

ORDINANCE NO. 2020 - 14

AN ORDINANCE AMENDING CHAPTER 153, § 153.01 (ZONING – GENERAL PROVISIONS – DEFINITIONS); CHAPTER 153, § 153.040(B) (ZONING-SPECIAL USE PERMITS-FORMULA); AND CHAPTER 153, § § 153.071 – 153.081 (ZONING-RESERVED) OF TITLE XV (LAND USAGE) OF THE PECATONICA MUNICIPAL CODE PERTAINING TO ADULT-USE CANNABIS

WHEREAS, the Village of Pecatonica, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Act, the Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the Village deems sensitive; and

WHEREAS, on April 21, 2020, the Village Board initiated an amendment to Title XV (Land Usage) to review and consider additional amendments to further regulate adult-use cannabis facilities within the Village of Pecatonica; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing, as required by law, on June 29, 2020, in regards to the proposed amendments to Title XV (Land Usage) of the Pecatonica Municipal Code pertaining to adult-use cannabis; and

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed amendments to Title XV (Land Usage) with the deletion of Section 153.176E on June 29, 2020.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Pecatonica as follows:

SECTION 1: The recitals set forth above are incorporated herein.

SECTION 2: Chapter 153 (Zoning), Section 153.001 (Definitions) of Title XV (Land Usage) of the Pecatonica Municipal Code is hereby amended by adding the following language:

* * *

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:

An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER:

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, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER:

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, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION:

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, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:

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, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:

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, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:

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, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

* * *

SECTION 3: Chapter 153 (Zoning), Section 153.040(B) (Special Use Permits-Formula) of Title XV (Land Usage) of the Village of Pecatonica Municipal Code is hereby amended by adding the italicized language to the “Special Use Chart” as follows:

See Attached Exhibit “A”

SECTION 4: Chapter 153 (Zoning), Sections 153.071 – 153.081 (Reserved) of Title XV (Land Usage) of the Pecatonica Municipal Code are hereby replaced in their entirety by inserting the following language:

ADULT-USE CANNABIS

§ 153.071 PURPOSE AND APPLICABILITY: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village of Pecatonica. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (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.

§ 153.072 SPECIAL USE: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a Special Use Permit in the respective districts in which they are requested shall be processed in accordance with Section 153.041 of this Title (Application) and Section 153.073 (Adult-Use Cannabis Facility Components) as provided herein.

§ 153.073 ADULT-USE CANNABIS FACILITY COMPONENTS: In determining compliance with Section 153.040 (Special Use Permits) of this Title, the following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

- (a) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- (b) Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
- (c) Hours of operation and anticipated number of customers/employees.
- (d) Anticipated parking demand and available private parking supply.
- (e) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- (f) Site design, including access points and internal site circulation.
- (g) Proposed signage plan.

- (h) Compliance with all requirements provided in Section 153.074 (Adult-Use Cannabis Craft Grower); Section 153.075 (Adult-Use Cannabis Cultivation Center); Section 153.076 (Adult-Use Cannabis Dispensing Organization); Section 153.077 (Adult-Use Cannabis Infuser Organization); Section 153.078 (Adult-Use Cannabis Processing Organization); or Section 153.079 (Adult-Use Cannabis Transporting Organization), as applicable.
- (i) Other criteria determined to be necessary to assess compliance with Section 153.040(B) (Special Use Permits – Purpose-Formula) of this Title.

§ 153.074 ADULT-USE CANNABIS CRAFT GROWER: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

- (a) Facility may not be located within 500 feet of the property line of a pre-existing 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.
- (b) Facility may not be located within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- (c) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (d) Petitioner shall file an affidavit with the Village affirming compliance with Section 153.074 as provided herein and all other requirements of the Act.

§ 153.075 ADULT-USE CANNABIS CULTIVATION CENTER: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

- (a) Facility may not be located within 500 feet of the property line of a pre-existing 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.
- (b) Facility may not be located within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- (c) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (d) Petitioner shall file an affidavit within the Village affirming compliance with Section 153.075 as provided herein and all other requirements of the Act.

§ 153.076 ADULT-USE CANNABIS DISPENSING ORGANIZATION: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

- (a) Facility may not be located within 500 feet of the property line of a pre-existing 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.
- (b) Facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- (c) At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in Section (e) below in the same tenant space.
- (d) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (e) Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility required by Section 153.80 (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing as provided in Section 153.047 (Revocation) of the Village of Pecatonica Municipal Code.
- (f) Petitioner shall file an affidavit with the Village affirming compliance with Section 153.076 as provided herein and all other requirements of the Act.

§ 153.077 ADULT-USE CANNABIS INFUSER ORGANIZATION: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

- (a) Facility may not be located within 500 feet of the property line of a pre-existing 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.
- (b) Facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- (c) At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (d) Petitioner shall file an affidavit with the Village affirming compliance with Section 153.077 as provided herein and all other requirements of the Act.

§ 153.078 ADULT-USE CANNABIS PROCESSING ORGANIZATION: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

- (a) Facility may not be located within 500 feet of the property line of a pre-existing 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.
- (b) Facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- (c) At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (d) Petitioner shall file an affidavit with the Village affirming compliance with Section 153.078 as provided herein and all other requirements of the Act.

§ 153.079 ADULT-USE CANNABIS TRANSPORTING ORGANIZATION: In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

- (a) Facility may not be located within 500 feet of the property line of a pre-existing 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.
- (b) Facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- (c) The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (d) Petitioner shall file an affidavit with the Village affirming compliance with Section 153.079 as provided herein and all other requirements of the Act.

§ 153.080 ADDITIONAL REQUIREMENTS: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the Special Use Permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics 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 Act.

§ 153.081 CO-LOCATION OF CANNABIS BUSINESS ESTABLISHMENTS: The Village may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis

Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Special Use Permit criteria within the Village of Pecatonica Municipal Code. In a co-location, the floor space requirements of Section 153.076(c) and 153.077(c) shall not apply, but the co-located establishments shall be the sole use of the tenant space.

SECTION 5: Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 6: Effective Date. This Ordinance shall be in full force and effect upon its passage and approval as required by law.

Passed the ____ day of _____, 20____.

AYES: _____

NAYS: _____

Absent: _____

Approved this ____ day of _____, 20____.

WILLIAM SMULL, Village President
Village of Pecatonica, Illinois

ATTEST:

GWENN SHIRLEY, Village Clerk
Village of Pecatonica, Illinois

EXHIBIT "A"
SPECIAL USE CHART

Special Use Chart		R1	R2	R3	MH	CD	ID	AD
1	Adult-use cannabis craft grower organization						X	X
2	Adult-use cannabis cultivation organization						X	X
3	Adult-use cannabis dispensing organization					X	X	
4	Adult-use cannabis infuser organization					X	X	
5	Adult-use cannabis processing organization					X	X	
6	Adult-use cannabis transporting organization					X	X	
7	Airports, landing fields, heliports	X	X	X	X	X	X	X
8	Ambulance service					X		
9	Antique shops	X	X					
10	Archery or gun clubs							X
11	Automobile accessory store					X		
12	Auto body and fender repair, includes welding					X		
13	Automobile repair - minor					X		
14	Automobile repair - major					X		
15	Automobile and truck sales and leasing					X		
16	Automobile service station					X		
17	Boarding houses			X				
18	Car washes					X		
19	Cemeteries, including crematories, mausoleums in conjunction therewith, if not 500 within 500 feet of any dwelling							X
20	Churches, rectories	X	X	X	X	X		X
21	Convents, seminaries, and religious institutions, including dormitories and other accessory uses for operation							X
22	Community swimming pools (see Section 153.051(c))	X	X	X	X	X	X	X
23	Daycare (licensed) 4 or more children	X	X	X	X	X	X	X
24	Day nursery schools	X	X	X	X	X	X	X
25	Dining and dancing establishments							X
26	Educational Institutions	X	X	X	X	X	X	X
27	Feed seed and farm implements, but excluding sales of farm implements used for tillage and harvest of crops					X		
28	Filling of holes, pits, or lowlands (provided not in floodp	X	X	X	X	X	X	X
29	Fishing ponds or lakes, commercial and other tourist facilities (see Section 153.01(B))							X
30	Funeral homes or parlors	X	X	X	X	X		X
31	Golf courses (See Section 153.051(D))	X	X	X	X	X		X
32	Hospice care facility	X	X	X		X		X
33	Hospital medical clinics (out patient) and medical facilities including inpatient care					X		X
34	Laboratories: medical, dental, research, experimental, and testing provided no production or manufacturing of products takes place					X	X	
35	Horse stables and riding							X
36	Junk yards and auto wrecking yards contained within buildings or screened from view from adjacent property or right-of-ways						X	X
37	LP gas for commercial dispensing					X	X	
38	Liquor establishments, including package liquor stores and taverns					X		
39	Lodging rooms			X				

40	Lodging rooms not meeting the home occupations as provided in Section 153.051(G)			X				
41	Meeting halls					X		
42	Motor freight terminals						X	
43	Off-street parking (see Section 153.051(E))	X	X	X	X	X	X	X
44	Offices, businesses, dental, and professional					X		
45	Outdoor amusement establishments: fairgrounds; carnivals; circuses; race tracks; kiddie parks; and other similar amusement centers; and including places of assembly devoted thereto such as stadiums and arenas	X	X	X		X	X	X
46	Pet grooming					X		
47	Picnic and recreational campgrounds							X
48	Public service uses (see Section 153.051(A))	X	X	X	X	X	X	X
49	Private clubs and lodges	X	X	X	X	X		X
50	Radio, cellular phone, and television towers - commercial				X	X	X	X
51	Race track including automobile, cycle, and snowmobile courses						X	X
52	Railroad right-of-ways and trackage, not including railroad yards	X	X	X	X	X	X	X
53	Recreational (public/private) facilities and commercial entertainment and tourist establishments (Section 153.01(B))					X		X
54	Rest homes			X		X		X
55	Restuarants serving liquor					X		
56	Stone and gravel quarries and crushing, grading, washing, and loading equipment and structures						X	X
57	Storage, warehousing, wholesaling, and local cartage and express						X	X
58	Extraction and removal of sand, topsoil, or other aggregate, but not including equipment, buildings, or structures for screening or mixing, washing, or storage, except as may be specifically authorized for a limited period of time							X
59	Tanning salons					X		
60	Truck and trailer service					X		
61	Veterinary clinics or hospitals					X		
62	Walking paths	X	X	X	X	X	X	X
63	Welding shops					X	X	
64	Wind-operated energy devices (see Section 153.051(F))						X	X