10-21-2019

# City of St. Charles, Illinois

**Ordinance No.: 2019-Z-19**

**An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Ch. 17.14 "Business and Mixed Use Districts", Ch. 17.20 "Use Standards", Ch. 17.24 "Off-Street Parking, Loading & Access" and Ch. 17.30 "Definitions" (Recreational Cannabis Uses)**

**Adopted by the**

**City Council**

**of the**

**City of St. Charles**

**October 21, 2019**

Published in pamphlet form by authority of the City Council of the City of St. Charles, Kane and Du Page Counties, Illinois, **October 28, 2019**

**City Clerk**

**(S E A L)**

# City of St. Charles, IL
# Ordinance No. 2019-Z-19

## An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Ch. 17.14 "Business and Mixed Use Districts", Ch. 17.20 "Use Standards", Ch. 17.24 "Off-Street Parking, Loading & Access" and Ch. 17.30 "Definitions" (Recreational Cannabis Uses)

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019 and which will legalize the sale of adult-use cannabis as of January 1, 2020; and,

WHEREAS, pursuant to the Act, the City may enact reasonable zoning ordinances not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the City deems sensitive; and,

WHEREAS, on or about August 27, 2019, the City of St. Charles ("the Applicant") filed an Application to amend Title 17 of the St. Charles Municipal Code, the Zoning Ordinance of the City of St. Charles regarding the regulation of recreational cannabis uses; and,

WHEREAS, Notice of Public Hearing on said Application was published on or about August 30, 2019, in a newspaper having general circulation within the City, to-wit, the Daily Herald newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said notice, the Plan Commission conducted a public hearing on or about September 17, 2019 and October 8, 2019 on said Application in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said Application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of the Application on or about October 8, 2019; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Application on or about October 14, 2019; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning and Development Committee and has considered the same:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

2. That Title 17, "Zoning", Chapter 17.14 "Business and Mixed Use Districts", Table 17.14-1 "Permitted and Special Uses" of the St. Charles Municipal Code is hereby amended by adding a new row for "Recreational Cannabis Dispensing Organization", to be listed as a Special Use in the BC Community Business and BR Regional Business Districts, under the subcategory "Coffee or Tea Room", as shown below:

**TABLE 17.14-1**
**BUSINESS AND MIXED USE DISTRICTS**
**PERMITTED AND SPECIAL USES**

| P=Permitted Use<br>S=Special Use<br>A=Permitted Accessory Use<br>SA=Special Use, Accessory Only | ZONING DISTRICT | | | | | | | SPECIFIC USE STANDARDS |
|---|---|---|---|---|---|---|---|---|
| | BL | BC | BR | CBD-1 | DOWNTOWN OVERLAY FIRST FLOOR | | CBD-2 | |
| | | | | | CBD-1 | CBD-2 | | |
| **RETAIL AND SERVICE USES** | | | | | | | | |
| Recreational Cannabis Dispensing Organization | | S | S | | | | | Section 17.20.030 |

3. That Title 17, "Zoning", Chapter 17.20 "Use Standards", Section 17.20.030 "Standards for Specific Uses" of the St. Charles Municipal Code is hereby amended by adding a new subsection "AA" and renumber existing subsection "AA" as subsection "BB". The new subsection "AA" shall be as follows:

"AA. Recreational Cannabis Uses

1. The number of Recreational Cannabis Dispensing Organizations shall be limited to no more than two (2). Only one (1) Recreational Cannabis Dispensing Organization shall operate on the east side of the Fox River and only one (1) Recreational Cannabis Dispensing Organization shall operate on the west side of the Fox River. No Recreational Cannabis Dispensing Organization shall operate without written authorization from the Director of Community and Economic Development.
2. One of the two Recreational Cannabis Dispensing Organizations shall have operated as a Medical Cannabis Dispensing Organization licensed by the State of Illinois within the St. Charles corporate limits for a minimum consecutive period of one (1) year. One of the two Recreational Cannabis Dispensing Organizations shall have operated as a Medical Cannabis Dispensing Organization licensed by the State of Illinois within the State of Illinois for a minimum consecutive period of one (1) year.

3. A Recreational Cannabis Dispensing Organization shall not be located on a parcel that is within 250 ft. of a parcel containing a pre-existing Primary or Secondary School, Private Boarding School, Day Care Center, Day Care Home, Church, or a parcel within a single-family residential zoning district, specifically the RE-1, RE-2, RS-1, RS-2, RS-3, RS-4, RT-1, RT-2, RT-3, and RT-4 districts.
4. A Recreational Cannabis Dispensing Organization shall not be located within 1,500 ft. of the property line of another Recreational Cannabis Dispensing Organization or Medical Cannabis Dispensing Organization.
5. City approval of a Special Use for Recreational Cannabis Dispensing Organization shall be conditional upon the applicant providing the City with documentation proving receipt of a valid Adult Use Dispensing Organization License, as defined in the Cannabis Regulation and Tax Act, granted from the State of Illinois Department of Financial and Professional Regulation.
6. Consumption of cannabis and cannabis-infused products on the premises of any cannabis business establishment as defined in the Cannabis Regulation and Tax Act shall be prohibited.
7. Recreational Cannabis Cultivation Center, Recreational Cannabis Craft Grower, Recreational Cannabis Infuser Organization or Infuser, Recreational Cannabis Processing Organization, and Recreational Cannabis Transporting Organization shall not be permitted in any zoning district."

4. That Title 17, "Zoning", Chapter 17.24 "Off-Street Parking, Loading and Access", Section 17.24.140 "Required Off-Street Parking Spaces", Table 17.24-3 "Required Off-Street Parking" of the St. Charles Municipal Code is hereby amended by adding a new row for "Recreational Cannabis Dispensing Organization" and indicating the parking requirement for said use is 4 spaces per 1,000 square feet of Gross Floor Area, to be listed after "Pet Care Facilities", as shown below:

| TABLE 17.24-3<br>REQUIRED OFF-STREET PARKING | |
|---|---|
| **USE** | **PARKING REQUIREMENT** |
| **RETAIL AND SERVICE USES** | |
| Recreational Cannabis Dispensing Organization | 4 per 1,000sf of GFA |

5. That Title 17, "Zoning", Chapter 17.30 "Definitions", Section 17.30.020 "Use Definitions" of the St. Charles Municipal Code is hereby amended by adding the following definitions:

**Recreational 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. A facility that only acquires and dispenses medical

cannabis to registered medical cannabis patients shall be considered a Medical Cannabis Dispensing Organization, as defined herein.

**Recreational 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 other necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act.

**Recreational 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.

**Recreational 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.

**Recreational Cannabis Processing Organization.** 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.

**Recreational Cannabis Transporting Organization.** 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.

6. That after the adoption and approval hereof this Ordinance shall be (i) printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 21st day of October, 2019.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 21st day of October, 2019.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 21st day of October, 2019.

Raymond P. Rogina, Mayor

Attest:

Charles Amenta, City Clerk

COUNCIL VOTE:
Ayes:
Nays:
Absent:
Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____

State of Illinois )
) ss.
Counties of Kane and DuPage )

# Certificate

I, CHUCK AMENTA, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on **October 21, 2019,** the Corporate Authorities of such municipality passed and approved Ordinance No. **2019-Z-19** entitled:

**An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Ch. 17.14 "Business and Mixed Use Districts", Ch. 17.20 "Use Standards", Ch. 17.24 "Off-Street Parking, Loading & Access" and Ch. 17.30 "Definitions" (Recreational Cannabis Uses)**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2019-Z-19**, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on **October 28, 2019,** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this **21st** day of **October 21, 2019.**

Municipal Clerk

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CITY OF ST. CHARLES