

ORDINANCE NO. 2020-01
AN ORDINANCE AMENDING TITLE 17 OF THE
STREATOR MUNICIPAL CODE (THE ZONING ORDINANCE) CONCERNING
ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS FOR THE
CITY OF STREATOR, LASALLE AND LIVINGSTON COUNTIES, ILLINOIS

Recitals

- A. The City of Streator, LaSalle and Livingston Counties, Illinois (the “City”), has enacted zoning regulations in Title 17 of the Streator Municipal Code (the “Municipal Code”) for the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the City and its residents.
- B. The State of Illinois enacted the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1, *et seq.* (the “Act”), which became effective June 25, 2019 and pertains to the possession, use, cultivation, transportation, and dispensing of adult-use cannabis.
- C. Pursuant to the Act, the City 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 City deems sensitive.
- D. On January 14, 2020, the Plan Commission conducted a public hearing, as required by law and pursuant to a notice of public hearing published in a newspaper of general circulation on December 28, 2019, regarding proposed amendments to Title 17, the City’s Zoning Ordinance, concerning adult-use cannabis business establishments.
- E. The Plan Commission recommended to the City Council approval of the proposed amendments to Title 17, the City’s Zoning Ordinance, on January 14, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STREATOR, LASALLE AND LIVINGSTON COUNTIES, ILLINOIS, AS FOLLOWS BELOW.

SECTION 1: The City Council hereby finds the recitals stated above are true and correct and incorporate them into this Ordinance by this reference.

SECTION 2: Section 17.08.010 (Definitions of basic terms) of Chapter 17.08 (Definitions) of Title 17 (Zoning Ordinance) of the Streator Municipal Code is hereby amended to add the definitions as follows below.

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

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

“Adult-Use Cannabis Dispensing Organization” 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, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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

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

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

SECTION 3: Chapter 17.36 (Supplementary Use Regulations) of Title 17 (Zoning Ordinance) of the Streator Municipal Code is hereby amended by adding Section 17.36.050 -- Adult-Use Cannabis Business Establishments as follows below.

CHAPTER 17.36

17.36.050 - Adult-use Cannabis Business Establishments

Subsections:

- 17.36.050A: Purpose and Applicability
- 17.36.050B: Special Use
- 17.36.050C: Adult-Use Cannabis Facility Components
- 17.36.050D: Adult-Use Cannabis Craft Grower
- 17.36.050E: Adult-Use Cannabis Cultivation Center
- 17.36.050F: Adult-Use Cannabis Dispensing Organization
- 17.36.050G: Adult-Use Cannabis Infuser Organization
- 17.36.050H: Adult-Use Cannabis Processing Organization
- 17.36.050I: Adult-Use Cannabis Transporting Organization
- 17.36.050J: Additional Requirements
- 17.36.050K: Co-Location of Cannabis Business Establishments

17.36.050A: 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 City of Streator. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (the "Act"), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided in this Section. Such facilities may undertake all powers and activities allowed under the Act, as it may be amended from time-to-time, and regulations promulgated thereunder. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

17.36.050B: 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 17.16.090 (Special Permits) of this Title 17.

17.36.050C: Adult-Use Cannabis Facility Components. In determining compliance with Section 17.16.090 (Special Permits), 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:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

2. 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.
3. Hours of operation and anticipated number of customers/employees.
4. Anticipated parking demand based on the regulations set forth in Chapter 17.52 (Parking) of this Title 17 and available private parking supply.
5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
6. Site design, including access points and internal site circulation.
7. Proposed signage plan.
8. Compliance with requirements provided in Section 17.36.050D (Adult-Use Cannabis Craft Grower); Section 17.36.050E (Adult-Use Cannabis Cultivation Center); Section 17.36.050F (Adult-Use Cannabis Dispensing Organization); Section 17-36-050G (Adult-Use Cannabis Infuser Organization); Section 17-36-050H (Adult-Use Cannabis Processing Organization); or Section 17-36-050I (Adult-Use Cannabis Transporting Organization), as applicable.
9. Other criteria determined to be necessary to assess compliance with Section 17.16.090.

17.36.050D: 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:

1. Facility may not be located within 1,500 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.
2. Facility may not conduct any sales or distribution or processing of cannabis other than as authorized by the Act.
3. For purposes of determining required parking, Adult-Use Cannabis Craft Growers shall be subject to the regulations set forth in Chapter 17.52 (Parking) of this Title 17; provided, however, the City may require that additional parking be provided as a condition of a Special Permit.

17.36.050E: 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:

1. Facility may not be located within 1,500 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.
2. Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.
3. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
4. For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be subject to the regulations set forth in Chapter 17.52 (Parking) of this Title 17; provided, however, the City may require that additional parking be provided as a condition of a Special Permit.

17.36.050F: 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:

1. Facility may not be located within 1,500 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.
2. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
3. 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 or in the same tenant space.
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
5. For purposes of determining required parking, said facilities shall be subject to the regulations set forth in Chapter 17.52 (Parking) of this Title 17;

provided, however, the City may require that additional parking be provided as a condition of a Special Permit.

17.36.050G: 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:

1. Facility may not be located within 1,500 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.
2. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
3. 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.
4. For purposes of determining required parking, said facilities shall be subject to the regulations set forth in Chapter 17.52 (Parking) of this Title 17; provided, however, the City may require that additional parking be provided as a condition of a Special Permit.

17.36.050H: 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:

1. Facility may not be located within 1,500 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.
2. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
3. 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.

4. For purposes of determining required parking, said facilities shall be subject to the regulations set forth in Chapter 17.52 (Parking) of this Title 17; provided, however, the City may require that additional parking be provided as a condition of a Special Permit.

17.36.050I: 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:

1. Facility may not be located within 1,500 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.
2. 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.
3. For purposes of determining required parking, said facilities shall be subject to the regulations set forth in Chapter 17.52 (Parking) of this Title 17; provided, however, the City may require that additional parking be provided as a condition of a Special Permit.

17.36.050J: Additional Requirements. Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the Special 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.

17.36.050K: Co-Location of Cannabis Business Establishments. 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 Act and the Special Permit criteria set forth in the Streator Municipal Code. In a co-location, the floor space requirements of Section 17-36-050F.3. and Section 17-36-050G.3. shall not apply, but the co-located establishments shall be the sole use of the tenant space.

SECTION 4: Section 17.32.010 of the Streator Municipal Code and Appendix A of Chapter 17.32 “Table of Permissible Uses” is hereby amended by creating Class 23.000 Adult-Use Cannabis Business Establishments and adding the provisions set forth on Exhibit 1 to this Ordinance.

SECTION 5: 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.

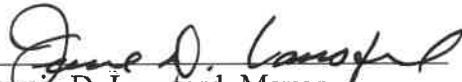
SECTION 6: Except as to the amendments heretofore mentioned, all titles, chapters, articles, and sections of the Streator Municipal Code shall remain in full force and effect.

SECTION 7: This Ordinance shall be in full force and effect upon its passage and approval and publication as required by law.

PASSED at a regular meeting of the City Council of the City of Streator, Illinois on January 15, 2020, by a roll call vote as follows:

RECORD OF THE VOTE	AYE	NAY	ABSENT
Mayor Jimmie D. Lansford	√		
Councilwoman Tara Bedei	√		
Councilman Ed Brozak	√		
Councilman Brian Crouch	√		
Councilman Joe Scarbeary	√		

APPROVED January 15, 2020


Jimmie D. Lansford, Mayor

ATTEST:

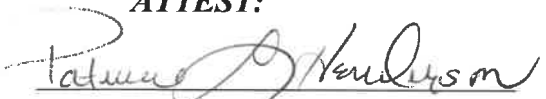

Patricia L. Henderson, City Clerk

EXHIBIT 1
Chapter 17.32.010 Appendix A
Table of Permissible Uses

Amend Appendix A as shown to permit Adult-Use Cannabis Business Establishments in CBD, C-3, M-1 & M-2 Zones pursuant to a Special Use Permit

CLASS	USE	TYPE	DESCRIPTION	ZONES												
				AG	RE	R-1A	R-1B	R-2	R-3	R-3MD	C-1	C-2	C-3	CBD	M-1	M-2
23.000			Adult-Use Cannabis Business Establishments													
	23.100		Adult-Use Cannabis Craft Grower										S		S	S
	23.200		Adult-Use Cannabis Cultivation Center												S	S
	23.300		Adult-Use Cannabis Dispensing Organization										S	S	S	S
	23.400		Adult-Use Cannabis Infuser Organization										S		S	S
	23.500		Adult-Use Cannabis Processing Organization										S		S	S
	23.600		Adult-Use Cannabis Transporting Organization										S		S	S