Ordinance No. G63-19

AN ORDINANCE
AMENDING TITLE 19 OF THE ELGIN MUNICIPAL CODE, 1976, AS AMENDED,
ENTITLED "ZONING" TO PROVIDE FOR REGULATIONS
RELATING TO ADULT-USE CANNABIS

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (hereinafter referred to as "the Act") to allow the use of cannabis by persons 21 years of age or older beginning January 1, 2020; and

WHEREAS, the Act allows for the establishment of adult-use cannabis business establishments throughout the state; and

WHEREAS, a written application has been made to amend Title 19 of the Elgin Zoning Ordinance entitled "Zoning"; and

WHEREAS, the Planning and Zoning Commission has held a public hearing concerning the proposed amendments after due notice in the manner provided by law; and

WHEREAS, the Community Development Department and the Planning and Zoning Commission have submitted their written findings and recommendation that the requested amendments be granted; and

WHEREAS, the City Council concurs with the findings and recommendation of the Community Development Department and the Planning and Zoning Commission; and

WHEREAS, the City of Elgin is a home rule unit and as a home rule unit may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, zoning pertains to the government and affairs of the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS:

Section 1. That the City Council of the City of Elgin hereby adopts the Findings of Fact, dated November 4, 2019 made by the Community Development Department and the Planning and Zoning Commission, a copy of which is attached hereto and made a part hereof by reference as Exhibit A.

Section 2. That Section 19.90.015 of the Elgin Municipal Code, 1976, as amended, entitled "Definitions and Regulations," be and is hereby further amended to add the following language:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: An "adult-use cannabis cultivation center” [SR], “adult-use cannabis craft grower” [SR], “adult-use cannabis processing organization or processor” [SR], “adult-use cannabis infuser organization or
infuser" [SR], “adult-use cannabis dispensing organization” [SR], or “adult-use cannabis transporting organization or transporter” [SR].

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. Such facility shall comply with all regulations provided within the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and the regulations provided within this Code. An “adult-use cannabis craft grower” [SR] shall also be subject to the following supplementary regulations:

A. In addition to all state-imposed minimum distance limits, an “adult-use cannabis craft grower” [SR] shall not be located within two hundred fifty feet (250') of a pre-existing public or private preschool or elementary or secondary school or daycare center, daycare home, group daycare home, part day childcare facility, college, or university, or a publicly owned or operated park or forest preserve. The two hundred fifty foot (250') distance limit in this subsection A shall be measured in a straight line from the nearest “lot line” [SR] of the “adult-use cannabis craft grower” [SR] to the nearest “lot line” [SR] of the “land use” [SR] from which the setback is sought; provided that if a "adult-use cannabis craft grower" [SR] is to be situated in a distinct tenant space within a multi-tenant building, then the setback described in this subsection A shall be measured from the nearest demising wall of the distinct tenant space within the building in which the "adult-use cannabis craft grower" [SR] is proposed to the nearest “lot line” [SR] of the “land use” [SR] from which the setback is sought.

B. On-premises consumption of cannabis or a product-containing cannabis is prohibited. A sign, at least eight and one-half (8.5) inches by eleven (11) inches, shall be posted inside, at a location clearly visible to patrons, with the following language, “Smoking, eating, drinking, or other forms of consumption of cannabis or products containing cannabis is prohibited anywhere inside or on the grounds of this establishment.”

C. An “adult-use cannabis craft grower” [SR] shall not be located within a house, apartment, condominium, or an area zoned for residential use.

D. All aspects of an “adult-use cannabis craft grower” [SR] shall be contained within a completely enclosed building. In addition to those documents required for any application for a conditional use, an application for a conditional use for an “adult-use cannabis craft grower” [SR] shall also include an odor control plan.
E. Any new building intended to be occupied by an “adult-use cannabis craft grower” [SR] shall comply with the architectural standards for an industrial building established within Chapter 19.14 of this title.

F. An “adult-use cannabis craft grower” [SR] shall not be established as an accessory use or a component land use with any other land use, except another “adult-use cannabis business establishment” [SR], but not including with an "adult-use cannabis dispensing organization" [SR] or a "medical cannabis dispensing organization" [SR].

G. In addition to those documents required for any application for a conditional use, an application for a conditional use for an “adult-use cannabis craft grower” [SR] shall also include:

   a. A complete copy of all applications and plans submitted for required state licenses;
   b. An inventory control plan;
   c. A floor plan;
   d. A plan for the removal, recycling, disposal, and/or destruction of cannabis waste; and
   e. A security and outdoor lighting plan. The Elgin Police Department shall review the items required by this subsection and forward its recommendation regarding same to the Planning & Zoning Commission prior to the public hearing for the conditional use.

H. Signage shall comply with the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and this title.

I. Before the issuance of an occupancy permit or otherwise opening to the public, an “adult-use cannabis craft grower” [SR] must file a copy of all required state licenses to operate as an “adult-use cannabis craft grower” [SR] with the Development Administrator.

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. Such facility shall comply with all regulations provided within the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and the regulations provided within this Code. An “adult-use cannabis cultivation center” [SR] shall also be subject to the following supplementary regulations:
A. In addition to all state-imposed minimum distance limits, an "adult-use cannabis cultivation center" [SR] shall not be located within two hundred fifty feet (250') of a pre-existing public or private preschool or elementary or secondary school or daycare center, daycare home, group daycare home, part day childcare facility, college, or university, or a publicly owned or operated park or forest preserve. The two hundred fifty foot (250') distance limit in this subsection A shall be measured in a straight line from the nearest "lot line" [SR] of the "adult-use cannabis cultivation center" [SR] to the nearest "lot line" [SR] of the "land use" [SR] from which the setback is sought; provided that if a "adult-use cannabis cultivation center" [SR] is to be situated in a distinct tenant space within a multi-tenant building, then the setback described in this subsection A shall be measured from the nearest demising wall of the distinct tenant space within the building in which the "adult-use cannabis cultivation center" [SR] is proposed to the nearest "lot line" [SR] of the "land use" [SR] from which the setback is sought.

B. On-premises consumption of cannabis or a product-containing cannabis is prohibited. A sign, at least eight and one-half (8.5) inches by eleven (11) inches, shall be posted inside, at a location clearly visible to patrons, with the following language, "Smoking, eating, drinking, or other forms of consumption of cannabis or products containing cannabis is prohibited anywhere inside or on the grounds of this establishment."

C. An "adult-use cannabis cultivation center" [SR] shall not be located within a house, apartment, condominium, or an area zoned for residential use.

D. All aspects of an "adult-use cannabis cultivation center" [SR] shall be contained within a completely enclosed building. In addition to those documents required for any application for a conditional use, an application for a conditional use for an "adult-use cannabis cultivation center" [SR] shall also include an odor control plan.

E. Any new building intended to be occupied by an "adult-use cannabis cultivation center" [SR] shall comply with the architectural standards for an industrial building established within Chapter 19.14 of this title.

F. An "adult-use cannabis cultivation center" [SR] shall not be established as an accessory use or a component land use with any other land use, except another "adult-use cannabis business establishment" [SR], but not including with an "adult-use cannabis dispensing organization" [SR] or a "medical cannabis dispensing organization" [SR].

G. In addition to those documents required for any application for a conditional use, an application for a conditional use for an "adult-use cannabis cultivation center" [SR] shall also include:
a. A complete copy of all applications and plans submitted for required state licenses;
b. An inventory control plan;
c. A floor plan;
d. A plan for the removal, recycling, disposal, and/or destruction of cannabis waste; and
e. A security and outdoor lighting plan. The Elgin Police Department shall review the items required by this subsection and forward its recommendation regarding same to the Planning & Zoning Commission prior to the public hearing for the conditional use.

H. Signage shall comply with the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and this Title.

I. Before the issuance of an occupancy permit or otherwise opening to the public, an "adult-use cannabis cultivation center" [SR] must file a copy of all required state licenses to operate as an "adult-use cannabis cultivation center" [SR] with the Development Administrator.

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. Such facility shall comply with all regulations provided within the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and the regulations provided within this Code. An "adult-use cannabis cultivation center" [SR] shall also be subject to the following supplementary regulations:

A. In addition to all state-imposed minimum distance limits, an "adult-use cannabis dispensing organization" [SR] shall not be located within two hundred fifty feet (250') of the property line of a pre-existing public or private preschool or elementary or secondary school or daycare center, daycare home, group daycare home, part day childcare facility, college, or university, or a publicly owned or operated park or forest preserve. The two hundred fifty foot (250') distance limit in this subsection A shall be measured in a straight line from the nearest "lot line" [SR] of the "adult-use cannabis dispensing organization" [SR] to the nearest "lot line" [SR] of the "land use" [SR] from which the setback is sought; provided that if a "adult-use cannabis dispensing organization" [SR] is to be situated in a distinct tenant space within a multi-tenant building, then the setback described in this subsection A shall be measured from the nearest demising wall of the distinct tenant space within the building in which the
"adult-use cannabis dispensing organization" [SR] is proposed to the nearest “lot line” [SR] of the “land use” [SR] from which the setback is sought.

B. On-premises consumption of cannabis or a product-containing cannabis is prohibited. A sign, at least eight and one-half (8.5) inches by eleven (11) inches, shall be posted inside, at a location clearly visible to patrons, with the following language, “Smoking, eating, drinking, or other forms of consumption of cannabis or products containing cannabis is prohibited anywhere inside or on the grounds of this establishment.”

C. An “adult-use cannabis dispensing organization” [SR] shall not be located within a house, apartment, condominium, or an area zoned for residential use.

D. Any new building intended to be occupied by an “adult-use cannabis dispensing organization” [SR] shall comply with the architectural standards for a commercial building established within Chapter 19.14 of this title.

E. An “adult-use cannabis dispensing organization” [SR] shall not be established as an accessory use or a component land use with any other land use, except a “medical cannabis dispensing organization” [SR].

F. An “adult-use cannabis dispensing organization” [SR] shall not include a “drive through facility” [SR].

G. In addition to those documents required for any application for a conditional use, an application for a conditional use for an “adult-use cannabis dispensing organization” [SR] shall also include:

   a. A complete copy of all applications and plans submitted for required state licenses;
   b. An inventory control plan;
   c. A floor plan;
   d. A plan for the removal, recycling, disposal, and/or destruction of cannabis waste; and
   e. A security and outdoor lighting plan. The Elgin Police Department shall review the items required by this subsection and forward its recommendation regarding same to the Planning & Zoning Commission prior to the public hearing for the conditional use.

H. Signage shall comply with the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and this Title.

I. Before the issuance of an occupancy permit or otherwise opening to the public, an “adult-use cannabis dispensing organization” [SR] must file a copy of all
required state licenses to operate as an “adult-use cannabis dispensing organization” [SR] with the Development Administrator.

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. Such facility shall comply with all regulations provided within the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and the regulations provided within this Code. An “adult-use cannabis infuser organization or infuser” [SR] shall also be subject to the following supplementary regulations:

A. In addition to all state-imposed minimum distance limits, an “adult-use cannabis infuser organization or infuser” [SR] shall not be located within two hundred fifty feet (250’) of the property line of a pre-existing public or private preschool or elementary or secondary school or daycare center, daycare home, group daycare home, part day childcare facility, college, or university, or a publicly owned or operated park or forest preserve. The two hundred fifty foot (250’) distance limit in this subsection A shall be measured in a straight line from the nearest “lot line” [SR] of the “adult-use cannabis infuser organization or infuser” [SR] to the nearest “lot line” [SR] of the “land use” [SR] from which the setback is sought; provided that if a “adult-use cannabis infuser organization or infuser” [SR] is to be situated in a distinct tenant space within a multi-tenant building, then the setback described in this subsection A shall be measured from the nearest demising wall of the distinct tenant space within the building in which the "adult-use cannabis infuser organization or infuser" [SR] is proposed to the nearest “lot line” [SR] of the “land use” [SR] from which the setback is sought.

B. On-premises consumption of cannabis or a product-containing cannabis is prohibited. A sign, at least eight and one-half (8.5) inches by eleven (11) inches, shall be posted inside, at a location clearly visible to patrons, with the following language, “Smoking, eating, drinking, or other forms of consumption of cannabis or products containing cannabis is prohibited anywhere inside or on the grounds of this establishment.”

C. An “adult-use cannabis infuser organization or infuser” [SR] shall not be located within a house, apartment, condominium, or an area zoned for residential use.

D. All aspects of an “adult-use cannabis infuser organization or infuser” [SR] shall be contained within a completely enclosed building. In addition to those documents required for any application for a conditional use, an application for
a conditional use for an “adult-use cannabis infuser organization or infuser” [SR] shall also include an odor control plan.

E. Any new building intended to be occupied by an “adult-use cannabis infuser organization or infuser” [SR] shall comply with the architectural standards for an industrial building established within Chapter 19.14 of this title.

F. An “adult-use cannabis infuser organization or infuser” [SR] shall not be established as an accessory use or a component land use with any other land use, except another “adult-use cannabis business establishment” [SR], but not including with an "adult-use cannabis dispensing organization" [SR] or a "medical cannabis dispensing organization" [SR].

G. In addition to those documents required for any application for a conditional use, an application for a conditional use for an “adult-use cannabis infuser organization or infuser” [SR] shall also include:

   a. A complete copy of all applications and plans submitted for required state licenses;
   b. An inventory control plan;
   c. A floor plan;
   d. A plan for the removal, recycling, disposal, and/or destruction of cannabis waste; and
   e. A security and outdoor lighting plan. The Elgin Police Department shall review the items required by this subsection and forward its recommendation regarding same to the Planning & Zoning Commission prior to the public hearing for the conditional use.

H. Signage shall comply with the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and this Title.

I. Before the issuance of an occupancy permit or otherwise opening to the public, an “adult-use cannabis infuser organization or infuser” [SR] must file a copy of all required state licenses to operate as an “adult-use cannabis infuser organization or infuser” [SR] with the Development Administrator.

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. Such facility shall comply with all regulations provided within the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and the regulations provided within this Code. An “adult-use cannabis
processing organization or processor” [SR] shall also be subject to the following supplementary regulations:

A. In addition to all state-imposed minimum distance limits, an “adult-use cannabis processing organization or processor” [SR] shall not be located within two hundred fifty feet (250') of the property line of a pre-existing public or private preschool or elementary or secondary school or daycare center, daycare home, group daycare home, part day childcare facility, college, or university, or a publicly owned or operated park or forest preserve. The two hundred fifty foot (250') distance limit in this subsection A shall be measured in a straight line from the nearest “lot line” [SR] of the “adult-use cannabis processing organization or processor” [SR] to the nearest “lot line” [SR] of the “land use” [SR] from which the setback is sought; provided that if a "adult-use cannabis processing organization or processor" [SR] is to be situated in a distinct tenant space within a multi-tenant building, then the setback described in this subsection A shall be measured from the nearest demising wall of the distinct tenant space within the building in which the "adult-use cannabis processing organization or processor" [SR] is proposed to the nearest “lot line” [SR] of the “land use” [SR] from which the setback is sought.

B. On-premises consumption of cannabis or a product-containing cannabis is prohibited. A sign, at least eight and one-half (8.5) inches by eleven (11) inches, shall be posted inside, at a location clearly visible to patrons, with the following language, “Smoking, eating, drinking, or other forms of consumption of cannabis or products containing cannabis is prohibited anywhere inside or on the grounds of this establishment.”

C. An “adult-use cannabis processing organization or processor” [SR] shall not be located within a house, apartment, condominium, or an area zoned for residential use.

D. All aspects of an “adult-use cannabis processing organization or processor” [SR] shall be contained within a completely enclosed building. In addition to those documents required for any application for a conditional use, an application for a conditional use for an “adult-use cannabis processing organization or processor” [SR] shall also include an odor control plan.

E. Any new building intended to be occupied by an “adult-use cannabis processing organization or processor” [SR] shall comply with the architectural standards for an industrial building established within Chapter 19.14 of this title.

F. An “adult-use cannabis processing organization or processor” [SR] shall not be established as an accessory use or a component land use with any other land use, except another “adult-use cannabis business establishment” [SR], but not including with an "adult-use cannabis dispensing organization" [SR] or a "medical cannabis dispensing organization" [SR].
G. In addition to those documents required for any application for a conditional use, an application for a conditional use for an “adult-use cannabis processing organization or processor” [SR] shall also include:

a. A complete copy of all applications and plans submitted for required state licenses;
b. An inventory control plan;
c. A floor plan;
d. A plan for the removal, recycling, disposal, and/or destruction of cannabis waste; and
e. A security and outdoor lighting plan. The Elgin Police Department shall review the items required by this subsection and forward its recommendation regarding same to the Planning & Zoning Commission prior to the public hearing for the conditional use.

H. Signage shall comply with the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and this Title.

I. Before the issuance of an occupancy permit or otherwise opening to the public, an “adult-use cannabis processing organization or processor” [SR] must file a copy of all required state licenses to operate as an “adult-use cannabis processing organization or processor” [SR] with the Development Administrator.

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. Such facility shall comply with all regulations provided within the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and the regulations provided within this Code. An “adult-use cannabis transporting organization or transporter” [SR] shall also be subject to the following supplementary regulations:

A. In addition to all state-imposed minimum distance limits, an “adult-use cannabis transporting organization or transporter” [SR] shall not be located within two hundred fifty feet (250’) of the property line of a pre-existing public or private preschool or elementary or secondary school or daycare center, daycare home, group daycare home, part day childcare facility, college, or university, or a publicly owned or operated park or forest preserve. The two hundred fifty foot (250’) distance limit in this subsection A shall be measured in a straight line from the nearest “lot line” [SR] of the “adult-use cannabis transporting organization or transporter” [SR] to the nearest “lot line” [SR] of
the "land use" [SR] from which the setback is sought; provided that if a "adult-use cannabis transporting organization or transporter" [SR] is to be situated in a distinct tenant space within a multi-tenant building, then the setback described in this subsection A shall be measured from the nearest demising wall of the distinct tenant space within the building in which the "adult-use cannabis transporting organization or transporter" [SR] is proposed to the nearest "lot line" [SR] of the "land use" [SR] from which the setback is sought.

B. On-premises consumption of cannabis or a product-containing cannabis is prohibited. A sign, at least eight and one-half (8.5) inches by eleven (11) inches, shall be posted inside, at a location clearly visible to patrons, with the following language, "Smoking, eating, drinking, or other forms of consumption of cannabis or products containing cannabis is prohibited anywhere inside or on the grounds of this establishment."

C. An "adult-use cannabis transporting organization or transporter" [SR] shall not be located within a house, apartment, condominium, or an area zoned for residential use.

D. All aspects of an "adult-use cannabis transporting organization or transporter" [SR] shall be contained within a completely enclosed building, except for the authorized parking and storage of delivery vehicles.

E. Any new building intended to be occupied by an "adult-use cannabis transporting organization or transporter" [SR] shall comply with the architectural standards for an industrial building established within Chapter 19.14 of this title.

J. An "adult-use cannabis transporting organization or transporter" [SR] shall not be established as an accessory use or a component land use with any other land use, except another "adult-use cannabis business establishment" [SR], but not including with an "adult-use cannabis dispensing organization" [SR] or a "medical cannabis dispensing organization" [SR].

F. In addition to those documents required for any application for a conditional use, an application for a conditional use for an "adult-use cannabis transporting organization or transporter" [SR] shall also include:

   a. A complete copy of all applications and plans submitted for required state licenses;
   b. An inventory control plan;
   c. A floor plan;
   d. A plan for the removal, recycling, disposal, and/or destruction of cannabis waste; and
   e. A security and outdoor lighting plan. The Elgin Police Department shall review the items required by this subsection and forward its
recommendation regarding same to the Planning & Zoning Commission prior to the public hearing for the conditional use.

G. Signage shall comply with the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and this Title.

H. Before the issuance of an occupancy permit or otherwise opening to the public, an "adult-use cannabis transporting organization or transporter" [SR] must file a copy of all required state licenses to operate as an "adult-use cannabis transporting organization or transporter" [SR] with the Development Administrator.

CANNABIS TESTING FACILITY: A facility or portion thereof operated by an organization or business that is licensed by the Illinois Department of Agriculture to test cannabis for potency and contaminants, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. Such facility shall comply with all regulations provided within the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and the regulations provided within this Code. A "cannabis testing facility" [SR] shall be subject to the following supplementary regulation:

A. Whenever cannabis or cannabis-infused products are not being actively tested, any cannabis or cannabis-infused products shall be moved to and stored in an enclosed locked space as defined within the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

B. Signage shall comply with the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, regulations promulgated thereunder, and this Title.

Section 3. That only the specific definitions below within Section 19.90.015 of the Elgin Municipal Code, 1976, as amended, entitled "Definitions and Regulations," be and are hereby further amended to read as follows:

ALCOHOLIC LIQUOR, PACKAGE LIQUOR SALES ESTABLISHMENT: A business having as its primary purpose the retail sales of "alcoholic liquors" in original package for consumption off premises. "Package liquor sales establishments" [SR] shall be subject to the following conditions:

A. Off Street Parking: No "package liquor sales establishment" shall be located on a "zoning lot" in the CC1 center city district nor in the CC2 center city district unless the minimum number of parking spaces are provided on said "zoning lot" as required under section 19.45.080 of this title, as amended, or unless the
The zoning lot is located within two hundred fifty feet (250') of a municipal off street parking facility.

MEDICAL CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is registered by the State of Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. Such facility shall comply with all regulations provided within the Compassionate Use of Medical Cannabis Program Act, as it may be amended from time-to-time, regulations promulgated thereunder, and the regulations provided within this Code. A “medical cannabis cultivation center” [SR] shall also be subject to the following supplementary regulations:

A. In addition to all state-imposed minimum distance limits, a “medical cannabis cultivation center” [SR] shall not be located within two hundred fifty feet (250’) of the property line of a pre-existing public or private preschool or elementary or secondary school or daycare center, daycare home, group daycare home, part day childcare facility, college, or university, or a publicly owned or operated park or forest preserve. The two hundred fifty foot (250’) distance limit in this subsection A shall be measured in a straight line from the nearest “lot line” [SR] of the “medical cannabis cultivation center” [SR] to the nearest “lot line” [SR] of the “land use” [SR] from which the setback is sought; provided that if a "medical cannabis cultivation center" [SR] is to be situated in a distinct tenant space within a multi-tenant building, then the setback described in this subsection A shall be measured from the nearest demising wall of the distinct tenant space within the building in which the "medical cannabis cultivation center" [SR] is proposed to the nearest “lot line” [SR] of the “land use” [SR] from which the setback is sought.

B. On-premises consumption of cannabis or a product-containing cannabis is prohibited. A sign, at least eight and one-half (8.5) inches by eleven (11) inches, shall be posted inside, at a location clearly visible to patrons, with the following language, “Smoking, eating, drinking, or other forms of consumption of cannabis or products containing cannabis is prohibited anywhere inside or on the grounds of this establishment.”

C. A “medical cannabis cultivation center” [SR] shall not be located within a house, apartment, condominium, or an area zoned for residential use.

D. All aspects of a “medical cannabis cultivation center” [SR] shall be contained within a completely enclosed building. In addition to those documents required for any application for a conditional use, an application for a conditional use for a “medical cannabis cultivation center” [SR] shall also include an odor control plan.
E. Any new building intended to be occupied by a “medical cannabis cultivation center” [SR] shall comply with the architectural standards for an industrial building established within Chapter 19.14 of this title.

F. A “medical cannabis cultivation center” [SR] shall not be established as an accessory use or a component land use with any other land use, except an “adult-use cannabis business establishment” [SR], but not including with an "adult-use cannabis dispensing organization" [SR] or a "medical cannabis dispensing organization" [SR].

G. In addition to those documents required for any application for a conditional use, an application for a conditional use for a “medical cannabis cultivation center” [SR] shall also include:

   a. A complete copy of all applications and plans submitted for required state licenses;
   b. An inventory control plan;
   c. A floor plan;
   d. A plan for the removal, recycling, disposal, and/or destruction of cannabis waste; and
   e. A security and outdoor lighting plan. The Elgin Police Department shall review the items required by this subsection and forward its recommendation regarding same to the Planning & Zoning Commission prior to the public hearing for the conditional use.

H. Before the issuance of an occupancy permit or otherwise opening to the public, a “medical cannabis cultivation center” [SR] must file a copy of all required state licenses to operate as a “medical cannabis cultivation center” [SR] with the Development Administrator.

MEDICAL CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is registered by the State of Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a “Medical Cannabis Cultivation Center” [SR] for the purpose of dispensing cannabis and educational material to registered qualifying patients. Such facility shall comply with all regulations provided within the Compassionate Use of Medical Cannabis Program Act, as it may be amended from time-to-time, regulations promulgated thereunder, and the regulations provided within this Code. A “medical cannabis dispensing organization” [SR] shall also be subject to the following supplementary regulations:

A. In addition to all state-imposed minimum distance limits, a “medical cannabis dispensing organization” [SR] shall not be located within two hundred fifty feet (250') of the property line of a pre-existing public or private preschool or elementary or secondary school or daycare center, daycare home, group daycare home, part day childcare facility, college, or university, or a publicly owned or operated park or forest preserve. The two hundred fifty foot (250') distance
limit in this subsection A shall be measured in a straight line from the nearest “lot line” [SR] of the “medical cannabis dispensing organization” [SR] to the nearest “lot line” [SR] of the “land use” [SR] from which the setback is sought; provided that if a "medical cannabis dispensing organization" [SR] is to be situated in a distinct tenant space within a multi-tenant building, then the setback described in this subsection A shall be measured from the nearest demising wall of the distinct tenant space within the building in which the "medical cannabis dispensing organization" [SR] is proposed to the nearest “lot line” [SR] of the “land use” [SR] from which the setback is sought.

B. On-premises consumption of cannabis or a product-containing cannabis is prohibited. A sign, at least eight and one-half (8.5) inches by eleven (11) inches, shall be posted inside, at a location clearly visible to patrons, with the following language, “Smoking, eating, drinking, or other forms of consumption of cannabis or products containing cannabis is prohibited anywhere inside or on the grounds of this establishment.”

C. A “medical cannabis dispensing organization” [SR] shall not be located within a house, apartment, condominium, or an area zoned for residential use.

D. Any new building intended to be occupied by a “medical cannabis dispensing organization” [SR] shall comply with the architectural standards for a commercial building established within Chapter 19.14 of this title.

E. A “medical cannabis dispensing organization” [SR] shall not include a “drive through facility” [SR].

F. A “medical cannabis dispensing organization” [SR] shall not be established as an accessory use or a component land use with any other land use, except an “adult-use cannabis dispensing organization” [SR].

G. In addition to those documents required for any application for a conditional use, an application for a conditional use for a “medical cannabis dispensing organization” [SR] shall also include:

a. A complete copy of all applications and plans submitted for required state licenses;

b. An inventory control plan;

c. A floor plan;

d. A plan for the removal, recycling, disposal, and/or destruction of cannabis waste; and

e. A security and outdoor lighting plan. The Elgin Police Department shall review the items required by this subsection and forward its recommendation regarding same to the Planning & Zoning Commission prior to the public hearing for the conditional use.
H. Before the issuance of an occupancy permit or otherwise opening to the public, a "medical cannabis dispensing organization" [SR] must file a copy of all required state licenses to operate as a "medical cannabis dispensing organization" [SR] with the Development Administrator.

USE, ACCESSORY: A "land use" [SR], which is subordinate in purpose to the "principal use" [SR] served, which is customarily and traditionally incidental to the principal use served, which is operated and maintained under the same single ownership or unified control as the principal use served, and which is located on the same "zoning lot" [SR] and within the same mapped zoning district as the principal use served.

The principal use of any land, structure or building shall be established prior to or concurrently with the establishment of any accessory use of such land, structure, or building.

No land use shall be allowed as an accessory use, unless such use occupies less than ten percent (10%) of the zoning "lot area" [SR] and less than ten percent (10%) of the building "floor area" [SR]. Land uses exceeding such lot area and floor area limitations shall be subject to the provisions of subsection 19.10.400F of this title or "Accessory" in this section.

No land use shall be allowed as an accessory use where such use dispenses, grows, cultivates, processes, infuses, or transports cannabis or products that contain cannabis.

Section 4. That Section 19.35.330 B.4. of the Elgin Municipal Code, 1976, as amended, entitled "Services division" (Conditional Uses, Land Use, NB Neighborhood Business District) be and is hereby further amended to add the following:

"Adult-use cannabis dispensing organization" [SR]

"Medical cannabis dispensing organization" [SR].

Section 5. That Section 19.35.430 B.3. of the Elgin Municipal Code, 1976, as amended, entitled "Services division" (Conditional Uses, Land Use, AB Area Business District) be and is hereby further amended to add the following:

"Adult-use cannabis dispensing organization" [SR]

"Medical cannabis dispensing organization" [SR].

Section 6. That Section 19.35.530 B.3. of the Elgin Municipal Code, 1976, as amended, entitled "Services division" (Conditional Uses, Land Use, CC1 Center City District) be and is hereby further amended to add the following:

"Adult-use cannabis dispensing organization" [SR]
“Medical cannabis dispensing organization” [SR].

Section 7. That Section 19.35.730 B.3. of the Elgin Municipal Code, 1976, as amended, entitled “Services division” (Conditional Uses, Land Use, CC2 Center City District) be and is hereby further amended to add the following:

“Adult-use cannabis dispensing organization” [SR]

“Medical cannabis dispensing organization” [SR].

Section 8. That Section 19.40.130 A.4 of the Elgin Municipal Code, 1976, as amended, entitled “Services division” (Permitted Uses, Land Use, ORI Office Research Industrial District) be and is hereby further amended to add the following:

“Cannabis testing facility” [SR].

Section 9. That Section 19.40.130 B.1 of the Elgin Municipal Code, 1976, as amended, entitled “Agriculture division” (Conditional Uses, Land Use, ORI Office Research Industrial District) be and is hereby further amended to add the following:

“Adult-use cannabis cultivation center” [SR]

“Adult-use cannabis craft grower” [SR]

Section 10. That Section 19.40.130 B.4 of the Elgin Municipal Code, 1976, as amended, entitled “Services division” (Conditional Uses, Land Use, ORI Office Research Industrial District) be and is hereby further amended by deleting the following:

“Medical cannabis dispensing organization” [SR]

Section 11. That Section 19.40.130 B.7 of the Elgin Municipal Code, 1976, as amended, entitled “Manufacturing division” (Conditional Uses, Land Use, ORI Office Research Industrial District) be and is hereby further amended to add the following:

“Adult-use cannabis processing organization or processor” [SR]

“Adult-use cannabis infuser organization or infuser” [SR]

Section 12. That Section 19.40.130 B.8 of the Elgin Municipal Code, 1976, as amended, entitled “Transportation, communication and utilities division” (Conditional Uses, Land Use, ORI Office Research Industrial District) be and is hereby further amended to add the following:

“Adult-use cannabis transporting organization or transporter” [SR]
Section 13. That Section 19.40.330 A.4 of the Elgin Municipal Code, 1976, as amended, entitled “Services division” (Permitted Uses, Land Use, GI General Industrial District) be and is hereby further amended to add the following:

“Cannabis testing facility” [SR].

Section 14. That Section 19.40.330 B.1 of the Elgin Municipal Code, 1976, as amended, entitled “Agriculture division” (Conditional Uses, Land Use, GI General Industrial District) be and is hereby further amended to add the following:

“Adult-use cannabis cultivation center” [SR]

“Adult-use cannabis craft grower” [SR]

Section 15. That Section 19.40.330 B.4 of the Elgin Municipal Code, 1976, as amended, entitled “Services division” (Conditional Uses, Land Use, GI General Industrial District) be and is hereby further amended by deleting the following:

“Medical cannabis dispensing organization” [SR]

Section 16. That Section 19.40.330 B.7 of the Elgin Municipal Code, 1976, as amended, entitled “Manufacturing division” (Conditional Uses, Land Use, GI General Industrial District) be and is hereby further amended to add the following:

“Adult-use cannabis processing organization or processor” [SR]

“Adult-use cannabis infuser organization or infuser” [SR]

Section 17. That Section 19.40.330 B.9 of the Elgin Municipal Code, 1976, as amended, entitled “Transportation, communication and utilities division” (Conditional Uses, Land Use, GI General Industrial District) be and is hereby further amended to add the following:

“Adult-use cannabis transporting organization or transporter” [SR]

Section 18. That Section 19.40.530 A.4 of the Elgin Municipal Code, 1976, as amended, entitled “Services division” (Permitted Uses, Land Use, CI Commercial Industrial District) be and is hereby further amended to add the following:

“Cannabis testing facility” [SR].

Section 19. That Section 19.15.520 A. of the Elgin Municipal Code, 1976, as amended, entitled “Agriculture division” (Land Use, ARC Arterial Road Corridor Overlay District), be and is hereby deleted in its entirety.
Section 20. That Section 19.15.520 C. of the Elgin Municipal Code, 1976, as amended, entitled “Services division” (Land Use, ARC Arterial Road Corridor Overlay District), be and is hereby further amended by deleting the following:

“Medical cannabis dispensing organization” [SR]

Section 21. All above affected sections of Title 19 shall be either re-numbered and/or re-alphabetized accordingly.

Section 22. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and are hereby repealed to the extent of any such conflict.

Section 23. That this ordinance shall be in full force and effect upon its passage and publication in the manner provided by law.

David J. Kaplan, Mayor

Presented: December 18, 2019
Passed: December 18, 2019
Vote: Yeas: 8 Nays: 1
 Recorded: December 18, 2019
Published: December 19, 2019

Attest:
Kimberly Dewis, City Clerk
FINDINGS OF FACT

PETITION 36-19
ZONING ORDINANCE TEXT AMENDMENT
ADULT-USE CANNABIS
RECOMMENDATION & FINDINGS OF FACT
OF THE COMMUNITY DEVELOPMENT DEPARTMENT AND
THE PLANNING & ZONING COMMISSION
CITY OF ELGIN, IL

OVERVIEW
Provided herein are the written findings and recommendation of the Community Development Department and the Planning & Zoning Commission regarding Petition 36-19, an application by the Development Administrator of the City of Elgin as Applicant, to amend Title 19 “Zoning” of the Elgin Municipal Code, to establish zoning regulations for cannabis business establishments and cannabis testing facilities as contemplated by Cannabis Regulation and Tax Act, to amend the zoning regulations for “medical cannabis cultivation centers” [SR] and “medical cannabis dispensing organizations” [SR], and to amend the zoning regulations for “alcoholic liquor, package liquor sales establishment” [SR].

GENERAL INFORMATION
Petition Number: 36-19
Requested Action: Amend Title 19 “Zoning” of the Elgin Municipal Code to establish zoning regulations for cannabis business establishments and cannabis testing facilities as contemplated by Cannabis Regulation and Tax Act, to amend the zoning regulations for “medical cannabis cultivation centers” [SR] and “medical cannabis dispensing organizations” [SR], and to amend the zoning regulations for “alcoholic liquor, package liquor sales establishment” [SR].
Applicant: Development Administrator for the City of Elgin
Staff Coordinators: Marc S. Mylott, AICP, Director of Community Development
Exhibits Attached:
A. Development Application
B. Draft Ordinance
C. Map of Potential Locations for Cannabis Dispensing Organizations
D. Map of Potential Locations for Other Cannabis Businesses
E. Illinois Municipal League Cannabis Regulation and Tax Act
TEXT AMENDMENT SUMMARY

The proposed text amendment can generally be summarized as follows:

1. Dispensing organizations would be a conditional use in NB Neighborhood Business, AB Area Business, and CC1 and CC2 Center City zoning districts with a 250-foot setback from all schools, colleges, universities, daycare facilities, group homes, and public parks and forest preserves;

2. Cultivation centers, craft growers, processing organizations, and transporting organizations would be conditional uses in GI General Industrial and ORI Office Research and Industrial zoning districts with the same 250-foot setback as dispensing organizations;

3. Applications for conditional use would have to include a copy of the application for state license and all accompanying documents, an inventory control plan, a floor plan, a plan to handle cannabis waste, and a security and lighting plan, which must be reviewed by the Elgin Police Department prior to the zoning public hearing;

4. Testing facilities would be permitted uses in the CI Commercial Industrial, GI General Industrial, and ORI Office Research and Industrial zoning districts;

5. Cannabis businesses would be permitted along arterial roads;

6. On-premises consumption of cannabis at cannabis businesses would be prohibited;

7. Cannabis and cannabis-infused products could only be sold from dispensing organizations;

8. Dispensing organizations would not be permitted to have component or accessory uses, but cultivation centers, craft growers, processing organizations, and transporting organizations could co-locate;

9. Allowable locations for and the provisions regarding medical cannabis businesses would be amended to be consistent with the recommendations regarding adult-use cannabis businesses; and

10. Setbacks for package liquor stores from sensitive land uses would be removed from the zoning ordinance to prevent conflict with the State Liquor Control Act and the decisions of the Elgin Liquor Commission.

Recommendation & Findings of Fact  
Petition 36-19  
November 4, 2019

BACKGROUND AND TEXT AMENDMENT DETAIL

Background  
The Illinois General Assembly recently enacted Public Act 101-0027 which provides for the Cannabis Regulation and Tax Act (the Act). The Act was signed into law by Governor Pritzker on June 25, 2019. The majority of the Act becomes effective January 1, 2020. The entire 610-page Act is available at the link provided on the previous page of this review (see at Exhibit F).

Illinois became the eleventh state in the United States to legalize the recreational use of cannabis. The other ten states are California, Maine, Massachusetts, Nevada, Colorado, Washington, Oregon, Alaska, Vermont, and Michigan. Cannabis use remains unlawful under federal law.

The Act puts forth a comprehensive framework that provides for legalizing possession and personal use of cannabis for adults; licensing for cannabis business establishments; a social equity program; a transition timeline for the issuances of certain licenses; the expungement of certain previous criminal convictions relating to cannabis; a community college cannabis vocational pilot program; specified taxation and revenue distribution; and amendments to a variety of existing statutes. An FAQ about the Act prepared by the Illinois Municipal League is attached (see Attachment E).

In 2014, the City amended the zoning ordinance to make medical cannabis dispensing organizations a conditional use in the ORI Office Research Industrial and GI General Industrial zoning districts, subject to a 1,000-foot setback from schools, childcare centers, residential uses and zoning districts, emergency shelters and parks, as well as other operational requirements. Medical cannabis cultivation centers were zoned in the same manner, but with a 2,500-foot setback from the same uses.

The 2014 amendment followed the state-wide enactment of the Compassionate Use of Medical Cannabis Pilot Program Act in August 2013 that allowed patients with debilitating medical conditions to use medical cannabis without being subject to arrest, prosecution, or denial of any right or privilege. The Compassionate Use of Medical Cannabis Pilot Program Act provided for the establishment of medical cannabis cultivation centers and dispensing centers throughout the state and established that local governments may not “unreasonably prohibit” such establishments.

On the contrary, the Cannabis Regulation and Tax Act (again, the Act) gives municipalities the authority to prohibit adult-use cannabis businesses from locating within their boundaries or to enact ordinances governing the time, place, manner, and number of such businesses, including minimum distance limitations between cannabis businesses and locations it deems sensitive, in so long as those regulations do not conflict with the Act or with rules adopted pursuant to the Act.

Staff presented City Council with several recommendations regarding zoning for adult-use cannabis businesses at the September 11, 2019 Committee of the Whole meeting and suggested
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that detailed modeling of setbacks for adult-use cannabis businesses from sensitive land uses was necessary to ensure that viable commercial and industrial land would be available for such businesses throughout the city.

Following the presentation, a majority of city councilmembers indicated that they did not want to prohibit cannabis businesses, instead expressing support for zoning that allowed such businesses as conditional uses in certain business, downtown, and industrial zoning districts, subject to a to-be-determined setback from to-be-determined sensitive land uses. At the same time, while the Act finds that cannabis should be regulated like alcohol, city councilmembers expressed that they would not support commercial, on-premises consumption of cannabis.

Amendment Detail
The Act contemplates six types of cannabis business establishments: cultivation centers, craft growers, processing organizations, dispensing organizations, transporting organizations, and testing facilities.

The business establishment most likely to seek to locate in the City is a dispensing organization. The Act defines a dispensing organization as a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. A dispensary organization includes a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

The Act limits the hours of operation for dispensing organizations to 6 a.m. to 10 p.m.

Staff recommends that dispensing organizations be zoned similarly to liquor stores (package liquor sales establishments). This approach would make dispensing organizations a conditional use in the NB Neighborhood Business, AB Area Business, and CC1 and CC2 Center City downtown zoning districts. Dispensing organizations would also be allowed along arterial roads.

Regulating dispensing organizations like liquor stores would follow a finding of the Act, which states that, "...cannabis should be regulated in a manner similar to alcohol." The State Liquor Control Act states that liquor stores cannot be within 100 feet from a church, school, hospital or other like uses, unless granted an exception by the local Liquor Control Commission (the zoning ordinance still contains the 100-foot distancing requirement, and staff is recommending striking this provision to prevent conflict with the Liquor Control Act and decisions of the Elgin Liquor Commission). The Cannabis Regulation and Tax Act has no such distancing requirement, but it establishes that no dispensing organization may be within 1,500 feet of an existing dispensing organization, and it includes several other operational requirements, such as operable video
surveillance equipment and no drive-through facilities. The City zoning ordinance could not require less-strict operational requirements than those in the Act.

Again, City Council advised staff that it does not support commercial, on-premise consumption of cannabis at dispensing organizations. The primary concern is that on-premise consumption may lead to increased incidents of driving under the influence of cannabis.

Colorado legalized recreational use of marijuana in 2012. The percentage of all Colorado traffic related deaths that were marijuana related increased from 11.4 percent in 2013 to 21.3 percent in 2017. Since recreational marijuana was legalized, marijuana-related traffic deaths increased 151 percent while all Colorado traffic deaths increased by 35 percent. Unlike the public consumption of alcohol which has been legal since Prohibition was repealed in 1933, it may not be widely understood the degree to which impairment occurs following consumption of cannabis. In other words, persons generally understand how many and what kind of alcoholic beverages they can consume and still lawfully and safely operate a motor vehicle. The newness of cannabis consumption has not generally allowed similar personal experience. Additionally, the law enforcement community does not yet have a reliable field test to measure impairment.

Staff recommends that the sale of cannabis and cannabis-infused products be limited to dispensing operations only and that dispensing organizations should not be permitted to have component or accessory uses. The Act defines a cannabis-infused product as a beverage, food, oil, ointment, tincture, topical formulation or another product containing cannabis that is not intended to be smoked. The Act already states that an infuser may not sell or distribute any cannabis to any person other than a dispensing organization, or as otherwise authorized by rule.

The sale of cannabis or cannabis-infused products should not occur in any fashion from smoke shops, gas stations, convenience stores, grocery stores, restaurants, bars or other principle or component land uses, and including such a provision in the zoning ordinance prevents a state-level administrative rule from allowing same.

The reason for recommending this language is twofold. First, it is unlikely that such non-cannabis business establishments can provide the same level of security as that required by the Act for cannabis business establishments. Second, limiting cannabis and cannabis-infused products to dispensing organizations ensures that persons that do not want to be exposed to these products are not inadvertently exposed to them.

Staff offers one exception to the no-component-land-use rule: cultivation centers, craft growers, processing organizations, and transporting organizations could co-locate. This type of land use symbiosis makes sense, and both would still be heavily regulated by the state.

Prohibiting accessory uses in dispensing organizations also ensures that persons patronizing the dispensing organization are doing so only for that purpose. It also makes administration easier by eliminating the need to make a determination as to what is or is not customary and traditional for
an adult-use cannabis dispensing organization. The Act already prohibits dispensing organizations from selling any product containing alcohol except tinctures, which are limited to containers no larger than 100 milliliters. A tincture is typically an extract of plant or animal material dissolved in ethanol (https://en.wikipedia.org/wiki/Tincture). The Act also prohibits dispensing organizations from producing or manufacturing cannabis.

Staff recommends that cultivation centers, craft growers, processing organizations, and transporting organizations would be conditional uses in the GI General Industrial and ORI Office Research and Industrial zoning districts.

Staff also recommends that all adult-use cannabis businesses be setback 250 feet from all schools, colleges, universities, daycare facilities, group homes, and public parks and forest preserves.

Again, the State requires that alcohol have a 100-foot setback from churches, schools, hospitals, assisted living facilities, and military stations, but the Elgin Liquor Commission can waive that setback. Staff recommends a slightly larger setback for cannabis because the adult-use cannabis industry is still very new. The recommended 250-foot setback mirrors the current distance used to mail courtesy notices for variances, conditional uses, and map amendments.

Staff does not recommend including setbacks from churches. Storefront churches and churches within shopping centers have become more and more common, which could have the unintended consequence of eliminating an otherwise appropriate location for a cannabis business. In any event, the setback would still apply to many churches because they often include a school and/or daycare center.

Staff does not recommend a setback from residential zoning either. Residential zoning is not a sensitive land use related to the sale of alcohol. After staff mapped the sensitive land uses being considered for adult-use cannabis businesses, it was found that any setback from residential zoning left little viable commercial property, especially along the older commercial corridors in Elgin where commercial property is often only one lot deep from residential zoning.

Table 1 provides estimates of the commercial and industrial land remaining when various setbacks are applied to sensitive land uses. These estimates assume a cannabis business is located within a multi-tenant building and the setback is measured from the tenant space to the property line of the sensitive land use. If the business was within a stand-alone building, the available acreages would be less because the setback is then measured lot line to lot line. This measurement methodology reflects the current way setbacks are measured for liquor stores and medical cannabis businesses. Maps of the available land under the recommended zoning scheme are attached as Exhibits C and D.
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<table>
<thead>
<tr>
<th>Cannabis Business (Zoning Districts)</th>
<th>Total Acres in Zoning Districts (Percent of City)²</th>
<th>Acres Remaining After Applying Setback to Recommended Sensitive Land Uses³ plus Residential Zoning and Churches (Percent of Underlying Zoning Districts)</th>
<th>Acres Remaining After Applying Setback to Recommended Sensitive Land Uses³ Only (Percent of Underlying Zoning Districts)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1000' Setback</td>
<td>500' Setback</td>
<td>250' Setback</td>
</tr>
<tr>
<td>Dispensaries (NB, AB, CC1, and CC2)</td>
<td>1,228.8 (5.9%)</td>
<td>23.5 (1.9%)</td>
<td>213.7 (17.3%)</td>
</tr>
<tr>
<td>Other Cannabis Businesses (GI and ORI)</td>
<td>3,214.2 (15.4%)</td>
<td>1,606.3 (50.0%)</td>
<td>2,169.2 (67.5%)</td>
</tr>
</tbody>
</table>

Notes:
1. Includes all like planned development districts.
3. Includes all schools, colleges, universities, daycare facilities, group homes, and public parks and forest preserves.

Cannabis testing facilities would be permitted uses in the CI Commercial Industrial, GI, and ORI zoning districts, like traditional testing facilities, and no setback from sensitive land uses is recommended.

Staff recommends amending the allowable locations for and the provisions regarding medical cannabis businesses to be consistent with the recommendations regarding adult-use cannabis businesses.

Comparable Communities
Like Elgin, most Illinois municipalities are in the process of considering the permissibility of adult-use cannabis businesses in advance of the January 1, 2020 effective date of the Act. The summaries below present the best information available from municipal websites and electronic news reports for those municipalities most-often compared to Elgin. The information is subject to change.

The Village of Arlington Heights conducted an advisory vote, the outcome of which would prohibit adult-use cannabis businesses in the village. A final vote is scheduled for November 4, 2019.

The City of Aurora approved a zoning amendment that allows up to four adult-use cannabis dispensaries as a special use in business and industrial areas. Dispensaries cannot be located within 750 feet of a school nor adjacent to a daycare facility. Dispensaries can only be located on an arterial street. Production-based adult-use cannabis businesses are special uses in industrial districts and cannot be within 500 feet of a school.
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The City of Des Plaines is considering a zoning amendment that would allow adult-use cannabis dispensaries as conditional uses in certain commercial zoning districts and with certain restrictions and allow production-based adult-use cannabis businesses as conditional uses in certain manufacturing districts with additional regulations. Specificity about the “certain restrictions” and the “additional regulations” was not available.

The City of Evanston is working toward approval of adult-use cannabis dispensaries as special uses in the downtown and business districts with a 750-foot distance requirement from schools. Additional consideration of production-based adult-use cannabis businesses is expected in January 2020.

The City of Geneva directed the Planning and Zoning Commission to conduct a public hearing on the permissibility of adult-use cannabis businesses.

The Village of Hoffman Estates adopted a resolution to generally support cannabis dispensaries only and directed staff and their Planning and Zoning Commission to recommend regulations for discussion at a November 6, 2019 public hearing.

The City of Joliet is considering a zoning amendment that would allow adult-use cannabis dispensaries as special uses in certain business districts and allow production-based adult-use cannabis businesses as special uses in their industrial district. The amendment includes a distance requirement that cannabis businesses may not be located within 500 feet from a nursery school, preschool, school, day care center, and day care home; may not be located within 250 feet from residentially-zoned areas; and may not be located within a to-be-created downtown cannabis exclusion overlay district.

The Village of Naperville voted to prohibit adult-use cannabis businesses, but directed staff to provide information on a potential voter referendum question.

The Village of Oak Park approved a zoning amendment that allows adult-use cannabis dispensaries as a permitted use in their business and commercial districts. Information regarding production-based adult-use cannabis businesses was not available.

The Village of Plainfield voted to prohibit adult-use cannabis businesses.

The Village of Schaumburg is considering a zoning amendment that would allow up to five adult-use cannabis dispensaries in retail zoning districts. The amendment includes a distance requirement that dispensaries may not be located within 1,000 feet from any school or day care center. Information regarding production-based adult-use cannabis businesses was not available.

The Village of Skokie approved a zoning amendment that allows adult-use cannabis dispensaries as a permitted use in certain business districts. The amendment includes a distance requirement that dispensaries may not be located within 1,000 feet from any school, day care center, recreation
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center, park, library, or video game arcade. Information regarding production-based adult-use cannabis businesses was not available.

The Village of South Elgin is considering a zoning amendment that would allow adult-use cannabis dispensaries as special uses in certain business districts and allow production-based adult-use cannabis businesses as special uses in their industrial district. The amendment includes a distance requirement that cannabis businesses must be 250 feet from schools, day care centers, state license home day care centers, parks, and libraries.

The Village of St. Charles approved a zoning amendment that would allow only two adult-use cannabis dispensaries as special uses in certain business districts, and only one on each side of the Fox River. The amendment includes a distance requirement that cannabis businesses must be 250 feet from schools, day care centers, churches, or single-family residences. Production-based adult-use cannabis businesses are prohibited.

The City of Waukegan is considering a zoning amendment that would allow no more than two adult-use cannabis dispensaries as conditional uses in certain business districts and allow production-based adult-use cannabis businesses as conditional uses in certain industrial districts. The amendment includes a distance requirement that cannabis businesses may not be located within 1,000 feet from any school, day care center, recreation center, park, library, or video game arcade.

FINDINGS

After due notice as required by law, the Planning & Zoning Commission conducted a public hearing in consideration of Petition 36-19 on November 4, 2019. Testimony was presented at the public hearing in support of the application. The Community Development Department submitted a Development Application Review and Written Findings & Recommendation to the Planning & Zoning Commission dated November 4, 2019.

The Community Development Department and the Planning & Zoning Commission have made the following findings regarding this application:

STANDARDS FOR TEXT AMENDMENTS

The proposed text amendment complies with the following purposes and intent of the Zoning Ordinance (§ 19.05.300):

- Promote the public health, safety, comfort, morals, convenience, and general welfare;
- Secure adequate light, pure air, and safety from fire and other dangers;
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☐ Conserve the taxable value of land and structures throughout the city;

☐ Establish standards to which building or structures therein shall conform; and

☐ Prohibiting uses, buildings, or structures incompatible with the character of the preservation, conservation, residence, community facility, business, and industrial zoning districts.

In addition, the Comprehensive Plan includes the following objective:

Identify opportunities to enhance the City’s competitiveness for business and employment investment, including evaluating the current regulatory environment (see Chapter 11, Implementation Action Matrix, Commercial Areas, Goal #2: Further Develop the City’s Economic and Employment Development Programs, Business Friendliness: Community Competitiveness Assessment).

RECOMMENDATION

The Community Development Department and the Planning & Zoning Commission recommend approval of Petition 36-19.

The vote of the Planning & Zoning Commission on the motion to recommend approval was seven (7) yes, zero (0) no, and zero (0) abstentions. All members were present.

Respectfully Submitted,

s/ Jay Cox
Jay Cox, Chairman
Planning & Zoning Commission

s/ Damir Latinovic
Damir Latinovic, AICP; Secretary
Planning & Zoning Commission