

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 2.0 DEFINITIONS, SECTION 8.2 SPECIAL AND PERMIT USE REGULATIONS, AND TABLE 4, INDEX OF PERMITTED AND SPECIAL USES OF THE CITY OF CREST HILL ZONING ORDINANCE

WHEREAS, the City Council of the City of Crest Hill has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Corporate Authorities of the City of Crest Hill have the authority to regulate land use through the establishment of a Zoning Code (65 ILCS 5/11-13-1); and

WHEREAS, the Corporate Authorities of the City of Crest Hill has previously enacted such a Zoning Code, which has been from time to time amended pursuant to the procedures outlined in the Illinois Municipal Code and pursuant to authority specifically granted by the Municipal Code; and

WHEREAS, in May of 2018, the Corporate Authorities of the City of Crest Hill in 2018 adopted a comprehensive set of amendments to its Zoning Code, which is known as the 2018 City of Crest Hill Zoning Ordinance; and

WHEREAS, on October 7, 2013, pursuant to the State of Illinois' passage of legislation legalizing medical cannabis, the Corporate Authorities of the City of Crest Hill passed Ordinance 1645, which amended certain portions of Ordinance 727 to create a zoning classification for medical cannabis facilities where none currently existed in the 2000 Crest Hill Zoning Ordinance, and to allow medical cannabis dispensing and cultivation facilities as special uses in certain zoning districts within the City of Crest Hill; and

WHEREAS, as of January 1, 2020, the Illinois Legislature legalized adult use cannabis by and through the passage of the Illinois Cannabis Regulation and Tax Act; and

WHEREAS, the Corporate Authorities of the City of Crest Hill in July of 2022 initiated a text amendment to the City of Crest Hill Zoning Ordinance which would allow Adult Use Cannabis Dispensaries (in addition to the previously authorized Medical Cannabis Dispensaries) as special uses in the B2, B3, M1, and M2 zoning districts; and

WHEREAS, pursuant to the application by the City of Crest Hill for a Text Amendment to the 2018 City of Crest Hill Zoning Ordinance, a Public Hearing was conducted at a regular meeting of the City of Crest Hill Plan Commission held September 14, 2022;

WHEREAS, no members of the public offered public comment or testimony, either for or against the proposed text amendment during the September 14, 2022, Public Hearing and Plan Commission Meeting; and

WHEREAS, the Plan Commission, on a 3-2 vote, recommended that the City Council reject the requested text amendment; and

WHEREAS, in making its recommendation against the proposed text amendment, the City of Crest Hill Plan Commission heard from the City Planning Consultant, Deputy Chief of Police, and City Attorney, who were present to answer questions; and

WHEREAS, the City of Crest Hill Plan Commission's recommendation against the proposed text amendment is contained in its Findings and Decision, a true and accurate copy of which is attached hereto as Exhibit A; and

WHEREAS, on October 10, 2022, the Corporate Authorities again considered the proposed text amendment in a regularly scheduled work session of the Crest Hill City Council, at which there was no public comment for or against the proposed amendment; and

WHEREAS, after due consideration of the matter, including the Plan Commission recommendation, the Corporate Authorities of the City of Crest Hill have determined that approval of the proposed text amendment is in the best interests of the City of Crest Hill, due to the minimal risks posed by Adult Use Cannabis Dispensaries and the positive financial impact those businesses would have on the City, as well as the determination that the standards set forth in Section 12.8-4 of the Crest Hill Zoning Ordinance are met, as indicated in the Findings of Fact attached hereto as Exhibit B.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREST HILL, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1: The City Council hereby finds that all the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2: That Sections 2.0 Definitions, 8.2 Special and Permit Use Regulations and Table 4, Index of Permitted and Special Uses are hereby amended as follows:

Section 2.0 Definitions is hereby amended by deleting the definition of Medical Cannabis Dispensing Organization and adding the following definitions of Adult-Use Cannabis Dispensing Organization and Medical Cannabis Cultivation Center, as follows:

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. An Adult-Use Cannabis Dispensing Organization shall also include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Program Act, as amended from time to time

MEDICAL CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

~~**MEDICAL CANNABIS DISPENSING ORGANIZATION:** A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulations to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.~~

Section 8.2 Permitted and Special Use Regulations is amended add the following new Section 8.2-30, as follows:

8.2-30 ADULT-USE CANNABIS DISPENSING ORGANIZATIONS

No person shall engage in, conduct, or carry on, or license to be engaged in, conducted or carried on, a cannabis business as herein defined without first having obtained a special use permit pursuant to the provisions of this chapter.

- a. Dispensaries shall not be located within 750 (seven-hundred and fifty) feet of a pre-existing public or private primary and secondary school, preschools, daycare centers/nursery schools, daycare homes. Learning Centers and vocational/trade centers/schools shall not be classified as a school for the purpose of this section.
- b. Dispensaries shall not be located within 250 (two-hundred and fifty) feet of a pre-existing property zoned a residential district as outlined in Section 6.0 of this Ordinance.
- c. Dispensaries shall not be located within one (1) mile (5,280 feet) of an existing dispensary.
- d. For the purpose of measuring the regulations outlined above in regulations 8.2-30a-c, the measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where such activities are conducted to the nearest property line of the “other specific use” located within or outside the City limits.
- e. No cannabis or cannabis paraphernalia shall be displayed or kept in such a manner that it is visible from outside the premises of which the dispensary occupies.
- f. No cannabis, or cannabis-infused product, shall be smoked, eaten, or otherwise consumed or ingested on the premises of any dispensary.
- g. Such cannabis dispensing organization shall not operate a drive-thru facility or provide delivery services or enter into an agreement to allow persons to deliver cannabis to purchasers.
- h. For the purposes of determining parking requirements for Adult-Use Cannabis Dispensing Organization, such facilities shall be classified as “General Business” 11.8 Schedule of Parking Requirements, provided, however, through review of the special use, the City may require additional parking.
- i. A security plan is required to be submitted for review and approval by the City of Crest Hill Police Department.
- j. All such facilities must comply with all state regulations.
- k. Additional regulations may be imposed as part of the special use approval, as deemed appropriate, and to mitigate potential impacts from such operations on adjacent properties/uses.

Table 4: Index of Permitted & Special Uses is amended to replace Medical Cannabis Dispensing

Organizations use with Adult-Use Cannabis Dispensing Organizations and an indication that such a use is a Special Use in the B2, B3, M1, and M2 zones and reflecting the “Use Standards” of 8.2-30 as reflected in the attached Exhibit C.

SECTION 3: In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 4: That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 5: That the City Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 6: 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 THIS 17TH DAY OF OCTOBER, 2022.

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Aye Nay Absent Abstain

Alderman John Vershay
Alderman Scott Dyke
Alderwoman Claudia Gazal
Alderman Darrell Jefferson
Alderperson Tina Oberlin
Alderman Mark Cipiti
Alderman Nate Albert
Alderman Joe Kubal
Mayor Raymond R. Soliman

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Christine Vershay-Hall, City Clerk

APPROVED THIS 17TH DAY OF OCTOBER, 2022.

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk