

ORDINANCE NO. 17,179

**ORDINANCE AMENDING APPENDIX C OF THE CODE OF THE CITY OF PEORIA
RELATING TO MEDICAL CANNABIS DISPENSARY**

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 permit the use of a Medical Cannabis Dispensary as a special use in specific zoning districts;

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

Section 1: Appendix C of the Peoria City Code, being Ordinance No. 16,121 as adopted on June 12, 2007, and thereafter amended, is hereby amended by 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			□ = Subject to Special Use Review			Use Standard
USE CATEGORY	SPECIFIC USE	R1	R2	R3	R4	R6	R7	R8	CN	CG	B1	N1	P1	I1	I2	I3			
COMMERCIAL	All retail sales and service, except as listed below:										■	■	■						
	Animal Hospital, Veterinary Clinic, Pet Clinic										■	■	■			■		5.3.3A	
	Animal Boarding, Animal Shelter, Kennel, Doggy Day Care										■	■	■			■		5.3.3A	
	Art or photo studio, gallery				□	□	□	□			■	■	■			■			
	<u>Medical Cannabis Dispensary</u>										□	□	□						
	Convenience Cash Businesses										□	■	■					5.3.3H	
	Convenience store with gas pumps, Gas station										■	■	■			□		5.3.3C	
	Convenience store without gas pumps	□	□	□	□	□	□	□			■	■	■						
	Farmers Market										□	□	□					5.3.3D	
	Funeral Home or Mortuary, Undertaking Establishment	□	□	□	□	□	□	□			■	■	■						
	Greenhouse or Nursery, Commercial										■					■			
	Microbrewery/Craft Distillery										■	■						5.3.3I	
	Neighborhood Store (existing)	□	□	□	□	□	□	□										5.3.3E	
	Post Office				□	□	□	□			■	■	■			□			
	Pawnshop										■	■				■			
	School for the Arts	□	□	□	□	□	□	□			■	■	■	■		■			
	Tattoo, Palmist, Psychic or Medium, Massage parlor										□	■							
	Vehicle parts and accessories										■	■				■			
All retail sales and service, except as listed below:										■	■	■							
Animal Hospital, Veterinary Clinic, Pet Clinic										■	■	■			■		5.3.3A		
Animal Boarding, Animal Shelter, Kennel, Doggy Day Care										■	■	■			■		5.3.3A		

5.6.4 Commercial Use Categories

G. Retail Sales and Service

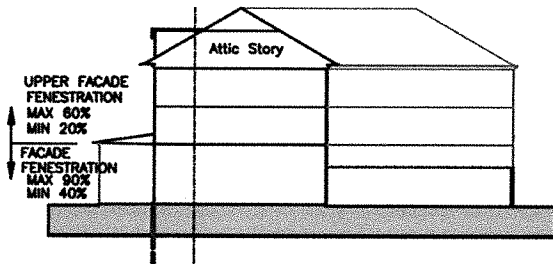
Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

Principal Uses	Accessory Uses	Uses Not Included
<p>Sales-Oriented Store selling, leasing or renting consumer, home, and business goods including but not limited to alcoholic beverages, antiques, 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 <u>Medical Cannabis Dispensary</u> 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</p>	<p>Associated office Automatic one bay car wash facility 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</p>	<p>Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment, open air café (see 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)</p>
<p>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</p>		
<p>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</p>		

6.0 - FORM DISTRICTS

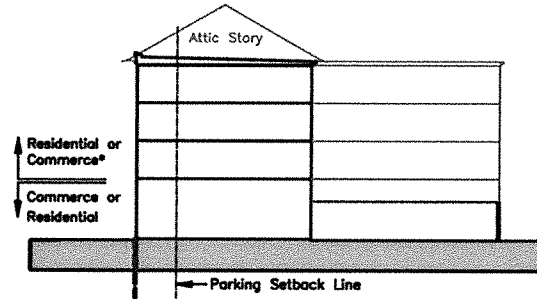
• 6.2 - SHERIDAN TRIANGLE

B. Sheridan Triangle - Neighborhood Center
ELEMENTS



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 facades shall comprise at least 40%, but not more than 90%, of the facade area (measured as a percentage of the facade between floor levels).
 - c. Windows and Doors on the upper story facades shall comprise at least 20%, but no more than 60%, of the facade area per story (measured as a percentage of the facade 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 10 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 facade and the support posts or columns of the awnings.
 - g. Provide for a continuous public access easement at least 4 feet wide running adjacent and parallel to the sidewalk cover columns/posts
3. **Doors/Entries**
Functioning entry door(s) shall be provided along ground story facades at intervals not greater than 60 linear feet.
4. **Street Walls**
A vehicle entry gate no wider than 18 feet or a pedestrian entry gate no wider than 6 feet shall be permitted within any required street wall.

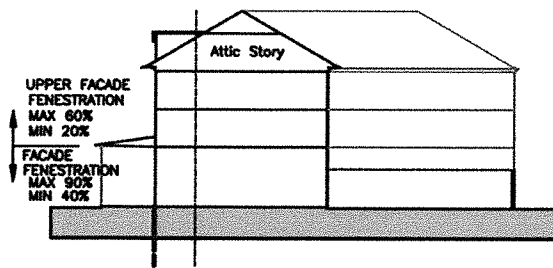
USE



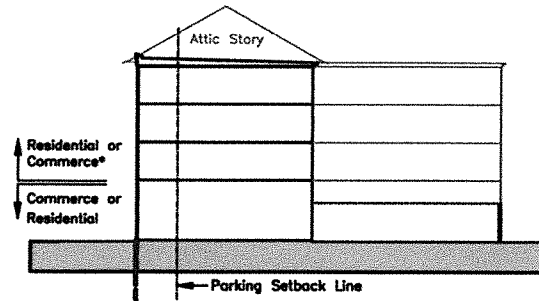
5. **Ground Story**
The ground story shall house commerce or residential uses. See Height specifications above for specific requirements unique to each use.
6. **Upper Stories**
 - a. The upper stories shall house residential or commerce uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.
 - b. No commerce 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 Article 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 and social service institutions, as defined in Article 5.6.
 - c. Use Standards as stated in Section 5.3 shall be applicable.

B. Prospect Road - Neighborhood Center

ELEMENTS



USE



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 facades shall comprise at least 40%, but not more than 90%, of the facade area situated between 2 and 10 feet above the adjacent public sidewalk on which the facade fronts.
- c. Windows and Doors on the upper story facades shall comprise at least 20%, but not more than 60%, of the facade area per story (measured as a percentage of the facade 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 10 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 facade and the support posts or columns of the awnings.
 - g. Provide for a continuous public access easement at least 4 feet wide running adjacent and parallel to the sidewalk cover columns/posts

3. Doors/Entries

Functioning entry door(s) shall be provided along ground story facades at intervals not greater than 60 linear feet.

4. Street Walls

A vehicle entry gate no wider than 18 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 or residential uses. See Height specifications above for specific requirements unique to each use.

6. Upper Stories

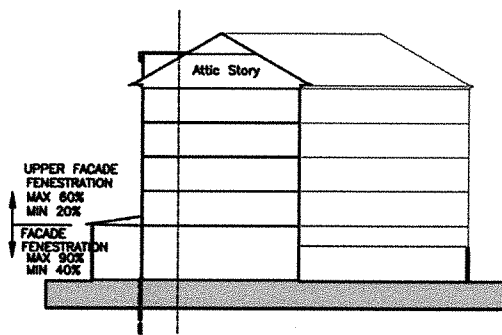
- a. The upper stories shall house residential or commerce uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.
- b. No commerce use is permitted above a residential use.
- c. Additional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

7. Permitted Uses

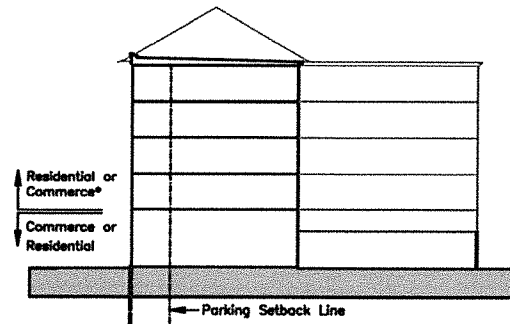
- a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Article 5.6.
- b. Commerce uses shall be considered to encompass all of the Commercial use categories, except medical cannabis dispensaries, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Article 5.6.
- c. Use Standards as stated in Section 5.3 shall be applicable.

B. West Main - Neighborhood Center

ELEMENTS



USE



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 facades shall comprise at least 40%, but not more than ninety 90%, of the facade (measured as a percentage of the facade between floor levels).
- c. Windows and Doors on the upper story facades shall comprise at least twenty 20%, but no more than 60%, of the facade area per story (measured as a percentage of the facade 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 10 feet.
- e. Awnings may have supporting posts at their outer edge provided that they:
 - f. Have a minimum of 8 feet clear width between the Facade and the support posts or columns of the awnings.
 - g. Provide for a continuous public access easement at least 4 feet wide running adjacent and parallel to the awning columns/posts.

3. Doors/Entries

At least one functioning entry door(s) shall be provided along the ground story facade of each building and at intervals not greater than 60 linear feet.

4. Street Walls

A vehicle entry gate no wider than 18 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 or residential uses. See height specifications above for specific requirements unique to each use.

6. Upper Stories

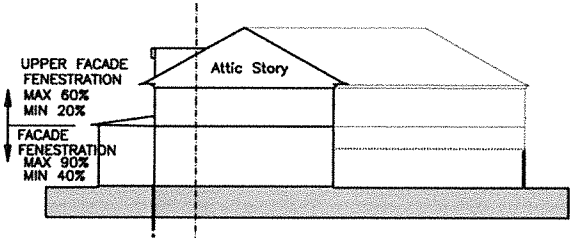
- a. The upper stories shall house residential or commerce uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.
- b. No commerce use is permitted above a residential use.
- c. Additional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

7. Permitted Uses

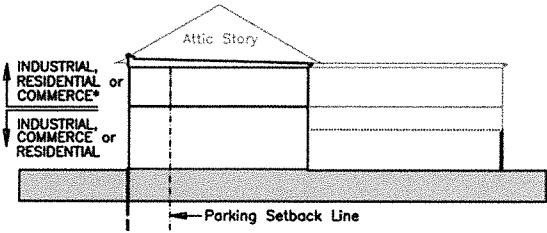
- a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Article 5.6.
- b. Commerce uses shall be considered to encompass all of the Commercial use categories, except medical cannabis dispensaries, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Article 5.6.
- c. Use Standards as stated in Section 5.3 shall be applicable.

D. West Main – Local Commerce

ELEMENTS



USE



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 facades shall comprise at least twenty 20%, but not more than 80%, of the facade area (measured as a percentage of the facade between floor levels).
- c. Windows on the upper story facades shall comprise at least 20%, but no more than 60%, of the facade area per story (measured as a percentage of the facade 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 10 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 facade 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 facades 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 18 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

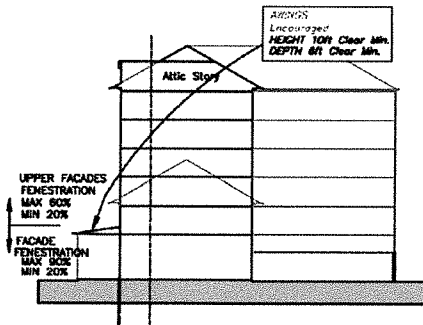
- a. The upper stories shall house commerce, industrial or residential uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.
- b. No commerce or industrial use is permitted above a residential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

7. Permitted Uses

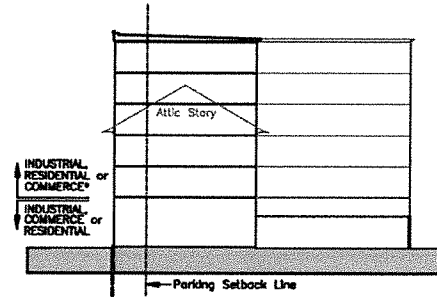
- a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Article 5.6.
- b. Commerce uses shall be considered to encompass all of the Commercial use categories, except medical cannabis dispensaries, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Article 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 Article 5.6.
- d. Use Standards as stated in Section 5.3 shall be applicable.

B. Warehouse District – General

ELEMENTS



USE



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 facades shall comprise at least 20%, but not more than 90%, of the facade area (measured as a percentage of the facade between floor levels).
 - c. Windows and Doors on the upper story facades shall comprise at least 20%, but no more than 60%, of the facade area per story (measured as a percentage of the facade 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 10 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 facade 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 facades 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**

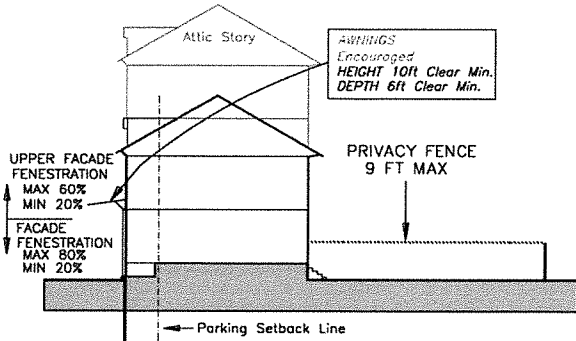
A vehicle entry gate no wider than 18 feet or a pedestrian entry gate no wider than 6 feet shall be permitted within any required street wall.

5. **Ground Story**

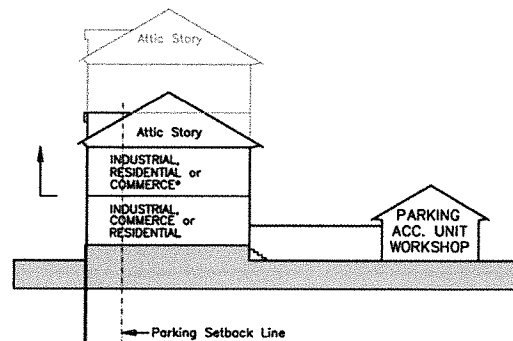
The ground story shall house commerce, industrial or residential uses. See Height specifications above for specific requirements unique to each use.
6. **Upper Stories**
 - a. The upper stories shall house commerce, industrial or residential uses. No restaurant or retail sales uses shall be allowed in 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 Article 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 and social service institutions, as defined in Article 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 Article 5.6.
 - d. Use Standards as stated in Section 5.3 shall be applicable.

D. Warehouse District - Local

ELEMENTS



USE



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 facades shall comprise at least twenty 20%, but not more than 80%, of the facade area (measured as a percentage of the facade between floor levels).
- c. Windows and Doors on the upper story facades shall comprise at least 20%, but no more than 60%, of the facade area per story (measured as a percentage of the facade 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 10 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 facade 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 facades 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 18 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 Article 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 and social service institutions, as defined in Article 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 Article 5.6.
- d. Use Standards as stated in Section 5.3 shall be applicable.

Section 2. Nothing in this Ordinance shall be construed to allow the production, sale, or consumption of cannabis for anything other than a legally authorized medical use. For purposes of this Ordinance "medical use" means the acquisition; administration; delivery; possession; transfer; transportation; or use of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

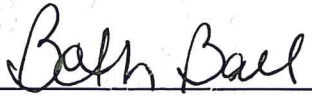
Section 3. This Ordinance is scheduled to be repealed on January 1, 2018 in accordance with the Illinois State Statute.

Section 4. This Ordinance shall be in full force immediately and upon passage and approval according to law.

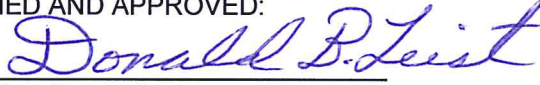
PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS
9th DAY OF DECEMBER, 2014.

APPROVED:


Mayor

ATTEST:


City Clerk

EXAMINED AND APPROVED:


Corporation Counsel