ST. CHARLES SINCE 1834	**PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY**			
	Project Title/Address:	General Amendment: Recreational Cannabis Dispensing Organizations in M-2		
	City Staff:	Ellen Johnson, Planner		
	PUBLIC HEARING 11/15/19	X	**MEETING 11/15/19**	X

APPLICATION:	General Amendment
ATTACHMENTS AND SUPPORTING DOCUMENTS:	
Staff Report	Buffer Map
Table 17.16	Application for General Amendment
Ordinance 2019-Z-19	

SUMMARY:

Last month, the City approved a General Amendment to allow Recreational Cannabis Dispensing Organizations as a Special Use in the BC Community Business and BR Regional Business districts.

Healthway Services of West Illinois, LLC has submitted an application for General Amendment requesting to add Recreational Cannabis Dispensing Organizations as a Special Use in the M-2 Limited Manufacturing District.

The applicant is associated with Zen Leaf, an existing Medical Cannabis Dispensing Organization located at 3714 Illinois Ave., which is zoned M-2. Zen Leaf would like to operate as a Recreational Cannabis Dispensing Organization at their current location.

The applicant has also filed an application for Special Use to establish a Recreational Cannabis Dispensing Organization at 3714 Illinois Ave. The General Amendment would need to be approved in order for the City to grant the Special Use.

SUGGESTED ACTION:

Conduct the public hearing and close if all testimony has been taken.

The Plan Commission may vote on the item should they determine that they have enough information to make a recommendation.

INFO / PROCEDURE – GENERAL AMENDMENT APPLICATIONS:

- See **Sec. 17.04.320** regarding General (Text) Amendments. A General Amendment (or Text Amendment) is an application requesting a change to the Zoning Ordinance, Title 17 of the City Code. A change may be requested to a numerical standard (such as a setback requirement) or to any other text of the Zoning Ordinance. Often, a General Amendment is proposed to change the standards that apply to a specific zoning district or a specific land use or business category. Changes to the text apply to all properties in the City that are located in the same zoning district or fall within the same category of land use or business. A General Amendment application may also involve changes to procedures or application requirements that are listed in the Zoning Ordinance.
- Public hearing is required. No mailed notice to surrounding property owners.
- Findings: 6 items of information for Plan Commission to consider in making a recommendation; all items need not be in the affirmative to recommend approval.

Community & Economic Development
Planning Division
Phone: (630) 377-4443
Fax: (630) 377-4062

ST. CHARLES
SINCE 1834

Staff Report

TO: Chairman Todd Wallace
And Members of the Plan Commission

FROM: Ellen Johnson, Planner

RE: General Amendment to Title 17 (Zoning Ordinance) – Recreational Cannabis Dispensing Organizations in the M-2 District

DATE: November 15, 2019

I. APPLICATION INFORMATION:

Project Name: General Amendment – Recreational Cannabis Dispensing Organizations in M-2

Applicant: Healthway Services of West Illinois, LLC

Purpose: Add Recreational Cannabis Dispensing Organization as a Special Use in the M-2 District

II. BACKGROUND

Last month, the City approved a General Amendment to the Zoning Ordinance regarding recreational cannabis business establishments under Ordinance 2019-Z-19. The following provisions are now part of the Zoning Ordinance:

- Recreational Cannabis Dispensing Organizations (recreational dispensaries) are permitted as a Special Use in the BC- Community Business and BR- Regional Business zoning districts.
- The parking requirement is 4 spaces per 1,000 sf of Gross Floor Area.
- Use Standards:
  - The number of recreational dispensaries is limited to two, one on each side of the Fox River.
    - One of the two dispensaries shall have operated as a Medical Cannabis Dispensing Organization within St. Charles for at least 1 year, and the other must have operated within Illinois for at least 1 year.
  - Recreational dispensaries may not be located within 250 ft. of a school, day care center, day care home, church, or single-family zoning.
  - Recreational dispensaries may not be located within 1,500 ft. of another cannabis dispensary (recreational or medical).
  - On-site consumption is prohibited.
  - Special Use approval is conditional upon receipt of an Adult Use Dispensing Organization License from the State of Illinois.

The approved ordinance is similar to the Plan Commission's recommendation, however it had recommended limiting recreational dispensaries to the BR- Regional Business District. The Commission had also provided a comment for the P&D Committee to consider also allowing recreational dispensaries in the M-2 Limited Manufacturing District.

Medical Cannabis Dispensing Organization and Medical Cannabis Cultivation Center are permitted uses in the M-2 District.

III. PROPOSAL

Healthway Services of West Illinois, LLC has submitted an application for General Amendment requesting to add Recreational Cannabis Dispensing Organizations as a Special Use in the M-2 Limited Manufacturing District.

The applicant is associated with Zen Leaf, an existing Medical Cannabis Dispensing Organization located at 3714 Illinois Ave., which is zoned M-2. Zen Leaf would like to operate as a Recreational Cannabis Dispensing Organization at their current location. To that end, they have also filed an application for Special Use for their current location. The General Amendment would need to be approved in order for the City to grant the Special Use. A separate Staff Report has been prepared for the Special Use application.

IV. ANALYSIS

The purpose of the M-2 District as provided in the Zoning Ordinance is as follows:

> *"To accommodate a wide range of manufacturing, assembly, processing, warehousing and office/research activities, both as individual users and in a business park setting. New development and redevelopment in this District shall focus on providing sufficient setbacks, and adequate landscaping and buffering from adjacent nonindustrial uses and public rights-of-way. Outdoor storage and loading, and other outdoor activities, shall be adequately screened."*

The M-2 District encompasses the east side industrial park located south of E. Main St. generally between S. Tyler Rd. and Kautz Rd. These areas are intended to accommodate light manufacturing, storage and distribution, more intensive commercial uses, and offices.

General retail sales are not permitted in the M-2 District. Certain specific retail uses are permitted: Heavy Retail & Service (such as lumber yards, building supply stores, garden centers, and contractor yards), Motor Vehicle Rental, and Medical Cannabis Dispensing Organization.

If the proposed General Amendment is approved, a Special Use would need to be granted prior to the establishment of a recreational dispensary in the M-2 District. Special Use applications require a public hearing before the Plan Commission and approval by City Council. Through the Special Use process the City would determine whether the proposed business meets the findings of fact for Special Use, as well as the Use Standards specific to recreational dispensaries. The Use Standards are listed in Section II on the previous page.

The attached map shows the location of the M-2 District and as well as the 250 ft. buffer required around the property lines of schools, daycares, churches, and residential zoning districts. A dispensary could locate on any M-2 parcel untouched by buffer area. The limitation of two total dispensaries, one on each side of town, would still apply. Should a Special Use be a granted for a

dispensary in the M-2 district, that would count as the one recreational cannabis dispensary permitted on the east side.

A. COMPREHENSIVE PLAN

The Land Use Plan adopted as part of the Comprehensive Plan designates areas zoned M-2 as Industrial/Business Park. It describes this land use category as follows (p.39):

Areas designated for industrial/business park are intended to accommodate a variety of uses ranging from light assembly, storage and distribution, low intensity fabrication operations, research and "tech" industry applications, intense commercial service uses, and more. These areas are also intended to provide for business park/office park uses, which could include "stand alone" office buildings and complexes or several buildings incorporated into a "campus like" setting.

Light industrial uses in St. Charles are concentrated in industrial parks, but they can also be found in commercial and office areas. As a distinct land use, these areas can provide significant employment opportunities, tax revenue generation, and, if developed correctly, can help establish a positive community image.

While these uses create significant jobs and tax revenue, care must be taken to ensure they don't become a source of blight for surrounding uses. At times, their externalities are unpopular with community members, but heavy industrial uses are generally treated as assets as long as care is taken to eliminate their negative effects.

Relevant Industrial/Business Park goal and objective (p. 25):

Goal: Continue to support a diversified light industrial/business park/commercial service economic base that provides employment opportunities within the community.

Objective 1- Preserve the integrity of the industrial park by preventing the encroachment of businesses or land uses that could impact the long term viability of industrial areas. Parking needs, traffic issues, and potential impacts to existing or future industrial business operations should be considered when uses such as entertainment or recreational uses, community facilities, schools, places of worship, etc. locate in industrial areas.

IV. SUGGESTED ACTION

Conduct the public hearing on the General Amendment and close if all the testimony has been taken.

The Plan Commission may vote on this item should the Commission feel that they have enough information to make a recommendation.

The applicant has provided responses to the six Findings of Fact for General Amendment. The findings are to be used as information for the Plan Commission to consider in making a recommendation; all items need not be in the affirmative to recommend approval.

V. ATTACHMENTS

- Table 17.16 Office/Research, Manufacturing & Public Lands Districts– Permitted & Special Uses

- M-2 Buffer Map (also shows BR & BC Districts)
- Application for General Amendment; received 9/16/19
- Ordinance 2019-Z-19

TABLE 17.16-1
OFFICE/RESEARCH, MANUFACTURING AND PUBLIC LANDS
PERMITTED AND SPECIAL USES

P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT				SPECIFIC USE STANDARDS
	O-R	M-1	M-2	PL	
RESIDENTIAL USES					
Artists Live/Work Space		S			Section17.20.030
Assisted Living Facility	P				
CULTURAL, RELIGIOUS, RECREATIONAL & ENTERTAINMENT USES					
Art Gallery/Studio	P	P			
Carnival (as temporary use)				P	Section 17.20.040, 050
Cultural Facility	P	P	P	P	
Golf Course				P	
Indoor Recreation& Amusement	P	S	P	P	
Model Airplane Facility				S	
Outdoor Amusement				S	
Outdoor Entertainment, Temporary				P	
Outdoor Recreation				P	
Park, Neighborhood				P	
Place of Worship	P	S	S		Section 17.20.030
Theater				P	
RETAIL, OFFICE AND SERVICE USES					
Adult Use			S		Section17.20.030
Bank	P				
Car Wash			S		Section 17.24.100
Day Care Center	P	P	P	A	
Drive-In Facility	SA				Section 17.24.100
Emergency Medical Center	P				
Financial Institution	P				
Heavy Retail and Service		S	P		
Heliport			S		
Hotel/Motel	P	P	P		
Kennel			S		Section17.20.030
Medical/Dental Clinic	P	P	P		
Medical Cannabis Dispensing Organization			P		
Motor Vehicle Service and Repair, Major			P		Section 17.20.030
Motor Vehicle Service and Repair, Minor		P	P		Section 17.20.030
Motor Vehicle Rental	P	P	P		
Office, Business or Professional	P	P	P		
Outdoor Sales, Permanent		SA	SA		Section 17.20.030
Outdoor Sales, Temporary		A	A	A	Section 17.20.040, 050
Personal Services, Limited	P				
Professional Training Center	P	P			
Veterinary Office/Animal Hospital	P	P	P		
GOVERNMENTAL AND INSTITUTIONAL USES					
Cemetery				P	
College/University	P			P	
Correctional Facility				S	
Fairground				P	
Hospice	P				
Hospital	P				
Nursing Home	P				
Office, Government	P	P		P	
Police Firearms Training Range				S	
Public Service Facility		P	P	P	
School, Primary or Secondary				P	

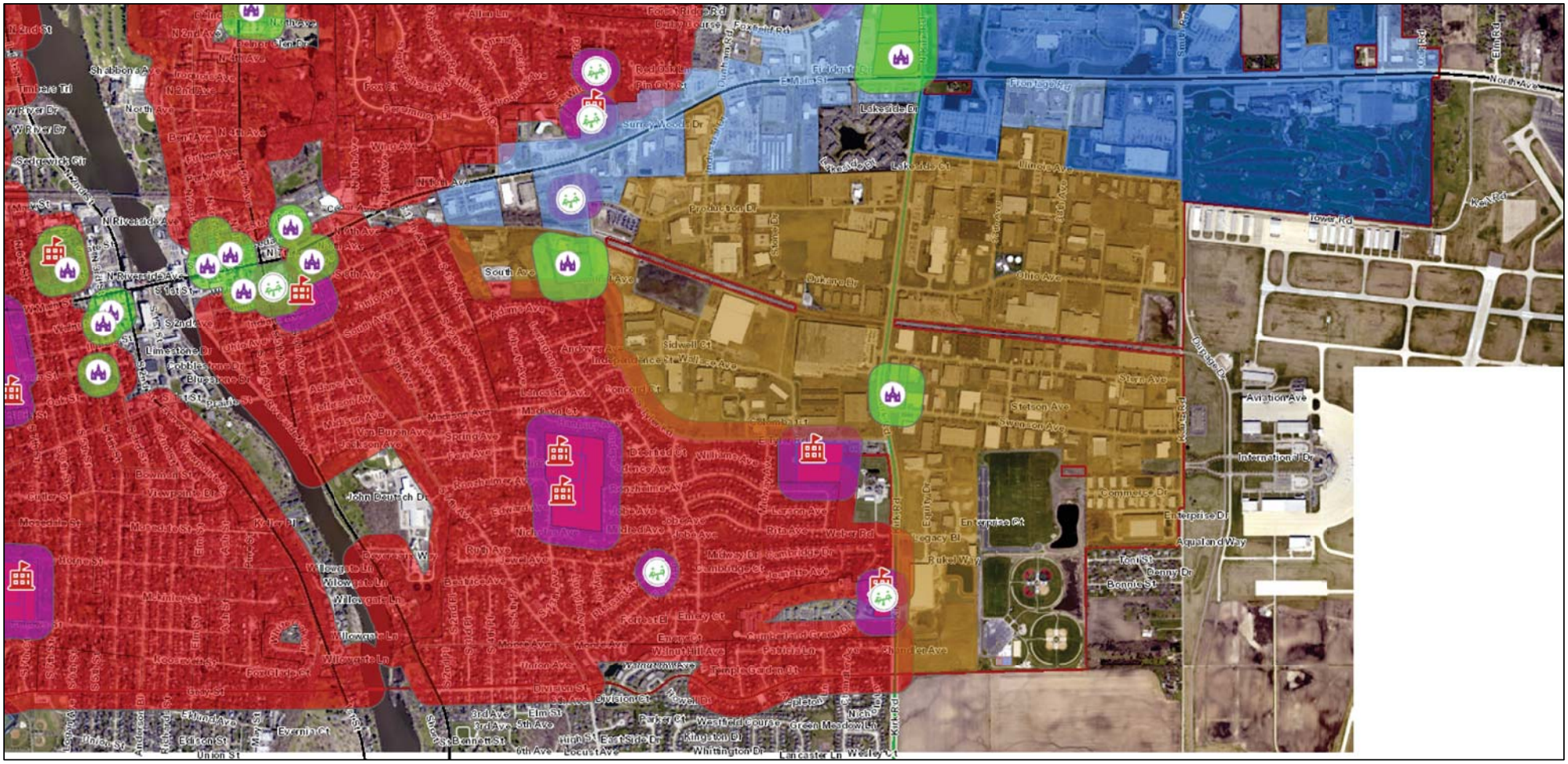
TABLE 17.16-1
OFFICE/RESEARCH, MANUFACTURING AND PUBLIC LANDS
PERMITTED AND SPECIAL USES

P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT				SPECIFIC USE STANDARDS
	O-R	M-1	M-2	PL	
School, Private Boarding				P	
School, Specialized Instruction	P	P	P		
INDUSTRIAL/STORAGE USES					
Junkyard			S		
Manufacturing, Heavy			S		
Manufacturing, Light		P	P		
Medical Cannabis Cultivation Center			P		
Mini-Warehouse		P	P		
Outdoor Storage		A	A	A	Section 17.20.030, 17.26.120
Permanent Motor Vehicle Storage		P	P		Section 17.20.030
Recycling Facility			S		
Research and Development Use	P	P	P		
Warehouse/Distribution		P	P		
OTHER					
Accessory Uses	A	A	A	A	
Agriculture				P	
Communication Antenna	P	P	P	P	Section17.22.020
Communication Tower*	S	P	P	P	Section17.22.020
Parking Garage/Structure	A	A	A	A	Chapter 17.24
Parking Lot, Private	A	A	A	A	Chapter 17.24
Planned Unit Development	S	S	S	S	Chapter 17.04, 17.06
Transportation Operations Facility		S	P	S	
Utility, Local	P	P	P	P	
Utility, Community/Regional	S	S	P	P	
Wind Turbine, Structure Mounted	A	A	A	A	Section 17.22.020.G
Wind Turbine, Tower Mounted	S	S	P	P	Section 17.22.020.H

* Communication Towers that are Wireless Support Structures supporting Small Wireless Facilities, as defined in Chapter 13. 24 " Small Cell Wireless Facilities", are permitted uses in any Right-of-Way within the City, and, in conformance with State law, are a permitted use, as opposed to a special use, in the O-R District when all other applicable zoning requirements and the requirements of Chapter 13. 24 are met.

(Ord. 2018-Z-22 § 3; Ord. 2014-Z-8 § 2; Ord. 2013-Z-8 § 2; Ord. 2013-Z-6 § 2; Ord. 2011-Z-11 § 3; Ord. 2009-Z-7 § 2; Ord. 2008-Z- 24 § 7; Ord. 2006-Z-19 § 1; Ord. 2006-Z-9 § 1; Ord. 2004-Z-25 § 1; Ord. 2003-Z-1 § 1; Ord. 2001-Z-19 § 1; Ord. 1999-Z- 8 § 1; Ord. 1997-Z-28 § 1; Ord. 1996-Z-12 § 14; Ord. 1995-Z-14 § 2, 3; Ord. 1994-Z-17 § 1; Ord. 1994-Z-7 § 1-3; Ord. 1993-Z-19 § 5; Ord. 1993-Z-4 § 1 (E, F); Ord. 1993-Z-1; Ord. 1987-Z-16 § 1, 2; Ord. 1967-14 (part); Ord. 1966-33 § 2; Ord. 1960-16 § IX (B) (1, 2).)

M-2, BR, BC Zoning w/ Required Buffers for Rec. Cannabis Dispensaries


N Riverside Ave
Lakeside Dr
Lakeside Ct
Tower Rd
North Ave
Aviation Ave
International Dr
Enterprise Dr
Enterprise Ct
Aqualand Way
Stetson Ave
Stern Ave
Sidwell Ct
Dukane Dr
Ohio Ave
Kirk Rd
Elm Rd
Limestone Dr
Cobblestone Dr
Bluestone St
Sandstone St
Willowgate Ln
John Deutsch Dr
Lancaster Ln
Whittington Dr
Kingston Dr
Westfield Course
Green Meadow Ln
Eastside Dr
Union St
Edison St
Evernia Ct
Bonnie St
Denny Dr
Legacy Bl
Fulkel Way
Commerce Dr
Equity Dr
Stanford Dr
Dunham Rd
Frontage Rd
Fox Ct
Persimmon Dr
Sunny Woods Dr
Red Oak Ln
Pin Oak Ct
Forest Ridge Rd
Fairfield Rd
Elm St
Elm Ave
Sedgewick Cir
W River Dr
Shabbona Ave
Timber Trl
Cedar St
Cook St
Mecosta St
Bowman St
Viewpoint Dr
Cutler St
Hickory St
McKinley St
Koosewing St
Fox Glade Ct
Ekhart Ave
Union St
Bennett St
Locust Ave
Division St
Division Ct
Appleton
Parker Ct
Emery Ct
Walnut Hill Ave
Temple Garden Ct
Cumberland Green Dr
Patricia Ln
Rita Ave
Weber Rd
Lazon Ave
Midway Dr
Cambridge Ct
Jacobs Ave
Job Ave
Nicholas Ave
Rub Ave
Eastside Dr
Fairfield Ct
Concord Ct
Williams Ave
Beechwood Ave
Beechwood Ct
Lancaster Ave
Madison Ct
Madison Ave
Monroe Ave
Van Buren Ave
Jackson Ave
Spring Ave
Adams Ave
Andover Ave
Independence St
Wallace Ave
Wilson Ave
Sherman Ave
Lincoln Ave
Washington Ave
Ashland Ave
Edison Ave
Ellis Ave
Indiana Ave
Ohio Ave
Illinois Ave
Michigan Ave
Wisconsin Ave
Sycamore Ave
Ash Ave
Elm Ave
Pine St
Oak St
Walnut St
Hickory St
Cedar St
Sandstone St
Limestone Dr
Cobblestone Dr
Bluestone St
Sandstone St
Willowgate Ln
Willowgate Ln
Willowgate Ln
Willowgate Ln
Keller Bl
Downers Way
Ruth Ave
Jewel Ave
Eastside Dr
Eastside Ct
Emery Ct
Walnut Hill Ave
Temple Garden Ct
Cumberland Green Dr
Patricia Ln
Rita Ave
Weber Rd
Lazon Ave
Midway Dr
Cambridge Ct
Jacobs Ave
Job Ave
Nicholas Ave
Rub Ave
Jewel

APPLICATION

CITY OF ST. CHARLES

TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984

COMMUNITY DEVELOPMENT DIVISION PHONE: (630) 377-4443 EMAIL: cd@stcharlesil.gov

GENERAL AMENDMENT APPLICATION

RECEIVED
St. Charles, IL
OCT 28 2019
CDD
Planning Division

CITYVIEW Project Name:	GA - Recreational Cannabis - M2
Project Number:	2019 -PR- 023
Cityview Project Number:	PLGA201900172

Received Date

Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance (City Code Title 17), complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a meeting or public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

Applicant:	Name Healthway Services of West Illinois, LLC	Phone (312) 819-4859
	Address 415 N. Dearborn St., 4th Floor, Chicago, IL 60654	Fax
		Email Chris@verano.holdings

Attachment Checklist

If multiple zoning or subdivision applications are being submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.

- ☐ **APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance ($500)
- ☐ **REIMBURSEMENT OF FEES AGREEMENT:**

  An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- ☐ **REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

  Deposit of funds in escrow with the City. (For a General Amendment application only: $1,000 deposit.)
- ☐ **FINDINGS:** Fill out the attached form or submit responses on a separate sheet.

☐ WORDING OF THE REQUESTED TEXT AMENDMENT

What is the amendment regarding?

The amendment is to add Recreational Cannabis Dispensing Organization as a Special Use in the M-2 District.

What sections are proposed for amendment?

Chapters(s): Ch. 17.16 "Office/Research, Manufacturing and Public Land Districts";

Section(s): 17.16.020

The wording of the proposed amendment: Insert below or attached wording on a separate page.

See attached Exhibit A.

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

Applicant

10/25/19
Date

EXHIBIT A - PROPOSED AMENDMENT

GA – Recreational Cannabis

Ch. 17.16 Office/Research, Manufacturing and Public Land Districts, Table 17.16-1 – Add Cannabis Dispensing Organization as a Special Use in the M-2 district.

	O-R	M-1	M-2	PL	Specific Use Standards
Recreational Cannabis Dispensing Organization			S		

FINDINGS OF FACT - GENERAL AMENDMENT

From the Charles Zoning Ordinance, Section 17.04.320.C:

In making its recommendation to grant or deny an application for a Zoning Text Amendment, the Plan Commission shall consider:

(The below findings of fact were made in reliance on the professional opinions of Urban Planners from WBK Engineering. This includes Adam Rak, whose CV is attached hereto).

1. The consistency of the proposed amendment with the City's Comprehensive Plan.

The proposed amendment to allow Recreational Cannabis Dispensing as a Special Use in locations in the City of St. Charles where existing Medical Cannabis Dispensing Organizations operate support the following Goals and Objectives found in Chapter 3 of the Comprehensive Plan.

- Industrial Areas Objective #1 - "Preserve the integrity of the industrial park by preventing the encroachment of businesses or land uses that could impact the long term viability of industrial areas. Parking needs, traffic issues, and potential impacts to existing or future industrial business operations should be considered when uses such as entertainment or recreational uses, community facilities, schools, places of worship, etc. locate in industrial areas."
  - The City has previously approved one Medical Cannabis Dispensing Organization to operate in an industrial park, therefore it has been determined that the sale of cannabis to medically prescribed buyers does not encroach on businesses or land uses or the long-term viability of industrial areas. Parking needs will be met as required if the proposed amendment to allow the dispensing of recreational cannabis as a Special Use in locations in the City of St. Charles where existing Medical Cannabis Dispensing Organizations operate is adopted and existing facilities proceed to obtain a Special Use. The City's allowed sales to medically prescribed buyers in the existing Medical Cannabis Dispensing Organizations demonstrates that potential impacts to existing or future industrial businesses operations are negligible, if any.
- Industrial Areas Objective #2 - "Establish and maintain regular lines of communication with industrial property owners and businesses."
  - The existing Medical Cannabis Dispensing Organization currently in operation in the industrial park has established and currently maintains regular lines of communication with industrial property owners and businesses. Should the City expand the text amendment to include existing Medical Cannabis Dispensing Organizations operating in the City of St. Charles and should the existing facility proceed to obtain a Special Use to allow the dispensing of recreational cannabis, those lines of communication will be maintained and increased as needed.
- Industrial Areas Objective #8 – "Ensure that all uses are effectively screened from adjacent properties and public rights-of-way, through the use of landscaping and fencing."
  - The existing Medical Cannabis Dispensing Organization is adequately screened from adjacent properties and public rights-of-way, through the use of landscaping. Should the City expand the text amendment to include existing Medical Cannabis Dispensing Organizations and should the existing facility proceed to obtain a special use to allow the dispensing of recreational cannabis, the existing measures of screening from adjacent properties and public rights-of-way will be maintained.

2. The consistency of the proposed amendment with the intent and general regulations of this Title.

The proposed amendment supports the following purpose statements listed in Ch. 17.02 of the Zoning Ordinance:

- Maintaining businesses and industrial areas that are attractive and economically viable by providing opportunity for new economic activity within a newly established industry. (The City's finding applies to existing Medical Cannabis Dispensing Organizations locations)
- Promoting the public health, safety, comfort, convenience and general welfare by limiting the use to locations where existing Medical Cannabis Dispensing Organizations operate, requiring Special Use approval for Recreational Cannabis Dispensing at existing Medical Cannabis Dispensing Organizations located in St. Charles, and prohibiting on premise consumption of cannabis.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

The proposed amendment aligns the Title with the State of Illinois Cannabis Regulation and Tax Act. It reflects a change in City policy to add Recreational Cannabis Dispensing Organization as a Special Use in locations in the City of St. Charles where existing Medical Cannabis Dispensing Organizations operate in response to the State Act.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

The proposed amendment could allow for regional economic activity related to a newly established industry while limiting the activity in such a way as to minimize potential impacts on the community. The Special Use review process will allow for public discussion of allowing any existing Medical Cannabis Dispensing Organization to begin dispensing recreational cannabis in St. Charles. The proposed ordinance would allow the existing medical dispensary to sell recreationally, thereby increasing the tax base for the public.

5. The extent to which the proposed amendment creates nonconformities.

Per Section 17.20.010 – General use standards of the Zoning Ordinance, "Within the lists of permitted and special uses for each zoning district, some uses are specifically named, while others fall within a generic use definition (see Chapter 17.30.) A use that is not specifically listed in a zoning district or overlay and that does not fall within a generic use definition of Chapter 17.30, is prohibited within that district or overlay." The proposed text amendment would specifically enumerate the "Recreational Cannabis Dispensing Organization" as a Special Use in locations in the City of St. Charles where existing Medical Cannabis Dispensing Organizations operate in response to the State Act. Therefore, the proposed amendment will not create any nonconformities.

6. The implications of the proposed amendment on all similarly zoned property in the City.

The proposed text amendment to allow Recreational Cannabis Dispensing Organization as a Special Use is limited to two locations, one of which already sells medical cannabis, and therefore won't impact other similarly zoned property in the city.

Refer to:
Minutes 10-21-2019
Page

City of St. Charles, Illinois

Ordinance No.: 2019-Z-19

An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Ch. 17.14 "Business and Mixed Use Districts", Ch. 17.20 "Use Standards", Ch. 17.24 "Off-Street Parking, Loading & Access" and Ch. 17.30 "Definitions" (Recreational Cannabis Uses)

Adopted by the

City Council

of the

City of St. Charles

October 21, 2019

Published in pamphlet form by authority of the City Council of the City of St. Charles, Kane and Du Page Counties, Illinois, **October 28, 2019**

City Clerk

(S E A L)

City of St. Charles, IL
Ordinance No. 2019-Z-19

An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Ch. 17.14 "Business and Mixed Use Districts", Ch. 17.20 "Use Standards", Ch. 17.24 "Off-Street Parking, Loading & Access" and Ch. 17.30 "Definitions" (Recreational Cannabis Uses)

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 which will legalize the sale of adult-use cannabis as of January 1, 2020; and,

WHEREAS, pursuant to the Act, the City may enact reasonable zoning ordinances not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the City deems sensitive; and,

WHEREAS, on or about August 27, 2019, the City of St. Charles ("the Applicant") filed an Application to amend Title 17 of the St. Charles Municipal Code, the Zoning Ordinance of the City of St. Charles regarding the regulation of recreational cannabis uses; and,

WHEREAS, Notice of Public Hearing on said Application was published on or about August 30, 2019, in a newspaper having general circulation within the City, to-wit, the Daily Herald newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said notice, the Plan Commission conducted a public hearing on or about September 17, 2019 and October 8, 2019 on said Application in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said Application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of the Application on or about October 8, 2019; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Application on or about October 14, 2019; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning and Development Committee and has considered the same:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

2. That Title 17, "Zoning", Chapter 17.14 "Business and Mixed Use Districts", Table 17.14-1 "Permitted and Special Uses" of the St. Charles Municipal Code is hereby amended by adding a new row for "Recreational Cannabis Dispensing Organization", to be listed as a Special Use in the BC Community Business and BR Regional Business Districts, under the subcategory "Coffee or Tea Room", as shown below:

TABLE 17.14-1 BUSINESS AND MIXED USE DISTRICTS PERMITTED AND SPECIAL USES								
P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT							SPECIFIC USE STANDARDS
	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR		CBD-2	
					CBD-1	CBD-2		
RETAIL AND SERVICE USES								
Recreational Cannabis Dispensing Organization		S	S					Section 17.20.030

3. That Title 17, "Zoning", Chapter 17.20 "Use Standards", Section 17.20.030 "Standards for Specific Uses" of the St. Charles Municipal Code is hereby amended by adding a new subsection "AA" and renumber existing subsection "AA" as subsection "BB". The new subsection "AA" shall be as follows:

"AA. Recreational Cannabis Uses

1. The number of Recreational Cannabis Dispensing Organizations shall be limited to no more than two (2). Only one (1) Recreational Cannabis Dispensing Organization shall operate on the east side of the Fox River and only one (1) Recreational Cannabis Dispensing Organization shall operate on the west side of the Fox River. No Recreational Cannabis Dispensing Organization shall operate without written authorization from the Director of Community and Economic Development.
2. One of the two Recreational Cannabis Dispensing Organizations shall have operated as a Medical Cannabis Dispensing Organization licensed by the State of Illinois within the St. Charles corporate limits for a minimum consecutive period of one (1) year. One of the two Recreational Cannabis Dispensing Organizations shall have operated as a Medical Cannabis Dispensing Organization licensed by the State of Illinois within the State of Illinois for a minimum consecutive period of one (1) year.

3. A Recreational Cannabis Dispensing Organization shall not be located on a parcel that is within 250 ft. of a parcel containing a pre-existing Primary or Secondary School, Private Boarding School, Day Care Center, Day Care Home, Church, or a parcel within a single-family residential zoning district, specifically the RE-1, RE-2, RS-1, RS-2, RS-3, RS-4, RT-1, RT-2, RT-3, and RT-4 districts.
4. A Recreational Cannabis Dispensing Organization shall not be located within 1,500 ft. of the property line of another Recreational Cannabis Dispensing Organization or Medical Cannabis Dispensing Organization.
5. City approval of a Special Use for Recreational Cannabis Dispensing Organization shall be conditional upon the applicant providing the City with documentation proving receipt of a valid Adult Use Dispensing Organization License, as defined in the Cannabis Regulation and Tax Act, granted from the State of Illinois Department of Financial and Professional Regulation.
6. Consumption of cannabis and cannabis-infused products on the premises of any cannabis business establishment as defined in the Cannabis Regulation and Tax Act shall be prohibited.
7. Recreational Cannabis Cultivation Center, Recreational Cannabis Craft Grower, Recreational Cannabis Infuser Organization or Infuser, Recreational Cannabis Processing Organization, and Recreational Cannabis Transporting Organization shall not be permitted in any zoning district."

4. That Title 17, "Zoning", Chapter 17.24 "Off-Street Parking, Loading and Access", Section 17.24.140 "Required Off-Street Parking Spaces", Table 17.24-3 "Required Off-Street Parking" of the St. Charles Municipal Code is hereby amended by adding a new row for "Recreational Cannabis Dispensing Organization" and indicating the parking requirement for said use is 4 spaces per 1,000 square feet of Gross Floor Area, to be listed after "Pet Care Facilities", as shown below:

TABLE 17.24-3 REQUIRED OFF-STREET PARKING	
USE	**PARKING REQUIREMENT**
RETAIL AND SERVICE USES	
Recreational Cannabis Dispensing Organization	4 per 1,000sf of GFA

5. That Title 17, "Zoning", Chapter 17.30 "Definitions", Section 17.30.020 "Use Definitions" of the St. Charles Municipal Code is hereby amended by adding the following definitions:

Recreational 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. A facility that only acquires and dispenses medical

cannabis to registered medical cannabis patients shall be considered a Medical Cannabis Dispensing Organization, as defined herein.

Recreational 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 other necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act.

Recreational 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.

Recreational 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.

Recreational Cannabis Processing Organization. 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.

Recreational Cannabis Transporting Organization. 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.

6. That after the adoption and approval hereof this Ordinance shall be (i) printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 21st day of October, 2019.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 21st day of October, 2019.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 21st day of October, 2019.

Raymond P. Rogina, Mayor

Attest:

Charles Amenta, City Clerk

COUNCIL VOTE:
Ayes: 6
Nays: 3
Absent: 1
Abstain: 0

APPROVED AS TO FORM:

City Attorney

DATE: _____

State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, CHUCK AMENTA, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on **October 21, 2019,** the Corporate Authorities of such municipality passed and approved Ordinance No. **2019-Z-19** entitled:

An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Ch. 17.14 "Business and Mixed Use Districts", Ch. 17.20 "Use Standards", Ch. 17.24 "Off-Street Parking, Loading & Access" and Ch. 17.30 "Definitions" (Recreational Cannabis Uses)

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2019-Z-19**, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on **October 28, 2019,** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this **21st** day of **October 21, 2019.**

Municipal Clerk

(S E A L)

CITY OF ST. CHARLES
INCORPORATED OCT 17 1874