

ORDINANCE NO. 2019-10-059

**AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE
(Cannabis Text Amendment – Plan Case 2385-T-19)**

WHEREAS, the City Council passed Ordinance No. 9293-124 on June 21, 1993, which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana (“City”), which is also known as the Urbana Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (410 ILCS 705/) on June 25, 2019, making it legal as of January 1, 2020, for all adults 21 and older to possess and consume cannabis for non-medical purposes in the State of Illinois; and

WHEREAS, non-medical, adult use cannabis business uses are not included in the Urbana Zoning Ordinance; and

WHEREAS, the Zoning Administrator has submitted a petition to amend the Zoning Ordinance to add definitions and establish use provisions for non-medical, adult use cannabis businesses the Zoning Ordinance; and

WHEREAS, said petition was presented to the Plan Commission as Plan Case No. 2385-T-19; and

WHEREAS, after due publication in accordance with Section XI-7 of the Zoning Ordinance and Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14), the Plan Commission held public hearings on the petition on September 19, 2019 and October 10, 2019; and

WHEREAS, the Plan Commission voted six ayes to zero nays on October 10, 2019, to forward Plan Case No. 2385-T-19 to the City Council with a recommendation for approval of the proposed amendment; and

WHEREAS, the amendments described herein conform to the goals, objectives and policies of the 2005 Comprehensive Plan as amended from time to time; and

WHEREAS, after due and proper consideration, the City Council finds that amending the Zoning Ordinance as herein provided is in best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

The following provisions of the Urbana Zoning Ordinance are hereby amended and as amended shall read as set forth in Ordinance Attachment A, which is attached hereto and incorporated herein by reference:

- A. Article II, "Definitions," Section II-3, "Definitions,"
- B. Article V, "Use Regulations," Section V-13, "Regulations of Medical Cannabis Uses," Table V-1, "Table of Uses."

Section 2.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 21st day of October, 2019.

AYES: Brown, Hazen, Hursey, Jakobsson, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:



Charles A. Smyth

 Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 22nd day of October, 2019.

Diane Wolfe Marlin

 Diane Wolfe Marlin, Mayor

ORDINANCE ATTACHMENT A

Section II-3. Definitions

Cannabis Business: A craft grower, cultivation center, dispensary, infuser, processor or transporter, as defined by the Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 *et seq.*, as amended.

Section V-13. Regulation of Cannabis Uses

- A. Medical cannabis uses shall only be allowed in locations that are consistent with the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*, as amended):
1. No medical cannabis cultivation center shall be located or established in a building or structure within 2,500 feet of the property line of a pre-existing public or private preschool or elementary school or secondary school or day care center, day care home, group day care home, part day child care facility, or on any lot in an R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7, B-3U or MOR Zoning District. State law reference 410 ILCS 130/105(c).
- B. Cannabis business uses shall only be allowed in locations that are consistent with the Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 *et seq.*, as amended, and as follows:
1. No non-medical dispensary shall be located on a parcel whose property line is within 1,500 feet of the property line of a pre-existing non-medical dispensary or within 100 feet of a public or private elementary or secondary school. State law references 410 ILCS 705/15-20(b); 410 ILCS 705/15-70(n)(15).
 2. No craft grower shall be located on a parcel whose property line is within 1,500 feet of the property line of another craft grower or cultivation center. State law reference 410 ILCS 705/30-30(o).
 3. A Special Use Permit is required to establish a cannabis cultivation center or craft grower on a parcel whose property line is within 300 feet of any residentially zoned lot in the City of Urbana, City of Champaign, or Champaign County, or in the B-3U or MOR Zoning District.
 4. Cannabis cultivation centers and craft growers shall mitigate exterior odors by installing air scrubbing and/or air filtration systems, or by some other means approved by the Zoning Administrator.

Table V-1. Table of Uses

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2	
<i>Cannabis Business</i>																					
Craft Grower									S			P	P	P	P					P	P
Cultivation Center (Non-Medical)									S											P	P
Dispensary (Non-Medical)											S	P	P	P	P					P	P
Infuser												P	P*	P*	P					P	P
Processor																				P	P
Transporter																				P	P
<i>Medical Cannabis</i>																					
Medical Cannabis Cultivation									S											S	P
Medical Cannabis Dispensary												P		P						P	

**Use permitted by right when the gross square footage of the use is 3,500 square feet or less per floor, and by conditional use when the gross square footage is greater than 3,500 square feet per floor.*



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



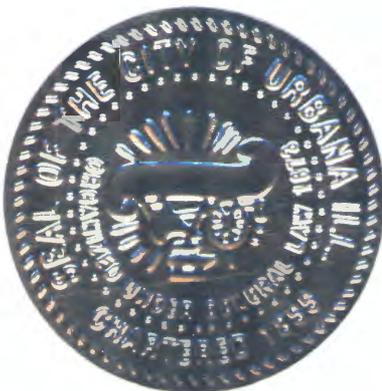
I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 21st day of October, 2019 the City Council of the City of Urbana passed and approved Ordinance No. 2019-10-059, entitled:

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(CANNABIS TEXT AMENDMENT – PLAN CASE 2385-T-19)**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2019-10-059 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 22nd day of October, 2019, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 22nd day of October, 2019.





Charles A. Smyth, City Clerk