



Legislation Details (With Text)

File #: 20-510 **Version:** 1

Type: Report **Status:** Agenda Ready

File created: 4/23/2020 **In control:** City Council

On agenda: 5/5/2020 **Final action:**

Title: Provide direction regarding the roadmap that will be used to facilitate the creation of zoning regulations for adult-use cannabis facilities.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/5/2020	1	City Council	directed staff	
5/5/2020	1	City Council	directed staff	Fail
5/5/2020	1	City Council	directed staff	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Provide direction regarding the roadmap that will be used to facilitate the creation of zoning regulations for adult-use cannabis facilities.

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Allison Laff, AICP, Deputy Director

BOARD/COMMISSION REVIEW:

Not required at this time.

BACKGROUND:

The March 17, 2020 ballot included an advisory referendum seeking input on whether Naperville should allow the sale of recreational adult-use cannabis within city limits. Based on a majority of votes being cast in support of this referendum, at the April 7, 2020 meeting, City Council directed staff to prepare a roadmap which outlines the required steps, input process, and timing related to the creation of zoning regulations for adult-use cannabis facilities.

DISCUSSION:

The following steps are required/recommended to create zoning regulations for adult-use cannabis facilities. City Council input is needed regarding the *italicized area (*)* below in order to finalize the roadmap that will be used to facilitate this process.

Proposed Process

Step 1: City Council will provide input and direction on potential ordinance components pertaining to

adult-use cannabis facilities, including, but not limited to, permissible zoning districts, business types, separation requirements, parking requirements, caps, and the manner in which these regulations will sync with the existing medical cannabis regulations. Taxes and/or revenue generation will not be included within the zoning regulations, but may be discussed by City Council separately.

**City Council should provide direction regarding the format for discussion of this item.*

Format options include:

- A. Consideration through an agenda item at a regularly scheduled City Council meeting; OR*
- B. Consideration through a City Council workshop to be held specifically on this topic. Note: the workshop format will not require a follow-up City Council discussion because no final action will be required from City Council at this time.*

Step 2: Staff will draft a zoning amendment based on the direction provided by City Council through Step 1.

Step 3: The adult-use cannabis draft zoning amendment will be presented to the Planning and Zoning Commission (PZC) for a public hearing.

- Prior to the selected PZC public hearing date, notice will be given in compliance with State statutes, including newspaper publication at least 15 days prior to the public hearing. Notice will also be provided on the City's website, through posting of the agenda, and through other innovative outreach methods, as further discussed below.
- Given the significant public interest in the topic, staff will utilize additional outreach measures to ensure that the public has adequate time to review and understand the proposed ordinance components, including a longer time period between notice being given and the hearing date, a pre-recorded staff overview of the proposed ordinance posted on the City's website in advance of the hearing, and an electronic public Q & A period.

Step 4: Following a PZC vote on the proposed ordinance language, the ordinance will be presented to the City Council for a first reading.

Step 5: The ordinance will return to a subsequent City Council meeting for a final vote.

Timeline

Staff anticipates up to a 30-day period between Steps 1 and 2 in order to draft an ordinance which includes all identified regulations and restrictions. Following completion of the draft, an additional 30 plus days will be needed to schedule the case for a PZC meeting, complete required notices, post the agenda, and complete the public outreach strategies noted above. Following a PZC vote, an additional 30-45 day timeframe will be required for City Council 1st and 2nd readings. Based on this timeline, staff anticipates that an ordinance could be adopted by City Council in October 2020.

The above timeline assumes proceeding with the discussion through a remote City Council and Plan Commission meeting format. If the City Council determines they would like this item discussed in a traditional in-person City Council meeting or workshop, it is unknown when the City could proceed on this item. Staff anticipates that it will be a significant period of time before social distancing recommendations will permit a large in-person gathering, or when members of the public will be comfortable in a large in-person gathering even when government restrictions are modified.

FISCAL IMPACT:

The drafting of the proposed zoning amendments will not have a fiscal impact on the City. Tax revenue will be generated by any adult-use cannabis dispensing facilities that are opened within the City limits.