

**Village of Forest Park
Memorandum**

TO: Zoning and Planning Commission

FROM: Steve Glinke, Director of Building, Planning and Zoning

SUBJECT: ZPC 2022-03: Amending Section 9-4C-2 "Conditional Use Regulations" to remove adult use cannabis dispensing organizations in the DBD (Downtown Business District) as a conditional use and Amend Section 9-4C-1 "Use Regulations" to allow adult use cannabis dispensing organizations as a permitted use.

Petitioner: Village of Forest Park

Request approval of a text amendment to Title 9 Article C Downtown Business District to strike "Adult Use Cannabis Dispensing Organization" from the Conditional Use Regulations (9-4C-2) and place it in 9-4C-1 "Use Regulations" thereby making such uses a permitted use in the DBD.

The code currently reads:

9-4C-2: CONDITIONAL USE REGULATIONS:

The following conditional uses may also be permitted by the Village Council in accordance with the procedures specified in this title. Application for conditional use is to be made to the Zoning Board of Appeals, and after public notice and hearing on the petition according to law, the Board shall refer the petition with such recommendations as it may make to the Village Council for its action, all in accordance with the procedure specified in chapter 10 of this title.

Adult Use Cannabis Dispensing Organization in compliance with the State of Illinois Cannabis Regulation and Tax Act and meeting the parking requirement of Chapter 8 of this title.

Animal boarding, anywhere west of Des Plaines Avenue, provided this service is operated in conjunction with a related retail use.

Animal daycare, anywhere west of Des Plaines Avenue, provided this service is operated in conjunction with a related retail use.

Animal grooming, anywhere west of Des Plaines Avenue, provided this service is operated in conjunction with a related retail use.

Automobile oriented uses and facilities, including car washes and drive-in and drive-through facilities, where services and/or products are provided directly to customers/clients in motor vehicles, except within fifty feet (50') of the Madison Street right-of-way.

Bed and breakfast inns and hotels.

Brewpub restaurant, as authorized by [title 3, chapter 3](#) of this Code.

Mortuaries.

Publicly owned parks and playgrounds.

Tutorial centers. (Ord. O-71-09, 12-14-2009; amd. Ord. O-29-11, 9-26-2011; Ord. O-18-12, 5-14-2012; Ord. O-25-19, 8-26-2019; Ord. O-02-20, 1-13-2020)

And would be replaced with:

9-4C-2: CONDITIONAL USE REGULATIONS:

The following conditional uses may also be permitted by the Village Council in accordance with the procedures specified in this title. Application for conditional use is to be made to the Zoning Board of Appeals, and after public notice and hearing on the petition according to law, the Board shall refer the petition with such recommendations as it may make to the Village Council for its action, all in accordance with the procedure specified in chapter 10 of this title.

~~Adult-Use Cannabis Dispensing Organization, in compliance with the State of Illinois Cannabis Regulation and Tax Act and meeting the parking requirement of chapter 8 of this title.~~

Animal boarding, anywhere west of Des Plaines Avenue, provided this service is operated in conjunction with a related retail use.

Animal daycare, anywhere west of Des Plaines Avenue, provided this service is operated in conjunction with a related retail use.

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The code currently reads:

9-4C-1: USE REGULATIONS:

In the DBD District, no building or land shall be used and no building shall be hereafter erected, converted, enlarged or structurally altered, except for one or more of the following uses. The following named uses shall be deemed to include those uses or buildings in general keeping with, and appropriate to, the uses hereinafter specified:

Accessory buildings and uses customarily incident to the following uses, including a sign or bulletin board relating only to services, articles and products offered within the building, subject to the B-1 and B-2 sign regulations.

Antique store.

Art gallery.

Artist studio.

Bakery.

Collectibles store.

Dance studio, not greater than two thousand five hundred (2,500) square feet.

Dry cleaner, no cleaning on premises.

Dwelling unit above ground floor retail, provided that no such dwelling unit may be less than eight hundred (800) square feet.

Financial institution.

Fitness center, not greater than two thousand five hundred (2,500) square feet.

Florist.

Government office, not exceeding two thousand five hundred (2,500) square feet.

Home occupation.

Incubator kitchen, subject to the following conditions:

A. Single Owner: The facility must be owned by a single person or entity and may not have multiple owners.

B. Owner License Required: No facility may be established without all licenses as required by this Code.

C. Multiple-Use By Rental Only: If the facility will be used at any time by persons or entities other than the owner of the facility, then that use must be by a written rental agreement.

D. User License Required: No person or entity may rent or use a shared kitchen facility without all licenses as required by this Code.

Interior designer.

Locksmith.

Massage establishment, as defined and subject to compliance with all regulations pertaining to massage establishments in section [3-7-2](#) of this Code.

Music instruction, incidental to retail music stores, or not greater than two thousand five hundred (2,500) square feet.

Personal grooming services, provided that no such business is located within five hundred feet (500') of another business providing personal grooming services in conformance with subsection 9-4C-5C of this article, except that the five hundred foot (500') separation shall not be required if personal grooming services are conducted in addition to a permitted retail store, Downtown Business District (DBD), in compliance with all of the following requirements:

A. The personal grooming services and the retail store must be under the same property and business ownership;

B. The combined space for the retail store and the area used for personal grooming services shall not be greater than three thousand seven hundred fifty (3,750) square feet;

C. A minimum of one thousand six hundred (1,600) square feet of contiguous space shall be used solely for retail sales;

D. No part of the area used for personal grooming services may be located within sixty feet (60') of the Madison Street right-of-way.

Postal, mailing and small office services shops not greater than two thousand five hundred (2,500) square feet, that provide copying, mailing, printing or other similar services.

Professional uses as such term is defined in section [9-1-5](#) of this title, anywhere east of Des Plaines Avenue except on the first floor (grade level) within fifty feet (50') of the Madison Street right-of-way.

Professional uses as such term is defined in section [9-1-5](#) of this title, anywhere west of Des Plaines Avenue.

Public or semipublic parking structure not exceeding fifty feet (50') in height with street level retail no less than sixty percent (60%) of the linear front lot line footage.

Realtor.

Restaurants.

"Retail store, Downtown Business District (DBD)", including such stores with classes associated with the primary use as defined in section [9-1-5](#) of this title.

Self-defense studio, not greater than two thousand five hundred (2,500) square feet.

Shared office space.

Shoe repair.

Tailor.

"Temporary parking lot", as defined and regulated by title 3 of this Code.

Wine merchant. (Ord. O-71-09, 12-14-2009; amd. Ord. O-19-10, 5-10-2010; Ord. O-33-13, 12-16-2013; Ord. O-04-15, 1-26-2015; Ord. O-06-17, 2-27-2017; Ord. O-15-17, 6-12-2017; Ord. O-12-19, 4-8-2019; Ord. O-25-19, 8-26-2019)

And would be replaced with:

9-4C-1: USE REGULATIONS:

In the DBD District, no building or land shall be used and no building shall be hereafter erected, converted, enlarged or structurally altered, except for one or more of the following uses. The following named uses shall be deemed to include those uses or buildings in general keeping with, and appropriate to, the uses hereinafter specified:

Accessory buildings and uses customarily incident to the following uses, including a sign or bulletin board relating only to services, articles and products offered within the building, subject to the B-1 and B-2 sign regulations.

Antique store.

Art gallery.

Artist studio.

Bakery

Adult-Use Cannabis Dispensing Organization, in compliance with the State of Illinois Cannabis Regulation and Tax Act and meeting the parking requirement of chapter 8 of this title.

Collectibles store.

Dance studio, not greater than two thousand five hundred (2,500) square feet.

Dry cleaner, no cleaning on premises.

Dwelling unit above ground floor retail, provided that no such dwelling unit may be less than eight hundred (800) square feet.

Financial institution.

Fitness center, not greater than two thousand five hundred (2,500) square feet.

Florist.

Government office, not exceeding two thousand five hundred (2,500) square feet.

Home occupation.

Incubator kitchen, subject to the following conditions:

A. Single Owner: The facility must be owned by a single person or entity and may not have multiple owners.

B. Owner License Required: No facility may be established without all licenses as required by this Code.

C. Multiple-Use By Rental Only: If the facility will be used at any time by persons or entities other than the owner of the facility, then that use must be by a written rental agreement.

D. User License Required: No person or entity may rent or use a shared kitchen facility without all licenses as required by this Code.

Interior designer.

Locksmith.

Massage establishment, as defined and subject to compliance with all regulations pertaining to massage establishments in section [3-7-2](#) of this Code.

Music instruction, incidental to retail music stores, or not greater than two thousand five hundred (2,500) square feet.

Personal grooming services, provided that no such business is located within five hundred feet (500') of another business providing personal grooming services in conformance with subsection 9-4C-5C of this article, except that the five hundred foot (500') separation shall not be required if personal grooming services are conducted in addition to a permitted retail store, Downtown Business District (DBD), in compliance with all of the following requirements:

A. The personal grooming services and the retail store must be under the same property and business ownership;

B. The combined space for the retail store and the area used for personal grooming services shall not be greater than three thousand seven hundred fifty (3,750) square feet;

C. A minimum of one thousand six hundred (1,600) square feet of contiguous space shall be used solely for retail sales;

D. No part of the area used for personal grooming services may be located within sixty feet (60') of the Madison Street right-of-way.

Postal, mailing and small office services shops not greater than two thousand five hundred (2,500) square feet, that provide copying, mailing, printing or other similar services.

Professional uses as such term is defined in section [9-1-5](#) of this title, anywhere east of Des Plaines Avenue except on the first floor (grade level) within fifty feet (50') of the Madison Street right-of-way.

Professional uses as such term is defined in section [9-1-5](#) of this title, anywhere west of Des Plaines Avenue.

Public or semipublic parking structure not exceeding fifty feet (50') in height with street level retail no less than sixty percent (60%) of the linear front lot line footage.

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Background/Discussion

In 2019, the Village Council unanimously adopted text amendments to address the Illinois Cannabis Regulation and Tax Act. Dispensing organizations were approved as a permitted use in the I-1 and I-2 Districts and conditional uses in the business districts. Village staff have responded to many inquiries since that time and monitored peer communities. Allowing dispensaries in the DBD as a permitted use decreases the amount of time necessary to seek approvals and therefore more attractive to potential businesses. Given the limited licenses being allowed within the region, permitting dispensaries by right ensures that the Village of Forest Park remains competitive with surrounding municipalities.

Dispensaries remain heavily regulated under the ACT with significant operating and security requirements. The Village has had the benefit of time to monitor existing operations (e.g., Oak Park, Elmwood Park and Melrose Park) to see the benefits and requirements of permitting dispensaries.

Summary

The proposed text amendments are a proactive Village initiated action meant to improve Forest Park's competitive advantage within this market.

Should the Zoning and Planning Commission wish to recommend approval of these text amendments, a sample motion is provided herein:

Based on the information included in the staff memo and testimony provided, I move that the Zoning and Planning Commission recommend to the Village Council approval of the following text amendments:

- 1. Amendment to Section 9-4C-2 "Conditional Use Regulations" by removing the following: "Adult Use Cannabis Dispensing Organization in compliance with the State of Illinois Cannabis Regulation and Tax Act and meeting the parking requirement of Chapter 8 of this title."***
- 2. Amendment to Section 9-4C-1 "Use Regulations" by adding: "Adult Use Cannabis Dispensing Organization in compliance with the State of Illinois Cannabis Regulation and Tax Act."***