



Agenda Item Summary

File #: ORD 19-71, **Version:** 1

Submitted By

David Mann, Plan Commission Chair through Tammie Grossman, Development Customer Services Director

Reviewed By

LKS

Agenda Item Title

Concur with the Plan Commission and adopt an Ordinance Amending Article 8 ("Uses"), Section 8.3 ("Use Restrictions"), Table 8-1 ("Use Matrix") of the Oak Park Zoning Ordinance to Add Recreational Cannabis Establishments as a Special Use in all Business and Commercial Zoning Districts

Overview

At the August 1, 2019 Plan Commission meeting, the Plan Commission reviewed Article 8 ("Uses") of the Oak Park Zoning Ordinance to address recreational cannabis establishments due to new legislation from the State of Illinois that allows the use and sale of recreational cannabis starting January 1, 2020.

Recommendation

The Plan Commission recommends that recreational cannabis establishments be special uses in all business and commercial districts.

Staff Recommendation

Staff's recommendation and the Plan Commission's recommendation regarding recreational cannabis establishment differ. The Plan Commission recommends that recreational cannabis establishments be special uses in all business and commercial districts. Staff recommended to the Plan Commission that recreational cannabis establishments be permitted in all business and commercial zoning districts similar to other retail uses using the previous Village Board discussion regarding medical cannabis dispensary discussions as a guide.

On April 7, 2014, the Village Board approved medical marijuana dispensaries as a permitted use in all business and commercial zoning districts, per State law. During the initial Plan Commission review of the medical cannabis dispensary discussion, the Plan Commission recommended this use be only in the H-Hospital District and the C-Commercial District (Madison Street and a portion of Roosevelt Road). The Village Board did not agree and supported the use in all the business and commercial districts, , in addition to the H-District and C-District.

Fiscal Impact

N/A.

Background

In Article 8 ("Uses") of the Village Zoning Ordinance, staff is recommending the inclusion of recreational

cannabis retail establishments as a permitted use in all commercial and business districts. This inclusion is due to new legislation from the State of Illinois that allows the use and sale of recreational cannabis starting January 1, 2020. Proposing this now provides for adequate time to review and consider requests before the new law becomes effective.

Alternatives

Deny the text amendment.

Modify the text amendment.

Remand the text amendment to the Plan Commission with further instruction.

Previous Board Action

The Village Board referred a list of Zoning Ordinance text amendments, to the Plan Commission, at the Board's June 17, 2019 meeting. Staff added the recreational cannabis establishment text amendment later, but provided notification to the Village Board via the Village Manager's Report. Due to the passage of the recent State of Illinois legislation, staff felt it important to have this matter reviewed and considered prior to the new State law becoming effective.

PLEASE NOTE: Referrals of Zoning Ordinance text amendments by the Village Board are not required by Ordinance. The Zoning Ordinance was previously amended by the Village Board to remove the requirement that the Board refer all amendment. Specifically, the following provision is found in the Village of Oak Park Zoning Ordinance:

14.1 ZONING TEXT AND MAP AMENDMENT

A. Purpose

The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this section. This process for amending the Zoning Ordinance text or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. Initiation

The Village Board, the Plan Commission, Zoning Board of Appeals, Zoning Administrator, or a property owner in the Village, or person expressly authorized in writing by the property owner, may propose a zoning text or map amendment.

C. Authority

The Village Board, after receiving a recommendation from the Plan Commission, will take formal action on requests for zoning text or map amendments.

Citizen Advisory Commission Action

The Plan Commission reviewed the proposed text amendment at their meeting of August 1, 2019 and indicated their unanimous support for the Zoning Ordinance text amendment with this exception; that recreational cannabis establishments be allowed as a "special" use in Article 8: ("Uses"). They did not support staff's recommendation that recreational cannabis establishments be listed the same as medical marijuana dispensaries which are allowed as a permitted use in all business and commercial districts. The Plan Commission was concerned that this use has not been tested in Oak Park and they believe, that under a special use requirement, the public would be able to know when and where this use would be and could

provide input into the decision making process. The Plan Commission stated that after a designated testing period, regulations could change depending on the outcome.

Anticipated Future Actions/Commitments

N/A

Intergovernmental Cooperation Opportunities

Zoning and land use matters are unique to Village government within the corporate limits of Oak Park and therefore, intergovernmental cooperation opportunities do not exist.