



## Legislation Details (With Text)

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<b>Title:</b>	Provide direction regarding amendments to Title 6 (Zoning Ordinance) pertaining to cannabis facilities other than dispensaries and medical cultivation facilities		
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<b>Attachments:</b>	1. Cannabis Business Definitions, 2. Ordinance 20-088		

Date	Ver.	Action By	Action	Result
12/1/2020	1	City Council	tabled	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Provide direction regarding amendments to Title 6 (Zoning Ordinance) pertaining to cannabis facilities other than dispensaries and medical cultivation facilities

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Allison Laff, AICP, Deputy Director

#### **BOARD/COMMISSION REVIEW:**

Upon City Council recommendation that amendments be made to Title 6 (Zoning Ordinance) to allow one or more cannabis businesses in addition to the dispensaries and medical cannabis cultivation centers already allowed under the Municipal Code, proposed amendments to the City's Zoning Code will be presented to the Planning and Zoning Commission (PZC) at a future public hearing.

#### **BACKGROUND:**

On August 18, 2020, the City Council passed Ordinance 20-088 amending various chapters of Title 6 permitting dispensaries and medical cultivation centers. The ordinance prohibited craft growers, processing organizations, transporting organizations, infuser organizations, and adult-use cultivation centers.

Since passage of Ordinance 20-088, certain prohibited cannabis businesses have expressed interest in locating facilities within the City. In order for these businesses to be permitted, Title 6 would need to be amended to remove their prohibition, as well as establish zoning requirements that would regulate these uses.

Under New Business at its November 17, 2020 meeting, the City Council directed staff to prepare a report on potential zoning amendments regarding additional cannabis businesses for review and

direction. The Council indicated no interest in considering craft growers or adult-use cultivation centers, but requested additional information about processing organizations, transporting organizations, and infuser organizations. Definitions for each, per Ordinance 20-088, are attached.

It should be noted that only those cannabis businesses that fall within the parameters of the Cannabis Regulation and Tax Act (CRTA), and are licensed by the Department of Agriculture, will be subject to the potential amendment described below.

### **DISCUSSION:**

Direction from the City Council is requested on the following potential ordinance amendments related to additional cannabis businesses. With Council concurrence on the ordinance components below, a full text amendment will be drafted for review by the PZC at a future public hearing.

#### ***Direction/Consensus on the following items:***

1. Continue to prohibit craft growers and adult-use cultivation centers within the City.
2. Remove current prohibition and allow processing organizations within the City.
3. Remove current prohibition and allow transporting organizations within the City.
4. Remove current prohibition and allow infuser organizations within the City.

If there is consensus to permit above any of the above new cannabis businesses within the City, staff recommends that the City Council consider the following zoning options:

1. Processing organizations, transporting organizations, and infuser organizations are recommended as either a permitted or conditional use in the City's industrial zoning districts (I, ORI, and RD).
  - A permitted use requires no public review process.
  - A conditional use requires review a public hearing before the PAC with final City Council approval.
2. Determine if any additional conditions (whether a permitted or conditional use) should be applicable to processing organizations, transporting organizations, and infuser organizations, such as:
  - Minimum separation distance between the new cannabis business types and schools.
    - i. Per Ordinance 20-088, dispensaries may not be located within 1,000 feet of a school; medical cultivation centers must comply with geographic location restrictions pertaining to schools as set forth in the Compassionate Use of Medical Cannabis Program Act.
  - Minimum separation distance between the new cannabis business types and property zoned residentially.
    - i. Per Ordinance 20-088, dispensaries may not be located within 250' of a residentially zoned property; medical cultivation centers may not be located within 2,500 feet of a residentially zoned property.
  - Minimum separation distance between cannabis businesses.
    - i. Per Ordinance 20-088, dispensaries may not be located within 1 mile of an existing dispensary; there is no distance separation imposed between medical cultivation centers.

- Retail sales and dispensing prohibited at these new cannabis businesses.
- No cannabis, or cannabis-infused product, shall be smoked, eaten, or otherwise consumed or ingested on the premises of any of the new cannabis business types.
- For purposes of determining required parking, the new cannabis businesses shall be classified 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.
- Sufficient security measures shall be included at any of the new cannabis businesses.
- The new cannabis businesses will be prohibited from co-locating within a dispensary.

It should be noted that the above list of potential ordinance amendments may not be comprehensive. Following Council direction, staff will perform further research and may make additional recommendations. The full draft ordinance will then be presented to the PZC and City Council for review.

**FISCAL IMPACT:**

Additional taxes may apply to the above cannabis business types.