

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

**RE: TEXT AMENDMENTS TO SECTIONS 4, 6, AND 9 OF THE VILLAGE OF
STICKNEY ZONING ORDINANCE – 1980 (THE “ZONING
ORDINANCE”) AND AMENDMENT TO THE VILLAGE OF STICKNEY
ZONING MAP (“THE VILLAGE ZONING MAP”)**

APPROVAL OF TEXT AMENDMENTS

On January 5, 2021, the Village of Stickney Zoning Board of Appeals (the “ZBA”) recommended approving (a) certain text amendments to Sections 4, 6, and 9 of the Zoning Ordinance and (b) a certain amendment to the Village Zoning Map, based on the following:

1. Section 6 of the Zoning Ordinance governs the Zoning Districts of the Zoning Ordinance;
2. Section 9 of the Zoning Ordinance is currently reserved;
3. Section 4 of the Zoning Ordinance provides the general provisions of the Zoning Ordinance;
4. Pursuant to Section 12.10 of the Zoning Ordinance, which vests a member of the board of trustees of the Village with the authority to initiate amendments to the Zoning Ordinance, the “Applicant” initiated certain text amendments described below (the “Amendments”) to Sections 4, 6, and 9 of the Zoning Ordinance in order to (a) to define adult use cannabis business establishments and to determine the regulations and requirements associated with the same and (b) create the "B-2 Harlem Avenue and Cicero Avenue Business District" and to define and determine the uses permitted, prohibited or allowed by special use therein (collectively, the “Text Amendments”);
5. The Applicant also initiated an amendment to the Village Zoning Map to reflect the proposed new B-2 zoning district (the “Map Amendment”, together with the Text Amendments, the “Amendments”)
6. Specifically, the Applicant proposed amending Sections 6.01 and 6.02 of the Zoning Ordinance as follows (shown by underlining of text to be added):

Section 6.01. - Classifications.

In order to carry out the provisions of this ordinance, the village is hereby divided into districts and classified as follows:

R	Single-family district
B	Business district
<u>B-2</u>	<u>Harlem Avenue and Cicero Avenue Business District</u>
P	Parks and recreation
I-1	Light industrial district
I-2	Heavy industrial district

Section 6.02. - Zoning map.

The location and boundaries of the districts established by the ordinance are shown on the zoning district map dated March 18, 1952, revised January 8, 2013, and again revised in 2019, and as further amended from time-to-time which is incorporated herein and hereby made a part of this ordinance. Said district map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein. Certified copies of said district map shall be filed with the office of the village clerk, the zoning enforcement officer, and the chairman of the zoning board of appeals; a certified copy of the district map shall be open to public inspection in the office of the village clerk at all times during which the office is open for business.

7. Also, the Applicant proposed amending Section 9 of the Zoning Ordinance as follows (shown by strikethroughs of the text to be deleted and underlining of text to be added):

~~SECTION 9. – RESERVED~~ HARLEM AVENUE AND CICERO AVENUE BUSINESS DISTRICT

Section 9.00. - Establishment.

There shall be established in the Village of Stickney a B-2 zoning district to be known as the "Harlem Avenue and Cicero Avenue Business District" consisting of all lots which are located within the area designated business district on the zoning map. All lots located within the Harlem Avenue and Cicero Avenue Business District shall be subject to the regulations set forth herein.

Section 9.01. - Permitted uses.

The following uses are permitted in the Harlem Avenue and Cicero Avenue Business District:

Accessory uses as defined in this ordinance which are incidental in the conduct of a permitted use

Antique stores

Art and school supplies stores, including picture framing for retail trade

Artisan shops, the custom production of goods, including but not limited to, ceramic, painting, weaving, leather works, jewelry and clothing, either for sale or for the use of the artist

Auction rooms

Automobile accessory stores

Automobile service stations

Bakeries employing fewer than five persons

Barbershops

Bars, taverns, cocktail lounges and package liquor stores

Beauty parlors and shops

Bicycle stores, sales, rent and repair

Blueprinting

Boat and marine sales

Book and stationery stores

Building materials sales and storage and millwork

Camera and photographic supplies stores

Candy, confectionary and ice cream stores

Carpet and rug stores but not including carpet or rug cleaning

Cell phone or cell phone accessory stores, cell phone payment centers

China and glassware stores

Seasonal or specialty sales lots (i.e., Christmas tree lots, pumpkin lots, etc.) including the use of a temporary structure or trailer for sales office for no more than three (3) months in a twelve (12) month period

Clothing stores

Coins and philatelic stores

Custom dressmaking

Drug stores, pharmacies

Dry goods stores

Electrical and household appliance stores including radio and television sales

Engineers offices

Filling stations

Fire stations

Flower shops and conservatories

Food stores, grocery stores and meat markets

Furniture stores, including upholstery when conducted as part of retail operation and secondary to the principal use

Furrier shops

Garden supply and seed stores

Gift shops

Greenhouses and plant nurseries

Gymnasiums, commercial health clubs, reducing salons, weight loss clinics

Hardware stores

Hobbysshops for retail sale of items to be used for assembly away from the premises

Ice cream and milk machine sales

Ice cream stores

Interior decorating shops, including upholstery and making of draperies, slip covers and other similar activities when conducted as part of retail operations secondary to the principal use

Jewelry stores

Job and offset printing

Leather goods stores

Luggage stores

Monument sales

Motion picture studios

Motor vehicle sales and rental

Municipal buildings

Music, musical instrument and record/C.D. shops

Novelty stores

Office equipment sales and repair establishments

Office equipment supplies stores

Orthopedic and medical supply stores

Paint and wallpaper stores

Parking area, private, as accessory use

Pet shops

Photocopying, printing shops

Photographs, art galleries and studios

Physical, cultural and health services

Police stations

Political organization offices

Public libraries

Public utility uses

Railroad passenger stations

Railroad rights-of-way

Resale shops for apparel and accessories

Residence of proprietor of a commercial use in same location (commercial use only allowed on the first floor – residence on the first floor prohibited)

Restaurants and catering establishments

Schools

Secondhand stores and rummage shops, other than resale shop for apparel

Secretarial services

Security and commodity brokers

Service stations

Shoe stores

Show rooms, sales rooms, stores or shops for the conduct of retail business

Sound recording studios provided that they are sound proof to the extent that noise and vibration levels permitted from said studios are immeasurable outside the property controlled by the sound recording studio

Sporting goods stores

Tattoo shops, tattoo parlors

Taxidermists

Telephone booths

Temporary building for construction purposes for a period not to exceed duration of construction

Theatres and places of public amusement

Ticket agencies

Tobacco shops (including vape, pipe, or smoking accessory shops)

Toy shops

Variety stores (dollar stores)

Vending machines, as accessory use

Section 9.02. - Special uses.

The following special uses may be permitted in the Harlem Avenue and Cicero Avenue Business District:

Amusement establishments, including, but not limited to, bowling alleys, pool halls, dance halls and skating rinks

Automobile laundries (car washes)

Banks and other financial institutions, loan companies, loan offices, savings and loan

Adult-use cannabis business establishments (including adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization) as defined in section 4.24

Clubs, lodges, fraternal or religious organizations

Convalescent centers, nursing homes, geriatric centers and rest homes

Currency exchanges

Day-care homes and nighttime homes for child care

Drive-in facilities for banks and other financial institutions

Dry cleaners, laundrettes, self-service laundries (includes laundromats) and laundry collection stations

Dyeing and rug cleaning establishments

Eating establishments, food cooperatives in legally established churches, hospitals, nursery schools and nursing homes

Exterminating shops

Firearms retailers and gun ranges

Food lockers, including frozen food lockers

Funeral parlors, undertaking establishments, crematoriums

Garages, public, including body repair and painting carried out in approved spray booths provided that all the walls of the paint shops which are adjacent to or across the street from a residence district should be solid with no opening except for required fire doors

Garden supply and seed stores

Hospitals, sanitariums, retirement homes and nursing homes not including institutions for the care and treatment of the insane, feebleminded, retarded, alcoholic or drug addict patient

Ice cream production and distribution

Machinery rental, sales and service

Mixed-use properties, a use that contains both commercial and residential uses with all residential uses being prohibited on the first on the first floor.

Nursery schools, children's day schools, day nurseries, child-care centers provided that at least 50 square feet of outdoor play area is provided for each child cared for

Offices, business and professional

Opticians and optometrists

Parking lots and storage garages

Parking lots and storage areas for motor vehicles under 1½-ton capacity

Post offices, post office substations

Public garages servicing automobiles and trucks under one and one-half ton capacity, but not including body repair and painting

Race track, raceway, speedway

Radio and transmission towers

Tailor Shops

Section 9.03. - Use restriction.

No land use which is listed herein as a special use in the heavy industrial district shall be permitted in a business district.

Section 9.04. - Height limitation.

The height of any building or structure located in a business district shall not exceed 45 feet or three stories, whichever is higher.

Section 9.05. - Front yard.

There shall be a front yard of not less than 16 feet in the business district.

Section 9.06. - Rear yard.

In the business district there shall be a rear yard of not less than ten percent of the depth of any lot, provided that the rear yard shall be required to exceed ten feet. Parking is permitted in a rear yard in a business district.

Section 9.07. - Side yard.

A side yard, if provided, shall not be less than three feet wide.

Section 9.08. - Intensity of use.

No business with its accessory buildings to be used for business district purposes shall occupy in excess of 90 percent of the area of the lot. Buildings used wholly for residence purposes shall conform to the restrictions provided herein for buildings in the single-family residence district. Any buildings hereafter constructed, altered, enlarged or rebuilt, to be used partially for residence purposes in a business district shall provide not less than 900 square feet of lot area per family.

8. Also, the Applicant proposed amending Section 4 of the Zoning Ordinance as follows (shown by underlining of text to be added):

Section 4.24 Adult-use cannabis business establishments.

- (a) Declaration of Policy. The purpose and intent of this section is to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

- (b) Definitions.

Adult-use cannabis business establishment. An “adult-use cannabis business establishment” means an adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

Adult-use cannabis craft grower. An “adult-use cannabis craft grower” means 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, (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis cultivation center. An “adult-use cannabis cultivation center” means 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, (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis dispensing organization. An “adult-use cannabis dispensing organization” or “cannabis dispensary” means 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, (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis infuser organization. An “adult-use cannabis infuser organization” or “infuser” means 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, (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis processing organization. An “adult-use cannabis processing organization” or “processor” means 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, (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis transporting organization. An “adult-use cannabis transporting organization” or “transporter” means 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, (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

(c) Special Use Required. No adult-use cannabis business establishment shall operate without first obtaining a special use permit in accordance with the provisions of this zoning ordinance. In addition to any other provisions of this zoning ordinance, the following standards shall apply to all adult-use cannabis business establishment:

- (1) An adult-use cannabis business establishment must comply with all applicable rules and regulations enacted by the State of Illinois, including licensing requirements, age limitations, and minimum setbacks.
- (2) Subject to applicable law, an adult-use cannabis business establishment shall include, as a part of any special use application to the Zoning Board of Appeals, copies of all information submitted to the State of Illinois in an application for a license to operate under the State of Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.)
- (3) In the Harlem Avenue and Cicero Avenue Business District, an adult-use cannabis business establishment is only allowed along Harlem Avenue with a special use permit.
- (4) An adult-use cannabis business establishment shall not be located within 1,000 feet of the property line of a pre-existing place of worship, library, public park, forest preserve, public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
- (5) The site design for any adult-use cannabis business establishment shall incorporate adequate security measures, such as interior and exterior lighting, surveillance cameras, and/or fencing. Said security measures shall be determined based on the specific characteristics of the establishment and of the floor plan for an adult-use cannabis business establishment and the site on which it is located, consistent with the requirements of the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.).
- (6) On-site consumption of cannabis shall be prohibited on the premises of a cannabis dispensary. The cannabis dispensary shall be

responsible for enforcing the prohibition of on-site consumption of cannabis under all circumstances on its premises.

(7) A special use applicant shall submit additional information as required by the Zoning Administrator during the special use process.

9. Also, the Applicant proposed amending the Village Zoning Map to reflect the new B-2 zoning district.
10. In accordance with the Illinois Compiled Statutes and the Zoning Ordinance, notice of a public hearing regarding the Amendments was published in one or more newspapers in general circulation in the Village; and
11. At the abovementioned hearing, credible evidence was presented showing that the Amendments: (a) allow for certain uses of property not previously allowed that are congruous to certain existing special uses; (b) would allow for the orderly development of surrounding properties; (c) would potentially produce additional economic activity to the area thereby increasing revenue to the Village and thereby allowing the Village to provide certain services to the Village and its residents; (d) are not detrimental to the health, safety or welfare of the Village; (e) will not injure the use and enjoyment of the surrounding property owners or reduce property values or disrupt the trends of development; and (f) will advance the orderly and economic development of the surrounding properties.

CONCLUSION

Testimony at the public hearing on the proposed Amendments demonstrated that the Amendments would be in the public interest and the best interests of the Village. Accordingly, the ZBA recommends approval of the Amendments.

Chairman of the Zoning Board of Appeals for the Village of Stickney