

PREPARED BY:

**CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

RETURN TO:

**CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

ORDINANCE NO. 20 – 088

AN ORDINANCE REPEALING CHAPTER 17 (CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED) OF TITLE 3 (BUSINESS AND LICENSE REGULATIONS), AND AMENDING CHAPTER 1 (ZONING TITLE, PURPOSE, DEFINITIONS); CHAPTER 2 (GENERAL ZONING PROVISION); CHAPTER 7 (BUSINESS DISTRICTS); CHAPTER 8 (INDUSTRIAL DISTRICTS); AND CHAPTER 9 (OFF STREET PARKING) OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE REGARDING CANNABIS FACILITIES

Recitals

1. **WHEREAS**, in 2013, the State of Illinois enacted the Compassionate Use of Medical Cannabis Pilot Program Act (hereinafter "Medical Cannabis Act"), permitting the cultivation and dispensing of medical cannabis for use in serious diseases, subject to the limitations of the Act; and
2. **WHEREAS**, in advance of the Medical Cannabis Act becoming effective on January 1, 2014, the City of Naperville adopted zoning regulations for medical cannabis facilities in December 2013; and
3. **WHEREAS**, the State of Illinois enacted the Cannabis Regulation and Tax Act (hereinafter "CRTA"), effective January 1, 2020, legalizing and regulating the

production, consumption and sale of recreational cannabis in Illinois (also known as “adult-use cannabis”); and

4. **WHEREAS**, the City of Naperville hosted several meetings and forums between July and September 2019 to engage residents on the issue of whether adult-use cannabis dispensing facilities should be permitted within Naperville city limits; and
5. **WHEREAS**, the City Council sought input from its residents through an advisory referendum on the March 17, 2020 ballot which asked: *“Shall the City of Naperville, in light of state legislation legalizing the possession, consumption, and sale of recreational adult use cannabis, allow the sale of recreational adult use cannabis within its jurisdiction; and*
6. **WHEREAS**, because the referendum question would be asked after the January 1, 2020 date that adult-use cannabis facilities would become legal in Illinois, the City Council passed an ordinance on September 3, 2019 opting out of having any local adult-use cannabis facilities pending the outcome of the March 17, 2020 referendum question; and
7. **WHEREAS**, based on a majority of votes being cast in support of allowing the sale of adult-use cannabis within the City through the March 17, 2020 referendum, City Council directed staff to begin the process of creating zoning regulations for adult-use cannabis facilities; and
8. **WHEREAS**, City Council provided direction regarding the potential adult-use cannabis zoning regulations at a workshop held on June 22, 2020; and
9. **WHEREAS**, the proposed cannabis zoning regulations will include regulations for both medical and adult-use cannabis facilities; and

10. **WHEREAS**, on July 15, 2020, the Planning and Zoning Commission conducted a public hearing regarding the proposed Cannabis Facilities amendments and recommended approval of PZC 20-1-053 with the inclusion of additional recommendations regarding hours of operation and traffic management; and

11. **WHEREAS**, the City Council has determined that it is appropriate to repeal Chapter 17 (Cannabis Business Establishments Prohibited) of Title 3 (Business and License Regulations) and to amend Chapter 1 (Zoning Title, Purpose, Definitions); Chapter 2 (General Zoning Provisions); Chapter 7 (Business Districts); Chapter 8 (Industrial Districts); and Chapter 9 (Off-Street Parking) of Title 6 (Zoning Regulations) of the Naperville Municipal Code regarding Cannabis Facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: The Recitals set forth above are incorporated herein.

SECTION 2: Chapter 17 (Cannabis Business Establishments Prohibited) of Title 3 (Business and License Regulations) of the Naperville Municipal Code, set forth below, is hereby repealed; however, the title of Chapter 17 is reserved for future use.

CHAPTER 17 – (RESERVED) CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

SECTION:

~~3-17-1: DEFINITIONS:~~

~~The following words and phrases shall, for the purposes of this Chapter, have the meanings respectively ascribed to them by this Section, as follows:~~

ADULT USE CANNABIS	Cannabis business establishments include: Adult use cannabis cultivation centers (not including medical cannabis cultivation centers as set forth in Title 6 of the Naperville
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<p>BUSINESS ESTABLISHMENTS:</p>	<p>Municipal Code), adult use cannabis craft growers, adult use cannabis processing organizations, adult use cannabis dispensing organizations (not including medical cannabis dispensing organizations as set forth in Title 6 of the Naperville Municipal Code), and adult use cannabis transporting organizations.</p>
<p>ADULT USE CANNABIS CRAFT GROWER:</p>	<p>An adult use cannabis craft grower is 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 definition of craft grower as set forth in the Cannabis Regulation and Tax Act, (P.A.101-0027), as may be amended from time to time, and regulations promulgated thereunder.</p>
<p>ADULT USE CANNABIS CULTIVATION CENTER:</p>	<p>An adult use cannabis cultivation center is 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 definition of cultivation center as set forth in the Cannabis Regulation and Tax Act, (P.A.101-0027), as may be amended from time to time, and regulations promulgated thereunder. Adult use cannabis cultivation center does not include medical cannabis cultivation centers as set forth in Title 6 of the Naperville Municipal Code.</p>
<p>ADULT USE CANNABIS DISPENSING ORGANIZATION:</p>	<p>An adult use cannabis dispensing organization is 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 may be amended from time to time, and regulations promulgated thereunder. Adult use cannabis dispensing organization does not include medical cannabis dispensing organizations as set forth in Title 6 of the Naperville Municipal Code.</p>
<p>ADULT USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:</p>	<p>An adult use cannabis processing organization, or processor, is 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</p>

	concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as may be amended from time to time, and regulations promulgated thereunder.
ADULT USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:	An adult use cannabis transporting organization, or transporter, is 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.
PERSON:	A natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court. (Ord. No. 19-120, § 2, 9-3-2019)

~~3-17-2: CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED:~~

~~The following adult use cannabis business establishments are prohibited from being located within the City of Naperville. No person shall locate, operate, own, suffer, allow to be operated or aid, abet or assist in the operation within the City of Naperville of any of the following:~~

- ~~Adult use cannabis craft grower~~
- ~~Adult use cannabis cultivation center~~
- ~~Adult use cannabis dispensing organization~~
- ~~Adult use cannabis processing organization or processor~~
- ~~Adult use cannabis transporting organization or transporter~~

~~Cannabis business establishments do not include medical cannabis cultivation centers or medical cannabis dispensing organizations as set forth in Title 6 of the Naperville Municipal Code.~~

~~3-17-3: PUBLIC NUISANCE DECLARED:~~

~~Operation of any prohibited adult use cannabis business establishment within the City of Naperville in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.~~

~~3-17-4: VIOLATIONS:~~

~~Violations of this Chapter may be enforced in accordance with the provisions of Title 1, Chapter 4 of this Code.~~

SECTION 3: Chapter 1 (Zoning Title, Purpose, Definitions) of Title 6 (Zoning Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

CHAPTER 1 (ZONING TITLE, PURPOSES, DEFINITIONS)

6-1-6: - DEFINITIONS:

<u>CANNABIS FACILITIES</u>	<u>Those facilities defined in Section 6-2-32 (Cannabis Facilities) of this Title.</u>
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, per the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois effective January 1, 2014, as may be amended from time to time.
MEDICAL CANNABIS DISPENSING ORGANIZATION:	A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation 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, enacted by the State of Illinois effective January 1, 2014, as may be amended from time to time.

SECTION 4: Chapter 2 (General Zoning Provisions) of Title 6 (Zoning Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

CHAPTER 2 (GENERAL ZONING PROVISIONS)

6-2-32: - MEDICAL CANNABIS FACILITIES:

- ~~1. Purpose And Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation and dispensing of medical cannabis occurring within the corporate limits of the City of Naperville. Such facilities shall comply with all regulations provided in the Compassionate Use of Medical Cannabis Pilot Program Act, as enacted by the State of Illinois, effective January 1, 2014, as may be amended from time to time (hereinafter referred to as the "Act"), as well as those additional regulations provided below. In the event that the Act is amended, the more restrictive of the State or local regulations shall apply.~~

- ~~2. Conditional Use: Medical cannabis facilities, as defined herein, requiring approval of a conditional use in the respective districts in which they are requested shall be processed in accordance with Section 6-3-8 (Conditional Uses) of this Title and Section 6-2-32:3 (Medical Cannabis Facility Components) as provided herein.~~
- ~~3. Medical Cannabis Facility Components: In determining compliance with Section 6-3-8 (Conditional Uses) of this Title, the following components of the medical cannabis facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:
 - ~~3.1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.~~
 - ~~3.2. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan, and building code compliance.~~
 - ~~3.3. Hours of operation and anticipated number of customers/employees.~~
 - ~~3.4. Anticipated parking demand based on Subsection 6-2-32:3.3 and available private parking supply.~~
 - ~~3.5. Traffic generation and adjacent roadway capacity.~~
 - ~~3.6. Site design, including access points and internal site circulation.~~
 - ~~3.7. Proposed signage plan.~~
 - ~~3.8. Compliance with all requirements provided in Subsection 6-2-32:4 (Medical Cannabis Cultivation Center) or Subsection 6-2-32:5 (Medical Cannabis Dispensing Organization), as applicable.~~
 - ~~3.8. Other criteria determined to be necessary to assess compliance with Section 6-3-8 of this Title.~~~~
- ~~4. Medical Cannabis Cultivation Center: In those zoning districts in which a medical cannabis cultivation center may be located, the proposed facility must comply with the following:
 - ~~4.1. Facility may not be located within two thousand five hundred (2,500) feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.~~
 - ~~4.2. Facility may not be located within two thousand five hundred (2,500) feet of the property line of a pre-existing property zoned for residential use.~~
 - ~~4.3. Facility may not conduct any retail sales.~~
 - ~~4.4. For purposes of determining required parking, medical cannabis cultivation centers shall be classified as "general manufacturing" per Subsection 6-9-3:2 (Schedule of Off-Street Parking Requirements: Industrial Uses), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Subsection 6-2-32:2 (Medical Cannabis: Conditional Use) herein.~~
 - ~~4.5. Petitioner shall file an affidavit with the City affirming compliance with Subsections 6-2-32:4.1—4.4 as provided herein and all other requirements of the Act.~~~~

- ~~5. Medical Cannabis Dispensing Organization: In those zoning districts in which a medical cannabis dispensing organization may be located, the proposed facility must comply with the following:~~
- ~~5.1. Facility may not be located within one thousand (1,000) feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.~~
 - ~~5.2. Facility may not be located in a home, apartment, condominium or within two hundred fifty (250) feet of any area zoned for residential use.~~
 - ~~5.3. The dispensing organization shall be the primary use of the tenant space in which it is located. Retail sales occurring within said facilities shall be accessory to the facility's intended use as a dispensing organization.~~
 - ~~5.4. For purposes of determining required parking, said facilities shall be classified as "medical office/clinic" per Subsection 6-9-3:5 (Schedule of Off-Street Parking Requirements: Services and Institutions) of the Naperville Municipal Code, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Subsection 6-2-32:2 (Medical Cannabis: Conditional Use) herein.~~
 - ~~5.5. Petitioner shall file an affidavit with the City affirming compliance with Subsections 6-2-32:5.1-5.4 as provided herein and all other requirements of the Act.~~
- ~~6. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting, or other improvements, as needed or at the request of the City, to ensure the safety of employees and customers of the medical cannabis cultivation center and dispensing organizations. Said improvements may be required by the City in excess of those security measures required by the Act.~~

1. Definitions: The following words and phrases shall, for the purposes of this Title, have the meanings respectively ascribed to them by this Section, as follows:

<p><u>CANNABIS DISPENSING ORGANIZATION (OR DISPENSARY):</u></p>	<p><u>A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire cannabis from a registered 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 and educational materials to purchasers or to qualified registered medical cannabis patients and caregivers.</u></p> <p><u>A Cannabis Dispensing Organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Program Act, as amended from time-to-time, and/or an adult use cannabis dispensing organization as defined in the</u></p>
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	<p><u>Cannabis Regulation and Tax Act, (410 ILCS 705/1-1 et seq.), as amended from time-to-time, and regulations promulgated thereunder.</u></p> <p><u>No cannabis products shall be sold within the corporate limits of the City of Naperville except from a Cannabis Dispensing Organization operating in compliance with this Section 6-2-32.</u></p>
<u>CANNABIS FACILITY OPERATOR</u>	<u>The individual in charge of the operation of a Cannabis Dispensing Organization or a Medical Cannabis Cultivation Center.</u>
<u>CANNABIS PARAPHERNALIA (OR PARAPHERNALIA)</u>	<u>Equipment, products, or materials intended to be used for planting, propagating, cultivating, growing, harvesting, manufacturing, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, or otherwise introducing cannabis into the human body.</u>
<u>CANNABIS REGULATION AND TAX ACT (OR CRTA)</u>	<u>410 ILCS 705/1-1 et seq., as amended from time to time.</u>
<u>COMPASSIONATE USE OF MEDICAL CANNABIS PROGRAM ACT (OR MEDICAL CANNABIS ACT)</u>	<u>410 ILCS 130/1 et seq., as amended from time to time.</u>
<u>DISPENSARY APPLICATION</u>	<u>Dispensary Application shall have the meaning set forth in Subsection 6-2-32:3.9 hereof.</u>
<u>MEDICAL CANNABIS CULTIVATION CENTER (OR CULTIVATION CENTER):</u>	<u>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, per the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 et seq., as amended from time to time.</u>

2. Purpose and Applicability: It is the intent and purpose of this Section 6-2-32 (Cannabis Facilities) to provide regulations pertaining to Cannabis Dispensing Organizations (or Dispensaries) under the CRTA and the Medical Cannabis Act, and Medical Cannabis Cultivation Centers (or Cultivation Centers) under the Medical Cannabis Act, within the corporate limits of the City. Such facilities shall comply with the provisions of the Naperville Municipal Code, as amended from time to time, and with the provisions of the CRTA and the Medical Cannabis Act, as applicable, and all related regulations

and administrative rules enacted and amended from time to time. If the CRTA or the Medical Cannabis Act are amended, the more restrictive of the State or City regulations shall apply.

- 2.1 Cannabis Businesses that are Prohibited: The following cannabis business establishments, as defined in the CRTA, are prohibited in all zoning districts in the City of Naperville: craft growers; processing organizations; transporting organizations; cultivation centers (not including cultivation centers as defined in the Medical Cannabis Act); and infuser organizations. No person shall locate, operate, own, allow to be operated or aid, abet, or assist in the operation of said prohibited cannabis business establishments within the corporate limits of the City.
- 2.2 Cannabis Businesses Allowed as a Permitted Use: Cannabis Dispensing Organizations are permitted in the B2, B3, HS, I, ORI, and RD Zoning Districts, as defined in this Title, subject to compliance with all requirements set forth or referenced herein. No more than three (3) such Dispensaries shall be permitted to locate within the corporate limits of the City.
- 2.3 Cannabis Businesses Allowable as a Conditional Use: Medical Cannabis Cultivation Centers shall require approval of a conditional use in the I, ORI, and RD Districts, as defined in this Title, subject to compliance with all requirements set forth or referenced herein. A conditional use for a Medical Cannabis Cultivation Center shall be processed in accordance with this Section 6-2-32 (Cannabis Facilities) and Section 6-3-8 (Conditional Uses) of this Title.
3. Cannabis Dispensing Organizations (or Dispensaries): In those zoning districts in which a Dispensary may be located, the following requirements shall apply:

 - 3.1 Dispensaries shall not be located within one thousand (1,000) feet of a pre-existing primary or secondary school. Learning centers, fitness facilities, preschools, day care centers, residential care homes, and vocational/trade centers shall not be classified as a school for purposes of this Section 6-2-32.
 - 3.2 Dispensaries shall not be located within two hundred fifty (250) feet of a pre-existing property zoned for residential use as defined in Chapter 6 (Residence Districts) of this Title.
 - 3.3 Dispensaries shall not be located within one (1) mile (i.e., 5,280 feet) of an existing Cannabis Dispensing Organization.
 - 3.4 For purposes of determining required parking, Dispensaries shall be classified as a "Cannabis Dispensing Organization" per Subsection 6-9-3:4 (Schedule of Off-Street Parking Requirements: Retail and Wholesale Trade) of the Naperville Municipal Code, as amended from time to time.
 - 3.5 Drive-throughs shall be prohibited at Dispensaries.
 - 3.6 No cannabis or Cannabis Paraphernalia shall be displayed or kept at Dispensaries so as to be visible from outside the premises.

- 3.7 No cannabis, or cannabis-infused product, shall be smoked, eaten, or otherwise consumed or ingested on the premises of any Dispensary. Dispensaries may not provide or permit off-site delivery of cannabis or cannabis-infused products; nor shall cannabis or cannabis-infused products be available by vending machine.
- 3.8 Dispensaries may not be located in a home, apartment, or condominium.
- 3.9 Requests for a permit from the City related to a Dispensary (including but not limited to occupancy and building permits) shall be submitted via an application (herein "Dispensary Application"). Dispensary Applications shall be submitted to the Zoning Administrator, and will be deemed complete upon submittal of all documentation and information described in Subsection 6-2-32:5 to the satisfaction of the Zoning Administrator.
- 3.9.1 Subject to the provisions set forth in Subsections 3.9.2 and 3.9.3 below, a Dispensary occupancy permit will be allocated to an applicant on a reserve basis based upon the Zoning Administrator's receipt of a completed Dispensary Application, and based on the order the completed Dispensary Applications are received.
- 3.9.2 Upon the Zoning Administrator's receipt of a completed Dispensary Application for an available Dispensary occupancy permit, said available occupancy permit shall be temporarily reserved for the applicant at the location designated until such time that the application is withdrawn by the applicant or deemed expired by the City's Zoning Administrator. Minimal progress for a period of three (3) or more months relative to obtaining the reserved available Dispensary occupancy permit shall constitute a basis for the Zoning Administrator to deem the application expired.
- 3.9.3 No Dispensary Applications will be considered received by the City during a period when three (3) Dispensary occupancy permits have been issued or reserved.
- 4 Medical Cannabis Cultivation Centers: In those zoning districts in which a Cultivation Center may be located, the following requirements shall apply:
- 4.1 Cultivation Centers shall comply with the geographic location restrictions pertaining to schools as set forth in the Medical Cannabis Act, as amended from time to time.
- 4.2 Cultivation Centers shall not be located within twenty-five hundred (2,500) of a pre-existing property zoned for residential use as defined in Chapter 6 (Residence Districts) of this Title.
- 4.3 Cultivation Centers may not conduct any retail sales.
- 4.4 No cannabis, or cannabis-infused product, shall be smoked, eaten, or otherwise consumed or ingested on the premises of any Cultivation Center.
- 4.5 For purposes of determining required parking, Cultivation Centers shall be classified as "general manufacturing" per Subsection 6-9-3:2 (Schedule of Off-

Street Parking Requirements: Industrial Uses) of the Naperville Municipal Code, as amended from time to time

4.6 In conjunction with a conditional use requested for a Cultivation Center, the applicant shall provide the Zoning Administrator with the documentation and information described in Subsection 6-2-32:5 (Required Documentation and Information) as to the Cultivation Center, to the Zoning Administrator's satisfaction.

5 Required Documentation and Information: The following documentation and information shall be provided to the Zoning Administrator in conjunction with any application for a conditional use for a Medical Cannabis Cultivation Center or a Dispensary Application within the City's corporate limits:

5.1 A general description of the proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, proposed lighting plan, and building code compliance.

5.2 The hours of operation, the anticipated building occupancy capacity, and the average number of customers and employees anticipated to be at the facility on a daily basis.

5.3 The anticipated parking demand and parking plan per Section 6-9-3 (Schedule of Off-Street Parking Requirements) and available private parking supply.

5.4 A traffic management plan which depicts on-site traffic circulation, stacking, and queuing, and demonstrates the manner in which the facility's traffic will be managed so as to minimize the impact on adjacent roadways and neighborhoods.

5.5 A depiction of the site design, including access points and internal site circulation.

5.6 A proposed signage plan.

5.7 A plan for disposal of any cannabis or byproducts that are not sold to a purchaser or registered qualifying patient or caregiver which disposal method protects any portion thereof from being possessed or ingested by any person or animal, and which complies with applicable federal, state, and local regulations.

5.8 A plan describing the ventilation system that will be used to prevent any odor of cannabis off the premises.

5.9 The name(s) and location(s) of the offsite cultivation facilities associated with a Dispensary.

5.10 A copy of the current State-approved license, and to the extent permitted by law, a copy of the operating procedures and license application documentation required by the Medical Cannabis Act and/or the CRTA.

5.11 The name and contact information of the Cannabis Facility Operator; such information shall be promptly updated as necessary. The Cannabis Facility

Operator shall be available to respond to and cooperate with inquiries and requests made by the Zoning Administrator.

5.12 Other information and/or documentation as determined to be necessary by the Zoning Administrator to assess compliance with the requirements set forth or referenced herein.

5.13 An affidavit affirming compliance with Subsections 6-2-32:3 or 6-2-32:4 herein, as applicable.

6. Measurement: Geographic measurements referenced in this Section 6-2-32 (Cannabis Facilities) shall be measured from property line to property line unless a variance is approved.

7. Coordination of Safety and Security Measures: A Dispensary applicant shall coordinate with the Chief of Police of the City, or his or her designee, regarding the measures to be taken to ensure the security of the facility and the safety of the public and facility employees. Such measures may include, but are not limited to, facility access controls, surveillance systems, site lighting, and on-site security personnel. Said coordination shall occur after receipt of a Dispensary Application which has been deemed complete by the Zoning Administrator, and shall be ongoing, as needed, to address any security or safety issues.

8. Inspection: The City shall have the reasonable right to inspect the premises of a Cannabis Dispensing Organization or Medical Cannabis Cultivation Center during its hours of operation to ensure compliance with the provisions of this Section 6-2-32 (Cannabis Facilities).

9. Public Nuisance Declared: Operation of any prohibited or unpermitted cannabis business establishment within the City of Naperville in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

10. Enforcement: Violations of the provisions and requirements set forth or referenced herein may be enforced by the City in any manner it deems appropriate, including but not limited to bringing an appropriate ordinance enforcement action. When an ordinance enforcement action is brought, the General Penalty provisions of Section 1-4-1 of the Naperville Municipal Code, as amended from time to time, shall apply.

SECTION 5: Chapter 7 (Business Districts) of Title 6 (Zoning Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

CHAPTER 7 (BUSINESS DISTRICTS)

ARTICLE B. - B2 COMMUNITY SHOPPING CENTER DISTRICT

SECTION:

6-7B-1: - INTENT: * * *

6-7B-2: - PERMITTED USES:

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than a shopping center which includes any of the following uses:

1. - 57. * * *

58. Cannabis Dispensing Organization.

6-7B-3: - CONDITIONAL USES:

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-3-8 and Chapter 4 of this Title, as appropriate:

1. - 13. * * *

~~14. Medical cannabis dispensing organization.~~

6-7B-4: - REQUIRED CONDITIONS: - 6-7B-8: - HEIGHT LIMITATIONS/BULK REGULATIONS: * * *

ARTICLE J. - HS HEALTH SERVICES DISTRICT SECTION:

6-7J-1: - INTENT: * * *

6-7J-2: - PERMITTED USES:

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

1. - 6. * * *

7. Cannabis Dispensing Organization.

6-7J-3: - CONDITIONAL USES:

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-3-8 and Chapter 4 of this Title, as appropriate:

1. - 4. * * *

~~5. Medical cannabis dispensing organization per Section 6-2-32 of this Title.~~

6-7J-4: - ACCESSORY USES: - 6-7J-10: - HEIGHT LIMITATIONS/BULK REGULATIONS: * * *

SECTION 6: Chapter 8 (Industrial Districts) of Title 6 (Zoning Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

CHAPTER 8 (INDUSTRIAL DISTRICTS)

ARTICLE A. - RD RESEARCH AND DEVELOPMENT DISTRICT

SECTION:

6-8A-1: - INTENT: * * *

6-8A-2: - PERMITTED USES:

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

- 1. - 12. * * *
- 13. ~~Medical~~ eCannabis Ddispensing Organization per Section 6-2-32 of this Title.
- 14. * * *

6-8A-3: - CONDITIONAL USES: - 6-8A-8: - HEIGHT LIMITATIONS/BULK REGULATIONS: * * *

ARTICLE B. - ORI OFFICE, RESEARCH AND LIGHT INDUSTRY DISTRICT

SECTION:

6-8B-1: - INTENT: * * *

6-8B-2: - PERMITTED USES:

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

- 1. - 12. * * *
- 13. ~~Medical~~ eCannabis Ddispensing Organization per Section 6-2-32 of this Title.
- 14. * * *

6-8B-3: - CONDITIONAL USES: - 6-8B-8: - HEIGHT LIMITATIONS/BULK REGULATIONS: * * *

ARTICLE C. - I INDUSTRIAL DISTRICT

SECTION:

6-8C-1: - INTENT: * * *

6-8C-2: - PERMITTED USES:

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

- 1. - 39. * * *
- 40. ~~Medical~~ eCannabis Ddispensing Organization per Section 6-2-32 of this Title.
- 41. * * *

6-8C-3: - CONDITIONAL USES: - 6-8C-8: - HEIGHT LIMITATIONS/BULK REGULATIONS: * * *

SECTION 7: Chapter 9 (Off Street Parking) of Title 6 (Zoning Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

CHAPTER 9 (OFF STREET PARKING)

6-9-3: - SCHEDULE OF OFF STREET PARKING REQUIREMENTS:

4. Parking Class No. 4—Retail And Wholesale Trade:

<p><u>Cannabis Dispensing Organization</u></p>	<p><u>6 parking spaces per each 1,000 square feet of gross floor area shall be required for a Cannabis Dispensing Organization located within a shopping center or industrial campus with additional shared parking available.</u></p> <p><u>7.5 parking spaces per each 1,000 square feet of gross floor area shall be required for a Cannabis Dispensing Organization which is not located within a shopping center or industrial campus where there is additional shared parking available.</u></p> <p><u>In addition to the required parking specified above, the Zoning Administrator may require a parking plan to be submitted for her review and approval that denotes additional parking supply which can be used to meet increased parking demands of the Cannabis Dispensing Organization upon its initial opening. When required, said parking plan shall be maintained for a period of time as determined by the Zoning Administrator. Any appeals to the Zoning Administrator's final determination regarding the parking plan shall be processed in accordance with Section 6-3-4 (Appeals) of this Title.</u></p>
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SECTION 8: This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED this 18th day of August, 2020.

AYES: CHIRICO, BRODHEAD, KELLY, KRUMMEN, SULLIVAN, WHITE

NAYS: COYNE, GUSTIN, HINTERLONG

APPROVED this 19th day of August, 2020.



Steve Chirico

Mayor

ATTEST:



Grace Michalak

Records Clerk

