

ORDINANCE NO. 1932

**AN ORDINANCE AMENDING CHAPTER 5.76 (CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED) OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE CITY OF CREST HILL CODE OF ORDINANCES**

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**WHEREAS**, the City Council of the City of Crest Hill has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, the Corporate Authorities of the City of Crest Hill have the authority to define, prevent and abate nuisances. (65 ILCS 5/11-60-2); and

**WHEREAS**, the Corporate Authorities of the City of Crest Hill has previously enacted ordinances defining, preventing and abating nuisances pursuant to said authority; and

**WHEREAS**, as of January 1, 2020, the Illinois Legislature legalized adult use cannabis by and through the passage of the Illinois Cannabis Regulation and Tax Act, which authorized units of local government to pass ordinances prohibiting Adult-Use Cannabis Business as well as reasonable zoning ordinances governing Adult-Use Cannabis Businesses within their jurisdiction; and

**WHEREAS**, on September 16, 2019, the Corporate Authorities of the City of Crest Hill approved Ordinance 1825, which created Chapter 5.76 of the Crest Hill City Code and which declared all Adult-Use Cannabis Businesses to be nuisances and which prohibited said businesses (except for licensed Medical Cannabis Businesses pursuant to Ordinance 1645) within the City of Crest Hill; and

**WHEREAS**, the Corporate Authorities of the City of Crest Hill in July of 2022 initiated a text amendment to the City of Crest Hill Zoning Ordinance which would allow Adult Use Cannabis Dispensaries (in addition to the previously authorized Medical Cannabis Dispensaries) as special uses in the B2, B3, M1, and M2 zoning districts; and

**WHEREAS**, pursuant to the application by the City of Crest Hill for a Text Amendment to the 2018 City of Crest Hill Zoning Ordinance, a Public Hearing was conducted at a regular meeting of the City of Crest Hill Plan Commission held September 14, 2022;

**WHEREAS**, no members of the public offered public comment or testimony, either for or against the proposed text amendment during the September 14, 2022, Public Hearing and Plan Commission Meeting; and

**WHEREAS**, the Plan Commission, on a 3-2 vote, recommended that the City Council reject the requested text amendment; and

**WHEREAS**, in making its recommendation against the proposed text amendment, the City of Crest Hill Plan Commission heard from the City Planning Consultant, Deputy Chief of Police,

and City Attorney, who were present to answer questions; and

**WHEREAS**, the City of Crest Hill Plan Commission’s recommendation against the proposed text amendment is contained in its Findings and Decision, a true and accurate copy of which is attached hereto as Exhibit A; and

**WHEREAS**, on October 10, 2022, the Corporate Authorities again considered the proposed text amendment in a regularly scheduled work session of the Crest Hill City Council, at which there was no public comment for or against the proposed amendment; and

**WHEREAS**, after due consideration of the matter, including the Plan Commission recommendation, the Corporate Authorities of the City of Crest Hill have determined that approval of the proposed text amendment is in the best interests of the City of Crest Hill, due to the minimal risks posed by Adult Use Cannabis Dispensaries and the positive financial impact those businesses would have on the City, as well as the determination that the standards set forth in Section 12.8-4 of the Crest Hill Zoning Ordinance are met, as indicated in the Findings of Fact attached hereto as Exhibit B.

**WHEREAS**, the text Amendment to the City of Crest Hill Zoning Ordinance, if passed, requires an amendment of Chapter 5.76 of the City of Crest Hill Code of Ordinances to remove Adult-Use Cannabis Dispensaries from the prohibitions of that Chapter; and

**WHEREAS**, the Corporate Authorities have determined that said amendment to Chapter 5.76, upon the passage of the Ordinance approving the aforementioned text amendment is necessary and in the best interests of the citizens of Crest Hill.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREST HILL, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:**

**SECTION 1:** The City Council hereby finds that all the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

**SECTION 2:** That Chapter 5.76 Cannabis Business Establishments Prohibited of Title 5: Business Licenses and Regulations of the City of Crest Hill Code of Ordinances is hereby repealed in its entirety and replaced with the following:

**CHAPTER 5.76: CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED**

Section

- 5.76.010 Definitions
- 5.76.020 Cannabis business establishments prohibited
- 5.76.025 Adult-Use Cannabis Dispensaries Allowed as Special Use in Certain

Zones

- 5.76.030 Public nuisance declared
- 5.76.040 Violations

**§ 5.76.010 DEFINITIONS.**

The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

***ADULT-USE CANNABIS BUSINESS ESTABLISHMENT.*** A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

***ADULT-USE CANNABIS CRAFT GROWER.*** 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 Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

***ADULT-USE 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 establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

***ADULT-USE 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, per the (Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

***ADULT-USE 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 formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

***ADULT-USE 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, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE 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 Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**PERSON.** Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent. (Ord. 1825, passed 9-16-19)

**§ 5.76.020 CANNABIS BUSINESS ESTABLISHMENT PROHIBITED.**

The following adult-use cannabis business establishments are prohibited in the City of Crest Hill. No person shall locate, operate, own, suffer, allow to be operated or aid, abet or assist in the operation within the City of Crest Hill of any of the following:

Adult-use cannabis craft grower.

Adult-use cannabis cultivation center.

Adult-use cannabis dispensing organization, except as provided in Section 8.2-30 of the 2018 Crest Hill Zoning Ordinance, as amended.

Adult-use cannabis infuser organization or infuser.

Adult-use cannabis processing organization or processor.

Adult-use cannabis transporting organization or transporter. (Ord. 1825, passed 9-16-19)

**§ 5.76.025 ADULT-USE CANNABIS DISPENSARIES ALLOWED IN CERTAIN ZONES AS SPECIAL USE**

Adult-use Cannabis Dispensaries, as defined herein and in Section 2.0 of the 2018 Crest Hill Zoning Ordinance, shall be exempt from the declaration of nuisance and the prohibitions of this Chapter 5.76 if approved by the City Council as a special use on property zoned B2, B3, M1 or M2 pursuant to Section 8.2-30 of the 2018 Crest Hill Zoning Ordinance.

**§ 5.76.030 PUBLIC NUISANCE DECLARED.**

Operation of any prohibited cannabis business establishment within the city in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies. (Ord. 1825, passed 9-16-19)

**§ 5.76.040 VIOLATIONS.**

Violations of this chapter may be enforced in accordance with the provisions of Title 1, Chapter 1, § 1.12.010 of this code.  
Ord. 1825, passed 9-16-19)

**SECTION 3:** In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

**SECTION 4:** That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

**SECTION 5:** That the City Clerk is hereby directed to publish this Ordinance in pamphlet form.

**SECTION 6:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

*[Left Intentionally Blank]*

“Exhibit A”

BEFORE THE PLAN COMMISSION  
OF THE CITY OF CREST HILL, ILLINOIS

IN RE: )  
 )  
The application of the City of Crest Hill ) No. xx-x-x-x  
for a text amendment to the Crest Hill Zoning )  
Ordinance relating to Adult-Use Cannabis )  
Dispensaries )

**FINDINGS AND DECISION OF THE  
PLAN COMMISSION AS TO THE APPLICATION OF THE CITY OF CREST HILL FOR A  
ZONING CODE TEXT AMENDMENT FOR ADULT-USE CANNABIS DISPENSARIES**

THIS APPLICATION, coming before for a decision by the Plan Commission, and the Plan Commission having heard the evidence in support and to the application at a regularly scheduled meeting held on September 14th, 2022 being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

- A. That the application seeks approval of a text amendment to the Crest Hill Zoning Ordinance which would allow Adult-Use Cannabis Dispensaries as a special use in the B2, B3, M1 and M2 zones;
- B. That there was a Notice of Public Hearing published in the Joliet Herald-News on August 29, 2022;
- C. That no interested parties filed their appearances herein;
- D. That the public hearing was called into order, the City of Crest Hill, through its staff, was allowed to present its evidence and arguments in support of its application, and that the public hearing was duly recorded;
- E. That the rules adopted by the Plan Commission for the conduct of public Hearings by the Plan Commission were duly followed and observed;
- F. That following the close of the Public Hearing, the Plan Commission deliberated and determined, by a vote of 3-2 on a Motion to Recommend to the City Council that the text amendment be disapproved and determined that the proposed text amendment did not meet the standards set out in Section 12.8-4 of the Crest Hill Zoning Ordinance.

THEREFORE, it is the decision of the Plan Commission of the City of Crest Hill, Illinois, based upon the evidence heard by same and arguments and suggestions heard at the public hearing, and having duly considered the mandates and standards as set forth in the City of Crest Hill, Illinois zoning ordinance for the granting of a planned unit development and special uses, as follows:

1. That the application of the City of Crest Hill for a text amendment to its 2018 Zoning Ordinance which would allow Adult-Use Cannabis Dispensaries in the B2, B3, M1, and M2 zones, be denied by the City Council as not meeting the standards set out in Section 12.8-4 of the Crest Hill Zoning Ordinance.
2. It is therefore the recommendation of the City of Crest Hill Plan Commission that the application for the text amendment be denied.

Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 14th Day of September 2022 upon the following roll call vote:

	Aye	Nay	Absent	Abstain
Commissioner Carol Slabozeski	_____	_____	_____	_____
Commissioner John Stanton	_____	_____	_____	_____
Commissioner Ken Carroll	_____	_____	_____	_____
Commissioner Jan Plettau	_____	_____	_____	_____
Commissioner Bill Thomas	_____	_____	_____	_____
Commissioner Jeff Thomas	_____	_____	_____	_____
Commissioner Angelo Deserio	_____	_____	_____	_____

Approved:

\_\_\_\_\_  
 Bill Thomas, Chairman

Attest:

\_\_\_\_\_  
 Christine Vershay-Hall, City Clerk

## Exhibit B Findings of Fact

1. The effect the text amendment would have on comprehensive planning in the community and the extent to which the proposed amendment would be consistent with Crest Hill's planning objectives.

***Consideration of adult-use cannabis as a special use within the specified zoning districts assists in carrying the goals of the City to strengthen its role in the regional marketplace, as such use not only serves the local community but the region as well.***

2. The consistency of the proposed text amendment with other provisions in this Ordinance.

***The proposed text amendment includes specific regulations regarding the operation of such a facility, consistent with other uses, to ensure the business operations meet the standards of the City.***

3. The degree to which all property owners in the community, zoned in similar classifications, would be benefited or affected by the zoning text amendment; and the extent to which the proposed amendment would or would not benefit or affect one (1) or a selected and small group of property owners only.

***The proposed text amendment is open to multiple zoning districts; however, use regulations are put in place to further protect the residential and identified institutions.***

4. The extent to which the text amendment will ameliorate a condition in this Ordinance which is, from a legal or administrative standpoint, deficient.

***Types of businesses are continuously changing to serve the needs of the greater population. This amendment will bring the Zoning Ordinance current with uses approved by the State and consistent with communities within the region.***

5. The need for the zoning text amendment.

***The text amendment will bring the ordinance up to date with current business trends.***


6. Whether or not the proposed text amendment, if adopted, will require other provisions of this Ordinance to be changed or modified and, if so, the way in which the Ordinance will have to be further modified and amended.

***The amendment will require modifications associated with such use previously restricted to medical. Such amendment will also require modifications to the City Code, permitting such business establishment, Chapter 5.76 of the Municipal Code.***

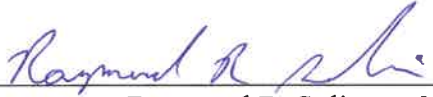


PASSED THIS 17<sup>TH</sup> DAY OF OCTOBER, 2022.

	Aye	Nay	Absent	Abstain
Alderman John Vershay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Scott Dyke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderwoman Claudia Gazal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Darrell Jefferson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderperson Tina Oberlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Mark Cipiti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Nate Albert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Joe Kubal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Raymond R. Soliman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

  
Christine Vershay-Hall, City Clerk

APPROVED THIS 17<sup>TH</sup> DAY OF OCTOBER, 2022.

  
Raymond R. Soliman, Mayor

ATTEST:

  
Christine Vershay-Hall, City Clerk