



CITY OF AURORA, ILLINOIS

ORDINANCE NO 020-014
DATE OF PASSAGE February 25, 2020

An Ordinance Approving a Text Amendment to Ordinance Number 3100, being the Aurora Zoning Ordinance to add Section 8.6-4.5 Limited but Permitted Uses to the BB Business-Boulevard District

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, WHEREAS, the City Council of the City of Aurora has determined that it is necessary and desirable to amend the Ordinance Number 3100, being the Aurora Zoning Ordinance, in order to update and improve certain Sections of said Ordinance to better carry out the purpose and intent of said Ordinance; and

WHEREAS, on February 5, 2020, the Aurora Planning Commission, after publication of notice, held a public hearing on the amendments to said Ordinance and recommended approval of the amendment attached hereto and incorporated herein and hereinafter referred to as Exhibit "A"; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this Ordinance.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

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Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: That the amendments to Ordinance Number 3100, being the Aurora Zoning Ordinance, are hereby adopted as set forth in said Exhibit "A".

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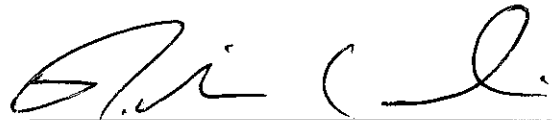
PASSED AND APPROVED ON February 25, 2020

AYES 10 NAYS 1 NOT VOTING 0 ABSENT 1

ATTEST:



City Clerk



Mayor

RECOMMENDATION

TO: THE COMMITTEE OF THE WHOLE

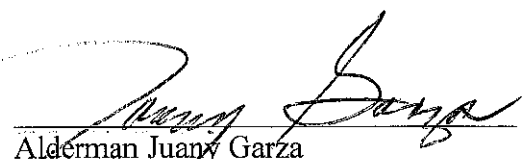
FROM: THE BUILDING, ZONING AND ECONOMIC DEVELOPMENT COMMITTEE

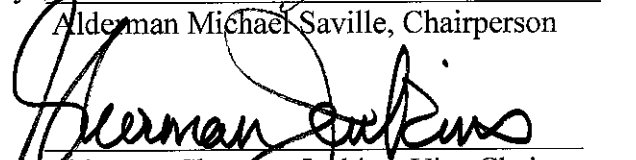
The Building, Zoning and Economic Development Committee at the regular scheduled meeting on **Wednesday, February 12, 2020** recommended **APPROVAL** of An Ordinance Approving a Text Amendment to Ordinance Number 3100, being the Aurora Zoning Ordinance to add Section 8.6-4.5 Limited but Permitted Uses to the BB Business-Boulevard District.

VOTE: 4-1

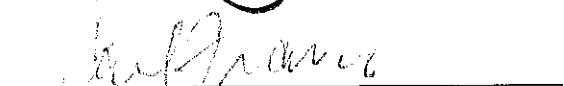
Submitted By:


Alderman Michael Saville, Chairperson


Alderman Juany Garza


Alderman Sherman Jenkins, Vice Chairperson

Alderman Robert J. O'Connor


Alderman Carl Franco

Dated this 12th day of February, 2020

8.6.4 Use Regulations

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8.6-4.5. Limited but Permitted Uses.

A. Cannabis Dispensing Facilities (2115) shall be permitted in Districts designated with Business-Boulevard (BB) zoning subject to the all of the conditions set forth in this Paragraph A. Cannabis Dispensing Facilities are not permitted in any Planned Development District (PDD) notwithstanding a district's underlying BB zoning classification.

- i. The Cannabis Dispensing Facility operates in compliance with all requirements, rules and restrictions, including without limitation, geographic location restrictions, as set forth in or adopted pursuant to the Compassionate Use of Medical Cannabis Pilot Program and the Cannabis Regulation and Tax Act or any other applicable provision of State law;
- ii. The Cannabis Dispensing Facility is located on real property which directly abuts a United States Numbered Highway or an Illinois route designated as part of the Illinois State Highway System;
- iii. The Cannabis Dispensing Facility is not located within one and one half (1 ½) miles of a pre-existing cannabis dispensing facility within the City's corporate limits. For the purposes of measurement, the setback requirement shall be determined property line to property line;
- iv. The Cannabis Dispensing Facility is not located within seven hundred and fifty (750) feet of a grade school, middle school, alternative school or high school existing at the time the permitted use authorized by this paragraph A is first established. For the purposes of measurement, the setback requirement shall be determined property line to property line;
- v. The Cannabis Dispensing Facility is not located adjacent to a licensed day care facility. For the purpose of this limitation, in the case of a standalone building "adjacent" means physically abutting the lot, or in the case of a single structure containing multiple units comprising a shopping center or similar facility, in the unit directly adjoining a unit containing the licensed day care facility;
- vi. The Cannabis Dispensing Facility does not display or keep for sale any cannabis or cannabis paraphernalia visible from outside of the premises.
- vii. The Cannabis Dispensing Facility does not display signage depicting cannabis or cannabis paraphernalia on the premises;
- viii. The Cannabis Dispensing Facility prohibits the smoking or consumption of cannabis by any means and in any form on the premises;
- ix. The Cannabis Dispensing Facility is open for business not earlier than 8 a.m. and not later than 10 p.m; and

x. The Cannabis Dispensing Facility operates in accordance with the rules and regulations applicable to all other Cannabis Dispensing Facilities located in the City, and from time-to-time provides the Zoning Administrator with any information required of similar facilities as to its business, security, maintenance, ventilation, and other procedures and state licensure.

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