

VILLAGE OF DOWNERS GROVE
Report for the Village
12/1/2020

SUBJECT:	SUBMITTED BY:
Zoning Ordinance Text Amendments – Adult Use Cannabis	Stan Popovich, AICP Director of Community Development

SYNOPSIS

Ordinances have been prepared regarding the following:

- Requesting approval of text amendments to various sections of the Zoning Ordinance related to adult use cannabis business establishments. The proposed amendments will also allow medical cannabis dispensing organizations and cultivation centers as a Special Use in the M-2, Restricted Manufacturing District to align with adult use cannabis regulations;
- Imposing a Municipal Cannabis Retailers’ Occupation Tax; and
- Repealing provisions regarding Adult Use Cannabis establishments

STRATEGIC PLAN ALIGNMENT

The goals for 2019-2021 includes a *Strong, Diverse Local Economy* and *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the December 8, 2020 active agenda per the Plan Commission’s 8:1 positive recommendation. The Plan Commission found that the proposed text amendments met the review and approval criteria in Section 28.12.020.F. The dissenting Plan Commissioner felt that 1) the Village was a family-based suburban neighborhood so why would the Village allow such businesses to be placed in close proximity to the kids; 2) what businesses was the Village giving up by allowing adult use cannabis businesses; and 3) does not consider this to be part of the Village’s image. Commissioners in support stated that other income opportunities existed and the way the text amendment was written, with the 1,300 feet requirement, was favorable as compared to other communities.

Staff also recommends imposing a Municipal Cannabis Retailers’ Occupation Tax at a rate of 3% and repealing provisions regarding Adult Use Cannabis establishments.

BACKGROUND

In 2019, the State of Illinois passed the Cannabis Regulation and Tax Act which legalized the use of recreational marijuana beginning January 1, 2020. At their December 17, 2019 meeting, the Village Council approved amendments to Chapter 8 (Business and Activity Licenses and Regulations) and Chapter 28 (Zoning Ordinance) of the Downers Grove Municipal Code, prohibiting adult use cannabis business establishments.

At their October, 6, 2020 meeting, the Village Council provided updated direction to allow adult use cannabis establishments as a Special Use in the M-1, Light Manufacturing and M-2, Restricted Manufacturing Zoning Districts. In summary the proposed zoning text amendments are consistent with the following parameters:

- All Adult Use Cannabis Business Establishments will require a special use in the M-1 and M-2 Zoning Districts. Adult use cannabis business establishments are listed here:
 - *Adult Use Cannabis Craft Grower*
 - *Adult Use Cannabis Cultivation Center*
 - *Adult Use Cannabis Dispensing Organization*
 - *Adult Use Cannabis Infuser Organization or Infuser*
 - *Adult Use Cannabis Processing Organization or Processor*
 - *Adult Use Cannabis Transporting Organization or Transporter*
- Adult Use Cannabis Business Establishments will:
 - be prohibited adjacent to residential districts
 - require a 1,300 ft. separation from daycare centers, schools and parks.
- There will be a maximum limit of Adult Use and Medical Cannabis Dispensing Organization Special Use Permits to three (3).
- For parity in the Zoning Ordinance, Medical Cannabis Dispensing Organizations and Cultivation Centers will now be an allowed special use in the M-2 Zoning District (currently only allowed as special uses in the M-1 Zoning District).
- The separation distance of Medical Cannabis Dispensing Organizations and Cultivation Centers has been modified so that the separation distance from pre-existing parks and the prohibition adjacent to residential zoning districts matches the adult use separation distance requirement.
- Parking requirements for Adult Use Cannabis and Medical Cannabis Business Establishments will be added to the Zoning Ordinance (further discussed below).

As noted in the attached Plan Commission staff report, using the parameters summarized above, a map is provided in the staff report that demonstrates the potential locations where Medical Cannabis Dispensing Business Establishments and Adult Use Cannabis Business Establishments could be located.

Staff researched the parking requirements utilized by existing cannabis facilities located through the state as well as regulations recently established for the 12 DuPage County opt-in communities (Addison, Naperville, Schaumburg, Geneva, Joliet, Lombard, etc.). Based on this research, most communities require cannabis dispensaries to be parked at a retail rate (with regulations ranging from 3 parking spaces/1,000 square feet to 5 parking spaces/1,000 square feet). However, best practices research also shows that this level of parking tends to be insufficient for cannabis dispensing facilities, particularly during demand surges that occur in their first year of operation.

Based on the overall research collected, staff is recommending the following parking requirements for cannabis dispensaries:

- For those adult use and medical dispensaries that will be located in an industrial campus in which shared parking is available: 6 parking spaces per 1,000 square feet of gross floor area of the dispensary.
- For those adult use and medical dispensaries that are located on a property in which no shared parking is available: 7.5 parking spaces per 1,000 square feet of gross floor area of the dispensary.
- For craft growers: follow dispensary guidelines for the dispensary part of their business plus 1.17 spaces per 1,000 square feet, similar to the general industrial parking requirement.

- In addition to the required parking, the adult use and medical dispensary and craft growers will be required to submit a parking plan, subject to review and approval by the Community Development Director that denotes additional parking supply (including off-site) which can be used to meet the increased parking demands of the dispensary or craft grower upon its initial opening.
- All other adult use cannabis business establishments will require 1.17 spaces per 1,000 square feet, similar to the general industrial parking requirements.

Staff finds that the above recommendations will allow for required parking beyond that of a typical retail facility (3.5 parking spaces/1,000 square feet in Downers Grove), as has been found to be necessary by other communities. Additionally, the parking plan will allow for the increased parking demands of a newly opened adult use or medical dispensary to be adequately accounted for and accommodated.

Public Comment

Prior to and during the Plan Commission meeting, staff did not receive any inquiries regarding this proposal.

Imposing a Municipal Cannabis Retailers' Occupation Tax

Chapter 21 of the Village's Municipal Code will be amended to include an addition of Article XIII imposing a Municipal Cannabis Retailers' Occupation tax at a rate of 3% of gross receipts. The tax will go into effect July 1, 2021.

The tax will be imposed on any retailer selling cannabis.

Repealing provisions regarding Adult Use Cannabis establishments

Section 8.2200 through Section 8.2206 of Chapter 8 of the Village's Municipal Code will be repealed to remove the prohibition of Adult Use Cannabis establishments in the Village of Downers Grove.

ATTACHMENTS

Ordinance

Staff Report with attachments dated October 26, 2020

Draft Minutes of the Plan Commission Hearing dated October 26, 2020

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
ZONING ORDINANCE PROVISIONS
CONCERNING ADULT USE CANNABIS BUSINESS ESTABLISHMENTS**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by underline; deletions by ~~strikeout~~):

Section 1. That Section 28.5.010 (Table 5-1) of the Zoning Ordinance is hereby amended to read as follows:

See Table 5-1

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations	
Subcategory Specific use (See Sec. 28.05.020)																					
	P = use permitted as of right S = special use approval required - = not allowed																				
Boarding or shelter	-	-	-	-	-	-	-	-	S	P	-	-	-	-	-	P	P	-	-		
Grooming	-	-	-	-	-	-	-	P	P	P	P	P	P[18]	-	-	P	P	-	-		
Veterinary care	-	-	-	-	-	-	-	-	P	P	S	S	S[18]	-	-	P	P	-	-	Sec. 28.6.160	
Assembly and Entertainment (except for the following uses)	-	-	-	-	-	-	-	-	-	P	S	S	-	-	-	-	-	-	S		
Auditorium	-	-	-	-	-	-	-	-	P	P	S	S	-	-	-	-	-	-	S		
Cinema	-	-	-	-	-	-	-	-	P	P	S	S	-	-	-	-	-	-	-		
Theater	-	-	-	-	-	-	-	-	P	P	S	S	-	-	-	-	-	-	S		
Broadcast or Recording Studio	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-		
Commercial Service																					
Building service	-	-	-	-	-	-	-	-	S	P	-	S	-	-	-	P	P	-	-		
Business support service	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	P	P	-	-		
Consumer maintenance and repair	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	P	-	-	-		
Personal improvement service																					
General personal improvement services	-	-	-	-	-	-	-	P	P	P	P	P	P[13]	-	-	-	-	-	-		
Health and fitness services	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	S	S	-	-		
Studio or instructional services	-	-	-	-	-	-	-	P	P	P	P	P	S	-	-	-	-	-	-		
Fortune-telling or psychic service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-		
Massage therapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	Sec. 28.6.070	
Tattoo and body piercing establishment	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	P	P	-	-		
Research service	-	-	-	-	-	-	-	-	-	P	S	S	S[18]	P	P	P	P	-	-		
Day Care																					
Day care home	P	P	P	P	P	P	P	-	-	-	-	-	P	-	-	-	-	-	-	Sec. 28.6.030	
Day care center	-	-	-	-	S	S	S	P	P	P	-	S	S	P	P	P	P	S	-	Sec. 28.6.030	
Eating and Drinking Establishment																					
Restaurant	-	-	-	-	-	-	-	P	P	P	P	P	-	P[7]	P[7]	-	-	-	-		
Wine and/or Beer Boutique	-	-	-	-	-	-	-	P	P	P	P	P	S[18]	P	P	-	-	-	-		
Financial Service	-	-	-	-	-	-	-	-	P	P	P	P	P[18]	P	P	P	-	-	-		
Funeral or Mortuary Service	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-	-		
Lodging	-	-	-	-	-	-	-	-	P	P	-	S	-	-	P	-	-	-	-		
Bed and Breakfast	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-		
Office																					
Business and professional office	S	S	S	S	S	S	S	P	P	P	P	P	S	P	P	P	P	-	-	Sec. 28.6.090	
Medical, dental and health practitioner	-	-	-	-	-	-	S[4]	-	P	P	P/S[8]	P/S[8]	S	P	P	P	P	-	-		
Parking, Non-Accessory	-	-	-	-	-	-	-	-	S	S	-	S	S	S	S	S	S	-	-		
Retail Sales																					
Convenience goods	-	-	-	-	-	-	-	P	P	P	P/S[12]	P	P[18]	-	-	-	-	-	-		
Consumer shopping goods	-	-	-	-	-	-	-	P	P	P	P/S[12]	P	P[18]	-	-	-	-	-	-		
Guns and firearm supplies	-	-	-	-	-	-	-	[11]	[11]	[11]	-	-	-	-	-	S	-	-	-		

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations	
Subcategory Specific use (See Sec. 28.05.020)																					
	P = use permitted as of right S = special use approval required - = not allowed																				
Building supplies and equipment	-	-	-	-	-	-	-	P	P	P	P/S[12]	P	-	-	-	-	-	-	-	-	
Self-service Storage Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	Sec. 28.6.130
Trade School	-	-	-	-	-	-	-	P	P	P	S	S	-	S	S	S	S	-	-	-	
Vehicle Sales and Service																					
Commercial vehicle repair and maintenance	-	-	-	-	-	-	-	-	-	S	-	-	-	-	S	P	-	-	-	-	
Commercial vehicle sales and rentals	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	S	-	-	-	-	
Fueling station	-	-	-	-	-	-	-	-	S	S	-	-	-	-	S	S	-	-	-	-	Sec. 28.6.040
Personal vehicle repair and maintenance	-	-	-	-	-	-	-	-	S[10]	S	-	-	-	-	S	S	-	-	-	-	Sec. 28.6.100
Personal vehicle sales and rentals	-	-	-	-	-	-	-	-	S[10]	S	-	-	-	-	-	S	-	-	-	-	
Vehicle body and paint finishing shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	
Automobile dealership off-site vehicle storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	Sec. 28.6.190
WHOLESALE, DISTRIBUTION & STORAGE																					
Equipment and Materials Storage, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Trucking and Transportation Terminals	-	-	-	-	-	-	-	-	-	S	-	-	-	-	S	P	P	-	-	-	
Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	S[16]	P	P	P	-	-	-	
Wholesale Sales and Distribution	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	P	-	-	-	
INDUSTRIAL																					
Artisan Industrial	-	-	-	-	-	-	-	-	-	P	-	S[19]	S[18]	-	P	P	P	-	-	-	
Limited Industrial	-	-	-	-	-	-	-	-	-	P[11]	-	-	-	-	P	P	P	-	-	-	
General Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	
Intensive Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
RECYCLING																					
Recyclable Material Drop-off Facility	-	-	-	-	-	-	-	S	S	S	-	-	-	-	S	S	S	-	-	-	Sec. 28.6.110
Recyclable Material Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
AGRICULTURE																					
Animal Agriculture (except as allowed under Chapter 5 of the Downers Grove Municipal Code)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Crop Agriculture	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
OTHER																					
Drive-in or Drive-through Facility	-	-	-	-	-	-	-	-	S	S	-	-	-	S[15]	S[15]	S[15]	-	-	-	-	Sec. 28.7.130
Medical Cannabis Cultivation Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	<u>S</u>	-	-	-	Sec. 28.06.0605.100
Medical Cannabis Dispensing Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	<u>S</u>	-	-	-	Sec. 28.06.0605.100
Adult Use Cannabis Business Establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>S</u>	<u>S</u>	-	-	-	Sec. 28.5.100
Adult Use Cannabis Craft Grower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>S</u>	<u>S</u>	-	-	-	Sec. 28.5.100
Adult Use Cannabis Cultivation Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>S</u>	<u>S</u>	-	-	-	Sec. 28.5.100

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R-5 A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R - M	M-1	M-2	INP - 1	INP-2	Supplemental Regulations	
Subcategory Specific use (See Sec. 28.05.020)																					
	P = use permitted as of right S = special use approval required - = not allowed																				
Adult Use Cannabis Dispensing Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	Sec. 28.5.100	
Adult Use Cannabis Infuser Organization or Infuser	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	Sec. 28.5.100	
Adult Use Cannabis Processing Organization or Processor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	Sec. 28.5.100	
Adult Use Cannabis Transporting Organization or Transporter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	Sec. 28.5.100	

A. Specific Limitations

- [1] Requires minimum lot area of 40 acres. Maximum 25% building coverage.
- [2] Requires minimum lot area of 10 acres.
- [3] Requires minimum lot area of 25 acres. Maximum 25% building coverage.
- [4] Must be within 150 feet of a B district.
- [5] Requires special use approval if above one dwelling unit per 4,000 square feet of lot area.
- [6] Special Use only if use was in existence on or prior to June 7, 2005.
- [7] Requires minimum seating capacity of 125 persons.
- [8] Permitted as of right up to 3,000 sq. ft. (gross floor area); larger requires special use approval.
- [9] Must be in a completely enclosed building.
- [10] Maximum 10,000 sq. ft. (gross floor area).
- [11] Permitted only if ancillary to the following principal uses: sporting goods stores, uniform supply stores and public safety equipment stores.
- [12] Consignment stores and martial arts studios permitted as of right up to 3,000 square feet (gross floor area); larger requires special use approval. Other uses permitted as of right up to 15,000 sq. ft. (gross floor area); larger requires special use approval.
- [13] Barber shops, beauty shops and salons only; must be on ground floor and may not exceed 2,500 square feet floor area.
- [14] Art galleries and studios only; must be on ground floor and may not exceed 2,500 square feet floor area.
- [15] Drive through banks only.
- [16] See Section 28.06.180.
- [17] Located on 2nd floor or above.
- [18] Maximum floor area is 2,500 square feet unless located along Main Street where there is no floor area limitation.
- [19] Use must include on-site retail sales.
- [20] Requires minimum lot area of 1 acre.

(Ord. No. 5828 10/20/20; Ord. No., 5804 12/17/19; Ord. No. 5706, 7/10/18; Ord. No. 5571, § 1, 11/22/16| Ord. No. 5463, § 1, 6/2/15)

Section 2. That Section 28.5.100 of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.5.100 Other Use Category

This category includes uses that do not fit the other use categories.

- (a) *Drive-in or Drive-through Facility.* Any use with drive-through windows or drive-through lanes or that otherwise offer service to the occupants of motor vehicles. Typical uses include drive-through restaurants, drive-through pharmacies and drive-in restaurants.
- (b) *Medical Cannabis Cultivation Center. Medical Cannabis Dispensing Organization, ~~As defined in 410 ILCS 130/1 et seq.~~ and Adult Use Cannabis Business Establishments are also subject to the following:*
- ~~(b) See also DGMC Section 28.6.060.~~
- ~~(c) *Medical Cannabis Dispensing Organization and Adult Use Cannabis Establishments.* As defined in 410 ILCS 130/1 et seq. See also DGMC Section 28.6.060.~~
- ~~(d) *Adult Use Cannabis Establishments.* Adult Use Cannabis Business Establishments are defined in Chapter 8 of this Code. Adult Use Cannabis Business Establishments are also subject to the following:~~
 - (1) Prohibited adjacent to residential districts.
 - (2) Requires a one thousand three hundred foot (1,300') separation from preexisting daycare centers, schools and public parks.
 - (3) A maximum limit of three (3) special use permits may be issued to Adult Use Cannabis Dispensing Organizations and Medical Cannabis Dispensing Organizations at any given time.
 - (4) Submission of a parking plan, subject to review and approval by the Community Development Director that denotes additional parking supply (including off-site) which can be used to meet the increased parking demands of the dispensary upon its initial opening.

Section 3. That Section 28.6.060 of the Zoning Ordinance is hereby ~~amended to read as follows:~~ deleted in its entirety:

~~Sec 28.6.060 Medical Cannabis Cultivation Centers and Dispensing Organizations~~

~~Medical cannabis cultivation centers and dispensing organizations require special use approval and are subject to strict compliance with 410 ILCS 130/1 et seq. In addition, a medical cannabis cultivation center may not be located within two thousand five hundred feet (2,500') of the property line of pre-existing public parks, and a dispensing organization may not be located within one thousand three hundred feet (1,300') one thousand feet (1,000') of the property line of pre-existing daycare centers, schools and public parks. Medical cannabis cultivation centers and dispensing organizations require special use approval and are subject to strict compliance with 410 ILCS 130/1 et seq. In addition, a medical cannabis cultivation center may not be located within two thousand five hundred feet (2,500') of the property line of pre-existing public parks, and a dispensing organization may not be located within one thousand feet (1,000') of the property line of pre-existing public parks.~~

Section 4. That Section 28.7.030 of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.7.030 Minimum Motor Vehicle Parking Ratios

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with Table 7-1.

Table 7-1: Minimum Motor Vehicle Parking Requirements

USE CATEGORY	Minimum Motor Vehicle Parking
Subcategory	
Specific use (See DGMC Section 28.5.020)	
RESIDENTIAL	
Household Living (except for the following uses)	2 spaces per dwelling unit
Apartment/condo in DB or DC zoning district	1.4 spaces per dwelling unit
Apartment/condo (for persons 62 or older)	0.6 spaces per dwelling unit
Apartment/condo (for persons 62 or older and offering on-site assisted living services)	0.4 spaces per dwelling unit
Group Living	0.5 spaces per bed
PUBLIC, CIVIC AND INSTITUTIONAL	
Aircraft Landing Area	per DGMC Section 28.7.040(g)
College or University	per DGMC Section 28.7.040(g)
Community Center	1 space per 4 occupants (maximum capacity)
Fraternal Organization	4 spaces per 1,000 square feet
Governmental Facility	per DGMC Section 28.7.040(g)
Hospital	per DGMC Section 28.7.040(g)
Library	5 spaces per 1,000 sq. ft.
Museum or Cultural Facility	2 spaces per 1,000 sq. ft.
Natural Resource Preservation	None
Parks and Recreation	
Park	5 spaces per acre
Swimming pool	10 spaces per 1,000 sq. ft. of water surface
Tennis court	2.25 per court
Religious Assembly	
Existing as of 01-14-1991 and located within 1,000 feet of DC or DB zoning district	1 space per 8 occupants (maximum capacity)
All other	1 space per 4 occupants (maximum capacity)
Safety Service	per DGMC Section 28.7.040(g)
School	

Elementary and Junior High	0.10 spaces per student
Senior High	0.30 spaces per student
Utilities and Public Service Facility	
Minor	None
Major	per DGMC Section 28.7.040(g)
Wireless Telecommunications	None
COMMERCIAL	
Adult Entertainment Establishment	per DGMC Section 28.7.040G
Animal Service	3.5 spaces per 1,000 sq. ft.
Assembly and Entertainment (except for the following uses)	1 space per 3 occupants (maximum capacity)
Bowling alley	4 per lane, plus parking required by this section for restaurants, bars, and other affiliated uses
Commercial Service (except for the following uses)	3.5 spaces per 1,000 sq. ft.
Building service	1.17 spaces per 1,000 sq. ft.
Personal improvement services	4 spaces per 1,000 sq. ft.
Health club, fitness facility	5 spaces per 1,000 sq. ft.
Studio or instructional services	3.5 spaces per 1,000 sq. ft.
Research service	1.17 spaces per 1,000 sq. ft.
Day Care	2 spaces per 1,000 sq. ft., plus 1 drop-off/pick-up space per 1,000 sq. ft. (not to exceed a minimum of 10)
Eating and Drinking Establishment (except for the following uses)	10 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater, plus stacking spaces per Section 7.130.
Carry-out restaurant	3.5 spaces per 1,000 sq. ft.
Restaurant with lounge	12.5 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater
Financial Service	3.5 spaces per 1,000 sq. ft., plus stacking spaces per Sec. 7.130
Funeral or Mortuary Service	12.5 spaces per 1,000 sq. ft.
Lodging	1.25 spaces per room, plus parking required by this section for restaurants, bars, banquet facilities and other accessory uses
Office	
Business and professional office	3 spaces per 1,000 sq. ft.
Medical, dental and health practitioner	4.50 spaces per 1,000 sq. ft.
Parking, Non-Accessory	None
Retail Sales (except for the following uses)	3.50 spaces per 1,000 square feet

Furniture/large appliance store	1.67 spaces per 1,000 sq. ft.
Grocery store over 20,000 sq. ft.	4.0 spaces per 1,000 sq. ft.
Shopping center (multi-tenant)	4.0 spaces per 1,000 sq. ft.
Self-service Storage Facility	0.2 spaces per 1,000 sq. ft.
Trade School	1 space per 4 occupants (maximum capacity)
Vehicle Sales and Service	
Commercial vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Commercial vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Fueling station	1 space per pump island, plus 1 space per service bay, plus 3.33 spaces per 1,000 sq. ft. of retail sales area, plus stacking spaces per Section 7.130.
Personal vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Car wash	1 per wash bay, plus stacking spaces per Section 7.130.
Personal vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Vehicle body and paint finishing shop	1 per service bay, plus stacking spaces per Section 7.130.
WHOLESALE, DISTRIBUTION & STORAGE	0.67 spaces per 1,000 sq. ft.
INDUSTRIAL	1.17 spaces per 1,000 sq. ft.
RECYCLING	
Recyclable Material Drop-off Facility	per DGMC Section 28.7.040(g)
AGRICULTURE	
Community Garden	None
OTHER	
Drive-in or Drive-through Facility	Stacking spaces per DGME Section 28.7.130
Medical Cannabis Dispensing Organization	6 spaces per 1,000 sq. ft. (where shared parking is available) or 7.5 spaces per 1,000 sq. ft. (where shared parking is not available)
Medical Cannabis Cultivation Center	1.17 spaces per 1,000 sq. ft.
Adult Use Cannabis Dispensing Organization	6 spaces per 1,000 sq. ft. (where shared parking is available) or 7.5 spaces per 1,000 sq. ft. (where shared parking is not available)
Adult Use Cannabis Craft Grower	6 spaces per 1,000 sq. ft. (where shared parking is available) or 7.5 spaces per 1,000 sq. ft. (where shared parking is not available) for dispensary portion of

	<u>business plus 1.17 spaces per 1,000 sq. ft. for non-dispensary areas of business</u>
<u>All other Adult Use Cannabis Business Establishments</u>	<u>1.17 spaces per 1,000 sq. ft.</u>

Section 5. That Section 28.15.040 of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.15.040 Words And Terms Beginning With ‘A’

Adult Use Cannabis Business Establishments. Cannabis Business Establishments include: Adult Use Cannabis Cultivation Centers (not including Medical Cannabis Cultivation Centers as set forth in Chapter 28 of the Downers Grove Zoning Ordinance), Adult Use Cannabis Craft Growers, Adult Use Cannabis Processing Organizations, Adult Use Cannabis Infuser Organization or Infuser, Adult Use Cannabis Dispensing Organizations (not including Medical Cannabis Dispensing Organizations as set forth in Chapter 28 of the Downers Grove Zoning Ordinance), and Adult Use Cannabis Transporting Organizations.

Adult Use Cannabis Craft Grower. ~~As defined in Chapter 8 of this Code.~~ An Adult Use Cannabis Craft Grower is 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 definition of Craft Grower as set forth in the Cannabis Regulation and Tax Act, (410 ILCS 705/1et al.), as may be amended from time-to-time, and regulations promulgated thereunder.

Adult Use Cannabis Cultivation Center. ~~As defined in Chapter 8 of this Code.~~ An Adult Use Cannabis Cultivation Center is 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 definition of Cultivation Center as set forth in the Cannabis Regulation and Tax Act, (410 ILCS 705/1et al.), as may be amended from time-to-time, and regulations promulgated thereunder. Adult Use Cannabis Cultivation Center does not include Medical Cannabis Cultivation Centers as set forth in Chapter 28 of the Downers Grove Zoning Ordinance.

Adult Use Cannabis Dispensing Organization. ~~As defined in Chapter 8 of this Code.~~ An Adult Use Cannabis Dispensing Organization is 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, (410 ILCS 705/1et al.), as may be amended from time-to-time, and regulations promulgated thereunder. Adult Use Cannabis Dispensing Organization does not include Medical Cannabis Dispensing Organizations as set forth in Chapter 28 of the Downers Grove Zoning Ordinance

Adult Use Cannabis Infuser Organization or Infuser. ~~As defined in Chapter 8 of this Code.~~ 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, (410 ILCS 705/1et al.), as it may be amended from time to time, and regulations promulgated thereunder.

Adult Use Cannabis Processing Organization or Processor. ~~As defined in Chapter 8 of this Code.~~ An Adult Use Cannabis Processing Organization, or Processor, is 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, (410 ILCS 705/1et al.), as may be amended from time-to-time, and regulations promulgated thereunder.

Adult Use Cannabis Transporting Organization or Transporter. As defined in Chapter 8 of this Code. An Adult Use Cannabis Transporting Organization, or Transporter, is 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, (410 ILCS 705/1et al.), as it may be amended from time-to-time, and regulations promulgated thereunder.

Section 6. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 7. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
NOVEMBER 2, 2020 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
20-PLC-0021 Zoning Ordinance Text Amendment – Adult Use Cannabis	Zoning Ordinance Text Amendments	Jason R. Zawila, AICP Planning Manager

REQUEST

The proposed amendment will allow adult use cannabis business establishments to the list of allowable Special Uses in the M-1, Light Manufacturing and M-2, Restricted Manufacturing Zoning Districts. The proposed amendments will also allow medical cannabis dispensing organizations and cultivation centers as a Special Use in the M-2, Restricted Manufacturing District.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

APPLICANT: Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Zoning Ordinance
3. Proposed Amendment

PROJECT DESCRIPTION

In 2019, the State of Illinois passed the Cannabis Regulation and Tax Act which legalized the use of recreational marijuana beginning January 1, 2020. At their December 17, 2019 meeting, the Village Council approved amendments to Chapter 8 (Business and Activity Licenses and Regulations) and Chapter 28 (Zoning Ordinance) of the Downers Grove Municipal Code, prohibiting adult use cannabis business establishments.

At their October, 6, 2020 meeting, the Village Council provided updated direction to allow adult use cannabis establishments as a Special Use in the M-1, Light Manufacturing and M-2, Restricted Manufacturing Zoning Districts. In summary the proposed zoning text amendments are consistent with the following parameters:

- All Adult Use Cannabis Business Establishments will require a special use in the M-1 and M-2 Zoning Districts. Adult use cannabis business establishments are listed here:
 - Adult Use Cannabis Craft Grower
 - Adult Use Cannabis Cultivation Center
 - Adult Use Cannabis Dispensing Organization
 - Adult Use Cannabis Infuser Organization or Infuser
 - Adult Use Cannabis Processing Organization or Processor
 - Adult Use Cannabis Transporting Organization or Transporter
- Adult Use Cannabis Business Establishments will:
 - be prohibited adjacent to residential districts
 - require a 1,300 ft. separation from daycare centers, schools and parks.
- There will be a maximum limit of Adult Use and Medical Cannabis Dispensing Organization Special Use Permits to three (3).
- For parity in the Zoning Ordinance, Medical Cannabis Dispensing Organizations and Cultivation Centers will now be an allowed special use in the M-2 Zoning District (currently only allowed as special uses in the M-1 Zoning District).
- The separation distance of Medical Cannabis Dispensing Organizations and Cultivation Centers have been modified so that the separation distance from pre-existing parks matches the adult use separation distance requirement.
- Parking requirements for Adult Use Cannabis and Medical Cannabis Business Establishments will be added to the Zoning Ordinance (further discussed below).

A summary list of the proposed amendments is shown below and are identified in the attached Zoning Ordinance excerpts. For each proposed amendment new proposed text is underlined, while text proposed to be removed is shown as a ~~strikeout~~.

Section	Description	Page Reference
28.05.010 – Table 5-1	Modified related Adult Use Cannabis Business Establishments as a special use in the M-1 and M-2 Zoning Districts	1
28.5.100	Provides supplemental regulations for Adult Use Cannabis Business Establishments	5
28.06.060	Modified the distance requirement for Medical Cannabis Dispensing Organizations so that is consistent with the proposed amendments for Adult Use Cannabis Business Establishments	5
28.07.1030 – Table 7-1	Added parking requirements for Adult Use and Medical Cannabis Business Establishments	5
28.15.040	The definitions for the various adult use cannabis business establishments have been moved to Chapter 28 from Chapter 8 (Business Activity Licenses and Regulations)	8

Potential Locations in the Village

Using the parameters summarized above, a map is attached that demonstrates the potential locations where Medical Cannabis Dispensing Business Establishments and Adult Use Cannabis Business Establishments could be located. Staff researched the location of all public and private schools, home day cares and day care centers within the Village and within the neighboring jurisdictions. School locations were determined based on the Village's GIS mapping and school district websites. Day care locations were found based on a list of licensed day care providers in Downers Grove and surrounding jurisdictions from the Illinois Department of Children and Family Services and also via a web search for daycares in the area. The provided maps demonstrate M-1 or M-2 districts zoned properties that are outside of the proposed 1,300

foot requirement. Based on these locations, there are a variety of locations that adult use cannabis business establishments can be located within the M-1 and M-2 zoning districts.

Parking Requirements

Staff researched the parking requirements utilized by existing cannabis facilities located through the state as well as regulations recently established for the 12 DuPage County opt-in communities (Addison, Naperville, Schaumburg Geneva, Joliet, Lombard, Schaumburg, etc.). Based on this research, most communities require cannabis dispensaries to be parked at a retail rate (with regulations ranging from 3 parking spaces/1,000 square feet to 5 parking spaces/1,000 square feet). However, best practices research also shows that this level of parking tends to be insufficient for cannabis dispensing facilities, particularly during demand surges that occur in their first year of operation.

Based on the overall research collected, staff is recommending the following parking requirements for cannabis dispensaries:

- For those adult use and medical dispensaries that will be located in an industrial campus in which shared parking is available: 6 parking spaces per 1,000 square feet of gross floor area of the dispensary.
- For those adult use and medical dispensaries that are located on a property in which no shared parking is available: 7.5 parking spaces per 1,000 square feet of gross floor area of the dispensary.
- In addition to the required parking, the adult use and medical dispensary and craft growers will be required to submit a parking plan, subject to review and approval by the Community Development Director that denotes additional parking supply (including off-site) which can be used to meet the increased parking demands of the dispensary or craft grower upon its initial opening.
- For craft growers: follow dispensary guidelines for the dispensary part of their business plus 1.17 spaces per 1,000 square feet, similar to the general industrial parking requirement.
- All other adult use cannabis business establishments will require 1.17 spaces per 1,000 square feet, similar to the general industrial parking requirements.

Staff finds that the above recommendations will allow for required parking beyond that of a typical retail facility (3.5 parking spaces/1,000 square feet in Downers Grove), as has been found to be necessary by other communities. Additionally, the parking plan will allow for the increased parking demands of a newly opened adult use or medical dispensary to be adequately accounted for and accommodated.

Special Use Consideration

Section 28.1900 of the Zoning Ordinance notes “special uses are uses that may be necessary to allow because of their unusual characteristics or the service they provide the public. These special uses require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community.” Adult use cannabis business establishments would fall into this categorization. They are unique in the type of service and product they provide to the community and require particular consideration as to their proper location. By classifying them as a Special Use, the Village has an opportunity to review the proposed location of the adult use cannabis use and determine if the proposed use meets the Special Use standards of approval in Section 28.1902 of the Zoning Ordinance and if the location is consistent with the Comprehensive Plan.

Medical cannabis uses have previously been allowed as special uses in the M-1 zoning district. For parity with adult use cannabis business establishments, medical cannabis uses are proposed to be special uses in the M-2 zoning district as well.

PUBLIC COMMENT

The legal notice was published in the *Enterprise Newspapers, Inc. (The Bugle)*. At this time, no public comments have been received on any proposed text amendment.

FINDINGS OF FACT

Section 12.020.F Review and Approval Criteria of Zoning Ordinance Text Amendments

The decision to amend the zoning ordinance text is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about zoning ordinance text amendments, review and decision-making bodies must consider at least the following factors:

(1) Whether the proposed text amendment is in conformity with the policy and intent of the comprehensive plan.

The proposed text amendments are consistent with the policy and intent of the Comprehensive Plan. The Comprehensive Plan notes that the Zoning Ordinance should be regularly reviewed and updated. The appropriate location for adult use and medical cannabis business establishments are within the M-1, Light Manufacturing District and M-2 Restricted Manufacturing Zoning Districts. The M-1 and M-2 district currently allows a wide range of uses by-right, including offices, banks, medical and dental clinics. Elementary and secondary schools are not allowed in the M-1 or M-2 district. The addition of adult use and medical cannabis business establishments into this district as a Special Use is consistent with existing and contemplated uses permitted in the M-1 and M-2 district. The large M-1 and M-2 districts in the Village also tend to be isolated from residential uses. This would provide additional separation from residential uses. This standard is met.

(2) Whether the proposed zoning ordinance text amendment corrects an error or inconsistency in the zoning ordinance, meets the challenge of a changing condition or is necessary to implement established policy.

Consideration of the amendments related to adult use cannabis business establishments is necessary to implement direction by the Village Council. Additionally, the use is being considered because of the State's legalization of adult use cannabis, a changed condition that occurred in 2019. The amendments related to medical cannabis use are necessary to ensure parity between medical use and adult use cannabis business establishments. This standard is met.

DRAFT MOTION

Staff will provide a recommendation at the November 2, 2020 meeting. Should the Plan Commission find that the request meets the standards of approval for a Zoning Ordinance Text Amendment, staff has prepared a draft motion that the Plan Commission may make for the recommended approval of 20-PLC-0021:

Based on the petitioner's submittal, the staff report, and the testimony presented, I find that the petitioner has met the standards of approval for a Zoning Text Amendment as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, I move that the Plan Commission recommend to the Village Council approval of 20-PLC-0021 regarding the proposed amendments to Sections 5, 6, 7 and 15 of the Zoning Ordinance.

Staff Report Approved By:

20-PLC-0021, Text Amendments
November 2, 2020

Page 5



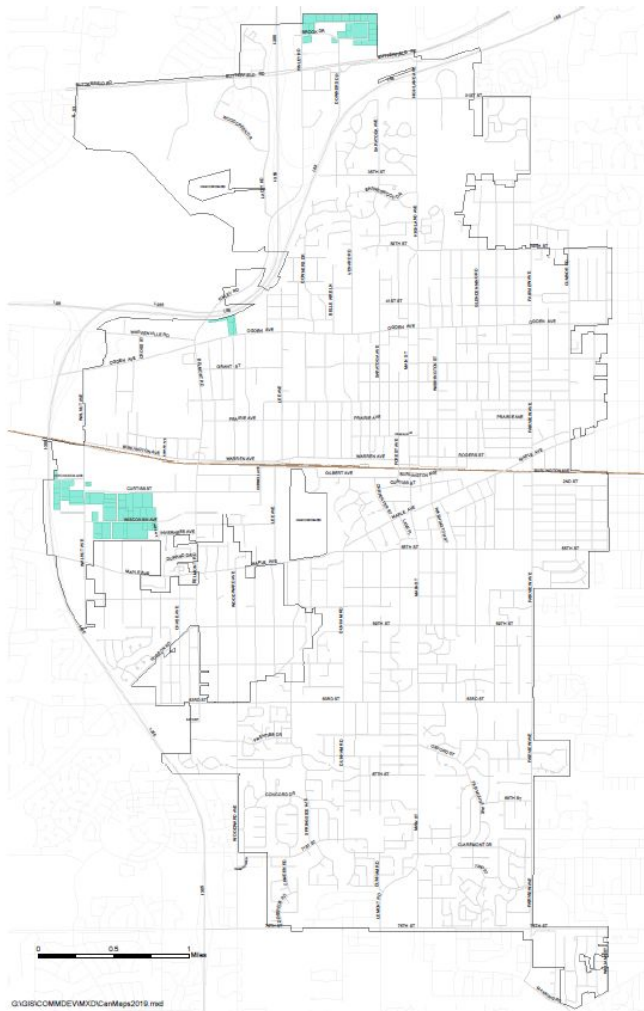
Stanley J. Popovich, AICP
Director of Community Development

P:\P&CD\PROJECTS\PLAN COMMISSION\2019 PC Petition Files\19-PLC-0029 - Zoning Text Amendments\Staff Report 19-PLC-0029.docx

Mapping This Out

1,300 ft separation distance

 M-1 and M-2 Only



Sec 28.5.100 Other Use Category

This category includes uses that do not fit the other use categories.

- (a) *Drive-in or Drive-through Facility*. Any use with drive-through windows or drive-through lanes or that otherwise offer service to the occupants of motor vehicles. Typical uses include drive-through restaurants, drive-through pharmacies and drive-in restaurants.
- (b) *Medical Cannabis Cultivation Center*. As defined in 410 ILCS 130/1 et seq. See also DGMC Section 28.6.060.
- (c) *Medical Cannabis Dispensing Organization*. As defined in 410 ILCS 130/1 et seq. See also DGMC Section 28.6.060.
- (d) *Adult Use Cannabis Establishments*. ~~Adult Use Cannabis Business Establishments are defined in Chapter 8 of this Code.~~ Adult Use Cannabis Business Establishments are also subject to the following:
 - (1) Prohibited adjacent to residential districts
 - (2) Requires a 1,300 foot separation from preexisting daycare centers, schools and public parks
 - (3) A maximum limit of three (3) special use permits may be issued to Adult Use Cannabis Dispensing Organizations and Medical Cannabis Dispensing Organizations at any given time.
 - (4) Submission of a parking plan, subject to review and approval by the Community Development Director that denotes additional parking supply (including off-site) which can be used to meet the increased parking demands of the dispensary upon its initial opening.

Sec 28.6.060 Medical Cannabis Cultivation Centers and Dispensing Organizations

Medical cannabis cultivation centers and dispensing organizations require special use approval and are subject to strict compliance with 410 ILCS 130/1 et seq. In addition, a medical cannabis cultivation center may not be located within two thousand five hundred feet (2,500') of the property line of pre-existing public parks, and a dispensing organization may not be located within one thousand three hundred feet (1,300') ~~one thousand feet (1,000')~~ of the property line of pre-existing daycare centers, schools and public parks.

Sec 28.7.030 Minimum Motor Vehicle Parking Ratios

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with Table 7-1.

Table 7-1: Minimum Motor Vehicle Parking Requirements

USE CATEGORY	Minimum Motor Vehicle Parking
Subcategory	
Specific use (See DGMC Section 28.5.020)	
RESIDENTIAL	
Household Living (except for the following uses)	2 spaces per dwelling unit
Apartment/condo in DB or DC zoning district	1.4 spaces per dwelling unit

Apartment/condo (for persons 62 or older)	0.6 spaces per dwelling unit
Apartment/condo (for persons 62 or older and offering on-site assisted living services)	0.4 spaces per dwelling unit
Group Living	0.5 spaces per bed
PUBLIC, CIVIC AND INSTITUTIONAL	
Aircraft Landing Area	per DGMC Section 28.7.040(g)
College or University	per DGMC Section 28.7.040(g)
Community Center	1 space per 4 occupants (maximum capacity)
Fraternal Organization	4 spaces per 1,000 square feet
Governmental Facility	per DGMC Section 28.7.040(g)
Hospital	per DGMC Section 28.7.040(g)
Library	5 spaces per 1,000 sq. ft.
Museum or Cultural Facility	2 spaces per 1,000 sq. ft.
Natural Resource Preservation	None
Parks and Recreation	
Park	5 spaces per acre
Swimming pool	10 spaces per 1,000 sq. ft. of water surface
Tennis court	2.25 per court
Religious Assembly	
Existing as of 01-14-1991 and located within 1,000 feet of DC or DB zoning district	1 space per 8 occupants (maximum capacity)
All other	1 space per 4 occupants (maximum capacity)
Safety Service	per DGMC Section 28.7.040(g)
School	
Elementary and Junior High	0.10 spaces per student
Senior High	0.30 spaces per student
Utilities and Public Service Facility	
Minor	None
Major	per DGMC Section 28.7.040(g)
Wireless Telecommunications	None
COMMERCIAL	
Adult Entertainment Establishment	per DGMC Section 28.7.040G
Animal Service	3.5 spaces per 1,000 sq. ft.
Assembly and Entertainment (except for the following uses)	1 space per 3 occupants (maximum capacity)

Bowling alley	4 per lane, plus parking required by this section for restaurants, bars, and other affiliated uses
Commercial Service (except for the following uses)	3.5 spaces per 1,000 sq. ft.
Building service	1.17 spaces per 1,000 sq. ft.
Personal improvement services	4 spaces per 1,000 sq. ft.
Health club, fitness facility	5 spaces per 1,000 sq. ft.
Studio or instructional services	3.5 spaces per 1,000 sq. ft.
Research service	1.17 spaces per 1,000 sq. ft.
Day Care	2 spaces per 1,000 sq. ft., plus 1 drop-off/pick-up space per 1,000 sq. ft. (not to exceed a minimum of 10)
Eating and Drinking Establishment (except for the following uses)	10 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater, plus stacking spaces per Section 7.130.
Carry-out restaurant	3.5 spaces per 1,000 sq. ft.
Restaurant with lounge	12.5 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater
Financial Service	3.5 spaces per 1,000 sq. ft., plus stacking spaces per Sec. 7.130
Funeral or Mortuary Service	12.5 spaces per 1,000 sq. ft.
Lodging	1.25 spaces per room, plus parking required by this section for restaurants, bars, banquet facilities and other accessory uses
Office	
Business and professional office	3 spaces per 1,000 sq. ft.
Medical, dental and health practitioner	4.50 spaces per 1,000 sq. ft.
Parking, Non-Accessory	None
Retail Sales (except for the following uses)	3.50 spaces per 1,000 square feet
Furniture/large appliance store	1.67 spaces per 1,000 sq. ft.
Grocery store over 20,000 sq. ft.	4.0 spaces per 1,000 sq. ft.
Shopping center (multi-tenant)	4.0 spaces per 1,000 sq. ft.
Self-service Storage Facility	0.2 spaces per 1,000 sq. ft.
Trade School	1 space per 4 occupants (maximum capacity)
Vehicle Sales and Service	
Commercial vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Commercial vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay

Fueling station	1 space per pump island, plus 1 space per service bay, plus 3.33 spaces per 1,000 sq. ft. of retail sales area, plus stacking spaces per Section 7.130.
Personal vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Car wash	1 per wash bay, plus stacking spaces per Section 7.130.
Personal vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Vehicle body and paint finishing shop	1 per service bay, plus stacking spaces per Section 7.130.
WHOLESALE, DISTRIBUTION & STORAGE	0.67 spaces per 1,000 sq. ft.
INDUSTRIAL	1.17 spaces per 1,000 sq. ft.
RECYCLING	
Recyclable Material Drop-off Facility	per DGMC Section 28.7.040(g)
AGRICULTURE	
Community Garden	None
OTHER	
Drive-in or Drive-through Facility	Stacking spaces per DGME Section 28.7.130
Medical Cannabis Dispensing Organization	6 spaces per 1,000 sq. ft. (where shared parking is available) or 7.5 spaces per 1,000 sq. ft. (where shared parking is not available)
Medical Cannabis Cultivation Center	1.17 spaces per 1,000 sq. ft.
Adult Use Cannabis Dispensing Organization	6 spaces per 1,000 sq. ft. (where shared parking is available) or 7.5 spaces per 1,000 sq. ft. (where shared parking is not available)
Adult Use Cannabis Craft Grower	6 spaces per 1,000 sq. ft. (where shared parking is available) or 7.5 spaces per 1,000 sq. ft. (where shared parking is not available) for dispensary portion of business plus 1.17 spaces per 1,000 sq. ft. for non-dispensary areas of business
All other Adult Use Cannabis Business Establishments	1.17 spaces per 1,000 sq. ft.

Sec 28.15.040 Words And Terms Beginning With ‘A’

[Adult Use Cannabis Business Establishments](#). Cannabis Business Establishments include: [Adult Use Cannabis Cultivation Centers \(not including Medical Cannabis Cultivation Centers as set forth in Chapter 28 of the Downers Grove Zoning Ordinance\)](#), [Adult Use Cannabis Craft Growers](#), [Adult Use Cannabis Processing Organizations](#), [Adult Use Cannabis Infuser Organization or Infuser](#), [Adult Use Cannabis Dispensing Organizations \(not including Medical Cannabis Dispensing Organizations as set forth in Chapter 28 of the Downers Grove Zoning Ordinance\)](#), and [Adult Use Cannabis Transporting Organizations](#).

~~Adult Use Cannabis Craft Grower. As defined in Chapter 8 of this Code.~~ An Adult Use Cannabis Craft Grower is 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 definition of Craft Grower as set forth in the Cannabis Regulation and Tax Act, (410 ILCS 705/1et al.), as may be amended from time-to-time, and regulations promulgated thereunder.

~~Adult Use Cannabis Cultivation Center. As defined in Chapter 8 of this Code.~~ An Adult Use Cannabis Cultivation Center is 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 definition of Cultivation Center as set forth in the Cannabis Regulation and Tax Act, (410 ILCS 705/1et al.), as may be amended from time-to-time, and regulations promulgated thereunder. Adult Use Cannabis Cultivation Center does not include Medical Cannabis Cultivation Centers as set forth in Chapter 28 of the Downers Grove Zoning Ordinance.

~~Adult Use Cannabis Dispensing Organization. As defined in Chapter 8 of this Code.~~ An Adult Use Cannabis Dispensing Organization is 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, (410 ILCS 705/1et al.), as may be amended from time-to-time, and regulations promulgated thereunder. Adult Use Cannabis Dispensing Organization does not include Medical Cannabis Dispensing Organizations as set forth in Chapter 28 of the Downers Grove Zoning Ordinance

~~Adult Use Cannabis Infuser Organization or Infuser. As defined in Chapter 8 of this Code.~~ 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, (410 ILCS 705/1et al.), as it may be amended from time to time, and regulations promulgated thereunder.

~~Adult Use Cannabis Processing Organization or Processor. As defined in Chapter 8 of this Code.~~ An Adult Use Cannabis Processing Organization, or Processor, is 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, (410 ILCS 705/1et al.), as may be amended from time-to-time, and regulations promulgated thereunder.

~~Adult Use Cannabis Transporting Organization or Transporter. As defined in Chapter 8 of this Code.~~ An Adult Use Cannabis Transporting Organization, or Transporter, is 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, (410 ILCS 705/1et al.), as it may be amended from time-to-time, and regulations promulgated thereunder.

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations	
Subcategory Specific use (See Sec. 28.05.020)																					
	P = use permitted as of right S = special use approval required - = not allowed																				
Boarding or shelter	-	-	-	-	-	-	-	-	S	P	-	-	-	-	-	P	P	-	-		
Grooming	-	-	-	-	-	-	-	P	P	P	P	P	P[18]	-	-	P	P	-	-		
Veterinary care	-	-	-	-	-	-	-	-	P	P	S	S	S[18]	-	-	P	P	-	-	Sec. 28.06.160	
Assembly and Entertainment (except for the following uses)	-	-	-	-	-	-	-	-	-	P	S	S	-	-	-	-	-	-	S		
Auditorium	-	-	-	-	-	-	-	-	P	P	S	S	-	-	-	-	-	-	S		
Cinema	-	-	-	-	-	-	-	-	P	P	S	S	-	-	-	-	-	-	-		
Theater	-	-	-	-	-	-	-	-	P	P	S	S	-	-	-	-	-	-	S		
Broadcast or Recording Studio	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-		
Commercial Service																					
Building service	-	-	-	-	-	-	-	-	S	P	-	S	-	-	-	P	P	-	-		
Business support service	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	P	P	-	-		
Consumer maintenance and repair	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	P	-	-	-		
Personal improvement service																					
General personal improvement services	-	-	-	-	-	-	-	P	P	P	P	P	P[13]	-	-	-	-	-	-		
Health and fitness services	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	S	S	-	-		
Studio or instructional services	-	-	-	-	-	-	-	P	P	P	P	P	S	-	-	-	-	-	-		
Fortune-telling or psychic service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-		
Massage therapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	Sec. 28.06.070	
Tattoo and body piercing establishment	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	P	P	-	-		
Research service	-	-	-	-	-	-	-	-	-	P	S	S	S[18]	P	P	P	P	-	-		
Day Care																					
Day care home	P	P	P	P	P	P	P	-	-	-	-	-	P	-	-	-	-	-	-	Sec. 28.06.030	
Day care center	-	-	-	-	S	S	S	P	P	P	-	S	S	P	P	P	P	S	-	Sec. 28.06.030	
Eating and Drinking Establishment																					
Restaurant	-	-	-	-	-	-	-	P	P	P	P	P	-	P[7]	P[7]	-	-	-	-		
Wine and/or Beer Boutique	-	-	-	-	-	-	-	P	P	P	P	P	S[18]	P	P	-	-	-	-		
Financial Service	-	-	-	-	-	-	-	-	P	P	P	P	P[18]	P	P	P	-	-	-		
Funeral or Mortuary Service	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-	-		
Lodging	-	-	-	-	-	-	-	-	P	P	-	S	-	-	P	-	-	-	-		
Bed and Breakfast	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-		
Office																					
Business and professional office	S	S	S	S	S	S	S	P	P	P	P	P	S	P	P	P	P	-	-	Sec. 28.06.090	
Medical, dental and health practitioner	-	-	-	-	-	-	S[4]	-	P	P	P/S[8]	P/S[8]	S	P	P	P	P	-	-		
Parking, Non-Accessory	-	-	-	-	-	-	-	-	S	S	-	S	S	S	S	S	S	-	-		
Retail Sales																					
Convenience goods	-	-	-	-	-	-	-	P	P	P	P/S[12]	P	P[18]	-	-	-	-	-	-		
Consumer shopping goods	-	-	-	-	-	-	-	P	P	P	P/S[12]	P	P[18]	-	-	-	-	-	-		
Guns and firearm supplies	-	-	-	-	-	-	-	[11]	[11]	[11]	-	-	-	-	-	S	-	-	-		

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations	
Subcategory Specific use (See Sec. 28.05.020)																					
	P = use permitted as of right S = special use approval required - = not allowed																				
Building supplies and equipment	-	-	-	-	-	-	-	P	P	P	P/S[12]	P	-	-	-	-	-	-	-	-	
Self-service Storage Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	Sec. 28.06.130
Trade School	-	-	-	-	-	-	-	P	P	P	S	S	-	S	S	S	S	-	-	-	
Vehicle Sales and Service																					
Commercial vehicle repair and maintenance	-	-	-	-	-	-	-	-	-	S	-	-	-	-	S	P	-	-	-	-	
Commercial vehicle sales and rentals	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	S	-	-	-	-	
Fueling station	-	-	-	-	-	-	-	-	S	S	-	-	-	-	S	S	-	-	-	-	Sec. 28.06.040
Personal vehicle repair and maintenance	-	-	-	-	-	-	-	-	S[10]	S	-	-	-	-	S	S	-	-	-	-	Sec. 28.06.100
Personal vehicle sales and rentals	-	-	-	-	-	-	-	-	S[10]	S	-	-	-	-	-	S	-	-	-	-	
Vehicle body and paint finishing shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	
Automobile dealership off-site vehicle storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	Sec. 28.06.190
WHOLESALE, DISTRIBUTION & STORAGE																					
Equipment and Materials Storage, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Trucking and Transportation Terminals	-	-	-	-	-	-	-	-	-	S	-	-	-	-	S	P	P	-	-	-	
Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	S[16]	P	P	P	-	-	-	
Wholesale Sales and Distribution	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	P	-	-	-	
INDUSTRIAL																					
Artisan Industrial	-	-	-	-	-	-	-	-	-	P	-	S[19]	S[18]	-	P	P	P	-	-	-	
Limited Industrial	-	-	-	-	-	-	-	-	-	P[11]	-	-	-	-	P	P	P	-	-	-	
General Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	
Intensive Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
RECYCLING																					
Recyclable Material Drop-off Facility	-	-	-	-	-	-	-	S	S	S	-	-	-	-	S	S	S	-	-	-	Sec. 28.06.110
Recyclable Material Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
AGRICULTURE																					
Animal Agriculture (except as allowed under Chapter 5 of the Downers Grove Municipal Code)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Crop Agriculture	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
OTHER																					
Drive-in or Drive-through Facility	-	-	-	-	-	-	-	-	S	S	-	-	-	S[15]	S[15]	S[15]	-	-	-	-	Sec. 28.07.130
Medical Cannabis Cultivation Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	<u>S</u>	-	-	-	Sec. 28.06.060
Medical Cannabis Dispensing Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	<u>S</u>	-	-	-	Sec. 28.06.060
Adult Use Cannabis Business Establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>S</u>	<u>S</u>	-	-	-	Sec. 28.05.100
Adult Use Cannabis Craft Grower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>S</u>	<u>S</u>	-	-	-	Sec. 28.05.100
Adult Use Cannabis Cultivation Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>S</u>	<u>S</u>	-	-	-	Sec. 28.05.100

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations	
Subcategory Specific use (See Sec. 28.05.020)																					
	P = use permitted as of right S = special use approval required - = not allowed																				
Adult Use Cannabis Dispensing Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	Sec. 28.05.100	
Adult Use Cannabis Infuser Organization or Infuser	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	Sec. 28.05.100	
Adult Use Cannabis Processing Organization or Processor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	Sec. 28.05.100	
Adult Use Cannabis Transporting Organization or Transporter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	Sec. 28.05.100	

A. Specific Limitations

- [1] Requires minimum lot area of 40 acres. Maximum 25% building coverage.
- [2] Requires minimum lot area of 10 acres.
- [3] Requires minimum lot area of 25 acres. Maximum 25% building coverage.
- [4] Must be within 150 feet of a B district.
- [5] Requires special use approval if above one dwelling unit per 4,000 square feet of lot area.
- [6] Special Use only if use was in existence on or prior to June 7, 2005.
- [7] Requires minimum seating capacity of 125 persons.
- [8] Permitted as of right up to 3,000 sq. ft. (gross floor area); larger requires special use approval.
- [9] Must be in a completely enclosed building.
- [10] Maximum 10,000 sq. ft. (gross floor area).
- [11] Permitted only if ancillary to the following principal uses: sporting goods stores, uniform supply stores and public safety equipment stores.
- [12] Consignment stores and martial arts studios permitted as of right up to 3,000 square feet (gross floor area); larger requires special use approval. Other uses permitted as of right up to 15,000 sq. ft. (gross floor area); larger requires special use approval.
- [13] Barber shops, beauty shops and salons only; must be on ground floor and may not exceed 2,500 square feet floor area.
- [14] Art galleries and studios only; must be on ground floor and may not exceed 2,500 square feet floor area.
- [15] Drive-through banks only.
- [16] See Section 28.06.180.
- [17] Located on 2nd floor or above.
- [18] Maximum floor area is 2,500 square feet unless located along Main Street where there is no floor area limitation.
- [19] Use must include on-site retail sales.
- [20] Requires minimum lot area of 1 acre.

APPROVED

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING

November 2, 2020, 7:00 P.M.

FILE 20-PLC-0021: Petition seeking approval of text amendments to Sections 5, 6, 7 and 15 within Chapter 28 (Zoning Ordinance) of the Municipal Code of the Village of Downers Grove, Village of Downers Grove, Petitioner.

Planning Manager Zawila, on behalf of the Village of Downers Grove, explained that before the commissioners were text amendments related to the adult use of cannabis. With the State's passing of the 2019 Cannabis Regulation and Tax Act, it legalized the use of recreational cannabis. However, at the December 17, 2019 Village meeting, Mr. Zawila explained that the Village Board approved amendments prohibiting adult use cannabis business establishments. However, at the October 6, 2020 Village Council meeting, he reported the Village Board provided updated direction to allow adult use cannabis establishments as follows: 1) all adult use cannabis businesses require a special use in the M-1 and M-2 zoning districts; 2) the proposed amendments will allow medical cannabis dispensing organizations and cultivation centers as a special use in the M-2 restricted manufacturing district; 3) adult use cannabis business establishments will be prohibited to adjacent residential districts and will require a 1300-foot separation from day care centers; schools and parks; 4) for parity in the zoning ordinance, medical cannabis dispensing organizations and cultivation centers will be a special use in the M-2 zoning district with the separation distance of medical cannabis dispensary organizations and cultivation centers as modified so that there is parity with the adult use regulations, as presented.

As explained by Mr. Zawila, with the proposed amendments, there will be a maximum limit of three dispensing organizations that can receive a special use permit. Staff did research the parking requirements used by existing cannabis facilities located throughout the State as well as communities that allowed same in DuPage County. Based on the research, Zawila said the communities did have parking requirements at a retail rate ranging from three parking spaces per 1,000 sq. feet to five parking spaces. However, additional research showed that such number of parking spaces was not enough and was insufficient for the dispensing facilities.

Staff recommended the following for parking: When the dispensary is within a shopping center or industrial campus, provide six spaces per 1,000 square feet of gross floor area along with a required parking plan. A stand-alone dispensary is recommended to have 7.5 spaces per 1,000 square feet of gross floor area along with a required parking plan. For other uses, such as cultivation centers, processors, transporters, Zawila indicated the industrial parking ratio would be used which was 1.17 spaces per 1,000 square feet of gross floor area.

For the craft grower, Zawila recommended the dispensary portion to be the rate as stated above. The cultivation area would be the industrial parking ratio of 1.17 spaces per 1,000 square feet of gross floor area. A review of a map with the M-1 and M-2 industrial areas highlighted was depicted with Mr. Zawila noting the three areas where such facilities could be located within the village with a special use.

Mr. Zawila invited questions from the commissioners.

Commissioner questions followed regarding the underlying parking standard for retail, which staff explained that if it were a multi-tenant retail center it would be 4 spaces per 1,000 sq. feet and if a stand-alone building, it would be a little bit higher than 4 spaces per 1,000 sq. feet. Per staff, a typical dispensary was about 3,000 to 4,000 square feet. Asked if a current owner could carve out a part of their business and

APPROVED

apply for a special use, staff confirmed that it was a potential scenario. Asked if it was still feasible, based on the number of licenses available, staff mentioned that as of last month there were 74 licenses still available.

Asked if the manufacturing area near the Belmont were feasible, given the number of parking spaces, staff relayed it would have to be reviewed carefully. Staff noted that the M1/M2 districts came from Council's direction.

Chairman Rickard invited the public to comment. (No public present in the room.) Director Popovich confirmed there were no email comments either.

Mr. Zawila referenced the recommendations in staff's report, the petition to the Village Council for consideration. He stated that applicants would have to be reviewed on a case by case basis since there were special use standards that had to be considered. No comments followed.

Chairman Rickard closed the public hearing.

Further commissioner discussion followed. While there was the money aspect to allow such businesses, for the community of Downers Grove, Commissioner Majauskas noted that there were negatives: 1) the Village was a family-based suburban neighborhood -- people moved here due to the safe neighborhoods and good schools so why would the village allow such businesses to be placed in close proximity to the kids; 2) what businesses (car detailing, ultra brewing, etc.) was the Village giving up to allow such businesses -- reminding other commissioners that the existing businesses may move if a dispensary comes in; and 3) consider the Village's image. Commissioners in support stated that other income opportunities existed and the way the text amendment was written, with the 1,300 feet requirement, was favorable as compared to other cities.

Chairman Rickard reminded everyone that it was the Commission's responsibility to review this petition from the perspective of a text amendment and not whether the use was to be allowed or not, since that was already decided upon by the Village Council. Discussion followed regarding the required separation for a liquor store from a daycare facility, wherein Director Popovich recalled there was nothing in the zoning ordinance on the matter. However, the Chairman relayed that he was aware that there were State distance regulations that govern, possibly as close as 500 feet. Chairman Rickard was in agreement with staff's recommendation.

Based on the petitioner's submittal, the staff report, and the testimony presented, Commissioner Maurer found that the petitioner met the standards of approval for a Zoning Text Amendment, as required by the Village of Downers Grove Zoning Ordinance and stated it was in the public's best interest.

WITH RESPECT TO FILE 20-PLC-0021, COMMISSIONER MAURER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE PROPOSED AMENMENT TO SECTIONS 5, 6, 7 AND 15 OF THE ZONING ORDINANCE.

SECONDED BY COMMISSIONER ROLLINS. ROLL CALL:

**AYE: MAURER, ROLLINS, PATEL, BOYLE, DMYTRYSZYN, JOHNSON, TOTH
CHAIRMAN RICKARD**

NAY: MAJAUSKAS

APPROVED

MOTION PASSED. VOTE: 8-1

/s/ Celeste K. Weilandt
Recording Secretary
(As transcribed by MP-3 audio)