

ORDINANCE 19-__

AN ORDINANCE AMENDING CHAPTER 3 (ZONING TITLE, PURPOSE, DEFINITIONS), CHAPTER 4 (GENERAL ZONING PROVISIONS), CHAPTER 18 (B-3 GENERAL BUSINESS DISTRICT), CHAPTER 19 (B-4 HIGHWAY/INTENSIVE BUSINESS DISTRICT), CHAPTER 21 (I-1 LIGHT INDUSTRIAL DISTRICT) AND CHAPTER 22 (I-2 GENERAL INDUSTRIAL DISTRICT) OF TITLE 10 (ZONING ORDINANCE) OF THE EAST MOLINE MUNICIPAL CODE PERTAINING TO ADULT-USE CANNABIS

WHEREAS, the City of East Moline, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

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

WHEREAS, pursuant to the Act, the City may enact reasonable zoning ordinances or resolutions 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 September 16, 2019, the City Council initiated an amendment to Title 10 (Zoning Ordinance) to review and consider additional amendments to further regulate adult-use cannabis facilities within the City of East Moline; and

WHEREAS, the Plan Commission conducted a public hearing, as required by law, on _____, 2019, in regard to the proposed amendments to Title 10 (Zoning Ordinance) of the East Moline Municipal Code pertaining to adult-use cannabis; and

WHEREAS, the Plan Commission recommended approval of the proposed amendments to Title 10 (Zoning Ordinance) following the closure of the Public Hearing on _____, 2019.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of East Moline, Illinois as follows:

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

SECTION 2: Chapter 3 (Zoning Regulations, Definitions of Title 10 (Zoning Ordinance) of the East Moline Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

* * *

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE 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, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE 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 necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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.

ADULT-USE 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, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: 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, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: 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.

* * *

SECTION 3: Chapter 4 (General Zoning Provisions) of Title 10 (Zoning Ordinance) of the East Moline Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

* * *

: ADULT-USE CANNABIS:

1. Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the City of East Moline. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

2. Special Use: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a special use in the respective districts in which they are requested shall be processed in accordance with Chapter 23 (Special Uses) of this Title and Section 3 (Adult-Use Cannabis Facility Components) as provided herein.

3. Adult-Use Cannabis Facility Components: In determining compliance with Chapter 23 (Special Uses) of this Title, the following components of the Adult-Use 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 Chapter 24 and available private parking supply.

3.5 Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.

3.6 Site design, including access points and internal site circulation.

3.7 Proposed signage plan.

3.8 Compliance with all requirements provided in Section 4 (Adult-Use Cannabis Craft Grower); Section 5 (Adult-Use Cannabis Cultivation Center); Section 6 (Adult-Use Cannabis Dispensing Organization); Section 7 (Adult-Use Cannabis Infuser Organization); Section 8 (Adult-Use Cannabis Processing Organization); or Section 9 (Adult-Use Cannabis Transporting Organization), as applicable.

3.8 Other criteria determined to be necessary to assess compliance with Chapter 23 (Conditional Uses) of this Title.

4. Adult-Use Cannabis Craft Grower: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

4.1 Facility may not be located within 750 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 250 feet of the property line of a pre-existing property zoned for residential purposes.

4.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

4.4 For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be classified as “wholesale or warehouse” per Section 10-24-4 (Schedule of Off-Street Parking Requirements), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through the Special Use process.

4.5 Petitioner shall file an affidavit with the City affirming compliance with Section 4 as provided herein and all other requirements of the Act.

5. Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

5.1 Facility may not be located within 750 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 within 250 feet of the property line of a pre-existing property zoned for residential purposes.

5.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

5.4 For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be classified as “wholesale or warehouse” per Section 10-24-4 (Schedule of Off-Street Parking Requirements), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through the Special Use process.

5.5 Petitioner shall file an affidavit with the City/Village affirming compliance with Section 5 as provided herein and all other requirements of the Act.

6. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

6.1 Facility may not be located within 750 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.

6.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned for residential purposes.

6.3 At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in Section 6.5 below in the same tenant space.

6.4 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

6.5 Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility required by Section 10 (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing as provided in the City of East Moline Municipal Code.

6.6 For purposes of determining required parking, said facilities shall be classified as “retail, freestanding and shopping centers” per Section 10-24-4 (Schedule of Off-Street Parking Requirements) of the City of East Moline Municipal Code, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through the Special Use process.

6.7 Petitioner shall file an affidavit with the City affirming compliance with Section 6 as provided herein and all other requirements of the Act.

7. Adult-Use Cannabis Infuser Organization: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

7.1 Facility may not be located within 750 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.

7.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned for residential purposes.

7.3 At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

7.4 For purposes of determining required parking, said facilities shall be classified as “wholesale or warehouse” per Section 10-24-4 (Schedule of Off-Street Parking Requirements) of the City of East Moline Municipal Code, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through the Special Use process.

7.5 Petitioner shall file an affidavit with the City affirming compliance with Section 7 as provided herein and all other requirements of the Act.

8. Adult-Use Cannabis Processing Organization: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

8.1 Facility may not be located within 750 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.

8.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned for residential purposes.

8.3 At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

8.4 For purposes of determining required parking, said facilities shall be classified as “wholesale or warehouse” per Section 10-24-4 (Schedule of Off-Street Parking Requirements) of the City of East Moline Municipal Code, provided, however, that the City may require that additional parking be provided as a result of the Special Use process.

8.5 Petitioner shall file an affidavit with the City affirming compliance with Section 8 as provided herein and all other requirements of the Act.

9. Adult-Use Cannabis Transporting Organization: In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

9.1 Facility may not be located within 750 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.

9.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned for residential purposes.

9.3 The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

9.4 For purposes of determining required parking, said facilities shall be classified as “wholesale or warehouse” per Section 10-24-4 (Schedule of Off-Street Parking Requirements) of the City of East Moline Municipal Code, provided, however, that the City may require that additional parking be provided as a result of the Special Use process.

9.5 Petitioner shall file an affidavit with the City affirming compliance with Section 9 as provided herein and all other requirements of the Act.

10. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

11. Co-Location of Cannabis Business Establishments. The City may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Special Use criteria within the City of East Moline Municipal Code. In a co-location, the floor space requirements of Section 6.3 and 7.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.

SECTION 4: Chapter 18 (B-3 General Business District) of Title 10 (Zoning Regulations) of the City of East Moline Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

CHAPTER 18. B-3 GENERAL BUSINESS DISTRICT

* * *

10-18-7: SPECIAL USES:

- (A) A Special Use as designated in Chapter 23 may be permitted only after a public hearing before the Plan Commission, and only upon presentation of evidence by the applicant that the proposed use:
 - 1) Will be located in an area which will have minimum impact upon neighboring properties; and
 - 2) Will be located in an area without the creation of nuisances or hazards to the public health or safety; and
 - 3) Such operation complies with all other existing laws, ordinances, and rules properly promulgated by any Federal, State or local governmental entity having jurisdiction over the subject premises.

- (B) Additionally, all special uses must be approved by ordinance and adopted by the City Council that are property brought before the Corporate Authorities pursuant to formal application and duly approved.

- (C) Proposed uses requiring a special use permit include:
 - Adult Use Cannabis Craft Grower
 - Adult Use Cannabis Cultivation Center
 - Adult Use Cannabis Dispensing Organization
 - Adult Use Cannabis Infuser Organization
 - Adult Use Transporting Organization
 - Adult Use Processing Organization

SECTION 5: Chapter 19 (B-4 Highway/Intensive Business District) of Title 10 (Zoning Regulations) of the City of East Moline Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

CHAPTER 19. B-4 HIGHWAY/INTENSIVE BUSINESS DISTRICT

* * *

10-19-5: SPECIAL USES:

- (A) A Special Use as designated in Chapter 23 may be permitted only after a public hearing before the Plan Commission, and only upon presentation of evidence by the applicant that the proposed use:
 - 1) Will be located in an area which will have minimum impact upon neighboring properties; and
 - 2) Will be located in an area without the creation of nuisances or hazards to the public health or safety; and
 - 3) Such operation complies with all other existing laws, ordinances, and rules properly promulgated by any Federal, State or local governmental entity having jurisdiction over the subject premises.

- (B) Additionally, all special uses must be approved by ordinance and adopted by the City Council that are property brought before the Corporate Authorities pursuant to formal application and duly approved.

- (C) Proposed uses requiring a special use permit include:
 - Adult Use Cannabis Craft Grower
 - Adult Use Cannabis Cultivation Center
 - Adult Use Cannabis Dispensing Organization
 - Adult Use Cannabis Infuser Organization
 - Adult Use Transporting Organization
 - Adult Use Processing Organization

SECTION 6: Chapter 20 (I-1 Light Industrial District) of Title 10 (Zoning Regulations) of the City of East Moline Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

CHAPTER 20. I-1 LIGHT INDUSTRIAL DISTRICT

* * *

10-20-6: SPECIAL USES

- (C) Proposed uses requiring a special use permit include:
 - Adult Use Cannabis Craft Grower
 - Adult Use Cannabis Cultivation Center
 - Adult Use Cannabis Dispensing Organization
 - Adult Use Cannabis Infuser Organization
 - Adult Use Transporting Organization
 - Adult Use Processing Organization

SECTION 7: Chapter 21 (I-2 General Industrial District) of Title 10 (Zoning Regulations) of the City of East Moline Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

CHAPTER 21. I-2 GENERAL INDUSTRIAL DISTRICT

* * *

10-21-6: SPECIAL USES

(C) Proposed uses requiring a special use permit include:

- Adult Use Cannabis Craft Grower
- Adult Use Cannabis Cultivation Center
- Adult Use Cannabis Dispensing Organization
- Adult Use Cannabis Infuser Organization
- Adult Use Transporting Organization
- Adult Use Processing Organization

SECTION 8: Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 9: Effective Date. This Ordinance shall be in full force and effect upon its passage and approval as required by law.

ADOPTED THIS _____ day of _____, 20__.

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

APPROVED THIS _____ day of _____, 20__.

Mayor

ATTEST:

City Clerk