



CITY COUNCIL MEETING MEMORANDUM

ITEM: Proposed Cannabis Business Text Amendment – Discussion Only	DEPARTMENT: City Administration
AGENDA SECTION: New Business	SUBMITTED BY: Daniel J. Bolin, Ancel Glink, P.C.
ATTACHMENTS:	DATE: July 27, 2020

BACKGROUND:

Medical Cannabis

Beginning on January 1, 2014, the Illinois Compassionate Use of Medical Cannabis Pilot Program Act authorized the City to enact reasonable zoning ordinances consistent with the Act, but denied the City the ability to “unreasonably prohibit” the cultivation, dispensing, and use of medical cannabis authorized under the law. 410 ILCS 130/140. At the time, the medical cannabis law imposed:

a 1,000-foot buffer between medical cannabis dispensaries and schools and day cares, 410 ILCS 140/130(d); and

a 2,500-foot buffer between medical cannabis cultivation centers and schools, day cares, and areas zoning for residential use. 410 ILCS 140/130(c).

On August 19, 2019, Governor Pritzker signed amendments to Illinois’ medical cannabis law, making the “pilot” program permanent and eliminating the 1,000-foot buffer for new medical cannabis dispensaries from schools and day cares. 410 ILCS 130/130(d).

Adult Use Cannabis

On June 25, 2019, Governor Pritzker signed the Cannabis Regulation and Tax Act, authorizing the City to regulate adult use cannabis business establishments through reasonable zoning ordinances, conditional use permits, or ordinances prohibiting or significantly limiting a cannabis business establishment’s location. 410 ILCS 705/55-25 (1, 2, 5).

Moratorium

In order to study possible cannabis business regulations, the Planning and Zoning Board held a public hearing regarding possible text amendments to the zoning code (moratorium) on September 16, 2019. The City Council approved a moratorium on medical and adult use cannabis business establishments with Ordinance #2019-56 on September 23, 2019. The moratorium is presently set to expire on October 1, 2020.

Proposed Text Amendments

On July 13, 2020, the City Council directed staff to prepare appropriate regulations prohibiting cannabis businesses in the City. The Cannabis Regulation and Tax Act allows the City to prohibit the location of adult use cannabis businesses, and the Compassionate Use of Medical Cannabis Program Act allows the City to restrict, but not unreasonably prohibit, medical cannabis businesses. Instead of only relying on these state cannabis laws to implement the City's policy goals, we recommend using the City's long-established zoning power to prohibit or regulate novel land uses for cannabis businesses.

As a result, the Planning and Zoning Board will consider proposed text amendments to the City's zoning regulations on August 17, 2020. The proposed amendments will be consistent with the City Council's direction by prohibiting adult use cannabis businesses in the City, while limiting the locations for medical cannabis businesses. We are available to discuss the proposed text amendments at your convenience.

RECOMMENDED ACTION:

Please let us know if you have any questions or comments on the staff-initiated cannabis business text amendment in advance of the August 17, 2020 public hearing.