

**ORDINANCE 2019-29**

**AN ORDINANCE AMENDING CHAPTER 2 (DEFINITIONS), CHAPTER 3 (GENERAL ZONING PROVISIONS), CHAPTER 4A (DOWNTOWN DISTRICTS), CHAPTER 6 (OFFICE AND COMMERCIAL DISTRICTS), CHAPTER 7 (OFFICE RESEARCH AND INDUSTRIAL DISTRICTS), AND CHAPTER 11 (OFF-STREET PARKING AND LOADING; TRAFFIC AND ACCESS REGULATIONS) OF TITLE 11 (ZONING) OF THE GENEVA MUNICIPAL CODE – ALL RELATED TO THE REGULATION OF CANNABIS USES**

**WHEREAS**, the City of Geneva, 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 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 23, 2019, the Committee of the Whole of the City Council directed staff to initiate amendments to Title 11 (Zoning) of the Geneva Municipal Code to review and consider cannabis business establishments within the City of Geneva; and

**WHEREAS**, an application was duly filed by the City of Geneva with the Planning and Zoning Commission of the City of Geneva proposing text amendments to Chapter 2 (Definitions), Chapter 3 (General Zoning Provisions), Chapter 4A (Downtown Districts), Chapter 6 (Office and Commercial Districts), Chapter 7 (Office Research and Industrial Districts), and Chapter 11 (Off-Street Parking and Loading; Traffic and Access Regulations) of Title 11 (Zoning) of the Geneva City Code related to the regulation of recreational and medical cannabis uses; and

**WHEREAS**, a notice of Public Hearing on the application was duly published on October 30, 2019 in the Daily Herald, a newspaper of general circulation in the City of Geneva, in the manner and form as provided for zoning text amendment requests under Title 11 (Zoning) of the Geneva Municipal Code; and

**WHEREAS**, a Public Hearing on said application was held by the Planning and Zoning Commission on November 14, 2019 in the City Hall Council Chambers at 109 James Street, Geneva, Illinois; and

**WHEREAS**, at said Public Hearing, the application was presented to the Planning and Zoning Commission and the Planning and Zoning Commission received exhibits and testimony from City staff and the Public; and

**WHEREAS**, on November 14, 2019, after deliberation, the Planning and Zoning Commission recommended approval of text amendments to Chapter 2 (Definitions), Chapter 3 (General Zoning Provisions), Chapter 7 (Office Research and Industrial Districts), and Chapter 11 (Off-Street Parking and Loading; Traffic and Access Regulations) of Title 11 (Zoning) of the Geneva Municipal Code; and

**WHEREAS**, the City Council of the City of Geneva considered the entire record and the recommendations of Planning and Zoning Commission on December 9, 2019.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, as follows:**

**SECTION 1:** Title 11 (Zoning), Section 11-2-2 (Definitions Of Words And Terms), is hereby amended by adding the following terms and definitions, inserted in alphabetical order:

**CANNABIS BUSINESS ESTABLISHMENT:** A cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization, or transportation organization.

**CANNABIS CRAFT GROWER, RECREATIONAL:** 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.

**CANNABIS CULTIVATION CENTER, MEDICAL:** A facility operated by an organization or business that is registered by the State of Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

**CANNABIS CULTIVATION CENTER, RECREATIONAL:** 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.

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

**CANNABIS DISPENSING ORGANIZATION, RECREATIONAL:** 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 purposed 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 Cannabis Dispensing Organization, Medical, as defined herein.

**CANNABIS INFUSER ORGANIZATION, RECREATIONAL:** 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.

**CANNABIS PROCESSING ORGANIZATION, RECREATIONAL:** 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.

**CANNABIS TRANSPORTING ORGANIZATION, RECREATIONAL:** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or community college licensed under the Community College Cannabis Vocation Training Pilot Program, per the Cannabis Regulation and Tax Act.

**SECTION 2:** Title 11 (Zoning), Chapter 3 (General Zoning Provisions) is hereby amended by adding Section 11-3-14 (Cannabis Business Establishments) as follows:

**SECTION 11-3-14: CANNABIS BUSINESS ESTABLISHMENTS**

Cannabis business establishments, where permitted by Special Use, shall comply with the following requirements and regulations:

- A. Approval of a Special Use for a cannabis business establishment shall be conditional upon the applicant providing the City of Geneva with documentation proving receipt of all applicable licenses required by the State of Illinois.
- B. 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.
- C. A recreational cannabis craft grower shall not be located within 1,500 feet of another recreational craft grower.
- D. A cannabis dispensing organization, medical or recreational, shall not be located within 1,500 feet of the property line of a pre-existing cannabis dispensing organization.
- E. Recreational cannabis craft growers and cannabis dispensing organizations, medical or recreational, shall not be located within 150 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day childcare facility, or residential zoning district, specifically the R1, R2, R3, R4, R5, R6, R7, RE, RR, R-PS, D-SFMR, D-SFHR, D-MHR, and D-MFR districts.
- F. No more than one (1) recreational cannabis dispensing organization and one (1) medical dispensing organization shall be permitted in the City of Geneva.



**SECTION 7:** Title 11 (Zoning) Chapter 7 (Office Research and Industrial Districts) Section 11-7B-2 (Special Uses) is hereby amended by adding the following to the list of special uses in the I1 Light Industrial District (inserted in alphabetical order):

- Cannabis Craft Grower, Recreational (27)
- Cannabis Dispensing Organization, Medical (09)
- Cannabis Dispensing Organization, Recreational (09)
- Cannabis Infuser Organization, Recreational (27)
- Cannabis Processing Organization, Recreational (27)
- Cannabis Transporting Organization, Recreational (30)

**SECTION 8:** Title 11 (Zoning) Chapter 7 (Office Research and Industrial Districts) Section 11-7C-3 (Special Uses) is hereby amended by adding the following to the list of special uses in the I2 General Industrial District (inserted in alphabetical order):

- Cannabis Craft Grower, Recreational (27)
- Cannabis Dispensing Organization, Medical (09)
- Cannabis Dispensing Organization, Recreational (09)
- Cannabis Infuser Organization, Recreational (27)
- Cannabis Processing Organization, Recreational (27)
- Cannabis Transporting Organization, Recreational (30)

**SECTION 9:** Title 11 (Zoning) Section 11-11A-6 (Parking Spaces And Design Requirements) Table 1 (Off Street Parking Classes Off Street Parking Requirements) is hereby amended by adding “Cannabis Dispensing Organization, Medical” and “Cannabis Dispensing Organization, Recreational” to the list of Uses for Parking Class 9 (inserted in alphabetical order):

<u>Parking Class</u>	<u>Uses (Permitted or Conditional)</u>	<u>Required Spaces</u>
9	Cannabis Dispensing Organization, Medical Cannabis Dispensing Organization, Recreational	4/1,000 sq. ft. of gross floor area

**SECTION 10:** Title 11 (Zoning) Section 11-11A-6 (Parking Spaces And Design Requirements) Table 1 (Off Street Parking Classes Off Street Parking Requirements) is hereby amended by adding “Cannabis Craft Grower, Recreational”, “Cannabis Infuser Organization, Recreational”, and “Cannabis Processing Organization, Recreational” to the list of Uses for Parking Class 27 (inserted in alphabetical order):

<u>Parking Class</u>	<u>Uses (Permitted or Conditional)</u>	<u>Required Spaces</u>
27	Cannabis Craft Grower, Recreational Cannabis Infuser Organization, Recreational Cannabis Processing Organization, Recreational	1/800 sq. ft. plus 1/250 sq. ft. office area

**SECTION 11:** Title 11 (Zoning) Section 11-11A-6 (Parking Spaces And Design Requirements) Table 1 (Off Street Parking Classes Off Street Parking Requirements) is hereby amended by adding "Cannabis Transporting Organization, Recreational" to the list of Uses for Parking Class 30 (inserted in alphabetical order):

<u>Parking Class</u>	<u>Uses (Permitted or Conditional)</u>	<u>Required Spaces</u>
30	Cannabis Transporting Organization, Recreational	Spaces as required by City Council upon recommendation of the Planning & Zoning Commission

**SECTION 12:** The preambles set forth at the beginning of this Ordinance are incorporated herein by this reference and shall constitute substantive provisions of this Ordinance.

**SECTION 13:** Title 11 (Zoning) of the Geneva Municipal Code, as heretofore and hereinabove amended, shall otherwise remain in full force and effect.

**SECTION 14:** This Ordinance shall be in full force and effect upon its passage and approval as required by law. Consent is hereby given for publication of this Ordinance in pamphlet form.

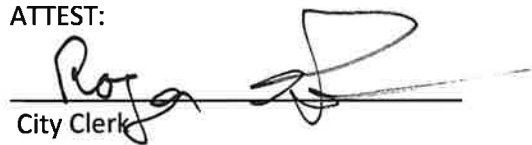
**PASSED** by the City Council of the City of Geneva, Kane County, Illinois, this 9th day of December, 2019

**AYES: 6 NAYS: 5 ABSENT: 0 ABSTAINING: 0 HOLDING OFFICE: 11**

Approved by me as Mayor of the City of Geneva, Kane County, Illinois this 9<sup>th</sup> day of December, 2019.

  
Mayor

ATTEST:

  
City Clerk