICIPAL CANNABIS BUSINESS PROHIBITION

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY/VILLAGE OF _____ BY THE ADDITION OF [ARTICLE/CHAPTER]_____ PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS

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

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, which provides that the City/Village has the authority to prohibit adult-use cannabis business establishments; and

WHEREAS, the City/Village has determined that the operation of cannabis business establishments would present adverse impacts upon the health, safety and welfare of the residents, and additional costs, burdens and impacts upon law enforcement and regulatory operations of the City/Village; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City/Board of Trustees of the Village of _____ as follows:

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. Cannabis Business Establishments Prohibited. Chapter ___ of the Municipal Code of the City/Village of _____ shall be amended by the addition of [Article/Chapter] ____ that will read as follows:

ARTICLE [CHAPTER] ____ Cannabis Business Establishments Prohibited.

1. Definitions. The following words and phrases shall, for the purposes of this Article [Chapter], have the meanings respectively ascribed to them by this section, as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure

and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE 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, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois 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, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois 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, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

2. Cannabis Business Establishments Prohibited. The following Adult-Use Cannabis Business Establishments are prohibited in the City/Village of _____. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the City/Village of _____ of any of the following:

Adult-Use Cannabis Craft Grower
Adult-Use Cannabis Cultivation Center
Adult-Use Cannabis Dispensing Organization
Adult-Use Cannabis Infuser Organization or Infuser
Adult-Use Cannabis Processing Organization or Processor
Adult-Use Cannabis Transporting Organization or Transporter

3. Public Nuisance Declared. Operation of any prohibited Cannabis Business Establishment within the City/Village in violation of the provisions of this Article [Chapter] is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

4. Violations. Violations of this Article [Chapter] may be enforced in accordance with the provisions of Article [Chapter] ___ of this Code.

5. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall 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.

6. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

ADOPTED THIS _____ day of _____, 20__.
AYES:
NAYS:
ABSTENTIONS:
ABSENT:

APPROVED THIS _____ day of _____, 20 __.

_____
Mayor/Village President

ATTEST:

_____
City/Village Clerk

Model Ordinance

Municipal Cannabis Business Zoning

ILLINOIS MUNICIPAL LEAGUE

MODEL ORDINANCE
MUNICIPAL CANNABIS BUSINESS ZONING

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER __ (ZONING TITLE, PURPOSE, DEFINITIONS), CHAPTER __ (GENERAL ZONING PROVISIONS), CHAPTER __ (COMMERCIAL DISTRICTS), AND CHAPTER __ (INDUSTRIAL DISTRICTS) OF TITLE __ (ZONING ORDINANCE) OF THE _____ MUNICIPAL CODE PERTAINING TO ADULT-USE CANNABIS

WHEREAS, the City/Village of _____, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; 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 adult-use cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Act, the City/Village may enact reasonable zoning ordinances or resolutions 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 City/Village deems sensitive; and

WHEREAS, on _____, the City Council/Village Board initiated an amendment to Title __ (Zoning Ordinance) to review and consider additional amendments to further regulate adult-use cannabis facilities within the City/Village of _____; and

WHEREAS, the Planning and Zoning Commission/Zoning Board of Appeals conducted public hearings, as required by law, on _____ and _____, in regards to the proposed amendments to Title __ (Zoning Ordinance) of the _____ Municipal Code pertaining to adult-use cannabis; and

WHEREAS, the Planning and Zoning Commission/Zoning Board of Appeals recommended approval of the proposed amendments to Title __ (Zoning Ordinance) on _____.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City/Board of Trustees of the Village of _____ as follows:

SECTION 1: The recitals set forth above are incorporated herein.

SECTION 2: Chapter __ (Zoning Title, Purpose, Definitions) of Title __ (Zoning Ordinance) of the _____ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

* * *

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:
An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER:
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER:
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:
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ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:
An organization or business that is licensed by the Illinois 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, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

* * *

SECTION 3: Chapter __ (General Zoning Provisions) of Title __ (Zoning Ordinance) of the _____ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

* * *

_____: ADULT-USE CANNABIS:

1. Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the City/Village of _____. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

2. Conditional Use: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a conditional use in the respective districts in which they are requested shall be processed in accordance with Section ___(Conditional Uses) of this Title and Section 3 (Adult-Use Cannabis Facility Components) as provided herein.

3. Adult-Use Cannabis Facility Components: In determining compliance with Section ___ (Conditional Uses) of this Title, the following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

3.1 Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
3.2 Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
3.3 Hours of operation and anticipated number of customers/employees.
3.4 Anticipated parking demand based on Section ___and available private parking supply.
3.5 Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
3.6 Site design, including access points and internal site circulation.
3.7 Proposed signage plan.
3.8 Compliance with all requirements provided in Section 4 (Adult-Use Cannabis Craft Grower); Section 5 (Adult-Use Cannabis Cultivation Center); Section 6 (Adult-Use Cannabis Dispensing Organization); Section 7 (Adult-Use Cannabis Infuser Organization); Section 8 (Adult-Use Cannabis Processing Organization); or Section 9 (Adult-Use Cannabis Transporting Organization), as applicable.
3.8 Other criteria determined to be necessary to assess compliance with Section ____ (Conditional Uses) of this Title.

4. Adult-Use Cannabis Craft Grower: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

4.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

4.2 Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.

4.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

4.4 For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be classified as "_____" per Section ___(Schedule of Off-Street Parking Requirements: Industrial Uses), provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section ___(Adult-Use Cannabis: Conditional Use) herein.

4.5 Petitioner shall file an affidavit with the City/Village affirming compliance with Section ___as provided herein and all other requirements of the Act.

5. Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

5.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

5.2 Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.

5.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

5.4 For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be classified as "_____" per Section ___(Schedule of Off-Street Parking Requirements: Industrial Uses), provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section ___(Adult-Use Cannabis: Conditional Use) herein.

5.5 Petitioner shall file an affidavit with the City/Village affirming compliance with Section ___as provided herein and all other requirements of the Act.

6. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

6.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

6.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

6.3 At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in Section 6.5 below in the same tenant space.
6.4 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
6.5 Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility required by Section 10 (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing as provided in Section ___ of the City/Village of Municipal Code.
6.6 For purposes of determining required parking, said facilities shall be classified as "_____" per Section ___(Schedule of Off-Street Parking Requirements: Commercial Uses) of the City/Village of _____ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section ___(Adult-Use Cannabis: Conditional Use) herein.
6.7 Petitioner shall file an affidavit with the City affirming compliance with Section ____ as provided herein and all other requirements of the Act.

7. Adult-Use Cannabis Infuser Organization: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

7.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
7.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
7.3 At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
7.4 For purposes of determining required parking, said facilities shall be classified as "_____" per Section ___(Schedule of Off-Street Parking Requirements: Commercial Uses) of the City/Village of _____ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section ___(Adult-Use Cannabis: Conditional Use) herein.
7.5 Petitioner shall file an affidavit with the City affirming compliance with Section ____ as provided herein and all other requirements of the Act.

8. Adult-Use Cannabis Processing Organization: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

8.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

8.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

8.3 At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

8.4 For purposes of determining required parking, said facilities shall be classified as "_____" per Section ___(Schedule of Off-Street Parking Requirements: Commercial Uses) of the City/Village of _____ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section ___(Adult-Use Cannabis: Conditional Use) herein.

8.5 Petitioner shall file an affidavit with the City affirming compliance with Section ____ as provided herein and all other requirements of the Act.

9. Adult-Use Cannabis Transporting Organization: In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

9.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

9.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

9.3 The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

9.4 For purposes of determining required parking, said facilities shall be classified as "_____" per Section ___(Schedule of Off-Street Parking Requirements: _____) of the City/Village of _____ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section ___(Adult-Use Cannabis: Conditional Use) herein.

9.5 Petitioner shall file an affidavit with the City affirming compliance with Section ____ as provided herein and all other requirements of the Act.

10. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the

floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

11. Co-Location of Cannabis Business Establishments. The City/Village may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Conditional Use criteria within the City/Village of _____ Municipal Code. In a co-location, the floor space requirements of Section 6.3 and 7.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.

SECTION 4: Chapter __ (Commercial Districts) of Title __ (Zoning Ordinance) of the City/Village of _____ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

ARTICLE A. B-1 GENERAL COMMERCIAL DISTRICT
_____: PERMITTED USES:
* * *

_____: CONDITIONAL USES:
The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section _____ and Chapter __ of this Title, as appropriate:
* * *

Adult-Use Cannabis Dispensing Organization.

ARTICLE B. B-2. INTENSE COMMERCIAL DISTRICT
_____: PERMITTED USES:
* * *

_____: CONDITIONAL USES:
The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section _____ and Chapter __ of this Title, as appropriate:
* * *

Adult-Use Cannabis Dispensing Organization.
Adult-Use Cannabis Infuser Organization.
Adult-Use Cannabis Processing Organization.
Adult-Use Cannabis Transporting Organization.

SECTION 5: Chapter __ (Industrial Districts) of Title __ (Zoning Ordinance) of the City/Village of _____ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

ARTICLE A. I-1 GENERAL INDUSTRIAL DISTRICT
_____: PERMITTED USES:
* * *

_____: CONDITIONAL USES:
The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section _____ and Chapter __ of this Title, as appropriate:
* * *

Adult-Use Cannabis Craft Grower Organization.
Adult-Use Cannabis Dispensing Organization.
Adult-Use Cannabis Infuser Organization.
Adult-Use Cannabis Processing Organization.
Adult-Use Cannabis Transporting Organization.

ARTICLE B. I-2 HEAVY INDUSTRIAL DISTRICT
_____: PERMITTED USES:
* * *

_____: CONDITIONAL USES:
The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section _____ and Chapter __ of this Title, as appropriate:
* * *
Adult-Use Cannabis Craft Grower Organization.
Adult-Use Cannabis Cultivation Organization.
Adult-Use Cannabis Dispensing Organization.
Adult-Use Cannabis Infuser Organization.
Adult-Use Cannabis Processing Organization.
Adult-Use Cannabis Transporting Organization.

SECTION 6: **Severability.** If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 7: **Effective Date.** This Ordinance shall be in full force and effect upon its passage and approval as required by law.

ADOPTED THIS _____ day of _____, 20__.
AYES:
NAYS:
ABSTENTIONS:
ABSENT:

APPROVED THIS _____ day of _____, 20 __.

_____
Mayor/Village President

ATTEST:

_____
City/Village Clerk

Model Ordinance

Municipal Cannabis Retailers' Occupation Tax

ILLINOIS MUNICIPAL LEAGUE

MODEL ORDINANCE
MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY/VILLAGE OF _____ BY THE ADDITION OF [ARTICLE/CHAPTER] _____ IMPOSING A MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX

WHEREAS, the City/Village has the authority to adopt ordinances and to promulgate rules and regulations [that pertain to its government and affairs and] 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 5/11-8-22 *et seq*. (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 City Council of the City/ Board of Trustees of the Village of _____ as follows:

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. Adoption of Tax. Chapter ___ of the Municipal Code of the City/Village of _____ shall be amended by the addition of [Article/Chapter] ____ that will read as follows:

ARTICLE [CHAPTER] ____ Municipal Cannabis Retailers' Occupation Tax.

1. 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 City/Village 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 8-11-22, of the Illinois Municipal Code (65 ILCS 5/8-11-22).

2. Collection of tax by retailers.

(a) The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue (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) The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this article.

3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall 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.

4. Effective Date. 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, 2020. Copies of this Ordinance shall be certified and sent to the Illinois Department of Revenue prior to September 30, 2019.

[NOTE: Any new ordinance or amendment to an existing ordinance can take effect only on September 1. To be effective September 1, an ordinance must be adopted and filed with the Department of Revenue by June 1.]

ADOPTED THIS _____ day of _____, 20__.
AYES:
NAYS:
ABSTENTIONS:
ABSENT:

APPROVED THIS _____ day of _____, 20 __.

_____
Mayor/Village President

ATTEST:

_____
City/Village Clerk

Disclaimers & Referrals

ILLINOIS MUNICIPAL LEAGUE

IML has assembled these resources for your municipality's consideration. It is strongly recommended that you consult with your municipal attorney or other qualified counsel prior to considering or adopting any of the model ordinances. The model ordinances are being provided as a reference for use in drafting an ordinance for your community. The model ordinances may require adaptation and modification to conform to your community's determinations and specific code provisions.

It is further recommended that local law enforcement officials discuss the mandated expungements with your municipality's retained attorney or other qualified counsel, as well as the state's attorney's office in your county to gain a full understanding of the issue and process and to be in compliance with what may be complicated expungement provisions. IML shall not provide direction or counsel on this aspect of the new law, due to the myriad factors that could impact each municipality differently.

Municipalities who adopt a Municipal Cannabis Retailers' Occupation Tax on the sale of cannabis products, as allowed by P.A. 101-0027, the Cannabis Regulation and Tax Act, must submit their certified ordinance to the Illinois Department of Revenue's Local Tax Allocation Division. Their mailing address is:

Local Tax Allocation Division (3-500)
Illinois Department of Revenue
101 West Jefferson Street
Springfield, Illinois 62702

State Agency Contacts

Illinois Department of Agriculture

Website: https://www2.illinois.gov/sites/agr/Pages/default.aspx

Phone: (217) 785-4789

Illinois Department of Financial and Professional Regulation

Website: https://www.idfpr.com/profs/adultusecan.asp

Phone: (888) 473-4858

Email: FPR.AdultUseCannabis@illinois.gov

Illinois Department of Public Health

Website: www.dph.illinois.gov

Phone: (217) 782-4977

These contacts are likely to be expanded and updated as additional agency resources are made available.

MEMORANDUM

TO: Tony Budzikowski, Director of Developmental Services

FROM: James R. Kruger Jr., Chief of Police

DATE: September 9, 2019

SUBJECT: Cannabis Dispensaries

Over the last two years, the Illinois Law Enforcement community attempted to educate the public on our concerns over the Governor's bill to legalize recreational cannabis. The Chicago law makers that have proposed it like to equate cannabis to alcohol and prohibition. They believe that regulating the use by consenting adults is no big deal, and the State can make some money off of an activity, that they believe, is going on anyway. They also think by doing this will make cannabis somehow safer, and also allow local law enforcement to focus on more important crimes. I would like to explain what we have learned speaking to our law enforcement colleagues in Colorado, California and Washington State.

1. This new law contains known and documented public safety risks. It does nothing to alleviate our belief that there will be more traffic fatalities and significantly more incidents leading emergency room visits.

2. The law's sponsors ignored most of the major objections we raised to them and to the Governor's Office in the past twelve to eighteen months.

3. The law contains many loopholes that will allow recreational marijuana to go largely unregulated.

4. Enforcement will prove to be difficult and next to impossible in some cases.

    a. There is still no reliable device available now that would allow officers to test whether drivers are impaired by marijuana. Increased scientific research is needed to develop objective marijuana impairment standards for automobile operation, workplace safety, and medical effectiveness. But we cannot do that now.

    b. "Home grows" are allowed for up to five flowering plants in the bill.

        i. To allow home grows in a legalized setting so would eliminate many opportunities for regulating marijuana. The penalties for home grows appear to be very minor civil citations from $100 to $200, even for major offenders of the five-plant limit.

        ii. Allowing home grows would allow the cartels to set up shop as they have done in Colorado, California and Washington, and bring with them the corresponding crime.

        iii. The law allows for growing in outbuildings and sheds that will look like greenhouses.

c. There is no way to monitor, like we do for prescriptions, if someone goes from one dispensary and purchases 30 grams and then proceeds to another dispensary.

d. We encouraged the regulatory framework already in place for medical marijuana to be utilized for any licensing, keeping tight controls over growth, distribution, and sales. The rules for recreational marijuana are, by contrast, wide open.

5. This law goes way beyond expungement of a person's record for possession of small amounts of marijuana. It would also require expunging the records of some felons, including people who knew they were illegally distributing large amounts of illegal drugs. And the timeline for actually doing this is unrealistic. There are other ways achieve the same outcome for cases of minor possession.

6. There is not enough protection for teens and children. School Resource Officers in Illinois earlier this year reported an increase in marijuana incidents in their schools. This will get worse under this bill.

Besides all of these facts, the bill strips local control as we have for alcoholic beverages. We will not be able to keep it from our community or our roadways. The quick financial gain is not worth the cost that we will all bear in the very near future. While we cannot stop the flow of cannabis into our community by residents that choose to purchase it at dispensaries out of our jurisdiction, I believe the presences of these establishments would make Oak Brook less safe and cause other criminal activity to occur.

There is evidence from other states that have legalized recreational use that incidence of criminal activity has increased near dispensaries, especially since it is a cash only business due to federal banking laws. There is also the added concern of an increase in traffic crashes with increased cannabis usage, there is a likelihood that individuals traveling to and from a dispensary may be under the influence as well.

I understand that prohibiting dispensaries in one municipality may not have any effect on the usage rates or overall traffic safety on our major roadways. It is my opinion we will see the detrimental effects to children, and the overall health and safety of our state in a short amount of time. Prohibiting dispensaries is a very real example of demonstrating what the Village of Oak Brook stands for and that this is not part of the fabric of our community and at least we will not add to the eventual problems.

ILLINOIS LAW ENFORCEMENT LEGISLATIVE COALITION

Illinois Law Enforcement recognizes that there is a discussion occurring regarding the legalization of cannabis. As this discussion ensues, law enforcement professionals believe that it is imperative that participants in the discussion have access to accurate data and to the whole picture. The results of the Colorado experiment are troubling. Since the Colorado law was enacted in 2013 the following data has been collected:

- Regular use of marijuana has increased substantially in Colorado and faster than the national average. More problematic is the fact that marijuana use by teenagers in Colorado (12-17 year olds) is 74% higher than the national average is now the highest teenage use rate in the U.S. The main reason for the increase in marijuana use at all levels is that legalization vastly reduces the perceived risk of this drug.
- Marijuana related traffic deaths in Colorado have increased by 62% since 2013. In the State of Washington, fatal crashes involving drivers who recently used marijuana has doubled since legalization there.
- The THC content of marijuana sold today is, on average, six times more potent than thirty years ago and, therefore, more addictive. Indeed, there is a 1 in 6 probability that a teenager who regularly uses marijuana will become addicted to it. The average THC potency of marijuana flowers/buds in Colorado is 17.1% while the average potency for concentrates is 62.1%. Potency rates as high as 95% have been recorded. After the Dutch observed the negative impacts from rising THC potencies a team of health experts concluded a THC potency level higher than 15% should be considered a hard drug.
- NIDA has observed that with respect to workers, marijuana smoking is related to increased absences, tardiness, accidents, workers' compensation claims, and job turnover.
- Emergency room admissions and poison center calls have risen sharply in Colorado since legalization. Calls to poison control alone rose 109% in Colorado between 2012 and 2015. Washington State has seen similar increases. This rise in potency levels in Colorado has led to a spike in hospitalization's-including children even deaths. Although the marijuana industry compares itself to alcohol, these new products and potencies are nothing like a beer or glass of wine. They are as different as an aspirin and OxyContin.
- In Colorado, the crime rates have gone up for burglaries, car thefts, murders, etc. In Aurora, the last 10 of 15 drug-related homicide cases were connected to marijuana. Arapahoe County District Attorney George Brauchler said, "It's not the big-time dealers who are involved. For the most part, it has been the small-time ones on the streets". Brauchler, believes the legalization of marijuana is partly to blame for the rise in crime. "It is easier for there to be black market in a legalized system than there was before," he said. Brauchler said, "Until law enforcement figures out a way to slow the flow of black market marijuana and the cash that comes with it, the marijuana-related death rate in the state will continue to grow". by David Mitchell, Fox News 31, Denver, May 25, 2016
- The taxes on legally produced and sold marijuana is far less than the costs to society from legalization. In Colorado the total taxes collected on recreational marijuana in fiscal year 2014-15, the first full year of taxes levied on recreational pot were $77.9 million. Of that $66.1 million came from special state sales and excise taxes levied on recreational pot." The General fund of Colorado during this time period was $9.7 billion and the taxes received from marijuana accounted for less than 1 %.
- In urban areas such as Denver, marijuana retail outlets are disproportionately concentrated in lower-income neighborhoods.
- Proponents are stating that the black market for marijuana will end to the detriment of organized crime. Yet this is not the case in Colorado. The black market is thriving, including unlawful, unlicensed and untaxed large-scale marijuana cultivation and illegal sales, much of which is backed by organized crime, including the Russian mafia and the Mexican drug cartels. Moreover, arrests for illegal marijuana dealing in Colorado, particularly for Blacks and Hispanics, have increased.

Illinois Association of Chiefs of Police

IACP Illinois Mid-Size Agency Chiefs

Chiefs of Larger Illinois Cities (CLIC)

Illinois Sheriffs' Association

Illinois Drug Enforcement Officers Association

Illinois State's Attorneys Association

IL MEG Directors and Task Force Commanders Association

Chicago PD

Illinois Secretary of State Police

Cook Co. SAO

Illinois Office of the State's Attorneys Appellate Prosecutor

IL. FOP State lodge

PBPA of Illinois

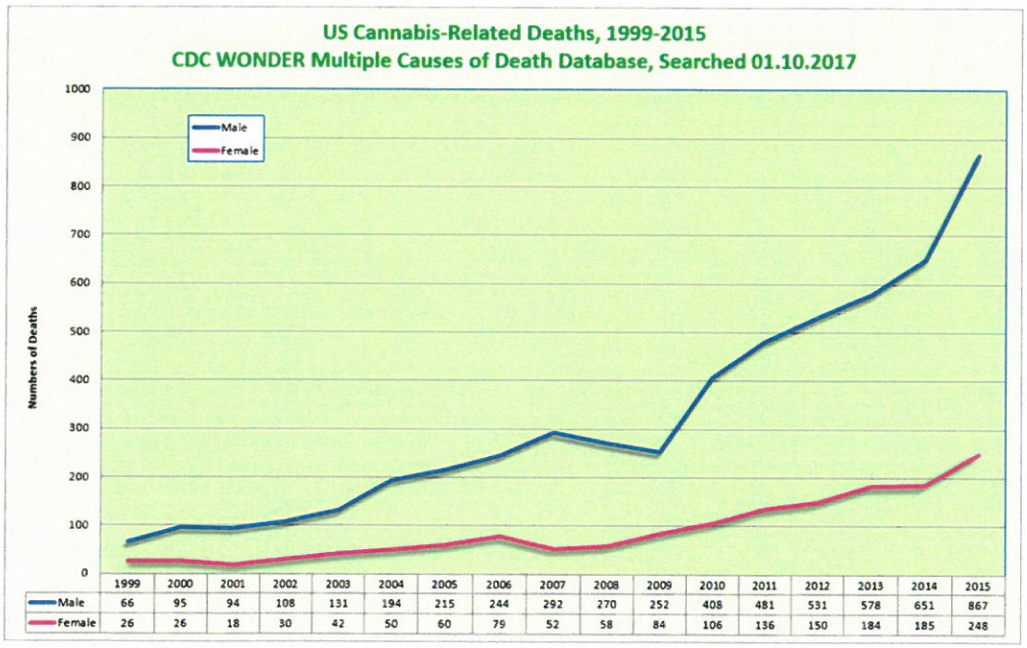
Commercialization of marijuana and profits have given rise to a powerful marijuana lobby in Colorado that has filed suit over restrictions on advertising targeting children, and sponsored efforts to allow marijuana to be smoked at restaurants. By contrast, cigarette advertising has been banned from TV since 1971.

Legalization laws are in clear conflict with the Federal Controlled Substances Act and the Supremacy Clause of the United States Constitution and international drug control treaties.

Governor Hickenlooper, of Colorado, urges "Caution" and recommends that "Other States considering legalization wait a couples of years as more data about the Colorado experiment becomes available".

Lastly, we have all heard thousands of times the completely unrealistic "urban myth" that "Nobody ever died from cannabis."

Here is the proof from CDC Wonder multiple causes of death – that this is false



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Male	66	95	94	108	131	194	215	244	292	270	252	408	481	531	578	651	867
Female	26	26	18	30	42	50	60	79	52	58	84	106	136	150	184	185	248

Other Sources: Rocky Mountain HIDTA

Former Elgin chief now in Colorado says drivers smoking legal pot is 'difficult for enforcement'

Former Elgin Police Chief Jeff Swoboda, now top cop in Fort Collins, Colorado, said legalized marijuana is one more thing that police officers have to worry about.

Posted 9/9/2019 5:30 AM

A former Elgin police chief who now leads a police department in Colorado said legalized recreational marijuana brings a variety of challenges, from driving enforcement to hiring practices.

Jeff Swoboda has been police chief for about a year in Fort Collins, a town with an estimated 175,000 residents and 10 retail marijuana shops, 10 retail marijuana cultivation centers and four manufacturing facilities of retail marijuana products, plus one pending. There are also medical marijuana centers.

"It's very prevalent," Swoboda said. "You smell it routinely."

There are many forms of the drug, from oils to edibles, so being high doesn't necessary come with the telltale smell, he said. The department has 225 officers, including two certified drug recognition experts who make about two arrests per week for driving under the influence of marijuana, he said.

"It's difficult for enforcement because there is no simple test," Swoboda said. "It's based on how they drive."

Arrests can be time-consuming because officers take drivers to the hospital for a blood test, he said. People can refuse the test but they face suspension of their driver's license. Forced blood tests occur on the fourth DUI charge, a felony, he said. Blood test results often are challenged in court, because marijuana can stay in the system for days or weeks, Swoboda said.

"It's definitely messy," he said.

The Fort Collins Police Department has a policy that all job applicants must submit to a urine test and cannot have smoked marijuana for at least a year, Swoboda said. Marijuana use seems to have become more acceptable, particularly among youths, so it isn't always easy to find such applicants, he said.

One recent job applicant said he smoked "occasionally," then clarified that he meant about five times a week, Swoboda said. "That's a different mentality," he said.

Legalized marijuana also brought a "black market" problem to Fort Collins, because people grow marijuana, often in vacant houses, to sell and ship pot across state lines, he said.

Still, beyond impaired driving, alcohol causes more problems than marijuana, Swoboda said. The city is home to Colorado State University, which has about 34,000 students. Alcohol can cause people to be belligerent and get into fights, but marijuana doesn't seem to do that, he said.

If marijuana weren't legal, police would have one less thing to worry about, Swoboda said. "It's one less intoxicant that people use and, unfortunately, get behind the wheel of a car."

NOTICE IS HEREBY GIVEN that a public hearing before the Zoning Board of Appeals of the Village of Oak Brook, DuPage and Cook Counties, Illinois, will be held on Tuesday, October 1, 2019 at 7:00 p.m. in the Samuel E. Dean Board Room of the Butler Government Center, Village of Oak Brook, 1200 Oak Brook Road, (31st Street and Spring Road), Oak Brook, Illinois 60523 for the purpose of considering the application of the Village of Oak Brook, 1200 Oak Brook Road, Oak Brook, Illinois 60523 regarding a text amendment related to prohibiting cannabis based business establishments. Any such text amendment would be as provided for under Title 13 of the Zoning Ordinance of the Village of Oak Brook, Illinois, Ordinance G-60 as amended.

The Village of Oak Brook, petitioner has submitted an application seeking approval of a proposed text amendment to Title 13, Chapter 3, General Provisions of the Zoning Regulations of the Village Code to consider adding provisions prohibiting cannabis based business establishments in any and all zoning districts within the corporate boundaries of the Village of Oak Brook. Cannabis based business establishments include, but are not limited to cultivation centers, craft growers, processing organizations, dispensing organizations, transporting organizations and cannabis lounges. The proposal will also include amendments to Title 13, Chapter 2, Definitions of the Zoning Regulations of the Village Code.

The proposed text amendment will also be reviewed by the Plan Commission at its meeting on Monday, September 16, 2019 at 7:00 p.m. in the same location.

The petitioner's application including all supporting documents is on file with the Development Services Department. Persons wishing to examine the petition documents may arrange to do so with the Development Services Department, Village of Oak Brook, 1200 Oak Brook Road, Oak Brook, IL 60523, telephone 630-368-5106.

In accord with the provisions of the American with Disabilities Act, any individual who is in need of a reasonable accommodation in order to participate in or benefit from attendance at this public meeting should contact the Butler Government Center (Village Hall), at 630-368-5010 as soon as possible before the meeting date or for TDD response (630) 990-2131 as soon as possible before the meeting date.

Charlotte Pruss
Village Clerk

Published at the direction of the Corporate Authorities and the Zoning Board of Appeals of the Village of Oak Brook, DuPage and Cook Counties, Illinois.

Published in Daily Herald September 4, 2019 (4531261)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

DuPage County

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DuPage County DAILY HERALD**. That said **DuPage County DAILY HERALD** is a secular newspaper, published in Naperville and has been circulated daily in the Village(s) of:

Addison, Aurora, Bartlett, Bensenville, Bloomingdale, Carol Stream, Darien, Downers Grove, Elmhurst, Glen Ellyn, Glendale Heights, Hanover Park, Hinsdale, Itasca, Keeneyville, Lisle, Lombard, Medinah, Naperville,Oakbrook, Oakbrook Terrace, Plainfield,Roselle, Villa Park, Warrenville, West Chicago, Westmont, Wheaton, Willowbrook, Winfield, Wood Dale, Woodridge

County(ies) of DuPage

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DuPage County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 09/04/2019
in said DuPage County DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Paula Baltzer
Designee of the Publisher and Officer of the Daily Herald

Control # 4531261

4.

VILLAGE OF
OAK BROOK
Illinois

BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS 60523

September 3, 2019

Dear Resident:

The Oak Brook Plan Commission, Zoning Board of Appeals and the Village Board will be considering a Text Amendment at the meetings scheduled below in this notice.

The application has been filed by: Village of Oak Brook
1200 Oak Brook Road
Oak Brook, IL 60523

The petitioner, the Village of Oak Brook is proposing a text amendment to the Title 13, Chapter 3, General Provisions of the Zoning Regulations of the Village Code to consider adding provisions prohibiting cannabis based business establishments in any and all zoning districts within the corporate boundaries of the Village of Oak Brook. Cannabis based business establishments include, but are not limited to cultivation centers, craft growers, processing organizations, dispensing organizations, transporting organizations and cannabis lounges. The proposal will also include amendments to Title 13, Chapter 2, Definitions of the Zoning Regulations of the Village Code.

In accord with the provisions of the American with Disabilities Act, any individual who is in need of a reasonable accommodation in order to participate in or benefit from attendance at a public meeting of the Village of Oak Brook should contact the Butler Government Center (Village Hall), at 630-368-5010 as soon as possible before the meeting date or for TDD response (630) 990-2131 as soon as possible before the meeting date.

All meetings are held in the Butler Government Center of the Village of Oak Brook, located at 1200 Oak Brook Road (31st Street and Spring Road), Oak Brook, Illinois.

Plan Commission .....7:00 p.m., Monday, September 16, 2019

Zoning Board of Appeals**..... 7:00 p.m., Tuesday, October 1, 2019

Board of Trustees Meeting..... 7:00 p.m., Tuesday, October 22, 2019***

If you desire more detailed information, please contact the Development Services Department at 630-368-5106 between 8-4, Monday through Friday, with the exception of scheduled holidays.

Sincerely,

Tony Budzikowski, AICP
Director, Development Services Department

TB/gp

**Public Hearing Body – Follows the completion of the Plan Commission review
***Tentative – Follows the completion of the Zoning Board of Appeals public hearing

4. RESIDENT/VISITOR COMMENT - Resident Leo Danielides addressed the Board regarding the flyer that was distributed on Trustee Baar. Resident Ray Cesca spoke regarding the ethylene oxide emissions from the Sterigenics plant.

5. APPROVAL OF MINUTES

A. Special Executive Meeting Minutes of April 23, 2019

Motion by Trustee Cuevas, seconded by Trustee Manzo, to approve the Minutes of the Special Executive Meeting Minutes of April 23, 2019. VOICE VOTE: Motion carried.

B. Special Board of Trustees Meeting Minutes of June 11, 2019

Motion by Trustee Baar, seconded by Trustee Cuevas, to approve the Minutes of the Special Board of Trustees Meeting Minutes of June 11, 2019. VOICE VOTE: Motion carried.

C. Regular Board of Trustees Meeting of June 11, 2019

Motion by Trustee Baar, seconded by Trustee Manzo, to approve the Minutes of the Regular Board of Trustees Meeting Minutes of June 11, 2019. VOICE VOTE: Motion carried.

6. CONSENT AGENDA:

All items on the Consent Agenda are considered to be routine in nature and will be enacted in one motion. There will be no separate discussion of these items unless a Board member so requests, in which event, the item will be removed from the Consent Agenda and considered as the first item after approval of the Consent Agenda.

A. Accounts Payable for:

Period Ending June 20, 2019 - $ 818,416.21

Period Ending July 3, 2019 - $465,857.26

Significant Items included in Above:

1) LEGAL SERVICES:
   a) Ancel, Glink, P.C., - Legal Services – June 13, 2019 - $8,500.00
   b) Ancel, Glink, P.C., - Legal Services – June 13, 2019 - $3,266.25 (FY19 YTD - $51,811.25)
   c) Rathje Woodward, LLC - Legal Services – June 6, 2019 - $2,166.00
   d) Rathje Woodward, LLC - Legal Services – June 6, 2019 - $528.00 (FY19 YTD - $23,952.99)
   e) Clark Baird Smith, LLP - Legal Services – May 31, 2019 - $4,928.50 (FY19 YTD - $14,424.00)

   TOTAL LEGAL BUDGET FOR 2019 IS $294,000

   TOTAL LEGAL BILLS PAID FOR 2019- YTD - $99,666.40
2) Burke, LLC - Salt Storage Site Work and B & T Circle Reconstruction Improvements - $83,549.81
3) Burns & McDonnell Engineering Co., Inc. - Professional Engineering Services - $24,853.44
4) Christopher B. Burke Engineering, LTD. - Professional Service - $33,783.50
5) DuPage Water Commission - May 2019 - $351,736.84
6) Health Care Services – BCBS HMO – July 2019 - $37,055.93

7) Paramedic Services of Illinois, Inc. - June 2019 - $67,833.33
8) Ravenswood Event Services - Taste of OB - $51,613.50
9) IDOT - Construction Costs - $34,670.44

B. Approval of Payroll for Pay Period Ending:

1. June 15, 2019 - $796,018.58

2. June 29, 2019 - $829,429.27

C. Development Services Referrals

1. Zoning Ordinance Text Amendment – Prohibit Recreational Cannabis based Businesses

D. Ordinances & Resolutions

1. ORDINANCE 2019-ZO-PUD-EX-S-1573, An Ordinance Approving a Planned Development for a Restaurant 2001, 2015, and 2021 Spring Road (Commerce Plaza)

2. ORDINANCE 2019-PP-S-1574, An Ordinance Authorizing the Sale Through Electronic Auction or Broker, Donation or Disposal of Certain Items of Personal Property Owned by the Village of Oak Brook

3. RESOLUTION 2019-JS-AG-R-1815, A Resolution Approving an Amendment to the Agreement By and Between the Village of Oak Brook and Perfect Cleaning Service Corp. to Provide Janitorial Services

4. RESOLUTION 2019-LY-GAS-CNTRCT-R-1816, A Resolution Approving the Waiver of Competitive Bidding and Authorizing the Village to Enter into a Contract with Trane U.S. Inc. for the Oak Brook Library Building Automation system and Controls Upgrade Project

5. RESOLUTION 2019-ENG-WA-MAIN-AG-R-1817, A Resolution Approving and Authorizing an Agreement By and Between the Village Of Oak Brook and Burke L.L.C. for Designer-Led Design-Build of the 2019 Water Distribution Improvements

6. ORDINANCE 2019-TO-RR-G-1151, An Ordinance Amending Chapter 6 of Title 4 of the Village Code of the Village of Oak Brook, Illinois Regarding Changes to the Age Limit for Tobacco, Electronic Cigarettes and Alternative Nicotine Products

E. Village of Oak Brook - Monthly Financial Reports – May 2019

F. Emergency Repair AC #1 Fire Station 94

Motion by Trustee Baar, seconded by Trustee Manzo, to approve the Consent Agenda, with the exception of Items 6. D.1., and authorize expenditures as presented.
ROLL CALL VOTE:
Ayes: 6 – Trustees Baar, Cuevas, Manzo, Saiyed, Tiesenga, Yusuf
Nays: 0 – None

2.a

Abstain: 0 – None
Absent: 0 – None
Motion carried.

7. ITEMS REMOVED FROM CONSENT AGENDA

6.D.1 ORDINANCE 2019-ZO-PUD-EX-S-1573, An Ordinance Approving a Planned Development for a Restaurant 2001, 2015, and 2021 Spring Road (Commerce Plaza)

Motion by Trustee Manzo, seconded by Trustee Tiesenga, that the Village approve Ordinance S-1573, which approves a Planned Development with departures from standard for the property located at 2001, 2015 and 2021 Spring Road to permit and allow the construction of a 39,000 SF restaurant outlot.

Trustee Manzo expressed his concern that the Board be able to take action if operational deficiencies were to arise. He thought that some language should be included in the ordinance to set operating standards for the property. Attorney Jones noted that as tenants change in the building, they would need to meet the code requirements. Comments were made by the Board and questions were addressed by Ms. Jan Goldsmith (Zeller Development Corporation) and Bridget O'Keefe (Daspin & Aument LLP). Attorney Jones suggested the following language be included in the ordinance "upon receiving written or verbal notice from the Village regarding valet and operational deficiencies, including without limitation traffic backups on Spring Road, the developer shall have 30 days to propose operational improvements to the Village, receive the Director of Community Development approval of same, and implement said operational improvements".

ROLL CALL VOTE (as amended):
Ayes: 4 – Trustees Baar, Cuevas, Manzo, Yusuf
Nays: 2 – Trustees Saiyed, Tiesenga
Abstain: 0 – None
Absent: 0 – None
Motion carried.

8. BOARD & COMMISSION RECOMMENDATIONS

A. Exeter 711 Jorie, LLC – 711 Jorie Blvd and Nicor Property – Variations to construct off-street parking spaces in the required yards along 22nd Street and Jorie Blvd.

Motion by Trustee Baar, seconded by Trustee Manzo, that the Village Board concur with the recommendation from the Zoning Board of Appeals approving the requested variation to Sections 13-12-3H and 13-12-3H.2 of the Zoning Regulations for the property located 711 Jorie Blvd. to permit and allow the construction of 137 off- street parking spaces in the required yards, subject to the following:

1. **The proposed parking lot addition shall be constructed in substantial conformance to the plans as revised and approved;**
2. **The applicant shall provide a commitment for installation/replacement and maintenance of all new landscaping improvements;**

VILLAGE OF
OAK BROOK
Illinois

ITEM 6.C

BOARD OF TRUSTEES MEETING
SAMUEL E. DEAN BOARD ROOM
BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS
630-368-5000

AGENDA ITEM

Regular Board of Trustees Meeting
of
July 9, 2019

SUBJECT: Zoning Ordinance Text Amendment – Prohibit Recreational Cannabis based Businesses

FROM: Tony Budzikowski, AICP, Development Services Director

BUDGET SOURCE/BUDGET IMPACT: N/A

RECOMMENDED MOTION: I move that the Village Board direct the Village Attorney and Staff to draft the necessary provisions for a text amendment to the Zoning Ordinance to prohibit recreational cannabis based businesses.

Background/History:

Staff has received a Village Board request to discuss and evaluate the feasibility of adding provisions to the Zoning Ordinance for recreational based cannabis businesses. On May 31, 2019, both chambers of the Illinois General Assembly passed House Bill 1438, which means that the when Governor J.B. Pritzker signs the bill, as expected, the Cannabis Regulation and Tax Act will be effective immediately, beginning preparation for the lawful use and sale of recreational cannabis by adults after January 1, 2020.

The proposed law allows local governments to "opt-out" by prohibiting or significantly limiting businesses in their jurisdiction. Cannabis based businesses include, but are not limited to dispensaries, cultivation centers, craft growers, processing organizations, transportation organizations and cannabis lounges.

This text amendment will be placed on a future Plan Commission agenda for review, discussion and recommendation. The Zoning Board of Appeals will then conduct a public hearing in order to review the text amendment and provide a recommendation to the Mayor and Board of Trustees.

Recommendation:
Staff recommends that a draft ordinance be prepared and placed on a future Plan Commission agenda to begin the text amendment process.

VILLAGE OF
OAK BROOK
Illinois

BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS 60523

PETITION APPLICATION for PUBLIC HEARING

ZONING ORDINANCE: ☐ APPEAL ($300) ☐ VARIATION ($750)

☒ AMENDMENT ~~($750)~~ ☐ SPECIAL USE (~~$750~~)

STORMWATER ORDINANCE: ☐ VARIATION ($750)

PUBLIC HEARING SIGNS ($50- each lot frontage) ☐ **N/A** - Enter Number of Street Frontages/Per Parcel

APPLICANT TO COMPLETE

NOTE: ALL APPLICATIONS ARE TO BE RECEIVED BY THE DIRECTOR OF COMMUNITY DEVELOPMENT AND AFTER AN INITIAL REVIEW WILL BE FILED WITH THE VILLAGE CLERK.

LOCATION OF SUBJECT PROPERTY N/A PERMANENT PARCEL NO*. ____-____-____-____

LOT NO. N/A LEGAL ADDRESS* 1200 Oak Brook Road

ZONING DISTRICT N/A ZONING ORDINANCE SECTION Amend Chapter 3 – General Zoning Provisions and amend Chapter 2 – Definitions

ACTION REQUESTED Text Amendment to prohibit the sale of recreational cannabis (marijuana) and text amendment to add related definitions

PROPERTY INTEREST OF APPLICANT: OWNER X CONTRACT PURCHASER ____ AGENT ____

OWNER(S) OF RECORD N/A PHONE ____

ADDRESS ____ CITY ____ STATE ____ ZIP ____

BENEFICIARY(IES) OF TRUST N/a PHONE ____

ADDRESS ____ CITY ____ STATE ____ ZIP ____

NAME OF APPLICANT(and Billing Information) Village of Oak Brook Riccardo Ginex, Village Manager PHONE 630-368-5000

ADDRESS 1200 Oak Brook Road CITY Oak Brook STATE IL ZIP 60523

Contact Name and E-mail Address(s) ____

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief.

Riccardo Ginex, Village Manager — July 9, 2019 Date

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

Date Filed July 9, 2019 Fee Paid $ N/A Receipt No. N/A Received By Gail Polanek

Board of Trustees (Referral) July 9, 2019 Notice Published September 4, 2019 Newspaper Daily Herald Adj. Property Owners Notified N/A 9/3 HOA

PUBLIC HEARING DATES: Plan Commission September 16, 2019 Zoning Board of Appeals *October 1, 2019

Board of Trustees *October 22, 2019 Board of Trustees * November 12, 2019 (Approval of Ordinance)

SIGNED - VILLAGE CLERK Charlotte K Cruss Date July 9, 2019

*Date Scheduled as it completes each Commission/Board

A.

Certification
Surrounding Property Owners

I (we) certify that the names and addresses of all the surrounding property owners including mailing labels submitted with this application are located within a minimum distance of 250 feet in all directions from the perimeter of the subject property and that the number of feet occupied by all public roads, streets, alleys, and public ways has been excluded in computing the 250-foot requirement.

Said names and addresses are as recorded in the office of the County Recorder of Deeds (or the Registrar of Titles of the County) and as appear from the authentic tax records of this County. The property owners as listed have been obtained from the Township Assessors office within 30 days of the filing of this application.

The surrounding property owners list as submitted herewith and supporting attachments are true to the best of my (our) knowledge and belief.

I (we) give permission to the Village to install public hearing sign(s) on the lot frontages of the subject property as described in the Village Code. In addition to the required application fees, applicant/owner agrees to reimburse the Village for publication costs, recording fees, and any other associated costs or fees within 30 days of billing.

		Riccardo Ginex, Village Manager	
Printed Name of Owner		Printed Name of Applicant	
		Riccardo Ginex	7-9-19
Signature of Owner	Date	Signature of Applicant	Date

BILL TO INFORMATION:

Village of Oak Brook	Finance Department	
Print Name/Company	Contact Person	Contact Phone
1200 Oak Brook Road	Oak Brook, IL 60523	
Address To be Billed		Alternate Phone

NOTE: If the applicant/owner has not complied with these requirements and notification has not been sent to a neighboring property owner within the 250-foot requirement less than 10 days prior to the scheduled hearing, the hearing on this matter will be postponed to the next regular meeting, or until such time as all neighbors within the 250-foot requirement have been sent proper notification.

B.

NAMES OF SURROUNDING PROPERTY OWNERS

Following are the names and addresses of all surrounding property owners from the property in question for a distance of approximately 250 feet in all directions. The number of feet occupied by all public roads, streets, alleys, and public ways have been **excluded** in computing the 250-foot requirement. Said names are as recorded in the office of the County Recorder of Deeds (or the Registrar of Titles of the County) and as they appear from the authentic tax records of this County within 30 days of the filing of this application. **Provide a mailing label for each Property Owner listed**.

Note: The people on this list will be notified by mail with the information about your request and the meeting schedule.

NAME OF PROPERTY OWNER	MAILING ADDRESS OF PROPERTY OWNER	PROPERTY ADDRESS	PARCEL NUMBER
	Notice to be sent to all Homeowner Associations		

(Attach additional sheets if necessary)

C.

ZONING AMENDMENT FACTORS
- Recreational Cannabis (Marijuana)
CHANGE ALL BELOW

(a) The character of the neighborhood.

RESPONSE: The intent of the proposed text amendment is to prohibit cannabis-based businesses in the Village of Oak Brook to protect the public, health, safety and well-being.

(b) The extent to which property values are diminished by the particular zoning restrictions;

RESPONSE: The proposed text amendment will protect all properties to preserve their value and maintain a higher standard in commercial and office districts.

(c) The extent to which the removal of the existing limitations would depreciate the value of other property in the area;

RESPONSE: The amendment will prohibit the sale of recreational cannabis within the Village and will protect, not diminish the value of properties in the area.

(d) The suitability of the property for the zoned purposes.

RESPONSE: Same as item (c) above

(e) The existing uses and zoning of nearby property.

RESPONSE: Zoning outside of Oak Brook would be that of bordering municipalities including the Villages of Westchester, Hinsdale, Westmont, Downers Grove, Elmhurst, Lombard, Oakbrook Terrace to the west and commercial areas of the village along all other streets.

(f) The length of time under the existing zoning that the property has remained unimproved, considered in the context of land development;

RESPONSE: Not applicable.

(g) The relative gain to the public as compared to the hardship imposed on the individual property owner;

RESPONSE: The intent is to protect the public health, safety and general well-being with text amendment proposed.

(h) The extent to which the proposal promotes the health, safety, morals or general welfare of the public;

RESPONSE: The proposed amendment will prohibit the sale of recreational cannabis within the Village and will protect the public.

D.

(i) The relationship of the proposed use to the Comprehensive Plan; and

RESPONSE: Not Applicable.

(j) The community need for the use proposed by the property owner.

RESPONSE: The proposed amendment has been prepared with the intent and purpose that there is not a community need for recreational cannabis and cannabis-based businesses are deemed unnecessary in the Village of Oak Brook.