



## **CITY OF WASHINGTON, ILLINOIS**

### **City Council Agenda Communication**

**Meeting Date:** November 18, 2019

**Prepared By:** Jon Oliphant, AICP, Planning & Development Director

**Agenda Item:** First Reading Ordinance – Adult-Use Cannabis Zoning Code Text Amendment

**Explanation:** On June 25, 2019, Governor Pritzker signed Public Act 101-0027, which creates the Cannabis Regulation and Tax Act. This Act legalizes the possession and private use of cannabis for Illinois residents over 21 years of age and becomes effective on January 1, 2020. The Illinois Department of Financial and Professional Regulation has indicated that it will award up to three adult-use cannabis dispensary licenses in our Bureau of Labor Statistics Region, which includes five counties.

The draft ordinance is largely is taken from an Illinois Municipal League model ordinance as well as an ordinance recently approved by the City of East Peoria. The Washington draft ordinance would establish buffers of 1,000 feet for any adult-use cannabis business from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, daycare center, daycare home, or residential care home. Cultivation centers and craft growers, would not be allowed to be closer than 1,500 feet from a pre-existing property zoned or used for residential purposes while dispensing, infuser, processing, and transporting organizations would be required to be at least 250 feet away from a pre-existing property zoned or used for residential purposes.

These uses would only be allowed as special uses in the C-2 and C-3 zoning districts and only one type of each adult-use cannabis business would be allowed as a special use. Regulations specific to dispensaries would limit the hours of operation from 8:00 a.m.-7:00 p.m. and would not allow for outdoor seating or drive-through services or sales. A map is attached that shows which properties in the city limits could adhere to the draft ordinance standards for adult-use cannabis businesses other than cultivation centers and craft growers. The Act allows Illinois municipalities to attach locational and operational restrictions as part of the allowance.

**Fiscal Impact:** The Council approved a 3% Municipal Cannabis Retailers' Occupation Tax in September that would apply in addition to the current 8.5% city sales tax. It would be collected starting at the Act's January 1 effective date for any applicable businesses within the city limits.

#### **Recommendation/**

**Committee Discussion Summary:** Staff recommends approval. The Planning and Zoning Commission held a public hearing at its meeting on November 6 and unanimously recommended approval.

**Action Requested:** Approval of the attached ordinance.

**ORDINANCE NO. \_\_\_\_\_**

(Synopsis: Adoption of this ordinance would allow for adult-use cannabis business to be located in the city limits as a special use in the C-2 and C-3 zoning districts. All such businesses would be required to be at least 1,000 feet from any nursery schools, preschool, primary or secondary schools, or daycare facilities. Adult-use cannabis craft growers and cultivation centers would be required to be at least 1,500 feet from the property line of any pre-existing property zoned or used for residential purposes and any adult-use cannabis dispensing organizations, infuser, processor, or transporter would be required to be at least 250 feet from the property line of any pre-existing property zoned or used for residential purposes.)

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF  
THE CITY OF WASHINGTON, ILLINOIS BY AMENDING VARIOUS SECTIONS OF  
CHAPTER 154 ENTITLED "ZONING CODE"**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
WASHINGTON, TAZEWELL COUNTY, ILLINOIS, as follows:**

**Section 1.** That §154.004 of the Washington Municipal Code of Ordinances titled "Definitions," is hereby amended by inserting the following definitions within §154.004:

**"§ 154.004 DEFINITIONS**

**ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:** A 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 pursuant to 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 pursuant to 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 pursuant to 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 pursuant to 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 pursuant to 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 pursuant to the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**CRTA:** Cannabis Regulations and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. In the event that the CRTA is amended, the more restrictive of the State of Illinois or City of Washington regulations (as established in this Chapter) shall apply.”

**Section 2.** That § 154.092 of Chapter 154 of the Washington Municipal Code of Ordinances titled “C-2 Districts” is hereby amended by inserting § 154.092 (B)(9-16) in its entirety:

**“§ 154.092 C-2 DISTRICTS**

- (9) Adult-Use Cannabis Craft Growers, subject to the following standards:
  - (a) Facility may not be located within one thousand (1,000) feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, licensed day care home, or licensed residential care home as measured from building to building. Learning centers and vocational or trade centers shall not be classified as a public or private school for purposes of this Section.

- (b) Facility may not be located within one thousand five hundred (1,500) 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 CRTA.
  - (d) For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be classified as “restaurants” per § 154.172 (B) (Off-Street Parking Required), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through § 154.092 (B)(16).
  - (e) No more than one (1) Adult-Use Cannabis Craft Grower shall be granted a Special Use under this Chapter or otherwise permitted to operate in the City.
  - (f) The Adult-Use Cannabis Craft Grower shall operate the facility in compliance with all applicable state and local laws, including the CRTA and the provisions of this Chapter.
- (10) Adult-Use Cannabis Cultivation Centers, subject to the following standards:
- (a) Facility may not be located within one thousand (1,000) feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, licensed day care home, or licensed residential care home as measured from building to building. Learning centers and vocational or trade centers shall not be classified as a public or private school for purposes of this Section.
  - (b) Facility may not be located within one thousand five hundred (1,500) 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 CRTA.
  - (d) For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be classified as “wholesale, manufacturing, and industrial plants” per § 154.172 (B) (Off-Street Parking Required), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through § 154.092 (B)(16).

- (e) No more than one (1) Adult-Use Cannabis Cultivation Center shall be granted a Special Use under this Chapter or otherwise permitted to operate in the City.
  - (f) The Adult-Use Cannabis Cultivation Center shall operate the facility in compliance with all applicable state and local laws, including the CRTA and the provisions of this Chapter.
- (11) Adult-Use Cannabis Dispensing Organizations, subject to the following standards:
- (a) Facility may not be located within one thousand (1,000) feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, licensed day care home, or licensed residential care home as measured from building to building. Learning centers and vocational or trade centers shall not be classified as a public or private school for purposes of this Section.
  - (b) Facility may not be located within two hundred fifty (250) 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 CRTA.
  - (d) Facility may not conduct any sales or distribution of cannabis other than as authorized by the CRTA.
  - (e) For purposes of determining required parking, Adult-Use Cannabis Dispensing Organizations shall be classified as “retail establishments” per § 154.172 (B) (Off-Street Parking Required), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through § 154.092 (B)(16).
  - (f) No more than one (1) Adult-Use Cannabis Dispensing Organization shall be granted a Special Use under this Chapter or otherwise permitted to operate in the City.
  - (g) The hours of operation for an Adult-Use Cannabis Dispensing Organization shall not be earlier than 8:00 a.m. and not later than 7:00 p.m.

- (h) No person under the age of twenty-one (21) shall be allowed to enter an Adult-Use Cannabis Dispensing Organization.
  - (i) No person shall reside in or permit any person to reside in an Adult-Use Cannabis Dispensing Organization.
  - (j) No outdoor seating areas shall be permitted at an Adult-Use Cannabis Dispensing Organization.
  - (k) No drive-through services or sales shall be permitted at an Adult-Use Cannabis Dispensing Organization.
  - (l) The Adult-Use Cannabis Dispensing Organization shall operate the facility in compliance with all applicable state and local laws, including the CRTA and the provisions of this Chapter.
- (12) Adult-Use Cannabis Infuser Organizations, subject to the following standards:
- (a) Facility may not be located within one thousand (1,000) feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, licensed day care home, or licensed residential care home as measured from building to building. Learning centers and vocational or trade centers shall not be classified as a public or private school for purposes of this Section.
  - (b) Facility may not be located within two hundred fifty (250) 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 CRTA. Facility may not conduct any sales or distribution of cannabis other than as authorized by the CRTA.
  - (d) For purposes of determining required parking, Adult-Use Cannabis Infuser Organizations shall be classified as “wholesale, manufacturing, and industrial plants” per § 154.172 (B) (Off-Street Parking Required), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through § 154.092 (B)(16).
  - (e) No more than one (1) Adult-Use Cannabis Infuser Organization shall be granted a Special Use under this Chapter or otherwise permitted to operate in the City.

- (f) The Adult-Use Cannabis Infuser Organization shall operate the facility in compliance with all applicable state and local laws, including the CRTA and the provisions of this Chapter.
- (13) Adult-Use Cannabis Processing Organization, subject to the following standards:
  - (a) Facility may not be located within one thousand (1,000) feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, licensed day care home, or licensed residential care home as measured from building to building. Learning centers and vocational or trade centers shall not be classified as a public or private school for purposes of this Section.
  - (b) Facility may not be located within two hundred fifty (250) 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 CRTA. Facility may not conduct any sales or distribution of cannabis other than as authorized by the CRTA.
  - (d) For purposes of determining required parking, Adult-Use Cannabis Processing Organization shall be classified as “wholesale, manufacturing, and industrial plants” per § 154.172 (B) (Off-Street Parking Required), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through § 154.092 (B)(16).
  - (e) No more than one (1) Adult-Use Cannabis Processing Organization shall be granted a Special Use under this Chapter or otherwise permitted to operate in the City.
  - (f) The Adult-Use Cannabis Processing Organization shall operate the facility in compliance with all applicable state and local laws, including the CRTA and the provisions of this Chapter.
- (14) Adult-Use Cannabis Transporting Organizations, subject to the following standards:
  - (a) Facility may not be located within one thousand (1,000) feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, licensed day care home, or

licensed residential care home as measured from building to building. Learning centers and vocational or trade centers shall not be classified as a public or private school for purposes of this Section.

- (b) Facility may not be located within two hundred fifty (250) 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 CRTA.
  - (d) For purposes of determining required parking, Adult-Use Cannabis Transporting Organization shall be classified as “wholesale, manufacturing, and industrial plants” per § 154.172 (B) (Off-Street Parking Required), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through § 154.092 (B)(16).
  - (e) No more than one (1) Adult-Use Cannabis Transporting Organization shall be granted a Special Use under this Chapter or otherwise permitted to operate in the City.
  - (f) The Adult-Use Cannabis Transporting Organization shall operate the facility in compliance with all applicable state and local laws, including the CRTA and the provisions of this Chapter.
- (15) The City 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 CRTA and the Special Use criteria set forth in this Chapter. In a co-location, the floor space requirements of § 154.092 (B)(11)(c) and § 154.092 (B)(12)(c) shall not apply, but the co-located establishments shall be the sole use of the tenant space.
- (16) In determining compliance with this Chapter and eligibility as a Special Use, the following standards shall be evaluated for any proposed Adult-Use Cannabis Business Establishment based on the entirety of the circumstances affecting the particular property for which the Special Use is sought 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 and security plan, and building code compliance.

- (c) Hours of operation and anticipated number of customers/employees.
- (d) Anticipated parking demand, available private parking supply, and parking requirements established in §154.172 of the Washington Municipal Code of Ordinances.
- (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 of the specific section in this Chapter for the particular type of Adult-Use Cannabis Business Establishment that is being proposed, as applicable.
- (i) Other criteria determined to be necessary to assess compliance with the provisions of this Chapter.”

**Section 3.** That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

**Section 4.** That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

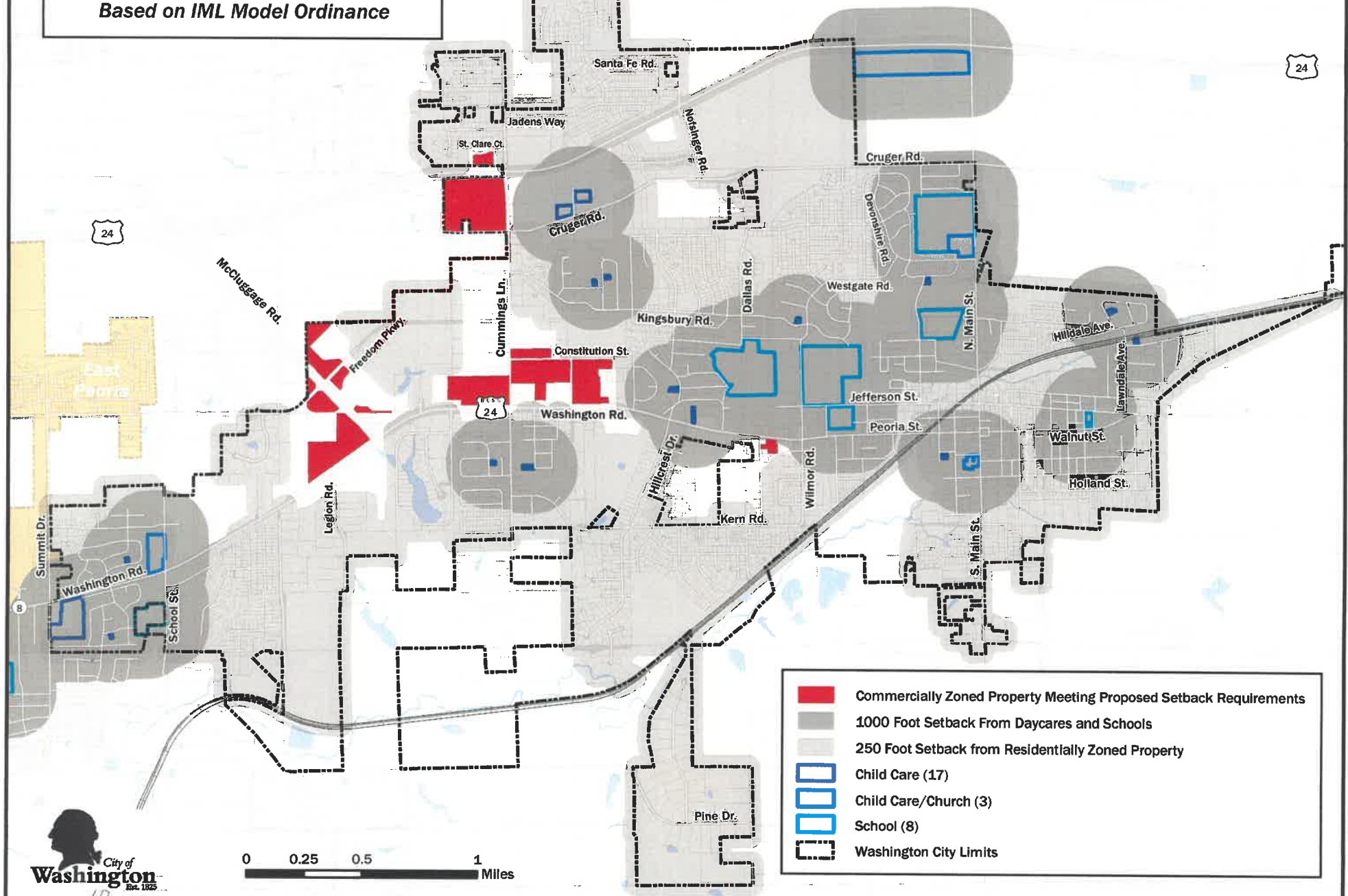
\_\_\_\_\_  
City Clerk

# Properties Suitable For Adult Use Marijuana Sales

Based on IML Model Ordinance



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- Commercially Zoned Property Meeting Proposed Setback Requirements
- 1000 Foot Setback From Daycares and Schools
- 250 Foot Setback from Residentially Zoned Property
- Child Care (17)
- Child Care/Church (3)
- School (8)
- Washington City Limits

