

ORDINANCE NO. 1931

AN ORDINANCE AMENDING SECTIONS 2.0 DEFINITIONS, SECTION 8.2 SPECIAL AND PERMIT USE REGULATIONS, AND TABLE 4, INDEX OF PERMITTED AND SPECIAL USES OF THE CITY OF CREST HILL ZONING ORDINANCE

WHEREAS, the City Council of the City of Crest Hill has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Corporate Authorities of the City of Crest Hill have the authority to regulate land use through the establishment of a Zoning Code (65 ILCS 5/11-13-1); and

WHEREAS, the Corporate Authorities of the City of Crest Hill has previously enacted such a Zoning Code, which has been from time to time amended pursuant to the procedures outlined in the Illinois Municipal Code and pursuant to authority specifically granted by the Municipal Code; and

WHEREAS, in May of 2018, the Corporate Authorities of the City of Crest Hill in 2018 adopted a comprehensive set of amendments to its Zoning Code, which is known as the 2018 City of Crest Hill Zoning Ordinance; and

WHEREAS, on October 7, 2013, pursuant to the State of Illinois' passage of legislation legalizing medical cannabis, the Corporate Authorities of the City of Crest Hill passed Ordinance 1645, which amended certain portions of Ordinance 727 to create a zoning classification for medical cannabis facilities where none currently existed in the 2000 Crest Hill Zoning Ordinance, and to allow medical cannabis dispensing and cultivation facilities as special uses in certain zoning districts within the City of Crest Hill; and

WHEREAS, as of January 1, 2020, the Illinois Legislature legalized adult use cannabis by and through the passage of the Illinois Cannabis Regulation and Tax Act; and

WHEREAS, the Corporate Authorities of the City of Crest Hill in July of 2022 initiated a text amendment to the City of Crest Hill Zoning Ordinance which would allow Adult Use Cannabis Dispensaries (in addition to the previously authorized Medical Cannabis Dispensaries) as special uses in the B2, B3, M1, and M2 zoning districts; and

WHEREAS, pursuant to the application by the City of Crest Hill for a Text Amendment to the 2018 City of Crest Hill Zoning Ordinance, a Public Hearing was conducted at a regular meeting of the City of Crest Hill Plan Commission held September 14, 2022;

WHEREAS, no members of the public offered public comment or testimony, either for or against the proposed text amendment during the September 14, 2022, Public Hearing and Plan Commission Meeting; and

WHEREAS, the Plan Commission, on a 3-2 vote, recommended that the City Council reject the requested text amendment; and

WHEREAS, in making its recommendation against the proposed text amendment, the City of Crest Hill Plan Commission heard from the City Planning Consultant, Deputy Chief of Police, and City Attorney, who were present to answer questions; and

WHEREAS, the City of Crest Hill Plan Commission's recommendation against the proposed text amendment is contained in its Findings and Decision, a true and accurate copy of which is attached hereto as Exhibit A; and

WHEREAS, on October 10, 2022, the Corporate Authorities again considered the proposed text amendment in a regularly scheduled work session of the Crest Hill City Council, at which there was no public comment for or against the proposed amendment; and

WHEREAS, after due consideration of the matter, including the Plan Commission recommendation, the Corporate Authorities of the City of Crest Hill have determined that approval of the proposed text amendment is in the best interests of the City of Crest Hill, due to the minimal risks posed by Adult Use Cannabis Dispensaries and the positive financial impact those businesses would have on the City, as well as the determination that the standards set forth in Section 12.8-4 of the Crest Hill Zoning Ordinance are met, as indicated in the Findings of Fact attached hereto as Exhibit B.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREST HILL, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1: The City Council hereby finds that all the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2: That Sections 2.0 Definitions, 8.2 Special and Permit Use Regulations and Table 4, Index of Permitted and Special Uses are hereby amended as follows:

Section 2.0 Definitions is hereby amended by deleting the definition of Medical Cannabis Dispensing Organization and adding the following definitions of Adult-Use Cannabis Dispensing Organization and Medical Cannabis Cultivation Center, as follows:

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. An Adult-Use Cannabis Dispensing Organization shall also include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Program Act, as amended from time to time

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.

~~**MEDICAL CANNABIS DISPENSING ORGANIZATION:** A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulations 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.~~

Section 8.2 Permitted and Special Use Regulations is amended add the following new Section 8.2-30, as follows:

8.2-30 ADULT-USE CANNABIS DISPENSING ORGANIZATIONS

No person shall engage in, conduct, or carry on, or license to be engaged in, conducted or carried on, a cannabis business as herein defined without first having obtained a special use permit pursuant to the provisions of this chapter.

- a. Dispensaries shall not be located within 750 (seven-hundred and fifty) feet of a pre-existing public or private primary and secondary school, preschools, daycare centers/nursery schools, daycare homes. Learning Centers and vocational/trade centers/schools shall not be classified as a school for the purpose of this section.
- b. Dispensaries shall not be located within 250 (two-hundred and fifty) feet of a pre-existing property zoned a residential district as outlined in Section 6.0 of this Ordinance.
- c. Dispensaries shall not be located within one (1) mile (5,280 feet) of an existing dispensary.
- d. For the purpose of measuring the regulations outlined above in regulations 8.2-30a-c, the measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where such activities are conducted to the nearest property line of the "other specific use" located within or outside the City limits.
- e. No cannabis or cannabis paraphernalia shall be displayed or kept in such a manner that it is visible from outside the premises of which the dispensary occupies.
- f. No cannabis, or cannabis-infused product, shall be smoked, eaten, or otherwise consumed or ingested on the premises of any dispensary.
- g. Such cannabis dispensing organization shall not operate a drive-thru facility or provide delivery services or enter into an agreement to allow persons to deliver cannabis to purchasers.
- h. For the purposes of determining parking requirements for Adult-Use Cannabis Dispensing Organization, such facilities shall be classified as "General Business" 11.8 Schedule of Parking Requirements, provided, however, through review of the special use, the City may require additional parking.
- i. A security plan is required to be submitted for review and approval by the City of Crest Hill Police Department.
- j. All such facilities must comply with all state regulations.
- k. Additional regulations may be imposed as part of the special use approval, as deemed appropriate, and to mitigate potential impacts from such operations on adjacent properties/uses.

Table 4: Index of Permitted & Special Uses is amended to replace Medical Cannabis Dispensing Organizations use with Adult-Use Cannabis Dispensing Organizations and an indication that such a use is a Special Use in the B2, B3, M1, and M2 zones and reflecting the “Use Standards” of 8.2-30 as reflected in the attached Exhibit C.

SECTION 3: In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 4: That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 5: That the City Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 6: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 17TH DAY OF OCTOBER, 2022.

[Left Intentionally Blank]

“Exhibit A”

BEFORE THE PLAN COMMISSION
OF THE CITY OF CREST HILL, ILLINOIS

IN RE:)
)
The application of the City of Crest Hill) No. xx-x-x-x
for a text amendment to the Crest Hill Zoning)
Ordinance relating to Adult-Use Cannabis)
Dispensaries)

**FINDINGS AND DECISION OF THE
PLAN COMMISSION AS TO THE APPLICATION OF THE CITY OF CREST HILL FOR A
ZONING CODE TEXT AMENDMENT FOR ADULT-USE CANNABIS DISPENSARIES**

THIS APPLICATION, coming before for a decision by the Plan Commission, and the Plan Commission having heard the evidence in support and to the application at a regularly scheduled meeting held on September 14th, 2022 being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

- A. That the application seeks approval of a text amendment to the Crest Hill Zoning Ordinance which would allow Adult-Use Cannabis Dispensaries as a special use in the B2, B3, M1 and M2 zones;
- B. That there was a Notice of Public Hearing published in the Joliet Herald-News on August 29, 2022;
- C. That no interested parties filed their appearances herein;
- D. That the public hearing was called into order, the City of Crest Hill, through its staff, was allowed to present its evidence and arguments in support of its application, and that the public hearing was duly recorded;
- E. That the rules adopted by the Plan Commission for the conduct of public Hearings by the Plan Commission were duly followed and observed;
- F. That following the close of the Public Hearing, the Plan Commission deliberated and determined, by a vote of 3-2 on a Motion to Recommend to the City Council that the text amendment be disapproved and determined that the proposed text amendment did not meet the standards set out in Section 12.8-4 of the Crest Hill Zoning Ordinance.

THEREFORE, it is the decision of the Plan Commission of the City of Crest Hill, Illinois, based upon the evidence heard by same and arguments and suggestions heard at the public hearing, and having duly considered the mandates and standards as set forth in the City of Crest Hill, Illinois zoning ordinance for the granting of a planned unit development and special uses, as follows:

1. That the application of the City of Crest Hill for a text amendment to its 2018 Zoning Ordinance which would allow Adult-Use Cannabis Dispensaries in the B2, B3, M1, and M2 zones, be denied by the City Council as not meeting the standards set out in Section 12.8-4 of the Crest Hill Zoning Ordinance.
2. It is therefore the recommendation of the City of Crest Hill Plan Commission that the application for the text amendment be denied.

Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 14th Day of September 2022 upon the following roll call vote:

	Aye	Nay	Absent	Abstain
Commissioner Carol Slabozeski	_____	_____	_____	_____
Commissioner John Stanton	_____	_____	_____	_____
Commissioner Ken Carroll	_____	_____	_____	_____
Commissioner Jan Plettau	_____	_____	_____	_____
Commissioner Bill Thomas	_____	_____	_____	_____
Commissioner Jeff Thomas	_____	_____	_____	_____
Commissioner Angelo Deserio	_____	_____	_____	_____

Approved:

 Bill Thomas, Chairman

Attest:

 Christine Vershay-Hall, City Clerk

Exhibit B Findings of Fact

1. The effect the text amendment would have on comprehensive planning in the community and the extent to which the proposed amendment would be consistent with Crest Hill's planning objectives.

Consideration of adult-use cannabis as a special use within the specified zoning districts assists in carrying the goals of the City to strengthen its role in the regional marketplace, as such use not only serves the local community but the region as well.

2. The consistency of the proposed text amendment with other provisions in this Ordinance.

The proposed text amendment includes specific regulations regarding the operation of such a facility, consistent with other uses, to ensure the business operations meet the standards of the City.

3. The degree to which all property owners in the community, zoned in similar classifications, would be benefited or affected by the zoning text amendment; and the extent to which the proposed amendment would or would not benefit or affect one (1) or a selected and small group of property owners only.

The proposed text amendment is open to multiple zoning districts; however, use regulations are put in place to further protect the residential and identified institutions.

4. The extent to which the text amendment will ameliorate a condition in this Ordinance which is, from a legal or administrative standpoint, deficient.

Types of businesses are continuously changing to serve the needs of the greater population. This amendment will bring the Zoning Ordinance current with uses approved by the State and consistent with communities within the region.

5. The need for the zoning text amendment.

The text amendment will bring the ordinance up to date with current business trends.

6. Whether or not the proposed text amendment, if adopted, will require other provisions of this Ordinance to be changed or modified and, if so, the way in which the Ordinance will have to be further modified and amended.

The amendment will require modifications associated with such use previously restricted to medical. Such amendment will also require modifications to the City Code, permitting such business establishment, Chapter 5.76 of the Municipal Code.

Exhibit C

CITY OF CREST HILL ZONING ORDINANCE
 TABLE 4: Index of Permitted & Special Uses
 Non-Residential Uses


USE	R1A	R1B	R1	R2	R3	T1	B1	B2	B3	M1	M2	Use Standards
Medical Adult Use Cannabis Dispensing Organizations (Per ORD- 1645)								<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>8.2-30</u>

	Aye	Nay	Absent	Abstain
Alderman John Vershay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Scott Dyke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderwoman Claudia Gazal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Darrell Jefferson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aldersperson Tina Oberlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Mark Cipiti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Nate Albert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Joe Kubal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Raymond R. Soliman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



 Christine Vershay-Hall, City Clerk

APPROVED THIS 17TH DAY OF OCTOBER, 2022.



 Raymond R. Soliman, Mayor

ATTEST:



 Christine Vershay-Hall, City Clerk