



PLANNING & ZONING COMMISSION

TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (Prepared by Leah Allison)
DATE: October 3, 2019
CASE NO: PZ 19-K

REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code relating to Adult Use Cannabis.

SUMMARY OF PROPOSAL

On January 1, 2020, recreational use of cannabis will become legal in the State of Illinois. The law allows adults over the age of 21 to purchase certain amounts of cannabis. The law prohibits the use of cannabis in the following instances:

- Any public place, such as streets or parks
- Any motor vehicle
- On school grounds (except medical users)
- Near someone under the age of 21
- Near an on-duty school bus driver, police officer, firefighter or corrections officer
- On private property at the discretion of any person, business or landlord

Staff has prepared an ordinance that allows for the cultivation and sale of adult use (recreational) cannabis, in addition to the already allowed medical cannabis.

The ordinance proposes the following regulations:

Type	Zoning District Permitted Use	Zoning District Special Use	Comment
Medical/Adult Use Cannabis Dispensary	I1, I2 and I3, and Warehouse Form District	CN, C1, CG, C2, and B1	Currently prohibited in all Form Districts.
Medical/Adult Use Cannabis Cultivation Center	I1, I2 and I3, and Warehouse Form District	A1	Currently a special use in I1, I2, and I3, and prohibited in all Form Districts.
Craft Grower	I1, I2 and I3, and Warehouse Form District	CN, C1, CG, C2, and B1	New use. Limited to 5,000 sq. ft. in size in commercial districts and 14,000 sq. ft. for industrial districts. May be accessory to a dispensary.
Infuser	I1, I2 and I3, and Warehouse Form District	None	New use. May be accessory to a dispensary.
Processor	I1, I2 and I3, and Warehouse Form District	None	New use. May be accessory to a dispensary.

DEVELOPMENT REVIEW BOARD RECOMMENDATION

The Development Review Board recommends approval of the request

ATTACHMENT

Ordinance

**AN ORDINANCE AMENDING APPENDIX A THE UNIFIED DEVELOPMENT CODE
OF THE CITY OF PEORIA RELATING TO ADULT USE CANNABIS**

WHEREAS, the City of Peoria is a home rule municipality pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, as a home rule municipality, the City may exercise any power and perform any function pertaining to its government and affairs including zoning regulations and uses; and

WHEREAS, the City of Peoria desires to amend Appendix A, the Unified Development Code;

NOW, AND THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS AS FOLLOWS:

Section 1: Appendix A of the Peoria City Code, being Ordinance No. 17,403 as adopted on October 11, 2016, is hereby amended by deleting the following stricken words and adding the following underlined words:

5.0 PERMITTED LAND USES

5.2 PERMITTED USE TABLE

5.2.2 Permitted Use Table

KEY:		Blank cell = Not Permitted																■ = Permitted				□ = Special Use			Use Performance Standard
USE CATEGORY	SPECIFIC USE	A1	P1	RE	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	N1	CN	C1	CG	C2	B1	I1	I2	I3		
COMMERCIAL		A1	P1	RE	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	N1	CN	C1	CG	C2	B1	I1	I2	I3		
Indoor Recreation (see 5.6.4.A)	All indoor recreation, except as listed below:													□		■	■	■	■	■	■	■	■		
	Auditorium, arena, stadium (indoor)																□	□	■	■	■	■	■		
	Convention Center																				■				
	Indoor Shooting Range																		□	□	□	□	□	□	
Office (see 5.6.4.B)	All offices														■	■	■	■	■	■	■	■	■		
Outdoor Recreation (see 5.6.4.C)	All outdoor recreation, except as listed below:	□		□	□	□	□	□	□	□	□	□					□	□	□	□	□	□	□		
	Outdoor Shooting Range																			□		□	□		

	Manufactured housing sales																						■	■	■	
	Microbrewery/Craft Distillery																						■	■	■	5.3.3I
	Neighborhood Store (existing)				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															5.3.3E
	Post Office							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			■	■	■	■	■	■	■	■	■	■	■	
	Pawnshop																						■	■	■	
	School for the Arts	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			■	■	■	■	■	■	■	■	■	■	■	
	Shopping Center																■	■	■							5.3.3J
	Tattoo, Palmist, Psychic or Medium, Massage parlor																						<input type="checkbox"/>	■	■	
	Vehicle parts and accessories																						■	■	■	
Self-Service Storage (see 5.6.4.H)	Warehouse, self-service, mini-storage																						<input type="checkbox"/>	■	■	5.3.3F
	Warehouse, indoor multi-story																						<input type="checkbox"/>	■	■	5.3.3F
Vehicle Sales and Service (see 5.6.4.I)	All Vehicle Repair, Sales & Service, except as listed below:																						<input type="checkbox"/>	<input type="checkbox"/>	■	5.3.3G
	Full- or Self-Service Vehicle Wash																						<input type="checkbox"/>	■	■	5.3.3G
Water-Oriented (see 5.6.4.J)	All water-oriented																						■	■	■	
INDUSTRIAL		A1	P1	RE	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	N1	CN	C1	CG	C2	B1	I1	I2	I3			
Wholesale Trade (see 5.6.5.A)	All wholesale trade																						<input type="checkbox"/>	■	■	
Light Industrial (see 5.6.5.B)	All light industrial, except as listed below:																						<input type="checkbox"/>	■	■	
	Beverage Manufacturing																						<input type="checkbox"/>	■	■	

Principal Uses	Accessory Uses	Uses Not Included
appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, computer supplies, convenience goods, dry goods, electronic equipment, fabric, flowers, fruits, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vegetables, videos, and related products Auction room, auction house, art or photo studio, gallery Butcher, baker, pawnshop Medical/Adult Use cannabis dispensary Convenience store with gas pumps, gas station Convenience store without gas pumps Greenhouse or nursery, commercial, garden center, outdoor retail sales, flea market, farmers market, vehicle parts and accessories Microbrewery/craft distillery providing onsite retail Wholesale club Service-Oriented Bank, animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy day care Catering establishment, small-scale Cleaning establishment, small-scale Convenience Cash Businesses Dry-cleaning or laundry drop-off facility, laundromat, cleaning, pickup station, coin operated pickup station Funeral home or mortuary, undertaking establishment Hair, nail, tanning, massage therapy and personal care service, barber or beauty shop Photocopy, blueprint, package shipping and quick-sign service, printing and publishing Photoengraving, post office, travel, ticket agency School for the Arts Security service, taxidermist Tattoo shop, palmist, psychic, medium, massage parlor Urgent care or emergency medical office Repair-Oriented Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair, tailor, milliner, upholsterer, seamstress Gunsmith, locksmith	Drive-thru facility Food preparation or dining area On-site day care where children are cared for while parents or guardians are occupied on the premises Repackaging of goods for on-site sale Storage of goods <u>Cannabis craft grower 5,000 sq. ft. in size or less, infuser, or processor</u>	Indoor Entertainment) Catering establishment (see Retail Sales and Service or Light Industrial) Crematorium (see Light Industrial) Drop-in child care center (see Day Care) Full- or self-service vehicle wash (see Vehicle Sales and Service) Indoor entertainment activity such as pool hall, bowling alley, game arcade (see Indoor Recreation) Laundry or dry-cleaning plant (see Light Industrial) Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park (see Outdoor Recreation) Pizza delivery facility; restaurant, fast-food restaurant, take-out, yogurt or ice cream shop, restaurant with sale of alcoholic beverages, brew pub, restaurant, drive-in (see Restaurant) Vehicle sales, repair or service (see Vehicle Sales and Service) Wholesale of food, clothing, auto parts, building hardware, wholesale display, wholesale establishment (see Wholesale Trade)

5.6.5 Industrial Use Categories

A. Wholesale Trade

Firms or individuals involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.

Principal Uses	Accessory Uses	Uses Not Included
Mail-order house Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies	Associated office Food preparation or dining area Minor fabrication services On-site day care where children	Earth moving and heavy construction and transportation equipment (see Heavy Industrial)

Principal Uses	Accessory Uses	Uses Not Included
janitorial supplies, restaurant equipment, and store fixtures Wholesale of food, clothing, auto parts, building hardware Wholesale display Wholesale establishment	are cared for while parents or guardians are occupied on the premises Repackaging of goods Warehouse	Retail or wholesale sales of agriculturally-related supplies and equipment (see Agriculture) Vehicle parts sale as a principal use (see Retail Sales and Service)

B. Light Industrial

Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal Uses	Accessory Uses	Uses Not Included
Armory, brewery, microbrewery/craft distillery, winery, bottling plant, bulk mailing service, catering establishment, large-scale, movie production facility <u>Cannabis cultivation center, craft grower, infuser or processor</u> Clothing, textile or apparel manufacturing, boot and shoe manufacturing, garment factory Contractors storage (indoor/outdoor) including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site, lawn, tree or garden service Crematorium, detention center, jail, prison Laundry, dry-cleaning, and carpet cleaning plants, cleaning establishment, large-scale, diaper service, linen supply Leather and leather products except tanning and finishing, felt and fiber articles Light manufacturing or assembly of equipment, instruments, or goods including musical instruments, appliances, bedding, coated-ware, medical/dental goods, orthopedic, medical appliances, precision items, optical goods, surgical products, sporting goods, office and art supplies, pottery, ceramics, electrical equipment/items, glass products, paper products (except pulp mills) printing, publishing, and lithography, production of artwork and toys, sign-making, metal products, rope, cord, twine manufacture Repair of scientific or professional instruments, electric motors, electrical and refrigeration equipment, research, testing, and development laboratory Stone, clay, concrete products Storage area used for manufacturing Trade school, heavy equipment, truck operators Welding, machine, tool repair shop, sheet metal shop, tool, die, and gauge manufacturing, metal stamping Woodworking, including cabinet makers and furniture manufacturing, lumberyard and wood products	Accessory medical clinic Associated office Food preparation or dining area On-site day care where children are cared for while parents or guardians are occupied on the premises Employee recreational facility On-site repair facility Residential unit for security purposes (single unit) Retail or wholesale sales of goods manufactured on-site	Dredging, earth extraction, clearing or grading (timber cutting), extraction of phosphate or minerals, extraction of sand or gravel, borrow pit, metal, sand stone, gravel clay, mining and other related processing, stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction) Recycling facility including recyclable material storage, including construction material (see Waste-Related Service) Outdoor storage yard (see Warehousing and Distribution) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering establishments (see Retail Sales and Service)

C. Warehouse and Distribution

Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Principal Uses	Accessory Uses	Uses Not Included
Freight, distribution facility, parcel service Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store Bus barn Cannabis cultivation center Cartage and express facility Postal distribution facility Commercial packing for fruits and vegetables Drop yard Outdoor storage yard Railroad switching yard, freight terminal, piggyback yard Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred Truck or motor freight terminal, service facility Warehouse, distribution facility	Associated office Food preparation or dining area On-site day care where children are cared for while parents or guardians are occupied on the premises Employee recreational facility Outdoor storage yard Residential unit for security purposes (single unit) Truck fleet parking and maintenance area	Bulk storage of flammable liquids (see Heavy Industrial) Warehouse, self-service, mini-storage Warehouse, indoor multi-story (see Self-Service Storage) Solid or liquid waste transfer station (see Waste-Related Service)

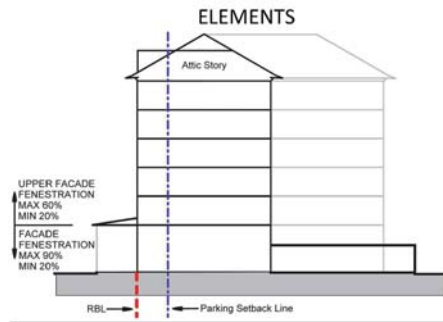
D. Heavy Industrial

Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited.

Principal Uses	Accessory Uses	Uses Not Included
Asbestos and radioactive materials products Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause Animal processing, packing, treating, and storage, livestock or poultry slaughtering, animal slaughter, stockyards, concentrate plant, processing of food and related products, production of lumber, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, batch plant Bulk storage of flammable liquids Cannabis cultivation center Chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products Commercial feed lot Concrete batching and asphalt processing and manufacture, batch plant Earth moving and heavy construction equipment and transportation equipment Explosives Gypsum manufacture, linoleum manufacturing Fabricated metal products and machinery Foundry, forge plant Impound lot, wrecker service includes city wreckers, auto storage, automobile dismantlers and recyclers, wrecking, junk or salvage yard Leather and leather products includes tanning and finishing Petroleum, liquefied petroleum gas and coal products and refining Primary metal manufacturing, electroplating, graphite Pulp mills	Associated office Food preparation or dining area Product repair Repackaging of goods Warehouse, storage Residential Unit for Security purposes (single unit)	Animal waste processing (see Waste-Related Service) Dredging, earth extraction, clearing or grading (timber cutting), extraction of phosphate or minerals, extraction of sand or gravel, borrow pit, metal, sand stone, gravel clay, mining and other related processing, stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction) Recycling facility including recyclable material storage, including construction material (see Waste-Related Service) Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service)

Principal Uses	Accessory Uses	Uses Not Included
Rubber and plastic products, rubber manufacturing Scrap metal processors Sawmill, pulp mill Secondary materials dealers Tire recapping Tobacco products Transportation equipment		

B. Warehouse District - General



1. Windows and Doors

- a. Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.
- b. Windows and Doors on the ground story façades shall comprise at least 20%, but not more than 90%, of the façade area (measured as a percentage of the façade between floor levels).
- c. Windows and Doors on the upper story façades shall comprise at least 20%, but no more than 60%, of the façade area per story (measured as a percentage of the façade between floor levels).

2. Building Projections

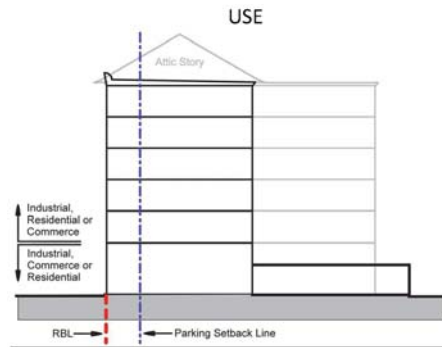
- a. Balconies and stoops shall not project closer than 5 feet to a common lot line.
- b. No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the code, shall encroach beyond the required building line.
- c. Awnings shall project a minimum of 4 feet and a maximum of within 1 foot of back of curb (where there are no street trees) or 1 foot into the tree lawn (where there are street trees.)
- d. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 7 feet except as otherwise provided for signs, street lighting and similar appurtenances.
- e. Awnings may have supporting posts at their outer edge provided that they:
 - f. Have a minimum of 8 feet clear width between the façade and the support posts or columns of the awning.
 - g. Provide for a continuous public access easement at least 6 feet wide running adjacent and parallel to the awning columns/posts.

3. Doors/Entries

- a. Functioning entry door(s) shall be provided along ground story façades at intervals not greater than 75 linear feet.
- b. Each ground story residential unit shall have direct access to the street-space.

4. Street Walls

A vehicle entry gate no wider than 20 feet or a pedestrian entry gate no wider than 6 feet shall be permitted within any required street wall.



5. Ground Story

The ground story shall house commerce, industrial or residential uses. See Height specifications above for specific requirements unique to each use.

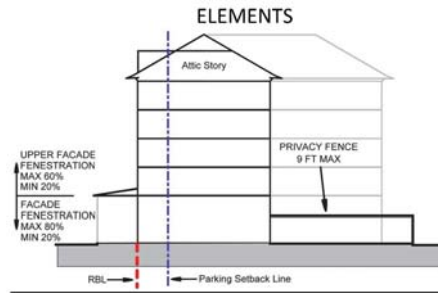
6. Upper Stories

- a. The upper stories shall house commerce, industrial or residential uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.
- b. Additional habitable space is permitted within the roof where the roof is configured as an attic story.

7. Permitted Uses

- a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in [Section 5.6](#).
- b. Commerce uses shall be considered to encompass all of the Commercial use categories, ~~except medical cannabis dispensaries~~, and all of the Civic use categories except passenger terminals, solar utility facilities, and social service institutions, as defined in [Section 5.6](#).
- c. Industrial uses shall be considered to encompass all of the Industrial use categories except the heavy industrial and waste-related services, as defined in [Section 5.6](#).
- d. Use Standards as stated in [Section 5.3](#) shall be applicable.

D. Warehouse District - Local



1. Windows and Doors

- a. Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.
- b. Windows and Doors on the ground story façades shall comprise at least 20%, but not more than 80%, of the façade area (measured as a percentage of the façade between floor levels).
- c. Windows and Doors on the upper story façades shall comprise at least 20%, but no more than 60%, of the façade area per story (measured as a percentage of the façade between floor levels).

2. Building Projections

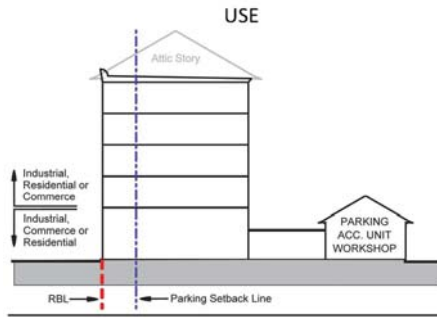
- a. Balconies and stoops shall not project closer than 5 feet to a common lot line.
- b. No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the Code, shall encroach beyond the required building line.
- c. Awnings shall project a minimum of 4 feet and a maximum of within 1 foot of back of curb (where there are no street trees) or 1 foot into the tree lawn (where there are street trees).
- d. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 7 feet except as otherwise provided for signs, street lighting and similar appurtenances.
- e. Awnings may have supporting posts at their outer edge provided that they:
 - f. Have a minimum of 8 feet clear width between the façade and the support posts or columns of the awning.
 - g. Provide for a continuous public access easement at least 6 feet wide running adjacent and parallel to the awning columns/posts.

3. Doors/Entries

- a. Functioning entry door(s) shall be provided along ground story façades at intervals not greater than 75 linear feet.
- b. Each ground story unit shall have direct access to the street.

4. Street Walls

A vehicle entry gate no wider than 20 feet or a pedestrian entry gate no wider than 6 feet shall be permitted within any required street wall.



5. Ground Story

The ground story shall house commerce, industrial or residential uses. See Height specifications above for specific requirements unique to each use.

6. Upper Stories

- a. The upper stories shall house commerce, industrial or residential uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.
- b. No commerce or industrial use is permitted above a residential use.
- c. Additional habitable space is permitted within the roof where the roof is configured as an attic story.

7. Permitted Uses

- a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in [Section 5.6](#).
- b. Commerce uses shall be considered to encompass all of the Commercial use categories, ~~except medical cannabis dispensaries~~, and all of the Civic use categories except passenger terminals, solar utility facilities, and social service institutions, as defined in [Section 5.6](#).
- c. Industrial uses shall be considered to encompass all of the Industrial use categories except waste-related services and animal processing, as defined in [Section 5.6](#).
- d. Use Standards as stated in [Section 5.3](#) shall be applicable.

10.0 DEFINITIONS

10.3 DEFINED TERMS

Adult-Use Cannabis: For all definitions see State of Illinois Compiled Statutes.

Section 2. This Ordinance shall be in full force immediately and upon passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS

_____ DAY OF _____, 2019

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel