

VILLAGE OF BARTLETT

COMMITTEE AGENDA

MAY 17, 2022

BUILDING & ZONING, CHAIRMAN HOPKINS

Cannabis Text Amendment



Agenda Item Executive Summary

Item Name Amending Municipal Code Title 10, Zoning Ordinance: Cannabis Dispensing Centers Committee or Board Committee

BUDGET IMPACT

Amount: N/A Budgeted N/A
List what fund N/A

EXECUTIVE SUMMARY

As discussed at the Committee of the Whole meeting on March 15, 2022, below are the proposed text amendments to the Zoning Ordinance pertaining to adult-use and medical cannabis dispensing centers:

- (a) the 1,000-foot distance requirement would be removed from the definitions,
- (b) said uses would be allowed as a special use in the B-2 (Local Convenience), B-3 (Neighborhood Shopping), and B-4 (Community Shopping) Zoning Districts,
- (c) said uses would be prohibited in the Downtown Overlay District (including Bartlett Town Center, Main Street Plaza and Streets of Bartlett), and
- (d) the findings of fact for a special use permit would be updated to delete the distance requirements

Currently adult use and medical cannabis dispensing centers are prohibited in the B-1 (Village Center) Zoning District and will continue to be prohibited as directed by the Village Board.

Staff is requesting feedback from the Village Board on removing the limit of one (1) adult-use dispensing center within the Blue Heron Business Park/Bluff City Industrial Park (PD Zoning District) and one (1) within the Brewster Creek Business Park (I-2 EDA Zoning District).

ATTACHMENTS (PLEASE LIST)

PDS Memo, Downtown Overlay District Map

ACTION REQUESTED

- For Discussion only - to forward to the Planning & Zoning Commission for further review and to conduct the requisite public hearing.
- Resolution
- Ordinance
- Motion

Staff: Roberta Grill, Planning & Dev Services Director

Date: 05.03.2022

PLANNING & DEVELOPMENT SERVICES MEMORANDUM

22-037

DATE: May 3, 2022

TO: Paula Schumacher, Village Administrator

FROM: Roberta Grill, PDS Director *RBG*

RE: Adult-Use and Medical Cannabis Dispensing Center Zoning Ordinance Text Amendments

BACKGROUND

Ordinance #2013-81 amended the Zoning Ordinance to define cannabis cultivation centers and medical cannabis dispensing centers to match the Medical Cannabis Program Act definitions and to list cannabis cultivation centers (for medical cannabis) and medical cannabis dispensing centers as a special use in the I-1 (Light Industrial) and I-2 EDA (General Industrial Economic Development Area) Zoning Districts.

Ordinance #2019-94 amended the Zoning Ordinance to allow adult-use cannabis dispensing centers as a special use in the I-1 (Light Industrial) and I-2 EDA (General Industrial Economic Development Area) Zoning Districts and as a prohibited use in all other zoning districts. The ordinance additionally restricted the number of dispensing centers to one (1) within Blue Heron Business Park/Bluff City Industrial Park and one (1) within Brewster Creek Business Park.

The original Medical Cannabis Program Act imposed a distance restriction that medical dispensing organizations could not locate within 1,000 feet of a school, day care center, day care home, or an area zoned for residential use. In 2019, the State eliminated the distance requirements for medical use dispensaries and allowed local units of government to adopt any distance requirements by local ordinance. The Village currently requires the 1,000-ft distance requirement for both medical and adult-use dispensing centers.

A concept plan was submitted for an adult-use cannabis dispensing center at the Bartlett Town Center. The application was withdrawn prior to its scheduled discussion at the March 15, 2022 Committee of the Whole meeting, however Staff requested input from the Committee regarding cannabis dispensing centers in commercial districts. The consensus of the Committee was to (1) follow the State's revision and remove the 1,000-foot distance requirement for all cannabis dispensing centers and (2) allow cannabis dispensing centers, as a special use, in the commercial districts except for B-1 (Village Center) District and the Downtown Overlay District. *A map of the Downtown Overlay District is attached.*

TEXT AMENDMENTS

In order to accomplish the goal of allowing, by special use, adult-use cannabis dispensing centers and medical cannabis dispensing centers within the commercial districts of the Village (excluding the downtown), the following amendments to the Zoning Ordinance are proposed:

Section 10-2-2 Definitions is amended to remove the requirement that adult-use cannabis dispensing centers and medical cannabis dispensing centers be located at least one thousand (1,000) feet from 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 or pre-existing property zoned or used for residential purposes.

Section 10-6A-6 Prohibited Uses is amended in the B-1 Village Center District to add medical cannabis dispensing center to the list of prohibited uses. (*Adult-use dispensing centers are currently prohibited.*)

Section 10-6B-6 Prohibited Uses and 10-6B-4 Special Uses are amended in the B-2 Local Convenience Shopping District: to remove adult-use cannabis dispensing center from the list of prohibited uses and to add adult-use cannabis dispensing center and medical cannabis dispensing center (except in the Downtown Overlay District, where such uses shall be prohibited) to the list of special uses.

Section 10-6C-6 Prohibited Uses and 10-6C-4 Special Uses are amended in the B-3 Neighborhood Shopping District: to remove adult-use cannabis dispensing center from the list of prohibited uses and to add adult-use cannabis dispensing center and medical cannabis dispensing center (except in the Downtown Overlay District, where such uses shall be prohibited) to the list of special uses.

Section 10-6D-6 Prohibited Uses and 10-6D-4 Special Uses are amended in the B-4 Community Shopping District: to remove adult-use cannabis dispensing center from the list of prohibited uses and to add adult-use cannabis dispensing center and medical cannabis dispensing center to the list of special uses.

Section 10-9A-6 Prohibited Uses is amended in the PD Planned Development District to add Section C to prohibit adult-use cannabis dispensing centers and medical cannabis dispensing centers in any PD Planned Development District which is located within the Downtown Overlay District.

Section 10-13-9 Special Uses to amend the findings of fact specific to adult-use cannabis dispensing centers and adult-use cannabis cultivation centers to also include medical cannabis dispensing centers and medical cannabis cultivation centers and to eliminate the 1,000-foot distance requirement.

Adult-use cannabis dispensing centers, medical cannabis dispensing centers, adult-use cultivation centers and medical cannabis cultivation centers will remain Special Uses in the I-1 Light Industrial District and I-2 EDA General Industry Economic Development Area District.

Cannabis related uses will remain prohibited in the Residential Districts, the OR Office/Research District, the P-1 Public Land District, and the B-1 Village Center District.






RECOMMENDATION

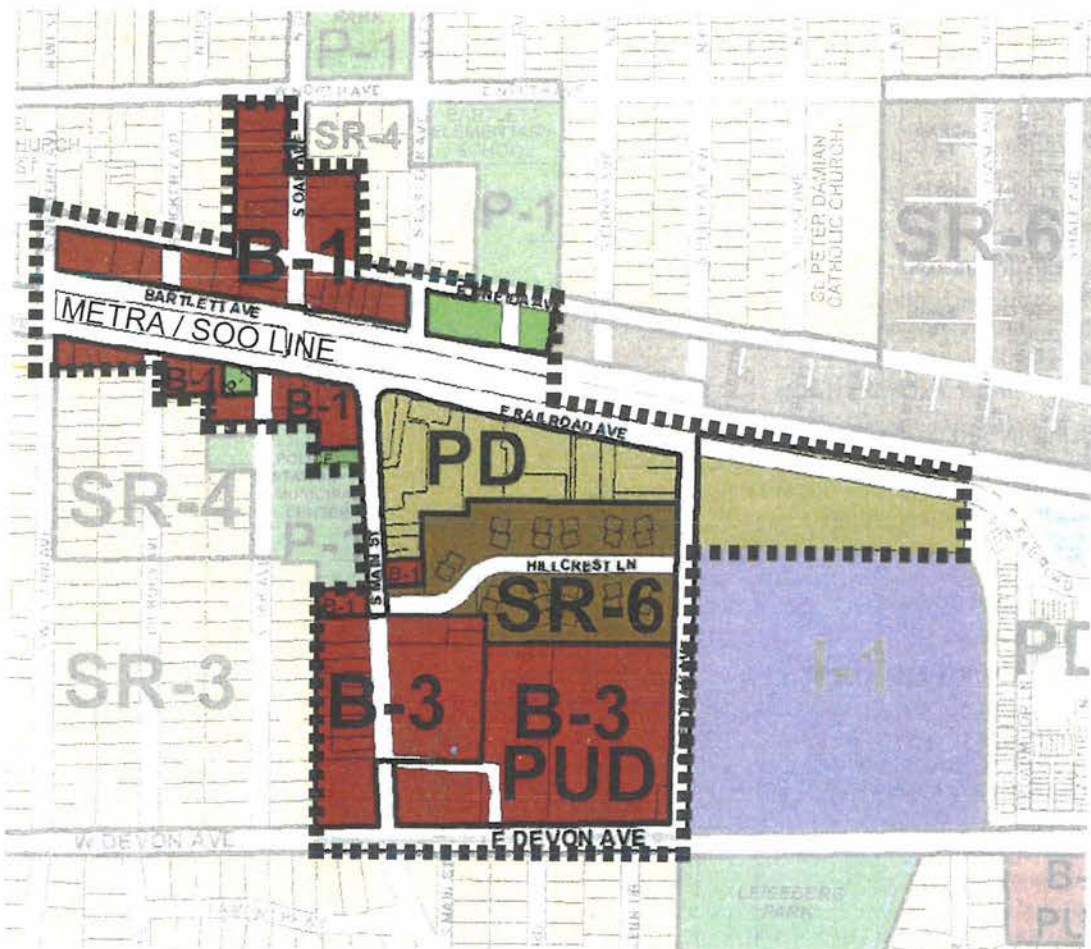
Staff is requesting feedback from the Committee on removing the limit of one (1) adult-use dispensing center within the Blue Heron Business Park/Bluff City Industrial Park and one (1) within the Brewster Creek Business Park.

Staff recommends forwarding this proposed text amendment to the Planning & Zoning Commission for their review and to conduct the required public hearing.

KEY

Base Zoning Districts provided here for information only.
Refer to the village zoning map for districts:

-  B ZONING DISTRICT
-  SR-6 ZONING DISTRICT
-  P-1 ZONING DISTRICT
-  PD: PLANNED DEVELOPMENT
-  LIMITS OF DOWNTOWN OVERLAY



Limits of Downtown Overlay with Existing Zoning. Overlay limits will be applied to zoning map and will not be included in the overlay article.