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Bensenville, IL 60106

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**VILLAGE BOARD**

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November 25, 2019

Mr. Paul De Michele  
17W275 Rodeck Lane  
Bensenville, Illinois 60106

Re: November 18, 2019 FOIA Request

Dear Mr. De Michele:

I am pleased to help you with your November 18, 2019 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on November 18, 2019. You requested copies of the items indicated below:

*"1. A copy of any and all policies or ordinances authoring the Village of Bensenville to require a pre-annexation agreement for residences to connect or reconnect to water service.*

*2. A copy of the ordinance and all supporting documents approving the text amendment referenced in VII-7 of the October 22 consent agenda."*


After a search of Village files, the following information was found responsive to your request:

- 1) Village of Bensenville Coversheet for an Ordinance Approving a Text Amendment to Title 10 (Zoning Ordinance, Creating Regulations for the Operation of Adult-Use Cannabis Business Establishments. (1 pg.)
- 2) Village of Bensenville Ordinance No. 52-2019. (11 pgs.)

These are all the records found responsive to your request.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,

  
Corey Williamsen  
Freedom of Information Officer  
Village of Bensenville

**TYPE:**  
Ordinance

**SUBMITTED BY:**  
K. Fawell

**DEPARTMENT:**  
CED

**DATE:**  
10.22.19

**DESCRIPTION:**

Ordinance Approving a Text Amendment to Title 10 (Zoning Ordinance), Creating Regulations for the Operation of Adult-Use Cannabis Business Establishments

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input checked="" type="checkbox"/>	Financially Sound Village	<input type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Quality Customer Oriented Services	<input checked="" type="checkbox"/>	Major Business/Corporate Center
<input type="checkbox"/>	Safe and Beautiful Village	<input checked="" type="checkbox"/>	Vibrant Major Corridors

**COMMITTEE ACTION:**

Committee of the Whole (Voted 5 - 0 to approve)

**DATE:**

10.15.19

**BACKGROUND:**

1. The Village is looking to create definitions, use categories and use standards to allow for Adult-Use Cannabis Business Establishments.
2. Previously, the the Village Board passed a use tax of 3% for cannabis sales; the maximum permitted by law.

**KEY ISSUES:**

1. The new zoning will apply to any Commercial or Industrial property in the Village.
2. The Ordinance will create a Special Use category in these districts.
3. It will also create use standards and new definitions for each Adult-Use Cannabis Business Establishment.

**ALTERNATIVES:**

Discretion of the Board.

**RECOMMENDATION:**

1. The staff respectfully recommends that the Variation be approved.
2. At the Public Hearing on October 1, 2019, the Community Development Commission voted unanimously (4-0) to recommend the approval of the Request.
3. On 10.15.19 the Committee of the Whole voted to approve.

**BUDGET IMPACT:**

N/A

**ACTION REQUIRED:**

Approval of an Ordinance Approving a Text Amendment to Title 10 (Zoning Ordinance), creating regulations for the operation of adult-use cannabis business establishments.

**ATTACHMENTS:****Description**

Ordinance

Map

**Upload Date**

10/8/2019

10/8/2019

**Type**

Backup Material

Backup Material

**VILLAGE OF BENSENVILLE  
12 S. CENTER STREET  
BENSENVILLE, ILLINOIS 60106**

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**Ordinance No. 52-2019**

**An Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois  
Amending Title 10 (Zoning Ordinance), Chapter 7 (Uses) and Chapter 11 (Definitions),  
Village Code Pertaining to Adult-Use Cannabis Business Establishments**

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**ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF BENSENVILLE  
THIS 22nd DAY OF OCTOBER 2019**

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of  
Bensenville, DuPage and Cook Counties, Illinois this 23<sup>rd</sup> day of October, 2019

STATE OF ILLINOIS     )  
COUNTIES OF COOK    )  
SS AND DUPAGE        )

I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village; I do further certify that the foregoing constitutes a full, true and correct copy of Ordinance No. 52-2019 entitled an Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Amending Title 10 (Zoning Ordinance), Chapter 7 (Uses) and Chapter 11 (Definitions), Village Code Pertaining to Adult-Use Cannabis Business Establishments.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 23rd day of October, 2019.



  
\_\_\_\_\_  
Corey Williamsen  
Deputy Village Clerk

**ORDINANCE NO. 52-2019**

**AN ORDINANCE OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK COUNTIES, ILLINOIS AMENDING TITLE 10 (ZONING ORDINANCE), CHAPTER 7 (USES) AND CHAPTER 11 (DEFINITIONS), VILLAGE CODE PERTAINING TO ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS**

**WHEREAS**, the Village of Bensenville, Illinois, has enacted Village 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 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 Village deems sensitive; and

**WHEREAS**, on October 22, 2019, the Village Board initiated an amendment to Title 10 (Zoning Regulations) to review and consider additional amendments to further regulate adult-use cannabis facilities within the Village of Bensenville; and

**WHEREAS**, the Community Development Commission conducted a public hearing, as required by law, on October 1, 2019, in regards to the proposed amendments to Title 10 (Zoning Regulations) of the Bensenville Village Code pertaining to adult-use cannabis; and

**WHEREAS**, the Community Development Commission recommended approval of the proposed amendments to Title 10 (Zoning Regulations) on October 1, 2019.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** The recitals set forth above are incorporated herein.

**SECTION TWO:** Chapter 11 (Definitions) of Title 10 (Zoning Regulations) of the Bensenville Village Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

## **10 – 11 – 2: DEFINITION OF TERMS:**

\* \* \*

ADULT USE: "Adult use" shall include "adult cabarets", "adult stores", "adult theaters", and other similar uses.

### 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.

### 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.

ALLEY: A narrow public or private right-of-way that provides a means of access to adjacent properties typically located at the side or rear of a lot.

\* \* \*

**SECTION THREE:** Chapter 7 (Use Standards) of Title 10 (Zoning Regulations) of the Bensenville Village Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

**10 – 7 – 3: USE STANDARDS:**

\* \* \*

**A. Adult Use.**

1. Minimum Spacing. An adult use shall not be located within 2,000 feet of any residential zoning district, day care center, elementary school, middle school, high school, park, place of worship, another adult use, or any use where large numbers of minors regularly travel or congregate.
2. Off-Site Observation. An adult use shall be conducted in a manner that does not permit the

observation of material relating to specified sexual activities or specified anatomical areas from any right-of-way or adjacent property.

B. Adult-Use Cannabis Business Establishment:

1. Compliance with State Regulations. Adult-Use Cannabis Business Establishments must comply with all applicable rules and regulations enacted by the State of Illinois, including licensing and registration requirements. When such state regulations are amended, such regulations control over this Ordinance.
2. Minimum Spacing: An adult use-cannabis business establishment shall not be located within five hundred feet (500') of any day care center, elementary school, middle school, high school, park, or any use where large numbers of minors regularly travel or congregate. An adult-use cannabis business establishment shall not be located within one thousand five hundred feet (1,500') of another adult-use cannabis business establishment.
3. Hours of Operation. The hours of operation of the establishment shall be limited to between 8:00 AM and 10:00 PM.
4. Location of Transactions. All transactions shall occur entirely inside the facility. No transactions may be permitted through an exterior walk-up window or drive through facility.
5. Security. The site design shall incorporate adequate security measures, such as exterior lighting, surveillance cameras, and/or fencing.
6. On-site consumption. The on-site consumption of cannabis in all its forms is strictly prohibited.

~~B~~C. Animal Boarding, Hospital, or Shelter.

...

~~C~~D. Car Wash.

...

~~D~~E. Community Garden.

...

~~E~~F. Community Residence.

...

~~F~~G. Currency Exchange, Pawnshop, Payday or Title Loan Establishment.

...

~~G~~H. Day Care Home.

...

~~H~~I. Day Labor Center.

...

~~I~~J. Drive-Through Facility.

...

~~J~~K. Elementary, Middle, High, or Vocational School.



...  
~~KL~~. Gas Station.  
 ...  
~~LM~~. Government Facility.  
 ...  
~~MN~~. Gun Range.  
 ...  
~~NO~~. Indoor Entertainment or Recreation.  
 ...  
~~OP~~. Laundromat.  
 ...  
~~PQ~~. Live/Work Dwelling.  
 ...  
~~QR~~. Medical Marijuana Cultivation Center.  
 ...  
~~RS~~. Medical Marijuana Dispensary.  
 ...  
~~ST~~. Motor Vehicle Operations Facility or Motor Vehicle Repair and/or Service.  
 ...  
~~TU~~. Motor Vehicle Rental or Motor Vehicle Sales.  
 ...  
~~UV~~. Outdoor Dining.  
 ...  
~~VW~~. Outdoor Entertainment or Recreation.  
 ...  
~~WX~~. Outdoor Storage Area.  
 ...  
~~XY~~. Parking Garage (Primary Use).  
 ...  
~~YZ~~. Parking Lot (Primary Use).  
 ...  
~~ZAA~~. Planned Unit Development.  
 ...  
~~AABB~~. Tobacco Shop.  
 ...  
~~BBCC~~. Truck Repair.  
 ...  
~~CCDD~~. Truck Stop.  
 ...  
~~DEEE~~. Utility.  
 ...  
~~EEFF~~. Wireless Telecommunication Facility and/or Tower.  
 ...  
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**SECTION FOUR:** Chapter 7 (Uses) of Title 10 (Zoning Ordinance) of the Village of Bensenville Village Code is hereby amended by adding the underlined language and

deleting the stricken language, as follows:

**Table 10-7-2-1. Use Table**

Uses	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	I-1	I-2	Use Standards
<b>Residential</b>											
Community Residence	P	P	P	P	P	P	P	P			See § 10-7-3.EF
Dwelling Above the Ground Floor							P	P			None
Live/Work Dwelling							P	P			See § 10-7-3.PQ
Multiple-Unit Dwelling					P	P	P	S			None
Residential Care Facility					P	P	P	P			None
Single-Unit Dwelling	P	P	P	P	P	S					None
Townhouse Dwelling		S	P	P	P	P	S	S			None
Two-Unit Dwelling		P	P	P	P	S					None
<b>Civic and Institutional</b>											
Cemetery	S	S	S	S	S	S					None
College or University	S	S	S	S	S	S	S	S	S	S	None
Community Garden	P	P	P	P	P	P	P	P			See § 10-7-3.DE
Cultural Facility	P	P	P	P	P	P	P	P	P		None
Elementary, Middle, or High School	P	P	P	P	P	P	P	P	P	P	See § 10-7-3.JK
Government Facility	P	P	P	P	P	P	P	P	P	P	See § 10-7-3.MV
Hospital							S	S	S	S	None
Park	P	P	P	P	P	P	P	P	P	P	None
Place of Worship	S	S	S	S	S	S	S	S			None
Vocational School							S	S	S	S	See § 10-7-3.JK
<b>Commercial</b>											
Adult Use										S	See § 10-7-3.A
Adult Use Cannabis Business Establishment							S	S	S	S	See § 10-7-3.B
Animal Boarding, Hospital, or Shelter								S		S	See § 10-7-3.BC
Banquet Hall							S	P		S	None
Bar/Tavern							P	P		S	None
Body Art Establishment							P	P		S	None
Car Wash								P		P	See § 10-7-3.CD
Currency Exchange							S	S			See § 10-7-3.FG
Day Care Center	S	S	S	S	S	S	S	S			None
Day Care Home	P	P	P	P	P	P					See § 10-7-3.GH
Day Labor Center							S	S	S	S	See § 10-7-3.HI
Drive-Through Facility								S		S	See § 10-7-3.IJ
Financial Institution							P	P			None
Funeral Home							S	S			None
Garden Center								P		P	None
Gas Station								S		S	See § 10-7-3.KL
Golf Course or Driving Range	S	S	S	S	S	S				S	None
Gun Range										S	See § 10-7-3.MN
Gun Sales Establishment								S	S	S	None
Hotel/Motel							P	P		S	None

Uses	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	I-1	I-2	Use Standards
Indoor Entertainment or Recreation							P	P	S	S	See § 10-7-3.NQ
Laundromat							S	S		S	See § 10-7-3.QP
Massage Therapy Establishment							S	S			None
Medical Marijuana Dispensary							S	S	S	S	See § 10-7-3.RS
Microbrewery or Microdistillery							P	P	P	P	None
Motor Vehicle Operations Facility									S	P	See § 10-7-3.SI
Motor Vehicle Rental								P	S	S	See § 10-7-3.TU
Motor Vehicle Repair and/or Service								S	S	S	See § 10-7-3.SI
Motor Vehicle Sales								S	S	S	See § 10-7-3.TU
Outdoor Dining							P	P			See § 10-7-3.UV
Outdoor Entertainment or Recreation								S	S	P	See § 10-7-3.VW
Outdoor Storage Area										S	See § 10-7-3.WX
Pawnshop										S	See § 10-7-3.FG
Payday or Title Loan Establishment							S	S			See § 10-7-3.FG
Personal Services Establishment							P	P			None
Professional Office							P	P	P	S	None
Research/Development Facility									P	P	None
Restaurant							P	P		S	None
Retail Goods Establishment							P	P			None
Self-Service Storage									S	S	None
Tobacco Shop							S	S			See § 10-7-3.AABB
Transitional Treatment Facility							S	S	S	S	None
Truck Repair										S	See § 10-7-3.BBCC
Truck Stop										S	See § 10-7-3.CCDD
<b>Industrial</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	
Heavy Industrial										S	None
Light Industrial									P	P	None
Medium Industrial									S	P	None
Medical Marijuana Cultivation Center									S	S	See § 10-7-3.QR
Machinery and Equipment Sales and Rental									S	P	None
Warehousing, Storage, or Distribution Facility									S	P	None
<b>Other Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	
Club, Lodge, or Hall								P	S	S	None
Parking Garage (Primary Use)							S	S		S	See § 10-7-3.XY
Parking Lot (Primary Use)							S	S		S	See § 10-7-3.XZ
Planned Unit Development	S	S	S	S	S	S	S	S	S	S	See § 10-7-3.ZAA
Utility	S	S	S	S	S	S	S	S	S	S	See § 10-7-3.BBEE
Wireless Telecommunication Facility	S	S	S	S	S	S	P	P	P	P	See § 10-7-3.EEIE
Wireless Telecommunication Tower	S	S	S	S	S	S	S	S	S	S	See § 10-7-3.EEIE
<b>Table Key</b> P: Allowed by-right and shall meet the requirements of § 10-7-3 (Use Standards) when applicable. S: Allowed with special use permit and shall meet the requirements of § 10-7-3 (Use Standards) when applicable.											

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**SECTION FIVE:** That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

**SECTION SIX:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville, this 22nd day of October 2019.

  
\_\_\_\_\_  
Frank DeSimone, Village President

ATTEST:

  
\_\_\_\_\_  
Nancy Quinn, Village Clerk

AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez  
\_\_\_\_\_

NAYES: None  
\_\_\_\_\_

ABSENT: None  
\_\_\_\_\_



# Village of Bensenville

Cannabis Parcels- 500 ft radius  
Version 5- Schools/Daycares/Parks

