

## A G E N D A



REGULAR MEETING OF THE LAWS AND ORDINANCES COMMITTEE TO BE HELD ON MONDAY, SEPTEMBER 14, 2020, AT 5:30 P.M. AT THE VILLAGE HALL, 835 MIDWAY DRIVE, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS  
DUE TO THE COVID 19 PANDEMIC THE VILLAGE WILL BE UTILIZING A CONFERENCE CALL FOR THIS MEETING.

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

**Dial in Phone Number:** **312 626 6799**

**Meeting ID:** **810 2971 2283**

**Passcode** **801936**

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES – August 10, 2020 (Approve)

4. DISCUSS – Chapter 13 Solicitors Regulations

5. DISCUSS – Retail Tobacco Store and Smoking Lounge Text Amendment (Plan Commission Public Hearing September 23, 2020)

6. DISCUSS – DISCUSS – Fence Enhancement Text Amendment (Plan Commission Public Hearing October 7, 2020)

7. DISCUSS – Business License Late Fees

8. DISCUSS - Signage Permit Fees

9. DISCUSS – Adult Use Cannabis Definitions and District

10. ON GOING REVIEWS

- a) Code Enhancements for Chapter 9 Hotels – Rooming Houses
- b) Food Truck Licensing Requirements
- c) Outdoor Sales for Service Stations and Grocery / Drug Stores
- d) BYOB Licenses

11. FUTURE ZONING CASES

- a) Special Use Permit for a Smoking Lounge – October 7, 2020
- b) Hinsdale Lake Commons PUD Amendment – Drive Thru Sketch Plan Review October 7, 2020

12. COMMITTEE REPORTS

13. VISITOR'S BUSINESS

(Public comment is limited to three minutes per person)

14. ADJOURNMENT

**Mayor**

Frank A. Trilla

**Village Clerk**

Leroy R. Hansen

**Village Trustees**

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

**Village Administrator**

Brian Pabst

**Chief of Police**

Robert Schaller

**Director of Finance**

Carrie Dittman





MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, AUGUST 10, 2020 AT 5:30 PM AT THE WILLOWBROOK VILLAGE HALL, LOWER LEVEL CONFERENCE ROOM, 835 MIDWAY DRIVE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Chairman/Trustee Terry Kelly called the meeting to order at the hour of 5:30 pm. It was noted that this meeting was held via conference call due to the Covid-19 pandemic.

2. ROLL CALL

Those present in person at roll call were Chairman Terrence Kelly, Trustee Gayle Neal, and Assistant Village Administrator Michael Mertens.

Present via Conference Call, Due to the Covid-19 Pandemic, were Trustee Umberto Davi, Building Official Roy Giuntoli, Village Attorney Thomas Bastian, and Karyn Byrne, 3<sup>rd</sup> Party Code Enforcement Officer.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting July 13, 2020

MOTION: Motion Made by Trustee Davi to approve the minutes from the July 13, 2020 Law and Ordinances Committee meeting, second by Trustee Neal. Roll call, all in favor.

MOTION CARRIED

4. DISCUSSION – Code Enhancements for Chapter 9 Hotels – Rooming Houses

Assistant Village Administrator Mertens provided a current project status to date with the proposed code enhancements. Code Enforcement Officer Byrne was present to provide additional property maintenance feedback and assistance with the proposed code enhancements.

The proposed updates to the codes are focused to be more in line with industry standards and best practices, incorporate yearly inspections for property maintenance, health & sanitation issues.

The Committee had discussed various code enhancements at the June 8th & 13<sup>th</sup> Committee meeting. Assistant Administrator Mertens he provided a redline version of the recommended changes to date in the Committee packet.

The proposed enhancements will tie yearly inspections into the hotel's business license process. Building Official Giuntoli added that the form staff was requested to create for the annual inspection was also included in the packet.

Code Enforcement Officer Byrne noted that our ordinances had two different definitions and recommended that all definitions be consistent through the code. Village Attorney Thomas Bastian stated several areas, including section 3-9-3 needs to be changed. He also recommended tying in the requirements for a business license with the Liquor License. It was recommended to change section 3-9-5 wording to include a minimum per year inspection to current wording, as well as follow up inspections as needed.

Trustee Davi recommended that the wording in section 3-9-6 specify inspections may be warranted for reoccurring violations. It was suggested to add that a License is subject to revocation for failure to clear violations via Village Board Public Hearing Process. The Village would need a separate Ordinance empowering Village Board to conduct the process, including the right to appeal right and a majority vote needed.

Staff will review a separate ordinance to identify additional inspections fees, if needed. Attorney Bastian recommended a change of the per violation per day language with notices to be served by personal service and to remove the registered mail wording replace it with certified mail.

Code Enforcement Officer Byrne recommended adding a new section titled Scope of Inspections and defining what will be inspected by staff such as define a percentage of units to be inspected, and staff to choose rooms at random at time of inspection. Add wording to include a transfer of ownership inspection and that Business License do not automatically transfer to new owner. An Inspection would be required at change of ownership. Ownership criteria should be defined, possibly set at over 5%. Trustee Neal suggested that a separate section be added for the transfer of ownership requirements.

Code Enforcement Officer Byrne suggested a business license cannot be transferred, or until a point that all identified property maintenance issues have been addressed and inspected by staff. If a new owner assumes the responsibility to make repairs, they have a limited time, i.e. 90 days with a performance bond to assure compliance.

Attorney Bastian advised that the change of ownership would only be applied to a new corporate owner with a new legal entity. Consideration of doing background checks on a new owner.

## 5. DISCUSSION – Chapter 13 Solicitors Regulations

Assistant Village Administrator Mertens stated that Trustee Neal asked that the Committee to review Chapter 13 Solicitors regulations to update the language to include industry standards best practices.

Solicitations permits for charitable and commercial organizations are processed through the

Deputy Clerk's office. The Deputy Clerk notifies Police Department when a certificate is issued. Solicitations are currently prohibited from November 1<sup>st</sup> to March 31<sup>st</sup> with the hours of operation from 9:00 AM to 9:00 PM or Dusk, whichever occurs sooner in the evening. Currently there no fee is assessed. It was recommended that dates and hours of operation be researched. The overall submittal / permit issuance process needs to be reviewed as it appears that the current procedure is not followed at this time. Financial disclosures are currently required. The Police Chief was to issue signage. Background checks are currently not being done as part of the permit process.

Trustee Kelly advised that this section was created in this form on purpose. Often solicitors were at busy intersections causing disruptions. The process was created to address concerns for safety reasons. Trustee Neal advised that neighboring communities had recently noted an increase in door-to-door solicitations. She advised that the Village of Hinsdale has a code chapter 11 on same matter for comparison. Trustee Neal agrees that a fee should be accessed, and the Deputy Clerk is researching fees at this time. Other areas of review should be hours of operation, and background checks. The code should be updated to freedom of speech rights and if vests are to be supplied by the community a deposit should be required.

Attorney Bastian advised that many solicitation ordinances were challenged based on 1<sup>st</sup> Amendment rights. A HOA has the right to deny access to solicitors. The requirement of a driver's license should be replaced with a State issued identification.

**6. ON GOING REVIEWS**

- a. Food Truck Licensing Requirements – Needs further review by the attorney.
- b. Signage Permit Fees - Building Official Giuntoli stated that he is doing his ongoing research.
- c. Outdoor Sales for Service Stations- Building Official Giuntoli stated that he is doing his ongoing research.
- d. Business License Late Fees- Late Fees will be reviewed.
- e. BYOB Licensing – Further staff review on the subject is needed.

**7. COMMITTEE REPORTS**

- Trustee Gayle Neal: No Report
- Trustee Umberto Davi: No Report
- Chairman Kelly: Reported that this is likely his last meeting as the Chairman of the Law and Ordinance Committee.

**8. VISITOR'S BUSINESS**

NONE

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Law & Ordinances  
August 10, 2020

9. ADJOURNMENT

Trustee Davi made a motion to adjourn, seconded by Trustee Neal.

Roll Call: Trustees Davi and Neal: Yes. Chairman Kelly: No

Motion carries, and the meeting adjourned at 6:22 pm

PRESENTED, READ, and APPROVED

\_\_\_\_\_, 2020

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CHAIRMAN

Minutes prepared by  
Roy A. Giuntoli, Building Official (09/09/2020)

## LAW AND ORDINANCES COMMITTEE MEETING

### AGENDA ITEM SUMMARY SHEET

#### AGENDA ITEM DESCRIPTION

##### DISCUSS – Chapter 13 Solicitors Regulations

#### COMMITTEE REVIEW

- Finance/Administration
- Municipal Services
- Public Safety
- Law & Ordinances

Meeting Date: September 14, 2020

<input type="checkbox"/> Discussion Only	<input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date)
<input checked="" type="checkbox"/> Seeking Feedback	<input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board)
<input type="checkbox"/> Regular Report	<input type="checkbox"/> Report/documents requested by Committee

#### BACKGROUND:

Trustee Neal has requested the Village review its ordinances for solicitors operating within the community. The proposed review is to seek feedback from the Committee on possible enhancements to the Village code and permit process.

The current Village ordinance language that relates to Solicitors can be found in Chapter 13 of the Village code. Solicitation applications are processed through the Deputy Clerks office. There are two (2) types of Solicitors Permits - Charitable and Commercial.

The Deputy Clerk receives the application. We require a driver's license for all solicitors and certificate of insurance. Solicitation is prohibited between November 1 through March 31. The solicitation hours are 9:00 a.m. to 9:00 p.m. or dusk whichever is earlier in the day. The Deputy Clerk will issue a certificate of registration and then provide a copy of it for the police department. We currently do not charge a fee for the solicitation permit.

Areas of the current code that the Village will look to streamlining the current ordinance, including adding more definitions, change the name Certificate of Registration Required to Permit Required including and creating penalties and adding a clause for First Amendment rights.

#### STAFF RECOMMENDATION:

Once further research is completed recommendations on the following areas will be provided for further consideration by the committee:

1. Definitions,
2. Permit Required,
3. Permit Exemption for Minors,
4. Solicitation Permit,
5. Regulations Applicable to all Solicitation,
6. Charitable Solicitation on Public Rights-of-way,
7. Violations Declared to be Nuisances,
8. Effective Period,

- 9. Revocation,
- 10. Appeal and Denial or Revocation,
- 11. Change in Information,
- 12. Administrative Records,
- 13. Penalty and,
- 14. Free Speech Rights.

Upon completing the research, the recommendations will be presented back to the Committee for further consideration.



EST. 1960

# Willowbrook

835 Midway Drive  
Willowbrook, IL 60527-5594

Phone: (630) 323-8215 Fax: (630) 323-0787 [www.willowbrookil.org](http://www.willowbrookil.org)

## Mayor

Frank A. Trilla

## Village Clerk

Leroy R. Hansen

## Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

## Village Administrator

Tim Halik

## Chief of Police

Robert Schaller

## Director of Finance

Carrie Dittman

## SOLICITORS

### APPLICATION FOR ~~CERTIFICATE OF REGISTRATION~~ ~~CHARITABLE~~ SOLICITATION

1. The name and address of the charitable or commercial organization/person and the name or names under which it/he intends to engage in solicitation.

\_\_\_\_\_  
Phone No. \_\_\_\_\_

2. The name and address of the person in charge of solicitation in the Village and an address within the State of Illinois where service of process may be had.

\_\_\_\_\_  
Phone No. \_\_\_\_\_

3. The names and address of all persons who will engage in solicitation in the Village.

\_\_\_\_\_  
\_\_\_\_\_

4. Provide a copy of a valid state identification card/license with a visible picture of **all** persons engaged in such solicitation

\_\_\_\_\_  
\_\_\_\_\_

5. The dates and time of day such solicitations are to be made and the geographic area within the Village wherein such solicitation shall be conducted at a particular time and day.

\_\_\_\_\_  
\_\_\_\_\_



Proud Member of the  
Illinois Route 66 Scenic Byway

6. The date, or approximate date, of the latest previous application for a certificate under this Chapter, if any.  

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7. Has a certificate of registration issued to the applicant under this Chapter ever been revoked?  

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8. Has the applicant ever been convicted of a violation of any of the provisions of this Chapter, or the ordinances of any other Illinois municipality regulating solicitation?  

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9. Provide a written statement of **recent date** issued by the Attorney General of Illinois that the charitable organization has complied with the provisions of "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes..", 225 ILCS ACT 460.
10. Provide a copy of the **most recent annual report** filed with the Illinois Attorney General pursuant to 225 ILCS 560/4. In the event a charitable organization has not yet been required to file an annual report, a copy of the registration statement filed with the Attorney General of Illinois pursuant to 225 ILCS 460/2 may be utilized.
11. Provide a **current** copy of Certificate of Insurance adding the Village of Willowbrook as additional insured.

I have received a copy of the Village of Willowbrook's Ordinance - "Chapter 13 - Solicitation" and do hereby agree to adhere to all said regulations and abide by them as set forth by Ordinance.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# Willowbrook

835 Midway Drive  
Willowbrook, IL 60527-5594

EST. 1960

Phone: (630) 323-8215 Fax: (630) 323-0787 [www.willowbrookil.org](http://www.willowbrookil.org)

## SOLICITORS

### APPLICATION FOR CERTIFICATE OF REGISTRATION COMMERCIAL SOLICITATION

#### Mayor

Frank A. Trilla

#### Village Clerk

Leroy R. Hansen

#### Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

#### Village Administrator

Tim Halik

#### Chief of Police

Robert Schaller

#### Director of Finance

Carrie Dittman

1. The name and address of the charitable or commercial organization/person and the name or names under which it/he intends to engage in solicitation.

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2. The name and address of the person in charge of solicitation in the Village and an address within the State of Illinois where service of process may be had.

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Phone No.

3. The names and addresses of all persons who will engage in solicitation in the Village.

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4. The dates and time of day such solicitations are to be made and the geographic area within the Village wherein such solicitation shall be conducted at a particular time and day.

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5. A copy of a valid state identification card/license with a visible picture of all persons engaged in such solicitation.

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6. The date, or approximate date, of the latest previous application for a certificate under this Chapter, if any.

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Illinois Route 66 Scenic Byway

7. What product or service are you selling?  
\_\_\_\_\_  
8. Has a certificate of registration issued to the applicant under this Chapter ever been revoked?  
\_\_\_\_\_  
9. Has the applicant ever been convicted of a violation of any of the provisions of this Chapter, or the ordinances of any other Illinois municipality regulating solicitation?  
\_\_\_\_\_  
10. Name and address of the person or organization whom the applicant is employed by or represents, and the length of time of such employment or representation.  
\_\_\_\_\_  
\_\_\_\_\_  
11. A description sufficient for identification of the subject matter of the solicitation which the applicant will engage in.  
\_\_\_\_\_  
\_\_\_\_\_  
12. Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State, or of a Federal law of the United States?  
\_\_\_\_\_  
\_\_\_\_\_  
13. I have attached a copy of Certificate of Insurance adding the Village of Willowbrook as additional insured.

I have received a copy of the Village of Willowbrook's Ordinance - "Chapter 13 - Solicitation" and do hereby agree to adhere to all said regulations and abide by them as set forth by Ordinance.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Chapter 13 SOLICITORS

### 3-13-1: DEFINITIONS:

The following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is required by the context:

**AGGRESSIVE SOLICITATION:** A mode of prohibited solicitation hereafter defined in section 3-13-11 of this chapter.

**AUTOMATED TELLER MACHINE:** Any automated teller machine (ATM) hereafter defined in section 3-13-11 of this chapter.

**BANK:** Any bank or financial institution hereafter defined at section 3-13-11 of this chapter.

**CHARITABLE ORGANIZATION:** Any benevolent, philanthropic, patriotic, not for profit, religious or eleemosynary person or one purporting to be such which solicits and collects funds for charitable purposes.

**CHARITABLE PURPOSE:** Any charitable, benevolent, philanthropic, patriotic, not for profit, religious or eleemosynary purpose.

**CHARITABLE SOLICITATION:** Any request for the donation of money, property or anything of value or the pledge of a future donation of money, property or anything of value; or the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions to publications or brochures, upon the representation, express or implied, that the proceeds of such sale will be used for a "charitable purpose" as such term is herein defined.

**COMMERCIAL SOLICITATION:** Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever.

**PERSON:** Any individual, organization, group, association, partnership, corporation, trust or any combination thereof.

**REGISTERED SOLICITOR:** Any person who has obtained a valid certificate of registration as hereinafter provided, which certificate is in the possession of the solicitor, conspicuously displayed on his or her person while engaged in solicitation.

**SOLICITATION:** Any verbal request hereafter defined at section 3-13-11 of this chapter.  
(Ord. 13-O-09, 4-8-2013)

### **3-13-2: CERTIFICATE OF REGISTRATION REQUIRED:**

It shall be unlawful for any charitable organization to engage in charitable solicitation for charitable purposes, or for any person to engage in commercial solicitation within any residentially zoned district under the Village of Willowbrook zoning ordinance, within the corporate limits of the Village, unless such organization or person shall have first obtained a certificate of registration from the Village as hereinafter provided. (Ord. 13-O-09, 4-8-2013)

### **3-13-3: APPLICATION FOR CERTIFICATE OF REGISTRATION:**

An application for a certificate of registration shall be made upon a form provided by the Village. The applicant shall be given a copy of this chapter, acknowledge its contents, and agree to comply with all its requirements. The applicant shall truthfully state in full the following information requested on the application:

- (A) The names and addresses of the charitable or commercial organization(s)/person(s) and the name or names under which it/he intends to engage in solicitation.
- (B) The name and address of the person to be in charge of such solicitation in the Village and an address within the State where service of process may be had.
- (C) The names and addresses of all persons who will engage in such solicitation in the Village.
- (D) An acknowledgment stating that the names and addresses of all persons who will engage in such solicitation in the Village shall be verified by valid State identification with visible photo.
- (E) A statement acknowledging both the identity of the soliciting organization, agency or project and that the same must be engaged in a Nationwide or Statewide fundraising activity when soliciting within the Village.
- (F) A statement of the dates and times of the day when such solicitation will occur and the geographic area within the Village wherein such solicitation will be conducted at that particular time and day.

- (G) A statement of the date, or approximate date, of the applicant's last previous application for a certificate of registration under this chapter, if any.
- (H) A statement as to whether a certificate of registration issued to the applicant under this chapter has ever been revoked.
- (I) A statement as to whether the applicant has ever been convicted of a violation of any of the provisions of this chapter, or the ordinances of any other Illinois municipality's solicitation regulations.
- (J) A written statement of recent date issued by the Attorney General of Illinois that the charitable organization has complied with the provisions of "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes...", 225 Illinois Compiled Statutes 460/1 et seq., or a written statement by the Attorney General of exemption under 225 Illinois Compiled Statutes 460/3 (applies only to charitable solicitation).
- (K) A copy of the most recent annual report filed with the Illinois Attorney General pursuant to 225 Illinois Compiled Statutes 460/4. In the event a charitable organization has not yet been required to file an annual report, a copy of the registration statement filed with the Attorney General of Illinois pursuant to 225 Illinois Compiled Statutes 460/2, may be utilized (applies only to commercial solicitation).
- (L) A statement by the applicant listing the names and addresses of the person(s) or organization(s) whom the applicant is employed by or represents, and the length of time of such employment or representation (applies only to commercial solicitation).
- (M) A description sufficient for identification of the subject matter of the solicitation which the applicant will engage in (applies only to commercial solicitation).
- (N) A statement as to whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state, or of a Federal law of the United States (applies only to commercial solicitation).
- (O) A statement by the applicant acknowledging that no person shall stand on any street, highway or roadway within the Village, or on any right-of-way of the same for the purpose of peddling or soliciting contributions except that persons soliciting charitable contributions from the occupant of any vehicle may do so upon satisfying all requirements of this chapter.

- (P) A statement by the applicant acknowledging that solicitation under this chapter shall be allowed only at intersections where all traffic is required to come to a full stop.
- (Q) A statement by the applicant acknowledging that solicitation shall be limited to a specific intersection or intersections and within a one hundred foot (100') distance along each leg of the said specific intersection(s).
- (R) A statement by the applicant acknowledging that the soliciting organization shall be responsible for supervising and controlling the conduct of all persons soliciting as listed on the approved application for a certificate of registration.
- (S) A statement by the applicant acknowledging that all persons soliciting for the contribution of funds or anything of value on any public street shall not obstruct vehicular traffic or pedestrian traffic and shall fully comply with all local and State traffic regulations.
- (T) A statement by the applicant acknowledging that all persons engaged in the act of solicitation on a roadway shall be a minimum of sixteen (16) years of age and shall wear a high visibility vest at all times. The high visibility vest shall be provided by the soliciting organization and subject to Village approval. Further, said individual shall have readily visible on their person the Village of Willowbrook certificate of registration identification provided by the Village Clerk.
- (U) A statement by the applicant acknowledging that any solicitation on the roadway shall only be allowed where there is a center dividing median area separating vehicle travel lanes.
- (V) A statement by the applicant acknowledging that every solicitor engaged in soliciting on any real property owned by the Village or within the Village and the business or organization represented by the solicitor shall be liable for all injuries to any person or property that occurs during or as a result of such solicitation and which is casually related to an act of ordinary negligence of the solicitor or the business or organization the solicitor represents.
- (W) A statement by the applicant acknowledging that the certificate of registration approving its solicitation on a given intersection of a public street within the Village limits shall be restricted to one soliciting organization soliciting on the public streets within the Village at one time; and, that a certificate of registration approval list shall be determined by the order in which complete applications for the said certificates are filed with the Village.

(X) A statement by the applicant acknowledging the following: 1) that all persons engaging in solicitation on its behalf are prohibited from engaging in any act of "aggressive solicitation" as that term is defined at section 3-13-11 of this chapter; 2) that any person who commits an act of "aggressive solicitation" prohibited by the said section 3-13-11 of this chapter shall be subject to a fine as provided in the general penalty provisions of section 1-4-1 of this Code; and, 3) that any certificate of registration to engage in charitable or commercial solicitation in this Village previously obtained by any registrant shall be revoked by the Mayor and Board of Trustees upon a finding that any person soliciting on the registrant's behalf has violated the prohibition on aggressive solicitation set forth in section 3-13-11 of this chapter. (Ord. 13-O-09, 4-8-2013)

#### **3-13-4: APPLICATION; ISSUANCE OF A CERTIFICATE OF REGISTRATION; REVIEW PROCEDURE:**

(A) All applications for a certificate of registration shall be submitted to the Village Clerk and its contents shall be verified under oath. The Village Clerk shall act upon such application within five (5) business days after its receipt. No application shall be effective until acted upon by the Village Clerk. If the Village Clerk finds and determines that all the requirements of this chapter have been met, the Village Clerk shall issue said certificate of registration forthwith. Every person wishing to engage in charitable solicitation campaigns must make application for a certificate of registration with the Village Clerk or assigned designee fifteen (15) days prior to the initiation of said campaign. Upon the Village Clerk's issuance of a certificate of registration, all persons engaging in charitable solicitation shall have a copy of the said certificate visibly displayed on their persons at all times during such solicitation.

(B) In the case of an application for a certificate of registration to engage in charitable solicitation, the failure of an applicant to fulfill the requirements of this chapter shall be the sole basis for the denial of a certificate of registration by the Village Clerk. In the event that any certificate of registration to engage in charitable solicitation is denied for failure to comply with the requirements of this chapter, the Village Clerk shall immediately notify the applicant in writing of the reasons for said denial. If said application is not cured within ten (10) days after the date on which the Village Clerk denies the issuance of said certificate of registration, the Village Attorney shall be and is hereby authorized to apply to the Circuit Court of DuPage County, Illinois, or the United States District Court for the Northern District of Illinois for a judicial determination as to whether the charitable solicitation described in the application may be prohibited. The applicant shall be named in any action as a party defendant. The Village shall assert every possible and reasonable effort to have the case heard on its merits without undue delay as soon as legally possible. If a judicial determination is not made within thirty (30) days after the date of denial, an interim certificate of registration shall be deemed issued which shall be valid until such judicial determination is made.

(C) In the ~~case~~ of an application for commercial solicitation, the failure of an applicant to fulfill the requirements of this chapter shall be a basis for the denial of a certificate of registration by the Village Clerk. In addition, no certificate of registration for commercial solicitation shall be issued to any person who has been convicted of a felony under the laws of the State of Illinois or any other State or under the Federal law of the United States within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter; nor to any person whose certificate of registration issued hereunder has previously been revoked ~~as~~ herein provided. In the event that any certificate of registration for commercial solicitation is denied for failure to comply with the requirements set forth hereinabove, the Village Clerk shall immediately notify the applicant in writing of the reasons for denial. If said application is not cured within ten (10) days after the date on which the Village Clerk denies the issuance of said certificate of registration, said application shall be null and void. (Ord. 13-O-09, 4-8-2013)

### **3-13-5: RECORDS OF APPLICATIONS, CERTIFICATES:**

The Village Clerk shall cause to be kept in her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto, ~~all~~ certificates of registration issued under the provisions of this chapter, and a record of the denial of any and all applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued. (Ord. 13-O-09, 4-8-2013)

### **3-13-6: CHARITABLE SOLICITATION; FINANCIAL DISCLOSURE:**

The charitable organization shall distribute to every person ~~solicited~~, a ~~financial statement~~ of said charitable organization for the preceding twelve (12) ~~months~~ which shall include a ~~balance sheet and statement of income and expenses clearly stating forth the following: gross receipts and gross income from all sources~~ broken down into total receipts ~~and~~ income from each separate solicitation project or source; cost of ~~administration~~; cost of ~~solicitation~~; cost of programs designed to inform or ~~educate the public; funds or properties~~ transferred out of the State, with ~~explanation~~ as to the ~~recipient and purpose~~; total net income amount for each ~~major purpose, charitable or otherwise. Statements shall be signed by the president or other authorized officer or agent and shall be accompanied by an opinion signed by an independent certified public accountant that said financial statement fairly represents the financial operation of the charitable organization.~~

A copy of the annual report to the Attorney General of Illinois required by 225 Illinois Compiled Statutes 460/4, may be ~~presented~~ in lieu of the aforementioned financial statement. For the purpose of financial statements, the ~~definitions~~ and standards ~~applicable~~ to the annual report to the ~~Attorney General~~ as set forth in said ~~section~~ 460/4 shall be utilized.

In the event a charitable organization has not been established for a period of twelve (12) months, a copy of the registration statement filed with the Attorney General of Illinois pursuant to 225 Illinois Compiled Statutes 460/2 may be utilized. (Ord. 13-O-09, 4-8-2013)

### **3-13-7: NOTICE REGULATING SOLICITATION:**

Any person owning, occupying and/or controlling any private property within the Village may post notice thereon indicating whether or not solicitors are invited at said premises. Such notice shall be given in accordance with the following requirements of this section:

(A) **Private Roadway Sign Notice:** In **cases** where the private premises to be affected by such notice are improved for use as multi-family residential dwelling buildings, accessed by vehicles over private roadways and controlled by a homeowners' association (HOA), the said association may post such sign notice at both the premises' private roadway intersection(s) with the surrounding public street system and at its private roadway intersection(s) with the premises' on site, **accessory parking** facilities. At such locations, said notice shall be given by **means of reflective, weatherproof signs** **approximately eight inches** by eleven and one-half inches (8" x 11 $\frac{1}{2}$ ") in size, having letters at least one inch (1") in height and **displaying** thereupon the following words: 1) "Only **Solicitors Registered In Willowbrook Invited**", or 2) "No **Solicitors Invited**".

Before posting any such **sign notice** upon the aforesaid premises, the **homeowners'** association thereof shall **submit the following information in writing** to the Chief of the Police **Department**: a **statement** of the association's proposal to post such signs upon the **premises**; a specification of the number, size and **location** of each proposed sign; and, an **exemplar** of the **exact words** to be **displayed** upon **every** such sign. Upon the Chief's receipt of this information, he or she shall then preliminarily determine and advise the association in writing whether the proposed signs satisfy the notice requirements of this subsection. Upon the **association's** receipt of the **Chief's written advice** that he or she has preliminarily **determined** that the **proposed** signs **satisfy** said requirements, it may then post the said signs upon the **premises**. The preliminary determination and advice of the Chief that the association's proposed signs satisfy the notice requirements of this subsection is subject to his or her subsequent inspection and determination that said signs have since been posted in accord with said requirements.

(B) **Main Entry Door Sign Notice:** In **cases** where the private premises to be affected by such notice are improved for use as multi-family residential dwelling buildings, not accessed by vehicles over private roadways and controlled by a homeowners' association (HOA), the said association may post such sign notice upon or near the main entry doors of all the said buildings located thereon. At such locations, said notice shall be given by **means of weatherproof signs** **approximately eight inches** by eleven and one-half inches (8" x 11 $\frac{1}{2}$ ") in size, having **letters** at least one inch (1") in **height** and **displaying** thereupon the following words: 1) "Only **Solicitors Registered In Willowbrook Invited**", or 2) "No **Solicitors Invited**".

Before posting any such sign **notice** upon the **aforesaid premises, the homeowners' association thereof** shall **submit the following** information in writing to the Chief of the Police Department: **a statement of the association's proposal to post such signs upon the premises; a specification of the number, size and location of each proposed sign; and, an exemplar** of the exact words to be displayed upon **every** such sign. Upon the Chief's receipt of this information, he or she shall then preliminarily determine and advise the association in **writing** whether the proposed signs satisfy the notice requirements of this subsection. Upon the **association's receipt** of the **Chief's written advice** that he or she has **preliminarily determined** that the proposed signs **satisfy said requirements**, it may then post the said signs upon the **premises**. The preliminary determination and advice of the Chief that the association's proposed signs satisfy the notice requirements of this subsection is subject to his or her subsequent inspection and determination that said signs have since been posted in accord with said requirements.

(C) **Card Notice:** In all other cases where the use and control of private premises to be affected by such notice are other than as described in subsections (A) and (B) of this section, said notice may be posted by the owner or occupant upon or near the said premises' main entry door by means of a weatherproof card approximately three inches by four **inches** (3" x 4") in size, having letters at least **one-third** inch ( $1/3$ ") in **height** and **displaying the following words:** 1) "Only **Solicitors** Registered In Willowbrook **Invited**", or 2) "No **Solicitors Invited**". For the purpose of **uniformity**, the said cards shall be **provided** by the Chief of the Police Department to persons **requesting** the same, at cost.

(D) **Sufficiency Of Notice:** The posting upon private property of the sign or card notices referenced hereinabove in accordance with the applicable requirements of this section shall constitute actual notification to all solicitors of the information conveyed thereupon by the person(s) owning, occupying and/or controlling said premises. (Ord. 13-O-20, 6-10-2013)

### 3-13-8: OBEDIENCE TO NOTICE ON PREMISES:

It shall be the duty of every solicitor, upon going onto any premises in the Village, to first examine the notice provided for in section 3-13-7 of this chapter if any is attached and be governed by the statements contained on the notice. If the notice states "Only **Solicitors** Registered In Willowbrook **Invited**", then the solicitor not possessing a valid certificate of registration as herein provided shall immediately and peacefully depart from the premises; if the notice states "No **Solicitors Invited**", then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises. (Ord. 13-O-09, 4-8-2013)

### 3-13-9: UNINVITED SOLICITING PROHIBITED:

It is hereby declared to be unlawful and shall constitute a nuisance for any person to remain upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the owner or occupant of such premises for the purpose of securing an audience with the owner or occupant thereof, and engage in "solicitation" as herein defined in defiance of the notice exhibited at the premises in accordance with the provisions of section 3-13-7 of this chapter. (Ord. 13-O-09, 4-8-2013)

### **3-13-10: DUTY TO LEAVE PREMISES ON REQUEST:**

Any solicitor who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. (Ord. 13-O-09, 4-8-2013)

### **3-13-11: AGGRESSIVE SOLICITATION PROHIBITED:**

(A) Definitions: For the purposes of this chapter the following definitions shall apply:

**AGGRESSIVE SOLICITATION:** Solicitation in a group of two (2) or more persons or solicitation accompanied by any of the following actions:

1. Touching another person without that person's consent;
2. Blocking the path of the person solicited or blocking that person's entrance to any building or vehicle;
3. Continuing to solicit or to request a donation from a person after that person has refused an earlier request;
4. Following or remaining alongside a person who walks away from the solicitor after being solicited;
5. Remaining alongside a person's vehicle and continuing to solicit or request a donation after that person has refused an earlier request;
6. Making any statement, gesture or other communication that would cause a reasonable person to feel threatened into making a donation; or
7. Using profane or abusive language during the solicitation or following a refusal to make a donation.

**AUTOMATED TELLER MACHINE:** Any automated teller machine as defined by the Automated Teller Machine Security Act, 205 Illinois Compiled Statutes 695/1 et seq., as amended.

**BANK:** Any bank or financial institution as defined by the Illinois Banking Act, 205 Illinois Compiled Statutes 5/1 et seq., as amended.

**SOLICITATION:** A verbal request made in person upon any street, public place or park in the Village for an immediate donation of money or other thing of value, including a request to purchase an item or service of little or no monetary value in circumstances where a reasonable person would understand that the purchase is in substance a donation. Solicitation does not include the act of passively standing, sitting or engaging in a musical performance or other street performance with a sign or other indication that donations are being sought, without any verbal request for a donation other than in response to an inquiry by another person. Nothing in this section shall be construed to permit any loud and raucous noise currently prohibited by title 5, chapter 3 of this Code.

(B) **Prohibitions:** No person shall engage in aggressive solicitation. No person shall engage in solicitation when the person solicited is located:

1. Within twenty feet (20') of any automated teller machine (ATM) or entrance to a bank, other financial institution, or check cashing business; or
2. On private property, if the owner, tenant or occupant has asked the person not to solicit on the property or has posted a sign prohibiting soliciting.

(C) **Penalty:** It is hereby declared to be **unlawful** and shall constitute a nuisance for any **person** to **engage in aggressive solicitation**. Any person who commits an act **prohibited** by this **section** shall be **subject to a fine as provided** in the general penalty **provisions** of section 1-4-1 of this Code. Additionally, any certificate of registration to **engage in charitable or commercial solicitation** in this **Village** held by any person who **commits a violation** of this **section** shall, upon **notice given**, be **revoked** by the **President** and Board of **Trustees** as **provided in section 3-13-15 of this chapter**. (Ord. 13-O-09, 4-8-2013)

### **3-13-12: HOURS, DAYS OF SOLICITATION:**

No person shall engage in "solicitation" as herein defined prior to nine o'clock **(9:00)** A.M., or after nine o'clock **(9:00)** P.M. or dusk, whichever is **earlier** on any day; and, provided further, that no person shall engage in **commercial solicitation** at any time on a **Sunday** or any State or **national holiday**. All **solicitation** shall be **prohibited** from **November 1 through March 31**. (Ord. 13-O-09, 4-8-2013)

**3-13-13: FELONS AS SOLICITORS:**

It shall be unlawful for any person or organization to utilize as a solicitor any person who has been convicted of a felony under the laws of the State of Illinois or any other state, or under the Federal law of the United States, within five (5) years of the date of the application. Every registrant pursuant to this chapter shall, as part of said registration application, stipulate that no individual employees, independent contractors, employees of independent contractors, volunteers or any other such person associated with the registrant is a convicted "sex offender" as defined by 730 Illinois Compiled Statutes 150/2 and as may similarly be applicable to any other law enforcement jurisdictions throughout the United States. Every registrant shall include the names, addresses and dates of birth for every person who will be working with them in the Village for the registered purpose and shall provide an affidavit certifying that such persons, including the registrant, have not been convicted of any felony, nor convicted on two (2) or more occasions of driving under the influence of alcohol or drugs. Such certificate of registration as is required in section 3-13-3 of this chapter shall be updated whenever any change in such persons occurs for the registrant at any time during the registered year. (Ord. 13-O-09, 4-8-2013)

**3-13-14: FRAUDULENT MISREPRESENTATION AND MISSTATEMENT PROHIBITED:**

No person shall misrepresent his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception or fraud, in connection with any charitable or commercial solicitation, or in any application or report filed under this chapter. (Ord. 13-O-09, 4-8-2013)

**3-13-15: REVOCATION OF CERTIFICATE; REVIEW:**

- (A) The President and Board of Trustees shall revoke a certificate of registration for a violation of any of the regulations listed in sections 3-13-6 through 3-13-14 of this chapter. Immediately upon such revocation, written notice thereof shall be given by the Village Clerk to the holder of the certificate by certified or registered mail, return receipt requested. Upon receipt of said notice of revocation, all solicitation activity shall cease.
- (B) In the event the President and Board of Trustees revoke any certificate of registration for charitable solicitation, the Village shall seek a judicial determination of such action in the same manner as provided for in section 3-13-4 of this chapter. If a judicial determination is not made within thirty (30) days after the date of revocation, an interim certificate of registration shall be deemed issued which shall be valid until such judicial determination is made.

(C) In the event the President and Board of Trustees revoke any certificate of registration for commercial solicitation, the person aggrieved by said decision shall have the right to appeal and have a hearing before the President and Board of Trustees. Such appeal shall be taken by filing with the Village Clerk within ten (10) days after receipt of the notice of revocation, a written statement under oath setting forth specifically the grounds for appeal. The President and Board of Trustees shall thereupon set forth the time and a place for the hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in subsection 3-1-14(D) of this title. The decision of the President and Board of Trustees on such appeal shall be by a vote of a majority of all the members then holding office and shall be final. (Ord. 13-O-09, 4-8-2013)



## Village of Willowbrook

### Staff Report to the Plan Commission

<b>Public Hearing Date:</b>	September 23, 2020
<b>Prepared By:</b>	Ann Choi, Planning Consultant
<b>Case Title:</b>	PC 20-07: Consideration of a petition for text amendments to amend Sections 9-2-2, 9-6B-1, 9-6C-1, 9-6D-2 and other relevant sections of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to define "Retail tobacco stores with smoking lounge", to replace "Tobacco stores" and "Tobacco shops" with "Retail tobacco stores with smoking lounge" in the B-2 and B-3 zoning districts, and to add "Retail tobacco stores with smoking lounge" as a new special use in the B-4 Zoning District.
<b>Petitioner:</b>	Roy Dobrasinovic, 11308 75th Street, Burr Ridge IL 60527
<b>Action Requested by Applicant:</b>	Title 9 – Zoning Sections:  9-2-2              Definitions (Add "Retail tobacco store with smoking lounge").  9-6B-1              Delete "Tobacco stores" from the list of permitted uses and replace with "Retail tobacco stores with smoking lounge" in the appropriate alphabetical location.  9-6C-1              Delete "Tobacco shops" from the list of permitted uses and replace with "Retail tobacco stores with smoking lounge" in the appropriate alphabetical location.  9-6D-2              Add "Retail tobacco stores with smoking lounge" to Section 9-6D-2 as a special use of the Zoning Ordinance in the appropriate alphabetical location.
<b>Proposed Location:</b>	Existing property zoned B-4 at the southwest corner of Joliet Road and 75 <sup>th</sup> Street.
<b>Documents Attached:</b>	<ol style="list-style-type: none"><li>1. Smoke Free Illinois Act</li><li>2. Comparison of Other Municipalities</li><li>3. Public hearing notice</li></ol>
<b>Necessary Action by Plan Commission:</b>	Make a recommendation to the Mayor and Village Board regarding approval of the proposed text amendment.  A sample motion can be found on page 3.



## History & Discussion of Request

Roy Dobrasinovic, petitioner, requests a text amendment to allow a cigar lounge as a new proposed use in the B-4 zoning district. Notification requirements for this application have been satisfied. A legal notice for the public hearing was published in the September 8, 2020 edition of *The Chicago Sun Times* newspaper.

The Smoke Free Illinois Act (2008), includes provisions for retail tobacco establishments which allow for indoor smoking on the premises. The operation must derive 80% of its gross revenue from retail sales and any type of liquor, food, or restaurant license is not allowed. Several other regulations would be required. A copy of the Act has been attached as **Exhibit A** of this staff report.

The Village currently allows "Tobacco stores" and "Tobacco shops" as permitted uses in the B-2 and B-3 zoning districts, respectively. Since "Tobacco stores" and "Tobacco shops" are not currently defined in the Zoning Ordinance and the terms are variants of essentially the same use, one of the objectives of this text amendment is to establish a use category that is used consistently across the zoning districts. "Tobacco stores" and "tobacco shops" will be replaced by "Retail tobacco stores with smoking lounge" in the B-2 and B-3 zoning districts' list of permitted uses. Indoor smoking is allowed in these establishments under the current state regulations. The Village of Willowbrook currently has one "Retail tobacco store with smoking lounge" already in town. "Stogies" is a 1,451-square foot retail tobacco store that allows the on-site consumption of tobacco products and is located in the Hinsdale Lake Commons Shopping Center. This particular retail tobacco store has been grandfathered in as it existed prior to the state requirement for retail tobacco stores to be located within a standalone building.

Village staff researched zoning ordinances from other communities to specifically regulate uses that are primarily based in the on-site consumption of tobacco and/or tobacco related products. Village staff contacted nearby communities and inquired how these uses are regulated and defined in these communities. Refer to **Attachment 2** for the summary containing the results from the research. Research has shown that many communities in the surrounding area have drafted or approved ordinances that vary widely from one community to the other. Some communities such as Aurora, Downers Grove, and Naperville consider retail tobacco stores as retail sales and are permitted by-right in its business districts. Other communities like Lombard and Homer Glen make a distinction between tobacco retail stores and smoking lounges and are permitted as special uses in the business districts. In these cases, a distinction is made by defining lounges as devoting the majority of the floor area for the on-site consumption of tobacco products.

On September 14, 2020, staff's findings were presented to the Law & Ordinance Committee, and there was consensus that Village staff should prepare Text Amendments for Plan Commission and Village Board consideration.

## Proposed Text Amendments

The following sections are to be amended. New language is highlighted in the red and is underlined. Language to be eliminated is indicated with a ~~strike-through~~.

Add the following definition to Section 9-2-2 in the appropriate alphabetical location:

**RETAIL TOBACCO STORE WITH SMOKING LOUNGE:** a retail establishment that derives more than eighty percent (80%) of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store with smoking lounge" includes an enclosed workplace that manufactures, imports, or distributes tobacco or



tobacco products, when, as a necessary and integral part of the process of making, manufacturing, importing, or distributing a tobacco product for the eventual retail sale of that tobacco or tobacco product, tobacco is heated, burned, or smoked, or a lighted tobacco product is tested, provided that the involved business entity: (1) maintains a specially designated area or areas within the workplace for the purpose of the heating, burning, smoking, or lighting activities, and does not create a facility that permits smoking throughout; (2) satisfies the 80% requirement related to gross sales; and (3) delivers tobacco products to consumers, retail establishments, or other wholesale establishments as part of its business. "Retail tobacco store with smoking lounge" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license. "Retail tobacco store with smoking lounge" does not permit the on-site consumption of cannabis or marijuana products. "Retail tobacco store with smoking lounge" is regulated through the Illinois Smoke Free Act, 410 ILCS 82/1 et seq.

**Delete "Tobacco stores" in Section 9-6B-1 (permitted uses in the B-2 zoning district) and "Tobacco shops" in Section 9-6C-1 (permitted uses in the B-3 zoning district) and replace with "Retail tobacco stores with smoking lounge" in the appropriate alphabetical location in both instances.**

**9-6B-1: PERMITTED USES:**

Permitted uses in this district are:

Accessory uses and structures as provided in chapter 12 of this title.

Antique shops.

Apparel and clothing stores.

Art and craft supply stores and studios.

Art galleries.

Auto supply stores, provided that retail sales only shall be permitted, and further provided that machining of any type and/or outdoor storage are expressly prohibited.

Bakeries where not more than sixty percent (60%) of the floor area is devoted to storage of supplies and product processing.

Banks and other financial institutions.

Barber shops and beauty parlors, including therapeutic massage, where not more than twenty percent (20%) of the floor area is devoted to massage therapy.

Blueprinting and photocopying establishments.

Book, stationery stores and newsstands.

Camera and photographic supply stores.

Candy, ice cream and bakery shops or shops selling similar commodities.

Carpet and rug stores.

China and glassware stores.

Clinics, medical and/or dental; including laboratories.

Clothing and costume rental shops.

Coin and philatelic stores.

Computer sales and service.

Department stores.

Dry cleaning and laundry retail establishments, providing that processing, if done on the premises, shall utilize nonexplosive and nonflammable materials, and that such processing shall be limited to service of the principal use.

Electrical, gas and other household appliance stores, including radio and television sales, but excluding repairs.



Florists.  
Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.  
Furriers.  
Hardware stores.  
Hat and shoe repair shops.  
Hobby shops.  
Housewares stores.  
Interior decorating shops.  
Jewelry shops, including watch repair.  
Laundries, self-service and shops for the collection and distribution of laundry and dry cleaning articles.  
Leather goods and luggage stores.  
Liquor stores (occupancy permit subject to issuance of liquor license).  
Loan offices.  
Locksmiths.  
Millinery stores.  
Music stores.  
Musical and instrument stores.  
Office supply and stationery stores.  
Offices and office buildings.  
Optical stores and optometrist offices.  
Orthopedic and medical appliance stores.  
Paint and wallpaper stores.  
Pet shops.  
Photographer, artist or similar studios.  
Photography studio.  
Physical culture and health service, gymnasiums and reducing salons.  
Picture framing shops.  
Real estate sales and brokerage offices.

**Retail tobacco stores with smoking lounge.**

Sales and display rooms.  
Sewing machines sales and service, household machines only.  
Shoe stores and shoe repair.  
Sporting goods stores.  
Tailor or dressmaking shops.  
Tanning salons.  
~~Tobacco stores.~~  
Toy stores.  
Travel agencies and transportation ticket offices.  
Typewriter and office equipment sales and service.  
Variety stores.  
Video gaming cafe.  
Video tape/disc sales and rental stores.  
Similar and compatible uses which are of the same general character as the above permitted uses.  
Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 84-O-51, 10-22-1984; amd. Ord. 87-O-20, 5-11-1987; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 97-O-10, 4-14-1997; amd. Ord. 19-O-32, 11-25-2019)



### **9-6C-1: PERMITTED USES:**

Permitted uses in this district are:

Accessory uses and structures as provided in chapter 12 of this title.  
Animal hospitals and veterinarian offices.  
Art galleries.  
Auction rooms.  
Banks and other financial institutions.  
Bicycle stores; sales, rental and repair.  
Blueprinting and photocopying establishments.  
Carpet and rug stores.  
China and glassware stores.  
Clothing and costume rental shops.  
Coin and philatelic stores.  
Computer sales and service.  
Dry cleaning and laundry retail establishments, provided that processing, if done on the premises, shall utilize nonexplosive and nonflammable materials, that such processing shall be limited to service of the principal use.  
Electrical, gas and other household appliance stores, including radio and television sales, accessory repair and service thereof.  
Employment agencies.  
Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.  
Furrier shops, including the incidental storage and conditioning of furs.  
Garden supply and seed stores.  
Greenhouses and conservatories.  
Interior decorating shops, including upholstery and making draperies, slipcovers and other similar articles when conducted as part of the retail operation and secondary to the principal use.  
Job printing shops, using presses having beds of not more than fourteen inches by twenty inches (14" x 20").  
Kennels, with no outdoor dog runs.  
Leather goods and luggage stores.  
Liquor stores, retail sales of packaged goods only (occupancy permit subject to issuance of liquor license).  
Locksmith shops.  
Mail order service stores.  
Millinery stores.  
Music stores, sheet music, tape and disc sales.  
Musical instrument sales and repair.  
Office supply stores.  
Orthopedic and medical appliance stores, not including the assembly or manufacture of such articles.  
Paint and wallpaper stores.  
Parking lots, for passenger motor vehicles only.  
Pet service, domestic.  
Pet shops.  
Physical culture and health service, gymnasiums and exercise salons.  
Picture framing, when conducted on the premises for retail trade.



Plumbing, heating, air conditioning and electrical fixtures and equipment; show room shops for domestic use only.

Printing plants for newspapers and similar publications.

Radio and television broadcasting studios.

Radio and television service and repair shops.

Recording studios.

**Retail tobacco stores with smoking lounge.**

Service, cleaning and repair shops for personal, household or garden equipment.

Sewing machines sales and services, household machines only.

Shoe and hat repair stores.

Shoe stores.

Tailor shops.

Taxidermists.

~~Tobacco shops.~~

Toy shops.

Typewriter and adding machine sales and service establishments.

Video gaming cafe.

Similar and compatible uses which are of the same general character as the above permitted uses.

Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 87-O-20, 5-11-1987; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 19-O-32, 11-25-2019)

**Add "Retail tobacco stores with smoking lounge" in Section 9-6D-2 as a special use in the B-4 zoning district.** Staff recommends that the proposed smoking lounge use be allowed in the B-4 zoning district as a special use.

**9-6D-2: SPECIAL USES:**

Special uses in this district are:

Equipment rentals, not including outside storage.

Fast food establishments.

Firing range, indoor.

Planned unit developments.

Radio and television broadcasting studios.

**Retail tobacco stores with smoking lounge.**

Restaurants and banquet halls, including musical entertainment and dancing.

Similar and compatible uses which are of the same general character as those allowed as special uses in the B-4 zoning district. Determination of whether a particular use constitutes a similar and compatible shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 79-O-12, 4-9-1979; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 14-O-15, 3-24-2014; amd. Ord. 19-O-32, 11-25-2019)

In addition to adding "Retail tobacco stores with smoking lounge" as a special use in the B-4 zoning district, planning staff would consider the following conditions of approval to impose on future special use petitions for smoking lounges.

1. All smoking lounge patrons and occupants must be at least twenty-one (21) years of age.



2. Smoking lounges can only sell pre-packaged snacks such as chips and nuts with no on-site food preparation.
3. No live entertainment shall be permitted.

It should be noted that the Plan Commission does not have the authority to limit the hours of operation, the number of licenses, or set license fees. These would be under the purview of the Village Board. Additionally, the Village will need to review and amend portions of the Willowbrook Municipal Code to comply with the State's most recent legislation, to amend codes that are outdated, to identify conflicts with the new use, and to make definitions consistent. The following codes to be reviewed and amended include, but are not limited to:

1. Title 3 Business Regulations, Chapter 5 Tobacco Dealers. The Village is looking to update this section to more closely align with state legislation regarding tobacco use and the Smoke Free Illinois Air Act (2008). The update would clarify any ambiguity between tobacco dealer and retail tobacco store, and would authorize a special use for a retail tobacco store with smoking lounge.
2. Title 6 Health and Sanitation, Chapter 10 Smoking Regulations. The Village is looking at updating this Chapter to more closely align with the most recent state legislation, the Smoke Free Illinois Act (2008).

## **Recommendation**

Staff believes the requirement of a special use for "Retail tobacco stores with smoking lounges" within the B-4 zoning district to be the most appropriate process for consideration. This process will require notification of surrounding property owners and a public hearing before the Plan Commission. The Plan Commission would be able to recommend reasonable conditions to the proposed project before forwarding their recommendation to the Village Board for final approval. The intent of the special use process is to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to determine whether they will be compatible with surrounding uses and development patterns. Staff is confident that this process will provide for the most effective review and approval process for the regulation of "Retail tobacco stores with smoking lounges" in Willowbrook.

If additional time or testimony is needed, the Plan Commission may wish to continue this hearing and/or consideration of the amendment. If the Plan Commission's work is completed, the following sample motion is provided for the Plan Commission's use:

**Based on the submitted petition and testimony presented, I move that the Plan Commission recommend approval of the text amendments presented on Pages 2 through 6 of the Staff Report for PC Case Number 20-07 that add the definition of "Retail tobacco stores with smoking lounge", replaces "Tobacco stores" and "Tobacco shops" with "Retail tobacco stores with smoking lounge" in the B-2 and B-3 zoning districts, and adds "Retail tobacco stores with smoking lounge" as a new special use in the B-4 Zoning District.**

## LAW AND ORDINANCES COMMITTEE MEETING

### AGENDA ITEM SUMMARY SHEET

#### AGENDA ITEM DESCRIPTION

##### DISCUSS – Fence Enhancement Text Amendment

#### COMMITTEE REVIEW

- Finance/Administration
- Municipal Services
- Public Safety
- Law & Ordinances

Meeting Date: September 14, 2020

<input type="checkbox"/> Discussion Only	<input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date)
<input checked="" type="checkbox"/> Seeking Feedback	<input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board)
<input type="checkbox"/> Regular Report	<input type="checkbox"/> Report/documents requested by Committee

#### BACKGROUND:

The Village has received calls from some residents seeking modifications and enhancements to our Village code regarding full privacy fencing options and increased heights along specific roadways within the community. The current Village code requires most fences to be at least fifty percent (50%) open design. Additionally, the Village code limits the height along key arterial roads to six feet (6 ft).

The proposed text amendment would consider the following items:

1. The text amendment will consider allowing 5-foot tall solid fences anywhere on a lot, except in a required front or exterior side yard.
2. The text amendment will consider allowing up to 8-foot tall solid fences on an exterior side or rear lot line along Kingery Highway. However, corner lots along Illinois Route 83 (Kingery Highway) will need to be studied as visibility will be an issue. Applicable to corner lots:
  - a. 8-foot tall solid fences will be considered on the rear lot line of corner lots, but shall not encroach anywhere within the area formed by the exterior side lot line and the exterior side yard setback, on corner lots where the rear lot line is conterminous with the right of way line of Illinois Route 83.
  - b. 8-foot tall solid fences will be considered on the exterior side lot line of corner lots, but shall not encroach anywhere within the area formed by the front lot line and the front yard setback, on corner lots where the exterior side lot line is conterminous with the right of way line of Illinois Route 83.
  - c. 8-foot tall solid fences will be considered on the front lot line or within front yards of lots where the front lot line is the only lot line facing a right of way line of a public street.

#### STAFF RECOMMENDATION:

Staff is seeking feedback on the proposed text amendment subject. Upon consensus from the Committee staff will work through the required text amendment process for a possible Public Hearing before the Plan Commission on October 7, 2020.

## LAW AND ORDINANCES COMMITTEE MEETING

### AGENDA ITEM SUMMARY SHEET

#### AGENDA ITEM DESCRIPTION

##### DISCUSS – Business License Late Fees

##### Chapter 1A License Fees

#### COMMITTEE REVIEW

- Finance/Administration
- Municipal Services
- Public Safety
- Law & Ordinances

Meeting Date: September 14, 2020

<input type="checkbox"/> Discussion Only	<input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date)
<input checked="" type="checkbox"/> Seeking Feedback	<input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board)
<input type="checkbox"/> Regular Report	<input type="checkbox"/> Report/documents requested by Committee

#### BACKGROUND:

The Clerk's office reviewed the Village Code for Business License Fees operating within the community and has advised that the Village does not currently impose a late fee on business licenses. The proposed review is to seek feedback from the Committee on possible enhancements to the Village code and permit process.

The current Village ordinance language that relates to License Fees can be found in Chapter 1A of the Village code. Business license applications are processed through the Deputy Clerks office. Business license are due by January 1 of each year. The summary of the current Willowbrook business license fees is highlighted in the attached document.

A survey of the surrounding community's business license late fees is as follows:

- **Burr Ridge:** Currently they do not require business licenses
- **Clarendon Hills:** Late fee is  $\frac{1}{2}$  of the cost of the business license plus the fee of the license after 30 days.
- **Darien:** Late fee is 25%, after one month it is 50%.
- **Downers Grove:** Late fee is \$50.00.
- **Hinsdale:** Late fee is 20%.
- **Lisle:** Late fee is \$50. Second late fee is another \$50, after another 30 Days.
- **Westmont:** Late fee is \$10 or 10% whichever is greater after 1 month.
- **Wheaton:** Late fee is 10% late after 1 month.
- **Willowbrook:** Currently No Late Fee.

#### STAFF RECOMMENDATION:

Staff is seeking feedback on enhancing the Village code to institute a business license late fee. Upon consensus from the Committee staff will work with the Village Attorney on a final draft formal consideration and recommendation from the Committee.

# Chapter 1A

## LICENSE FEES

### 3-1A-1: FEES ENUMERATED:

License fees under the terms of activities and uses set forth shall be as follows:

1.	Ambulance service (for each ambulance)	\$ 72.00 per year
2.	Amusements <sup>1</sup> :	
	(a) Jukeboxes or other musical devices - coin operated (per machine or device)	150.00 per year
	(b) Amusement devices or coin operated rides or games (per machine or device)	120.00 per year
	(c) Circus or sideshow	\$600.00 per week plus \$120.00 per ride per week
	(d) Commercial playground or amusement park	\$600.00 per week plus \$120.00 per ride per week
	(e) Theater (motion picture or dramatic):	
	(1) Seating capacity 1 to 500	\$1,200.00 per year
	(2) Seating capacity 501 to 1,000	1,800.00 per year
	(3) Seating capacity over 1,000	2,400.00 per year
	(4) Outdoor drive-in	4,800.00 per year
	(f) Public dance hall	1,200.00 per year
	(g) Public skating rink	600.00 per year
	(h) Automobile, boat or other exhibitive show	1,200.00 per week
	(i) Recreational amusements operated for profit, including, but not by way of limitation, tennis courts, miniature golf and golf driving ranges	240.00 per year

	(j)	Concert, minstrel or musical entertainment (except as otherwise provided in this section):	
		(1) Ticket sales 1 to 2,000	\$120.00 per performance
		(2) Ticket sales 2,001 or more	\$1,200.00 per performance
	(k)	Fireworks display	\$2,400.00 per day
	(l)	Horse or dog show	60.00 per day
	(m)	Rodeo	120.00 per day
	(n)	Stock or poultry show	60.00 per day
3.		Athletic contests and exhibits (excluding such contests and exhibits as may be sponsored by any duly constituted school or park district):	
	(a)	Seating capacity 1 to 25	60.00 per day
	(b)	Seating capacity 26 to 100	85.00 per day
	(c)	Seating capacity 101 to 1,000	240.00 per day
	(d)	Seating capacity over 1,000	1,200.00 per day
4.		Auctioneers	48.00 per day
5.		Billiard and pool tables	\$66.00 per table per year
6.		Banks and savings and loans	\$150.00 per year
7.		Barbershops, hair salons, nail salons	\$66.00 per chair per year
8.		Bowling alleys	\$120.00 per year
9.		Brokers and agents, excepting therefrom insurance brokers and agents and real estate brokers and agents	240.00 per year
10.		Carnivals	\$600.00 per week plus \$120.00 per ride per week \$60.00 per booth per week

11.	Dealers of intoxicating beverages		See <u>chapter 12</u> of this title
12.	Dry cleaners		\$ 96.00 per year
13.	Dispensaries (medical) (not pharmacies)		85.00 per year
14.	Explosives or combustibles (any business or operation handling or storing combustibles):		
	(a)	Fixed storage capacity:	
		(1) 0 to 4,000 gallons	150.00 per year
		(2) Over 4,000 gallons	\$150.00 per year plus \$12.00 per each thousand gallons over 4,000 gallons
	(b)	Nonfixed storage capacity (more than 1,000 gallons):	
		(1) Hardware and paint stores	\$ 96.00 per year
		(2) Industrial usage or storage	270.00 per year
		(3) Other	240.00 per year
15.	Florists		96.00 per year
16.	Food dealers (including dealers having liquor licenses under <u>chapter 12</u> of this title):		
	(a)	Restaurants:	
		(1) Seating capacity 1 to 50	210.00 per year
		(2) Seating capacity 51 to 100	330.00 per year
		(3) Seating capacity 101 and over	\$330.00 per year plus \$2.00 for each additional seat
		(4) All drive-in or fast food restaurants (irrespective of seating capacity)	\$270.00 per year plus \$2.00 for each seat
	(b)	Caterers (operating from location within the Village)	\$ 96.00 per year
	(c)	Food manufacturers (license fee shall be determined in	

		accordance with subsection 28 of this section)	
	(d)	Itinerant vendor (each vehicle whose place of business is not within the corporate limits of the Village but does retail business within the corporate limits of the Village)	85.00 per year
17.		Hawkers, peddlers, transient vendors and itinerant merchants (except for such persons conducting or transacting their business within an indoor exhibit hall or room located within a facility otherwise licensed by the Village of Willowbrook)	\$132.00 per person per day
18.		Heating, air conditioning and refrigeration contractors	\$120.00 per year
19.		Hospitals, convalescent and nursing homes, assisted living centers, and sanatoriums	\$24.00 per bed per year
20.		Hotels, motels, and rooming houses (with sleeping accommodations for 20 persons or more)	\$72.00 per year plus \$24.00 per unit or room per year
21.		Laundries:	
	(a)	Without self-service machines	\$84.00 per year
	(b)	With machines	\$18.00 per machine per year
22.		Livery stables, boarding or sale	\$ 84.00 per year
23.		Lumber, coal and other combustible material storage yards	240.00 per year
24.		Automobile dealers:	

Building Floor Area In Square Feet	
0 to 40,000	\$ 600.00 per year
40,001 to 75,000	900.00 per year
75,001 and over	1,200.00 per year

25.	Machine shops	84.00 per year
26.	Public parking garages, lots and ramps	\$2.40 per stall per year

27.	Pawnbrokers	\$84.00 per year
28.	Retail, service, wholesale and manufacturing establishments:	

Floor Area In Square Feet	
0 to 5,000	\$ 120.00 per year
5,001 to 10,000	240.00 per year
10,001 to 15,000	360.00 per year
15,001 to 20,000	480.00 per year
20,001 to 40,000	600.00 per year
40,001 to 75,000	900.00 per year
75,001 to 100,000	1,200.00 per year
100,001 to 150,000	1,500.00 per year
150,001 to 175,000	1,800.00 per year
175,001 and over	2,100.00 per year

	Floor Area Applicable: Floor area shall be calculated as herein defined. Total floor area applicable for the determination of the yearly license fee shall include the sum total of all the floor area in use or reserved for or retained for the use of the commercial establishment, including, but not restricted to, principal and accessory floor area, cellars and basements, storage or detached accessory building, even though any such floor area may be temporarily vacant or not in use.	
29.	Scavengers and garbage collectors	See subsections <u>6-6-2(D)</u> and <u>6-6-3(D)</u> of this Code
30.	Dealers in secondhand articles	\$ 84.00 per year
31.	Steam boiler operator	120.00 per year
32.	Street sales	60.00 per day
33.	Taxicabs, limousines, draymen, carters, expressmen, hackmen, omnibus drivers, and porters (when based within corporate limits of the Village)	\$84.00 per vehicle per day

34.	Undertakers	\$240.00 per year
35.	Vending machines (except tobacco or cigarette vending machines)	\$18.00 per machine per year
36.	Video gaming license	\$500.00 per machine per year

(Ord. 13-O-37, 10-14-2013; Ord. 14-O-06, 1-27-2014; Ord. 17-O-21, 11-27-2017; Ord. 19-O-27, 10-28-2019; Ord. 19-O-34, 11-25-2019)

## LAW AND ORDINANCES COMMITTEE MEETING

### AGENDA ITEM SUMMARY SHEET

#### AGENDA ITEM DESCRIPTION

##### DISCUSS – Signage Permit Fees

#### COMMITTEE REVIEW

- Finance/Administration
- Municipal Services
- Public Safety
- Law & Ordinances

**Meeting Date: September 14, 2020**

<input type="checkbox"/> Discussion Only	<input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date)
<input checked="" type="checkbox"/> Seeking Feedback	<input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board)
<input type="checkbox"/> Regular Report	<input type="checkbox"/> Report/documents requested by Committee

#### BACKGROUND:

Staff was requested to review the Village Signage Permit fees as the compare to surrounding communities to determine if any enhancements were warranted. As requested, our Building official has researched several topics including Signage, Outdoor Storage and Permit Shelf Life. The survey included the communities that border Willowbrook, including Darien, Westmont, Burr Ridge, Hinsdale as well as two farther out communities including St. Charles and Streamwood.

A summary of the information suggests that our ordinances are not much different from the other communities. Note that it is difficult to compare, apples to apples, as other communities do their reviews based on slightly different criteria. The criteria used to establish a baseline for the Sign Surface Area (SSA) calculation is summarized below for comparison:

The Village of Willowbrook uses lineal frontage as our baseline. If a free-standing business/property has 150 feet of lineal frontage to a Village Right-of-Way, we use that number to calculate the Sign Surface Area.

The allowance is 1.25 Sq. Ft. of SSA for every 1 foot of lineal frontage, noting that there is a cap in most districts, i.e. 350 or 450 Sq. Ft. depending on the size of the building /business footprint. As an example -  $150 \times 1.25 = 187.5$

If the business is within a shopping center / strip mall, we use the storefront width, for example, 30 feet, as number to calculate the SSA. As an example -  $30 \times 1.25 = 37.5$

Some communities use different criteria, for example the Maximum Percent of Facade Area Covered method, to calculate SSA. In most cases the sign is approximately the same size as we allow.

To compare these two methods for:

1. A free-standing business with 150 feet of lineal frontage:
  - Willowbrook would allow an SSA of 187.5 ( $150 \times 1.25 = 187.5$ )
  - Other: 30.0 Sq. Ft (Based on a 30' wide by 10' tall façade/building). Note that some communities do offer a variance process for signs if there is a major disparity between what it allowed and what is desired.  
Willowbrook does not offer bulk regulation variances for signs.
2. A shopping center / strip mall business with a 30' frontage:
  - Willowbrook would allow an SSA of 37.5 Sq. Ft
  - Other: 30.0 Sq. Ft (Based on a 30' wide by 10' tall façade/building)

Building Official Giuntoli will be available to review the survey and answer any Committee questions with the subject matter.

**STAFF RECOMMENDATION:** Staff is seeking feedback on the signage survey subject to determine if there are any enhancements that the Committee would like further investigation or consideration.

## COMPARISONS

	WILLOWBROOK	WESTMONT	BURR RIDGE (*)	HINSDALE	DARIEN	ST. CHARLES	STREAMWOOD
<b>PERMANENT SIGNS:</b>							
SSA ALLOWED							
BLDG. ILUM:	1.25 SQ. FT. / 1' LINEAR	2 SQ. FT. / 1' LINEAR	100 SQ. FT. MAX** / 75 SQ. FT FOR ILLUM SIGNS	1 SQ. FT. / 1' LINEAR (MAX 100)	1 SQ. FT. / 1' LINEAR	1.5 SQ. FT. / 1' LINEAR	8-12% OF FAÇADE
AWNING/CANOPY:	1.25 SQ. FT. / 1' LINEAR					1.0 SQ. FT. / 1' LINEAR	
FREESTANDING:	1.25 SQ. FT. / 1' LINEAR		100 SQ. FT. MAX** / 75 SQ. FT FOR ILLUM SIGNS	50 / 100 SQ. FT. MAX	90 SQ. FT.	1.5 SQ. FT. / 1' LINEAR	72 SQ. FT.
FEES:							
<b>ILLUMINATED:</b>							
<b>BASE FEE:</b>							
BUILDING/WALL:	\$175.00	\$100.00	\$1.25 P/ SQ. FT. / MIN. \$75	\$4.20 P/ SQ. FT. / MIN. \$75	\$200.00	\$100.00	\$100.00
<b>FREESTANDING/GROUND SIGN</b>	\$175.00	\$100.00	\$1.25 P/ SQ. FT. / MIN. \$75	\$4.20 P/ SQ. FT. / MIN. \$75	\$200.00	\$100.00	\$10.00
<b>SSA FEE:</b>							
BUILDING SIGN:	\$6.00	1.5% CONSTRUCTION COST	\$1.25 P/ SQ. FT. / MIN. \$75	\$4.20 P/ SQ. FT. / MIN. \$75	\$2.00	\$2.25	\$0.40
FREESTANDING SIGN:	\$6.00	1.5% CONSTRUCTION COST	\$1.25 P/ SQ. FT. / MIN. \$75	\$4.20 P/ SQ. FT. / MIN. \$75	\$2.00	\$5.00	\$0.40
<b>"NON" ILLUMINATED:</b>							
<b>BASE FEE:</b>							
BUILDING/WALL:	\$90.00		\$1.25 P/ SQ. FT. / MIN. \$75	\$4.20 P/ SQ. FT. / MIN. \$75	\$100.00		\$100.00
<b>FREESTANDING/GROUND SIGN:</b>	\$90.00		\$1.25 P/ SQ. FT. / MIN. \$75	\$4.20 P/ SQ. FT. / MIN. \$75	\$100.00		\$100.00
<b>SSA FEE:</b>							
BUILDING SIGN:	\$1.75		\$1.25 P/ SQ. FT. / MIN. \$75	\$4.20 P/ SQ. FT. / MIN. \$75	\$1.00		\$0.40
FREESTANDING SIGN:	\$1.75		\$1.25 P/ SQ. FT. / MIN. \$75	\$4.20 P/ SQ. FT. / MIN. \$75	\$1.00		\$0.40
<b>ELECTRIC FEE:</b>	\$125.00	\$0.00		?		?	?
<b>REVIEW FEE (1st/SUBSEQUENT):</b>	~\$100.00 / ~\$50.00	\$0 / \$65	\$75.00	?			
<b>INSP. FEE:</b>	\$60.00	\$100.00	?	?			
<b>MISC.:</b>	NO MOVING / ANIMATION					NO MOVING / ANIMATION	
<b>VARIATIONS ALLOWED:</b>	NO	?	YES	NO	YES	?	?
<b>TEMP. SIGNS:</b>							
SSA ALLOWED	32 SQ. FT. MAX / PER SIGN	32 SQ. FT. MAX / PER SIGN	12 SQ. FT.	W/ SSA	32 SQ. FT. MAX / PER SIGN	?	32 SQ. FT. MAX / PER SIGN
LOCATION:	ON BLDG ONLY/NO R.O.W.	ON BLDG ONLY/NO R.O.W.	ON BLDG. WALL		ON BLDG ONLY/NO R.O.W.	?	GROUND / BLDG.
TIMELINE (ONE TIME/MAX P/ YEAR):	2 WEEKS / 4 X's P/ YEAR	30 DAYS / 60 DAYS P/Y	14 DAYS W/I 90 DAYS OF C/O	60 DAYS	30 DAYS / 2 X's P/ YEAR	?	2 WEEKS / 4 X's P/ YEAR
BASE FEE *:	\$60.00 PER 2 WEEK PERIOD*	\$25.00	\$0.00	\$26.23 / PLUS RVW	\$35.00	\$45.00	\$40.00
ATTENTION GETTING DEVICES:	NO				NO * MSD MAY TMP. ALLOW		
WB ALSO ADDS REVIEW FEE)							
<b>OUTDOOR STORAGE:</b>							
ALLOWED:	NO	NO*	NO ***	No	No	NO	Limited to Certain Districts
FEES:	NOT ALLOWED	**	N/A		?	NOT ALLOWED	
		^ LIMITED SPECIAL USE PERMITS					
		** WORKING ON FEE STRUCTURE					
<b>PERMIT EXPIRATION:</b>							
AMENDED IBC/IRC:	YES	YES	YES	YES	YES	YES	YES
STANDARD EXP. TIMEFRAME:	18 M / 6 M NO ACTIVITY	12 M / 3 M NO ACTIVITY	180 / 360 FROM FOOTING INSPECTION	12 MONTHS	6 M / 12 M	24 M / 6M NO ACTIVITY	180 / 360
EXTENSION PROCESS (Y/N):	NO	NO	YES	YES	?	NO	YES
IF NO, ARE OPTIONS AVAIL.:	YES, PER BLDG. OFFICIAL	YES, PER BLDG. OFFICIAL	YES, PER BLDG. CMSR.	-	YES, PER "CITY"		
IF NO, LIST OPTIONS:	RE-UP PERMIT	RE-UP PERMIT		-			
IF NO, FEES:	FULL FEE	BASED ON REMAINING WORK			?		
IF NO, TIMELINE:	TBD BY BLDG. OFFICIAL / BASED ON REMAINING WORK	BASED ON REMAINING WORK		90 DAYS			
IF YES, POLICY:	N/A	N/A	90 DAY EXTS @ PROGRESSIVE TIMELINE RATE, % OF ORG FEE	90 DAY EXT. @ 50% OF ORIGINAL FEE	website does not specify a 'fee'	N/A	EVIDENCE REQR'D, REASONABLE EXTENSION
IF YES, FEES:	N/A	N/A		50% ORIGINAL PERMIT FEE		N/A	?
			<a href="https://www.willowbrook.il.us/wn-content/uploads/2017/11/Client-Document-Message/Building-Ordinance-1124-updated-2017-11-11.pdf">https://www.willowbrook.il.us/wn-content/uploads/2017/11/Client-Document-Message/Building-Ordinance-1124-updated-2017-11-11.pdf</a>	24 MONTHS AVAILABLE @ 200 % BASE FEE	<a href="https://darien.il.us/reference-desk/forms-and-permits/community-development/building-permit-information-pocket.aspx">https://darien.il.us/reference-desk/forms-and-permits/community-development/building-permit-information-pocket.aspx</a>		
<b>REVIEW TIMELINE</b>	10-15 BUSINESS DAYS	2 WEEKS	14 "BUSINESS" DAYS	14-21 DAYS	14 DAYS	?	?
			<a href="https://www.burr-ridge.il.us/wp-content/uploads/2017/07/Client-Document-Meeting/Building-Ordinance-1124-updated-2017-07-07.pdf">https://www.burr-ridge.il.us/wp-content/uploads/2017/07/Client-Document-Meeting/Building-Ordinance-1124-updated-2017-07-07.pdf</a>	<a href="https://www.hinsdale.il.us/ind-1.php?block_id=102">https://www.hinsdale.il.us/ind-1.php?block_id=102</a>	<a href="https://www.merrillville.in.us/codes-compliance/de">https://www.merrillville.in.us/codes-compliance/de</a>		

"ITALICIZED" TEXT WAS ADDED, NOT INITIALLY REQUESTED INFORMATION, BUT FOUND DURING RESEARCH

(\*) WB RESEARCHED WEBSITE

\*\* COMBINED

\*\*\* Outdoor activities which may be permitted include festivals, tent sales, or seasonal sidewalk sales

## LAW AND ORDINANCES COMMITTEE MEETING

### AGENDA ITEM SUMMARY SHEET

#### AGENDA ITEM DESCRIPTION

##### DISCUSS – Adult Use Cannabis Definitions and District

#### COMMITTEE REVIEW

- Finance/Administration
- Municipal Services
- Public Safety
- Law & Ordinances

**Meeting Date: September 14, 2020**

<input type="checkbox"/> Discussion Only	<input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date)
<input checked="" type="checkbox"/> Seeking Feedback	<input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board)
<input type="checkbox"/> Regular Report	<input type="checkbox"/> Report/documents requested by Committee

#### BACKGROUND:

The Village of Willowbrook approved the use category of Adult Use Cannabis Dispensaries as a Special Use within defined district on December 16, 2019. During this process, the focus of the Village was on determining if and where adult use cannabis dispensaries would be allowed. The Cannabis Regulation and Tax Act also allows for other cannabis related uses and business establishments such as: adult-use cannabis cultivation centers, craft growers, processing organizations, infuser organizations, dispensing organizations or transporting organizations.

The Village has received inquiries on these other types of uses. Since the uses are not specified within our code, they are considered prohibited. Staff recommends that the Village review these types of uses to determine if they would be acceptable within the community and if so, where the Village would find the uses acceptable.

The uses are defined under the Cannabis Regulation and Tax Act as follows:

#### 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 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.

Attached is the approved zoning district for adult use cannabis dispensaries. The Village may wish to re-visit this district to determine if it still meets the needs of the Village.

**STAFF RECOMMENDATION:**

Staff is seeking feedback on enhancing the Village code fully define adult use cannabis uses as allowed by the Cannabis Regulation and Tax Act. Upon consensus from the Committee staff will work through the required text amendment process.

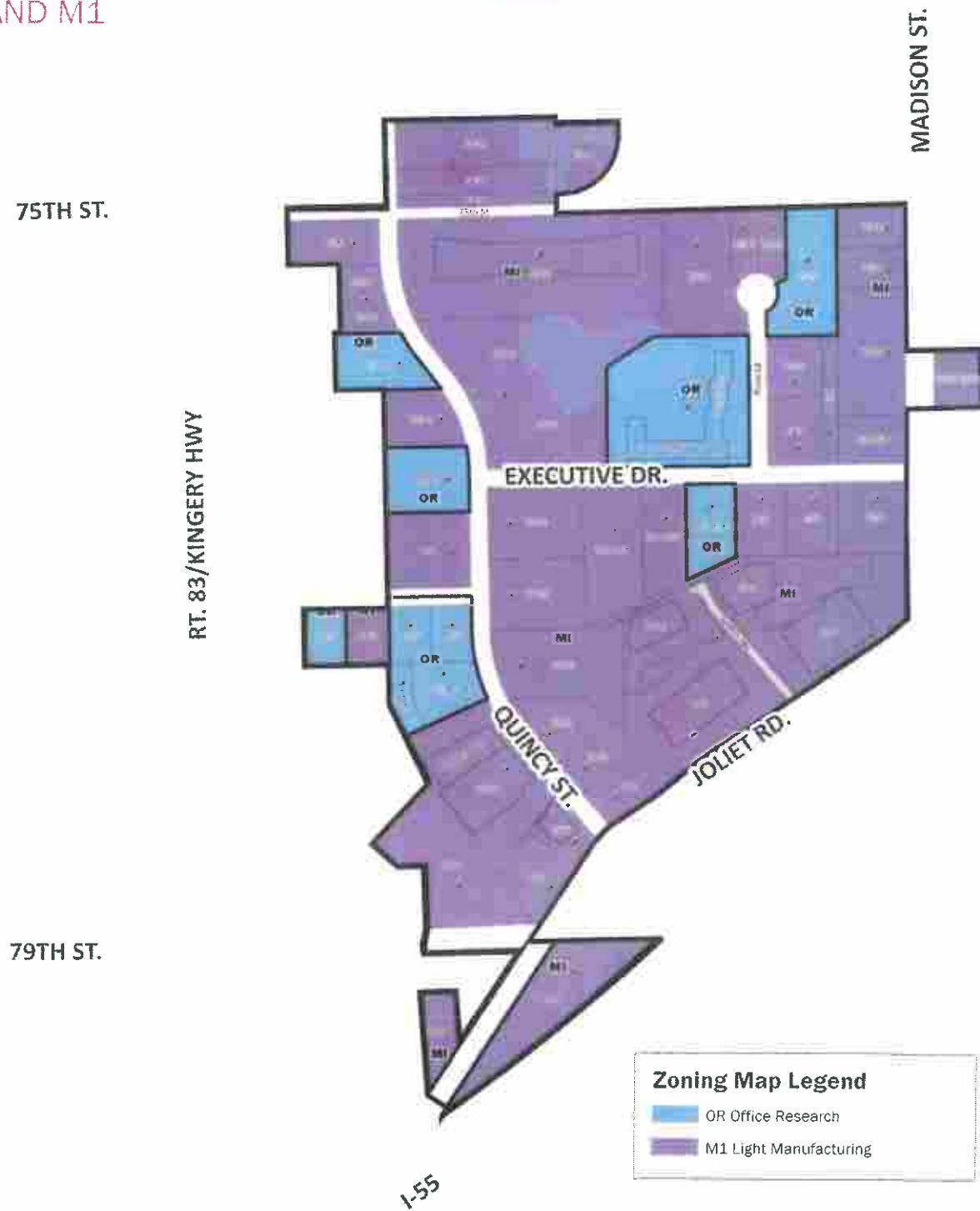
**PARAMETERS:**

WILLOWBROOK CENTRE PKWY.

375 FT. FROM RESIDENTIAL AND 1,000 FT. FROM  
DAYCARES, SCHOOLS AND RELIGIOUS INSTITUTIONS

**ZONING DISTRICTS UNDER CONSIDERATION:**

OR AND M1



# VILLAGE OF WILLOWBROOK ZONING MAP

