

CITY OF DARIEN TEMPORARY AMENDMENT TO PLANNING AND ZONING COMMISSION MEETING RULES FOR COMPLIANCE WITH ILLINOIS OPEN MEETINGS ACT:

- All commissioners may participate in the Planning and Zoning meeting by way of audio or video conferencing.
- The public will be permitted to attend Planning and Zoning Commission meeting but the meeting room will be limited to five members of the public at one time and will be required to maintain social distancing rules.
- The public is encouraged to participate in the Planning and Zoning Commission meeting by submitting questions and comments via email to the City Planner Joe Hennerfeind at jhennerfeind@darienil.gov.
- Emails providing public comment shall be submitted prior to the start of the Planning and Zoning Commission meeting.

**CITY OF DARIEN
PLANNING AND ZONING COMMISSION**

Wednesday, May 6, 2020
7:00 PM
City Hall Council Chambers
1702 Plainfield Road

AGENDA

1. Call to Order
2. Roll Call
3. Regular Meeting
 - A. **Public Hearing - PZC 2020-03**

A petition by the City of Darien for a zoning text amendment to the City Code, Title 5A, Chapter 9A: Cannabis Establishments, Section 5: Permitted Locations For Cannabis Dispensing Organizations. This amendment would establish the non-retail cannabis-related businesses listed at 5A-9A-5(E) as permitted uses in the I-1 General Industrial District.
4. Correspondence
5. Old Business
6. New Business
7. Approval of Minutes March 4, 2020
8. Next Meeting May 20, 2020
9. Public Comments [On any topic related to planning and zoning]
10. Adjournment

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
March 4, 2020**

PRESENT: Bryan Gay, Michael Desmond, Robert Erickson, Hilda Gonzalez, Julie Kasprowicz, Brian Liedtke, Ralph Stompanato

ABSENT: Steve Hiatt, Lou Mallers

OTHERS: Joseph Hennerfeind-City Planner

Acting Chairperson Bryan Gay called the meeting to order at 7:00 p.m. at the Darien City Hall, Council Chambers, 1702 Plainfield Road, Darien, Illinois and declared a quorum present and swore in the audience members wishing to present public testimony.

REGULAR MEETING:

A. Public Hearing PZC 2020-02 – 7516 S. Cass Avenue, Suite 25B/Carla’s Red Hots. Petitioner seeks approval of a special use zoning permit to operate an eating establishment as lessee of Suite 25B at 7516 S. Cass Avenue (Brookhaven Plaza Shopping Center), located within the B-2 Community Shopping Center Business District.

Mr. Joe Hennerfeind, City Planner reported that the subject property is located on the west side of Cass Avenue between 75th Street and Plainfield Road. He reported that the space is approximately 1200 square feet located in the south portion of the center adjacent to Brookhaven Marketplace facing Plainfield Road.

Mr. Hennerfeind reported that within the B-2 zoning district eating establishments require a special use. He reported that the petitioner would like to serve a variety of foods including hot dogs, Italian beef and other typical fast-casual foods. He reported that the hours of operation proposed are 10:00 am to 10:00 pm with a 12:00 am on Friday and Saturday nights. He further reported that the applicant was not quite sure of his hours but was asked to report on the maximum.

Mr. Hennerfeind reported that the floor design is split equally between service and dining space, with 10 tables for inside dining. The petitioner does not anticipate requesting a liquor license.

Mr. Hennerfeind reported that parking is shared with the Brookhaven Marketplace with additional parking to the west as well as throughout the shopping center.

Mr. Hennerfeind reported that he did a parking count and that the lot is divided into three lots with the lot to the south showing 183 spaces on site and a shopping center requiring 179 which meets the needed minimum requirement.

Acting Chairperson Gay opened the meeting to anyone wishing to present public comment.

Mr. Joel Ruiz, petitioner stated that the business will be mostly carry out. He stated that the items on the menu are quick food and they are not focusing on a sit-down dinner, but that seating will be available.

Commissioner Brian Liedtke questioned if the owner has experience with this type of business and if there were any public health citations issued.

Mr. Ruiz stated that he operated a restaurant in Bolingbrook for the last 16 years and has passed it along. He stated that he is not aware of any citations.

Commissioner Michael Desmond questioned if the space will require much build out.

Mr. Ruiz stated that all the space has is a firewall and that he will build a hallway to the restrooms and install flooring. He stated that there is some old equipment but that will depend on the health department what he will need.

Mr. Hennerfeind reported that staff has suggested that the petitioner wait until they are approved to apply for the permit.

There was no one in the audience wishing to present public comment and Acting Chairperson Gay closed the public hearing.

Commissioner Desmond recited the standards and the board agreed that all standards were met.

Acting Chairperson Gay questioned if there would be any outdoor seating.

Mr. Hennerfeind reported that there is a small area outside for tables, but the petitioner has made no request. He reported that if they do propose something, they cannot fit more than two tables outside.

There was no one in the audience wishing to present public comment.

Commissioner Gonzalez made a motion and is was seconded by Commissioner Liedtke to approve Public Hearing PZC 2020-02 – 7516 S. Cass Avenue, Suite 25B/Carla’s Red Hots.

Upon voice vote, THE MOTION CARRIED 7-0.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

APPROVAL OF MINUTES

Commissioner Desmond made a motion and is was seconded by Commissioner Erickson to approve the February 19, 2020 Regular Meeting Minutes.

Upon voice vote, THE MOTION CARRIED 7-0.

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for March 18, 2020.

PUBLIC COMMENTS (On any topic related to planning and zoning)

There was no one in the audience wishing to present public comment.

ADJOURNMENT

With no further business before the Commission, Commissioner Gonzalez made a motion and it was seconded by Commissioner Stompanato. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 7:20 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

**Elizabeth Lahey
Secretary**

**Bryan Gay
Acting Chairperson**

AGENDA MEMO
PLANNING AND ZONING COMMISSION
May 6, 2020

Case

PZC 2020-03 Zoning Text Amendment to the Cannabis Establishments code regulating the Non-Retail Cannabis Uses in the I-1 General Industrial District as permitted uses.

Petition

The City of Darien has petitioned for approval of a text amendment of the Zoning Code regarding Title 5A, Chapter 9A: Cannabis Establishments, Section 5: Permitted Locations For Cannabis Dispensing Organizations. This amendment would establish the non-retail cannabis-related businesses listed at 5A-9A-5(E) as permitted uses in the I-1 General Industrial District.

Attachments

1. Application
2. Ordinance O-34-19, establishing Chapter 9A, Cannabis Business Establishments
3. City Code, 5A-9-4 for the I-1 GENERAL INDUSTRIAL DISTRICT
4. Standards for Amendments in Section 5A-2-2-5 (G) of City Code
5. Received Public Comment

Background

On December 16, 2019, City Council approved Ordinance O-34-19, which created code regulating Cannabis Establishments with the City of Darien. The newly established code addressed all aspects of cannabis uses, including both retail dispensaries and other non-retail cannabis businesses that are not associated to the direct sale of products.

These non-retail uses include:

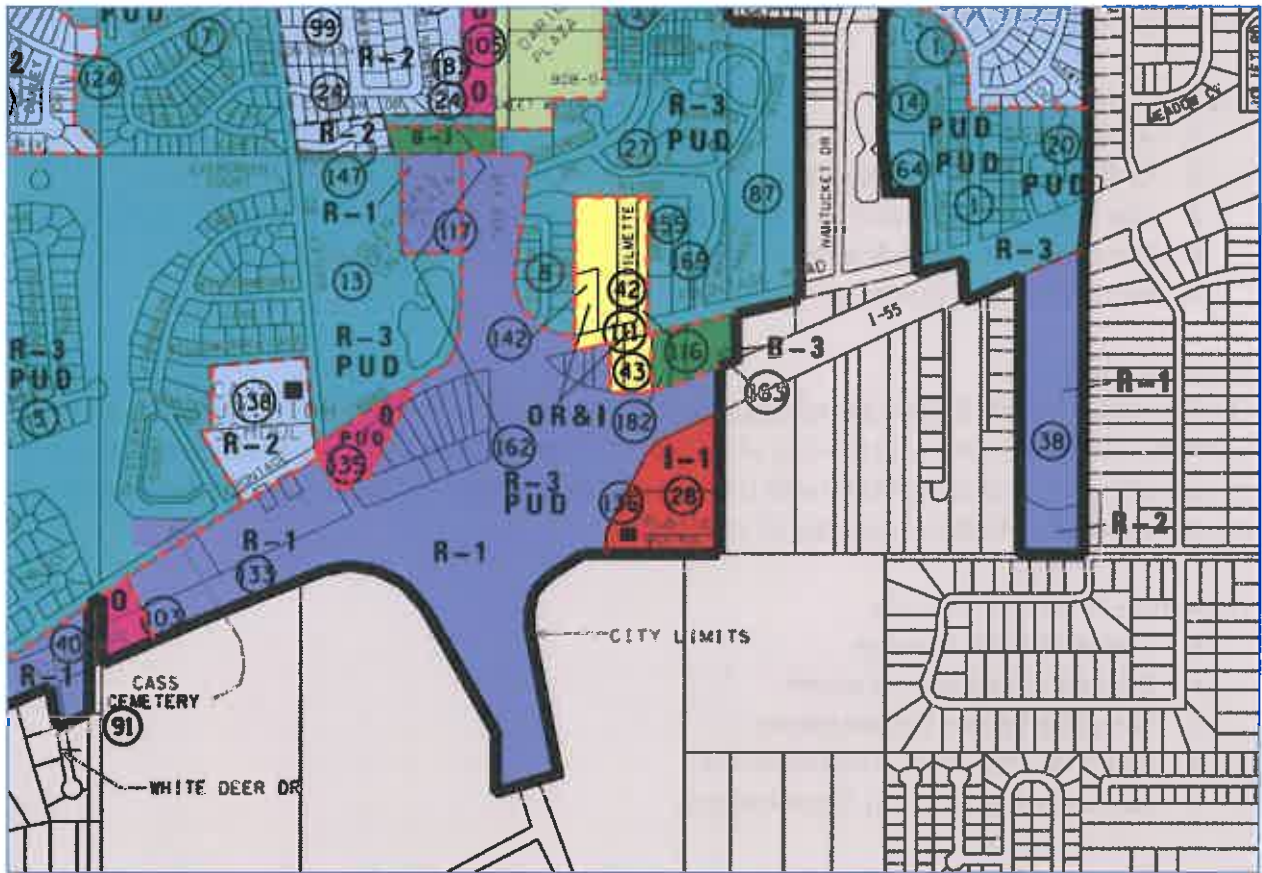
- Cannabis Craft Growers
- Cannabis Cultivation Centers
- Cannabis Infuser Organizations
- Cannabis Processing Organizations
- Cannabis Transporting Organizations

The ordinance established the above non-retails uses as permitted uses at two locations, independent of the location's zoning designation, and included:

- 7800 Lemont Road (OR&I Office, Research and Light Industrial District)
PIN: 09-29-302-065
- 1035 South Frontage Road (I-1 General Industrial District)
PIN: 09-34-303-030

Since approval, City staff has had multiple inquiries for non-retail uses, primarily craft growers, and have referred such inquiries to the owners of these properties. Despite the permissions allowed by the code, ownership of the properties cannot accommodate, either due to unwillingness to lease to the cannabis use or that no space is available for lease.

As a remedy, a code amendment is proposed to designate the most appropriate zoning district to allow the businesses as permitted uses. The uses comprise the manufacturing, processing, growing (indoor) and transporting of cannabis products, and best fit within the I-1 General Industrial District. The I-1 District is "intended to accommodate those industrial activities which are most appropriate when remote from residential and commercial development." Additionally, the district requires the most stringent setbacks, particularly to adjacent residential properties.



There is only one I-1 District within the City, which includes Sterling Bay at 1035 S. Frontage Road, and the City's Public Works property at 1041 S. Frontage Road. While approval would directly affect the Public Works property as the only other I-1 District property in the City, it more importantly allows an avenue for potential businesses to request a rezoning of a property to permit the use.

The amendment would allow staff to direct potential businesses into a rezoning, rather than various text amendment requests to particular locations in any random zoning district. It allows additional controls in that any property rezoning must meet the minimum I-1 District standards. All rezoning requests would be processed through public hearings by the Planning and Zoning Commission and City Council.

The proposed text amendment would read as follows (new text in *italics*):

5A-9A-5 (E) The following cannabis business establishments shall be allowed as permitted uses in the locations set forth below:

Cannabis Craft Grower

Cannabis Cultivation Center, including Medical Cannabis Cultivation Center

Cannabis Infuser Organization or Infuser

Processing Organization or Processor

Transporting Organization or Transporter

1. 7800 Lemont Road (OR&I Office, Research and Light Industrial District)
PIN: 09-29-302-065
2. 1035 South Frontage Road (I-1 General Industrial District)
PIN: 09-34-303-030
3. *All I-1 General Industrial District properties*

Zoning Standards

The I-1 General Industrial District 5A-9-4 code has been attached for reference. Any potential rezoning must meet Area, Width, Yard (setback), Height and Bulk standards as listed, or must receive variation approvals to any minimum not met.

Planning and Zoning Recommendation

The Planning and Zoning Commission is requested to forward a recommendation for approval of the text amendment as presented which satisfies the Standards for Amendments in the Darien Zoning Code.

Meeting Schedules

Planning and Zoning Commission
Municipal Services Committee
City Council

May 6, 2020
(suspended/cancelled during pandemic)
May 18, 2020



ZONING APPLICATION

CITY OF DARIEN
1702 Plainfield Road, Darien, IL 60561
www.darienil.us 630-852-5000

CONTACT INFORMATION

CITY OF DARIEN
Applicant's Name

N/A
Owner's Name

1702 PLAINFIELD RD
Address, City, State, Zip Code

Address, City, State, Zip Code

DARIEN, IL 60561
Telephone

Telephone

j.hennerfand@darienil.gov
Email

Email

PROPERTY INFORMATION

N/A
Property address

PIN Number(s)

I-1 GENERAL INDUSTRIAL DISTRICT
Zoning District

Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

REQUEST

Brief description of the zoning approval requested. (Contact the City Planner for guidance.)

AMENDMENT TO SA-9A-5(E) TO ADD NON-RETAIL CANNABIS USES AS PERMITTED USES IN THE

I-1 GENERAL INDUSTRIAL DISTRICT

Josep Hennerfand
As Notary Public, in and for DuPage County in Illinois, I do hereby certify that JOSEPH HENNERFAND is personally known by me to be the same person whose name is subscribed above and has appeared before me this day in person and acknowledged that they have signed this document as their own free and voluntary act, for the purposes therein set forth.

Given under my hand and seal, this 6th day of MARCH 2020

Maria E. Yeag
Notary Public

For office use only	
Date Received:	<u>3/6/2020</u>
Case Number:	<u>PC 2020-03</u>
Fee Paid:	<u>N/A</u>
Hearing Date:	<u>3/6/20</u>



**PUBLIC NOTICE
CITY OF DARIEN
PLANNING AND ZONING COMMISSION**

Notice is hereby given that the Planning and Zoning Commission of the City of Darien will hold a public hearing on May 6, 2020 at 7:00 p.m. in the Council Chambers at City Hall, 1702 Plainfield Road, Darien, IL 60561.

The purpose of the public hearing will be to hear testimony from interested persons and make a recommendation on Case #2020-03. This case involves a petition by the City of Darien for a zoning text amendment to the City Code, Title 5A, Chapter 9A: Cannabis Establishments, Section 5: Permitted Locations For Cannabis Dispensing Organizations. This amendment would establish the non-retail cannabis-related businesses listed at 5A-9A-5(E) as permitted uses in the I-1 General Industrial District.

Said petition and report may be viewed at City Hall and on the City website: www.darien.il.us starting on May 1, 2020. For questions on disability access, contact the City ADA Coordinator at (630) 852-5000.

**CITY OF DARIEN TEMPORARY AMENDMENT TO PLANNING AND ZONING COMMISSION
MEETING RULES FOR COMPLIANCE WITH ILLINOIS OPEN MEETINGS ACT:**

- All commissioners may participate in the Planning and Zoning meeting by way of audio or video conferencing.
- The public will be permitted to attend Planning and Zoning Commission meeting but the meeting room will be limited to five members of the public at one time and will be required to maintain social distancing rules.
- The public is encouraged to participate in the Planning and Zoning Commission meeting by submitting questions and comments via email to the City Planner Joe Hennerfeind at jhennerfeind@darienil.gov.
- Emails providing public comment shall be submitted prior to the start of the Planning and Zoning Commission meeting.

JoAnne E. Ragona, City Clerk

Published in the DuPage Chronicle on April 22, 2020

**CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS**

ORDINANCE NO. O-34-19

**AN ORDINANCE AMENDING TITLE 5A, "ZONING REGULATIONS", OF THE
DARIEN CITY CODE BY ADDING NEW CHAPTER 9A, "CANNABIS BUSINESS
ESTABLISHMENTS", THERETO, AS AMENDED**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN**

THIS 16th DAY OF DECEMBER, 2019

**Published in pamphlet form by authority of
the Mayor and City Council of the City of
Darien, DuPage County, Illinois, and this
22nd day of December, 2019.**

ORDINANCE NO. O-34-19

AN ORDINANCE AMENDING TITLE 5A, "ZONING REGULATIONS", OF THE DARIEN CITY CODE BY ADDING NEW CHAPTER 9A, "CANNABIS BUSINESS ESTABLISHMENTS", THERETO, AMENDED

WHEREAS, the City of Darien is a home rule unit of local government pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to it government except as limited by Article VII, Section 6; and

WHEREAS, the City of Darien has adopted a Zoning ordinance for the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the residents of the City of Darien; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act, 410 ILCS 705 (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, effective June 25, 2019, which legalizes adult-use cannabis in the State of Illinois as of January 1, 2020; and

WHEREAS, the State of Illinois previously adopted the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130, which was amended to become permanent and renames the Compassionate Use of Medical Cannabis Program Act, effective August 9, 2019; and

WHEREAS, pursuant to said Acts, the City may enact reasonable zoning regulations not in conflict with the Act, regulating cannabis business establishments, including rules governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis establishments and locations the City deems sensitive; and

ORDINANCE NO. 0-34-19

WHEREAS, the City Council, on October 7, 2019, initiated an amendment to the City's Zoning Ordinance to review and consider amendments to the Zoning Ordinance to regulate cannabis business establishment facilities within the City of Darien; and

WHEREAS, pursuant to proper legal notice, a public hearing on said amendments was held before the Planning and Zoning Commission on November 6, 2019; and

WHEREAS, the Planning and Zoning Commission at its regular meeting of November 6, 2019, discussed the proposed locations and cannabis business establishments and made certain recommendations on the proposed amendments and has forwarded its findings and recommendations of approval to the City Council; and

WHEREAS, on November 25, 2019, the Municipal Services Committee of the City Council reviewed the proposed amendments and the findings and recommendations of the Planning and Zoning Commission and has forwarded its findings, recommendations and approval of said amendments to the City Council; and

WHEREAS, the City Council has reviewed the findings and recommendations described above, and now determined to amend the City's Zoning Ordinance subject to the terms, conditions and limitations set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS and the authority set forth in the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act, as follows:

SECTION 1: Recitals. The recitals set forth above are hereby incorporated herein as if fully set forth herein.

ORDINANCE NO. O-34-19

SECTION 2: Article 5A, "Zoning Regulations", of the City of Darien City Code, as amended, is hereby amended further amended by adding new Chapter 9A, Cannabis Business Establishments", thereto, to read as follows:

CHAPTER 9A

CANNABIS BUSINESS ESTABLISHMENTS

SECTION:

- 5A-9A-1: Purpose and Intent
- 5A-9A-2: Definitions
- 5A-9A-3: Compliance with Applicable Laws
- 5A-9A-4: Certificate of Zoning Compliance/State Law
- 5A-9A-5: Permitted Locations for Cannabis Dispensing Organizations
- 5A-9A-6: Use Standards/Regulations
- 5A-9A-7: Parking Requirements
- 5A-9A-8: Signage

5A-9A-1: **PURPOSE AND INTENT:** The intent of this Chapter is to protect the public health, safety and welfare of the City and its residents by establishing regulations in regard to the cultivation, processing, dispensing and transportation of cannabis within the corporate limits of the City of Darien.

The purpose of this Chapter is to ensure new cannabis business establishments are integrated with surrounding uses and are compatible in character with the surrounding neighborhood or area of the zoning district in which they are located.

The zoning and regulations contemplated herein shall only apply to cannabis business establishments licensed and operating under state law.

5A-9A-2: **DEFINITIONS:** The following words and terms, wherever they appear in this Chapter, shall be construed as herein defined. Additionally, the City adopts all other definitions set forth in the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act, as if full set forth herein.

CANNABIS: Marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt,

derivative, mixture, or preparation of the plant, its seeds or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannibal derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means cannabis flower, concentrate and cannabis-infused products.

CANNABIS BUSINESS ESTABLISHMENT:

A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

CANNABIS CRAFT GROWER:

A facility operated by an organization or business that is licensed by the 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. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance with a maximum space of 14,000 square feet and shall not be located within 1,500 feet of another craft grower or cultivation center.

CANNABIS CULTIVATION CENTER:

A 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 establishment(s). A cultivation center may not contain more than 210,000 square feet of canopy space for

ORDINANCE NO. O-34-19

plants in the flowering stage for cultivation of cannabis as provided in state law.

CANNABIS DISPENSING ORGANIZATION:

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.

CANNABIS INFUSER ORGANIZATION OR INFUSER:

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 formulations to produce a cannabis-infused product.

CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:

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.

CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:

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 Program.

CONSUME, CONSUMING OR CONSUMPTION:

Smoking, eating, drinking, chewing, applying topically or otherwise ingesting.

MEDICAL CANNABIS DISPENSING ORGANIZATION:

A facility operated by an organization or business that is registered by the Illinois Department of Financial

ORDINANCE NO. O-34-19

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, individuals with a provisional registration for qualifying patient cardholder status, or an Opioid Pilot program participant as set forth in the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, *et seq.*, and as it may be amended from time-to-time, and the regulations promulgated thereunder.

MEDICAL CULTIVATION CENTER: A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis as set forth in the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, *et seq.*, and as it may be amended from time-to-time, and the regulations promulgated thereunder.

STATE LAW/STATUTE: The Cannabis Regulation and Tax Act, 410 ILCS 705/1, *et seq.*, and the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, *et seq.*, and as they be amended from time-to-time, and the regulations promulgated thereunder.

5A-9A-3: COMPLIANCE WITH APPLICABLE LAWS: Cannabis business establishments shall comply with all regulations provided in the Cannabis regulation and Tax Act, 410 ILCS 705/1, *et seq.*, and the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, *et seq.*, and as they may be amended from time-to-time, and the regulations promulgated thereunder, and the regulations provided below. In the event that either or both of the Acts are amended, the more restrictive of the state or local regulations shall apply; however, in the event the local regulations conflict with state law, state law shall prevail.

5A-9A-4: CERTIFICATE OF ZONING COMPLIANCE/STATE LAW: A City-issued certificate of zoning compliance, state-issued license for the specific cannabis business establishment, and a City-issued business license are required prior to any cannabis business establishment is allowed to open for business.

5A-9A-5: PERMITTED LOCATIONS FOR CANNABIS DISPENSING ORGANIZATIONS:

ORDINANCE NO. O-34-19

(A) Cannabis Dispensing Organizations shall be a permitted use in the following locations:

1. 75th Street and Lemont Road-Chestnut Court Shopping Center (B-3 General Business District)
PINs: 09-29-300-008, 022/024
2. 75th Street east of Lyman Avenue in 2100 Block (Darien Towne Center) (B-3 General Business District)
PINs: 09-29-400-032/033
3. 6800-6818 Route 83 (Darien Center) (B-2 Community Shopping Center Business District)
PINs: 09-23-304-032/033, 035/036
4. 7900 S. Cass Avenue – Existing office building
PIN: 09-28-412-009
5. 8100 S. Cass Avenue – Outlot
PIN: 09-34-102-018
6. 8100 S. Cass Avenue
PIN: 09-34-102-019
7. Mid 8100 Block of Cass Avenue (PINS 3 & 4)
PINs: 09-34-102-022/024
8. 8100 Block of Lemont Road
PINs: 09-32-106-007/008, 023/024, 035/036, 09-32-115-005/008

(B) Cannabis Dispensing Organizations shall be permitted only as a special use in the following location:

1. 7800 Lemont Road (OR & I Office, Research and Light Industry District), PIN: 09-29-302-065, subject to the following conditions:
 - a. If there is a mixed use within one structure, the cannabis dispensing organization shall not be allowed if the other business establishments caters to children under the age of twenty-one (21).
 - b. The petition for special use must meet the criteria for a special use set forth in Section 5A-2-2-6 of the Zoning Ordinance.

ORDINANCE NO. O-34-19

(C) Cannabis Dispensing Organizations shall not be allowed in the following locations as either a permitted or special use:

1. 75th Street, west of Lyman Avenue (2400 block of Market Place of Darien)
PIN: 09-29-301-034
2. Brookhaven Plaza – Existing Walgreens
PIN: 09-28-402-021
3. Brookhaven Plaza – Interior
PIN: 09-28-402-026
4. Brookhaven Plaza – Existing Grocery Store
PINs: 09-28-402-024/025
5. 1225 Plainfield Road
PINs: 09-28-410-001, 043
6. 7300 Block of Route 83 between 73rd and 74th Streets
PINs: 09-26-115-009, 018/019
7. 2600 Block of 83rd Street
PIN: 09-32-116-008
8. 8200 Block of Lemont Road
PIN: 09-32-106-030
9. Southwest Quadrant of Lemont Road and 83rd Street
PINs: 09-31-402-016/018, 09-31-415-002, 004/016, 018/020

(D) Cannabis Dispensing Organizations shall be permitted as a special use in all non-residential districts having properties not listed in subsections 5A-9A-5 (A)-(C), above, and subject to meeting the criteria for a special use set forth in Section 5A-2-2-6 of the Zoning Ordinance.

(E) The following cannabis business establishments shall be allowed as permitted uses in the locations set forth below:

- Cannabis Craft Grower
- Cannabis Cultivation Center, including Medical Cannabis Cultivation Center
- Cannabis Infuser Organization or Infuser
- Processing Organization or Processor

ORDINANCE NO. O-34-19

Transporting Organization or Transporter

1. 7800 Lemont Road (OR&I Office, Research and Light Industrial District)
PIN: 09-29-302-065
2. 1035 South Frontage Road (I-1 General Industrial District)
PIN: 09-34-303-030

5A-9A-6: USE STANDARDS/REGULATIONS:

- (A) **Cannabis Dispensing Organizations.** No more than one (1) license shall be issued for a cannabis dispensing organization. This licensing limitation does not apply to a medical cannabis dispensary that does not sell recreational cannabis. The cannabis dispensing organization shall comply with the following:
1. The hours of operation may be between 6:00 a.m. and 10:00 p.m.
 2. Operation of the dispensary is prohibited when video surveillance equipment is inoperative.
 3. Operation of the dispensary is prohibited when point-of-sale equipment is inoperative.
 4. Operation of the dispensary is prohibited when the State of Illinois' cannabis electronic verification system is inoperative.
 5. Operation of the dispensary is prohibited when there are fewer than two (2) employees working.
 6. No lounges or other methods of onsite consumption of cannabis shall be allowed within a dispensary or smoke shop.
 7. No cannabis lounges or cafés shall be allowed as a Cannabis Business Establishment within the City of Darien.
 8. Cannabis may not be consumed within a cannabis dispensary for any purpose and in any form including, but not limited to samples, tastings, edible products or by-products or by smoking or in the public right-of-way within twenty-five feet (25') of a cannabis dispensary. Signage must be posted near the entrances and exits of the cannabis dispensary providing notice of this Policy.

ORDINANCE NO. O-34-19

- (B) There are no business license restrictions in the OR&I Office, Research and Light Industrial Zoning District and I-1 General Industrial Zoning District for the following cannabis business establishments:

Cannabis Craft Grower
Cannabis Cultivation Center, including Medical Cannabis Cultivation Center
Cannabis Infuser Organization or Infuser Processing Organization or Processor
Transporting Organization or Transporter

5A-9A-7: **PARKING REQUIREMENTS:** The cannabis business establishment shall be required to comply with the parking requirements applicable to the underlying zoning district.

5A-9A-8: **SIGNAGE:** Signage shall comply with the standards of the underlying zoning district and state law.

SECTION 3: Article 5A, “Zoning Regulations”, Section 5A-9-4-4, “Special Uses”, of the City of Darien City Code, as amended, is hereby further amended to remove Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organization from the list of Special Uses set forth therein.

SECTION 4: **Conflict.** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are hereby repealed.

SECTION 5: **Severability.** If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance shall be severable.

SECTION 6: **Home Rule.** This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a)

ORDINANCE NO. O-34-19

contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent of the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supercede state law in that regard within its jurisdiction.

SECTION 7: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 16th day of December 2019.

AYES: 4 – Belczak, Chlystek, Gustafson, Vaughan

NAYS: 3 – Kenny, Schauer, Sullivan

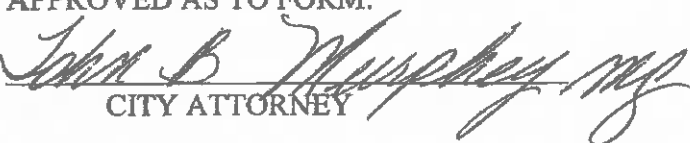
ABSENT: 0 – NONE

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 16th day of December 2019.


JOSEPH A. MARCHESE, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



5A-9-4: I-1 GENERAL INDUSTRIAL DISTRICT:

5A-9-4-1: INTENT:

The I-1 industrial district is intended to accommodate those industrial activities which are most appropriate when remote from residential and commercial development.

No I-1 district shall be established by any new regulation unless the proposed new district area, by itself or in conjunction with any contiguous territory which either lies within the city and is already zoned I-1, or which lies within an adjacent municipality and is in a similar zoning classification, is at least ten (10) acres. (Ord. 0-03-00, 4-3-2000)

5A-9-4-2: SITE PLAN APPROVAL PROCESS:

To ensure that the details of development of office and industrial areas for authorized uses will be such that the operation of the use will not offend the public interest, will be compatible and be planned in conformity with surrounding uses and will not adversely affect the flow of traffic within the community, a site plan shall be submitted. Refer to the approval process and submittal requirements as outlined in chapter 2 of this title. (Ord. 0-03-00, 4-3-2000)

5A-9-4-3: PERMITTED USES:

No building, structure, or land shall be used and no building or structure shall be erected, altered, or enlarged, which is arranged, intended, or designed for other than one of the following uses:

Abrasive manufacture.

Bakeries.

Banks and financial institutions.

Bottling companies.

Brick and structural clay products manufacture.

Building materials and product sales and storage.

Cartage and express facilities.

Civic buildings.

Contractor and construction offices, shops, and yards.

Dairy products processing.

Dry cleaning establishments and laundries.

Electronic and scientific precision instruments manufacture.

Electroplating.

Fuel and ice sales.

Furniture, bedding, and carpet manufacture.

General manufacturing and wholesaling.

Glass products production and sales.

Heavy machinery production.

Light machinery production.

Lithographing.

Machine shops.

Metal stamping.

Newspaper publishing.

Parking lots and garages.

Pottery and ceramics manufacture.

Printing and publishing establishments.

Radio and television stations and studios.

Schools, vocational or trade.

Semitruck, semitrailer and bus sales lot.

Stone products manufacture.

Warehousing, storage (including ministorage) and distribution facilities.

Wearing apparel manufacture.

Woodworking. (Ord. 0-03-00, 4-3-2000; amd. Ord. 0-34-10, 12-20-2010)

5A-9-4-4: SPECIAL USES:

The following special uses may be permitted in specific situations in accordance with the procedures outlined in section 5A-2-2-6 of this title:

Accessory outdoor storage (in compliance with section 5A-9-1-3 of this chapter).

Airports and heliports.

Automobile service stations, repair facilities, and car washes used in conjunction with an automobile service station.

Car wash, user operated (as a principal use).

Car washes, drive-through (as a principal use).

Chemical processing and manufacture.

Eating and drinking establishments.

Food manufacture, packaging and processing.

Freight terminals.

Garages for storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding.

Grain storage and processing.

Landfills.

Medical cannabis cultivation centers as defined in 410 Illinois Compiled Statutes 130/10(e) and subject to the distance requirements set forth in 410 Illinois Compiled Statutes 130/105.

Medical cannabis dispensing organization as defined in 410 Illinois Compiled Statutes 130/10(o) and subject to the distance requirements set forth in 410 Illinois Compiled Statutes 130/130.

Paper products manufacture.

Planned unit developments (in accordance with the requirements of chapter 3 of this title).

Public and private utility facilities.

Recreation and social facilities.

Solar energy systems, large ground arrays.

Stadiums, auditoriums and arenas. (Ord. 0-03-00, 4-3-2000; amd. Ord. 0-13-14, 5-5-2014; Ord. 0-03-18, 2-5-2018)

5A-9-4-5: AREA REQUIREMENTS:

The minimum lot area in I-1 Districts shall be one acre, except for planned unit developments, which shall have a minimum land area of three (3) acres. (Ord. 0-03-00, 4-3-2000)

5A-9-4-6: WIDTH REQUIREMENTS:

The minimum width, at the building setback line, in the I-1 District shall be one hundred feet (100'). (Ord. 0-03-00, 4-3-2000)

5A-9-4-7: YARD REQUIREMENTS:

The minimum yards required for all buildings and structures in the I-1 District shall be as follows:

(A) Front And Corner Side Yards:

1. Abutting Or Adjoining A Nonresidential District:

- (a) Yard Depth:** There shall be a required front and corner side yard of not less than fifty feet (50') plus one foot (1') for every two feet (2') by which the building height exceeds thirty feet (30').
- (b) Off Street Parking Facilities Setback:** Off street parking facilities are not allowed within the first thirty feet (30') of the required front and corner side yard.

2. Abutting Or Adjoining A Residential District:

- (a) Yard Depth:** There shall be a required front and corner side yard of not less than fifty feet (50') plus one foot (1') for every two feet (2') by which the building height exceeds thirty feet (30'), plus twenty five feet (25') when such yard abuts or adjoins a residence district.
- (b) Off Street Parking Facilities Setback:** Off street parking facilities are not allowed within the first thirty feet (30') of the required front and corner side yard.

(B) Interior Side And Rear Yards:

1. Abutting Or Adjoining A Nonresidential District:

- (a) Yard Depth:** There shall be a required interior side and rear yard of not less than fifteen feet (15') plus one foot (1') for every two feet (2') by which the building height exceeds thirty feet (30').
- (b) Off Street Parking Facilities Setback:** Off street parking facilities are not allowed within the first twenty feet (20') of the required interior side and rear yard.

2. Abutting Or Adjoining A Residential District:

- (a) Yard Depth:** There shall be a required interior side and rear front yard of not less than fifteen feet (15') plus one foot (1') for every two feet (2') by which the building height exceeds thirty feet (30') plus sixty feet (60') when such yard abuts or adjoins a residence district.
- (b) Off Street Parking Facilities Setback:** Off street parking facilities are not allowed within the first thirty feet (30') of the required interior side or rear yard.
- (c) Required Fence:** Where a rear or side or rear lot line in the I District coincides with a side or rear lot line in an adjoining residential district, a fence of at least seventy five percent (75%) opacity shall be provided within the yard along the property line. The height of such fence shall be a minimum of six feet (6') in height, not to exceed eight feet (8') in height.

(C) Lot Line Development: Zero lot line development is permitted under a planned unit development as regulated under chapter 3 of this title.

- (D) Accessory Structures: Accessory structures shall comply with yard and setback requirements as prescribed in section 5A-5-9 of this title.
- (E) Permitted Obstructions In Required Yard: Permitted obstructions in required yards are allowed as described herein and as prescribed in section 5A-5-7-3 and chapter 11 of this title including:
1. Drives And Off Street Parking Facilities: Required yards may be occupied by drives and off street parking facilities when constructed in accordance with the setback requirements of this district and in compliance with section 5A-5-7-3 and chapter 11 of this title.
 2. Joint Parking: In the case of joint parking facilities, parking may occur in the required yard without regard to the side lot line at the point of the combination of the parcels, and in compliance with subsections 5A-11-2-1(B) and (C) of this title. (Ord. 0-03-00, 4-3-2000)

5A-9-4-8: HEIGHT LIMITATIONS, BULK REGULATIONS:

The maximum height for all buildings and structures in the I-1 district shall be thirty five feet (35'), and the maximum floor area ratio shall be 0.7. Not more than sixty five percent (65%) of the net site area shall be covered by principal buildings or structures, including accessory buildings or structures, and not more than seventy five percent (75%) of the net site area shall be covered by buildings, structures, accessory buildings, and structures, and paved or impervious areas. (Ord. 0-03-00, 4-3-2000)

5A-9-4-9: COMPLIANCE WITH THIS TITLE AND OTHER APPLICABLE TITLES OF THIS CODE REQUIRED:

Properties located in this district shall comply with all applicable regulations of this title as well as all other applicable regulations with this code. At a minimum, the following regulations must be adhered to:

- (A) Landscape Requirements: All establishments shall comply with the landscaping requirements of chapter 10 of this title.
- (B) Off Street Parking And Loading Requirements: All establishments shall comply with the off street parking and loading requirements of chapter 11 of this title.
- (C) Final Engineering: Provisions for stormwater management and engineering must be made in compliance with applicable codes.
- (D) Performance Standards: Processes and equipment employed within the general industrial district shall be limited to those which comply with the performance standards of chapter 12 of this title.
- (E) Sign Regulations: The signs on the property shall comply with the Darien sign code (title 4, chapter 3 of this code). (Ord. 0-03-00, 4-3-2000)

5A-2-2-5: AMENDMENTS:

(G) Standards: The Plan Commission shall consider the following factors and other pertinent factors in developing a recommendation for the City Council:

1. Existing uses of property within the general area of the property in question, and the resulting character of the general area;
2. The zoning classifications of property within the general area of the property in question;
3. The suitability of the property in question to the uses permitted under the existing zoning classification including consideration of the length of time the property has been vacant as zoned;
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classifications and the impact to surrounding property likely to result from the proposed use;
5. The reduction in value of the subject property resulting from the particular zoning restriction as compared to the gain to the public if the property remains restricted; and
6. The policies of all current official plans or plan elements of the City.

From: Connie
To: Joseph Hennerfeind
Subject: Cannabis
Date: Thursday, April 23, 2020 5:28:06 PM

I am writing to voice our opinion on the opening of retail establishments dedicated to cannabis sales. My husband and I are 34 year residents of Darien. We have raised our 3 children here and are committed to continuing our residence. We do not feel and we are very much opposed to the opening of an establishment selling cannabis as it will detract from the family environment that the city's foundation was built on. Many surrounding towns have already determined that dispensaries cause problems and have declined permits. If they are correct, and we believe they are, tax monies received from the sales will be dispersed to an increase in costs for police and other services.

Please do not go forward with this plan.

Thank You,
Connie and Richard Cleary