

VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS

ORDINANCE NO. 1320

AN ORDINANCE AMENDING CODE SECTIONS 3.02 AND 12.11 OF ZONING ORDINANCE NO. 1046 OF VILLAGE OF BEECHER PERTAINING TO ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS, AND REPEALING ALL VILLAGE CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT THEREWITH.

WHEREAS, the Corporate Authorities of the Village of Beecher, Will County, 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 Corporate Authorities of the Village of Beecher, Will County, Illinois, have been advised that 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 Act became effective June 25, 2019; and

WHEREAS, the Corporate Authorities of the Village of Beecher, Will County, Illinois, have been advised pursuant to the Act that the Village of Beecher may enact reasonable zoning ordinances not in conflict with the Act, regulating cannabis business establishments, including adopting rules 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, the Village Planning and Zoning Commission, did, on the 21st day of November, 2019, pursuant to published notice as required by law, held a Public Hearing on the advisability and necessity of amending Village Zoning Ordinance No. 1046, as amended from time to time, to revise certain text provisions for regulating adult-use cannabis business establishments within the Village of Beecher; and

WHEREAS, the Corporate Authorities of this Village of Beecher, Will County, Illinois, having reviewed the recommendation of the Planning and Zoning Commission as well as the Village Zoning Ordinance No. 1046 text provisions, as amended from time to time, now concur that it is advisable, necessary, and in the best interests of the residents of the Village of Beecher that Village Zoning Ordinance No. 1046 be amended to regulate adult-use cannabis business establishments within the Village of Beecher.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: That Section 3.02, entitled “DEFINITIONS”, of SECTION 3.00, entitled “RULES AND DEFINITIONS”, of Zoning Ordinance No. 1046 of the Village of Beecher, be, and the same is hereby amended to include the following definitions, namely:

3.02 DEFINITIONS

...

“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 TWO: That subsection 12, entitled “ADULT-USE CANNABIS ADDITIONAL PROVISIONS” of Section 12.11, entitled “SPECIAL USES”, of SECTION 12.00, entitled “ADMINISTRATION”, of Zoning Ordinance No. 1046 of the Village of Beecher, be, and the same is hereby added to read and provide as follows, namely:

“12. Adult-Use Cannabis Business Establishment Additional Special Use Regulations.

a. 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 Beecher. Adult-Use Cannabis Business Establishments 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 Village regulations shall apply. Adult-Use Cannabis Craft Grower; Adult-Use Cannabis Cultivation Center; Adult-Use Cannabis Dispensing Organization; Adult-Use Cannabis Infuser Organization; Adult-Use Cannabis Processing Organization; Adult-Use Cannabis Transporting Organization; on-site consumption or use; and the retail sale of cannabis products are prohibited uses in all zoning districts except as specifically provided in this Ordinance.

b. Adult-Use Cannabis Business Establishment requiring approval of a special use in the respective districts in which they are requested shall be processed in accordance with Section 12.11 and as provided herein. In further determining compliance with Section 12.11, the following components of the Adult-Use Cannabis Business Establishment 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 Section 10.05 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; and
8. Compliance with any specific requirements provided hereinafter for Adult-Use Cannabis Craft Grower; Adult-Use Cannabis Cultivation Center; Adult-Use Cannabis Dispensing Organization; Adult-Use Cannabis Infuser Organization; Adult-Use Cannabis Processing Organization; and Adult-Use Cannabis Transporting Organization as applicable.

c. Adult-Use Cannabis Craft Grower Special Use Additional Requirements: In I-1 and AG-1 zoning districts, Adult-Use Cannabis Craft Grower may be allowed by Special Use and such 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; and
3. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

d. Adult-Use Cannabis Cultivation Center Special Use Additional Requirements: In AG-1 zoning districts, Adult-Use Cannabis Cultivation Center may be allowed by Special Use and such 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; and
3. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

e. Adult-Use Cannabis Dispensing Organization Special Use Additional Requirements: In B-1, B-2, and B-3 zoning districts, Adult-Use Cannabis Dispensing Organization may be allowed by Special Use and such 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, church, 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 the premises other than as authorized herein in the same tenant space; and
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

f. Adult-Use Cannabis Infuser Organization Special Use Additional Requirements: In B-3 and I-1 zoning districts, Adult-Use Cannabis Infuser Organization may be allowed by Special Use and such 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;
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

g. Adult-Use Cannabis Processing Organization Special Use Additional Requirements: In I-1 and AG-1 zoning districts, Adult-Use Cannabis Processing Organization may be allowed by Special Use and such 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; and
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

h. Adult-Use Cannabis Transporting Organization Additional Requirements: In B-3 and I-1 zoning districts, Adult-Use Transporting Organization may be allowed by Special Use and such 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. The transporting organization shall be the sole use of the tenant space in which it is located; and
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

i. Additional Requirements: Petitioners 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 the surrounding area. Such 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. Further, a condition of approval of a special use shall be that no one under the age of 21 shall be permitted inside any location where cannabis is being sold, cultivated, or dispensed.

11. Co-Location of Cannabis Business Establishments. The Village of Beecher 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 Section 12.11.”

SECTION THREE: That all existing Ordinances and Village Code provisions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION FOUR: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance, and this Village Board hereby expressly acknowledges that it would have enacted this Ordinance even with the invalid portion deleted.

SECTION FIVE: That this Ordinance shall be in effect immediately after its passage by the Village Board, its approval by the President and its publication as required by law.

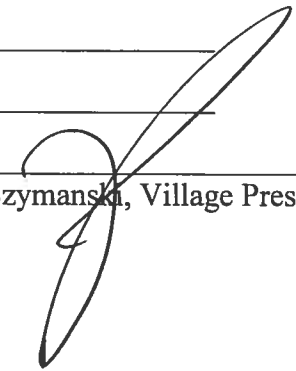
PASSED and APPROVED this 9th day of Dec ., 2019.

Yeas: Mazurek, Keppner, Meyer, Kraus

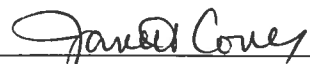
Nays: Basile, Wehling

Abstain: None

Present: None



Greg Szymanski, Village President

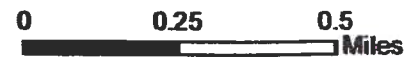
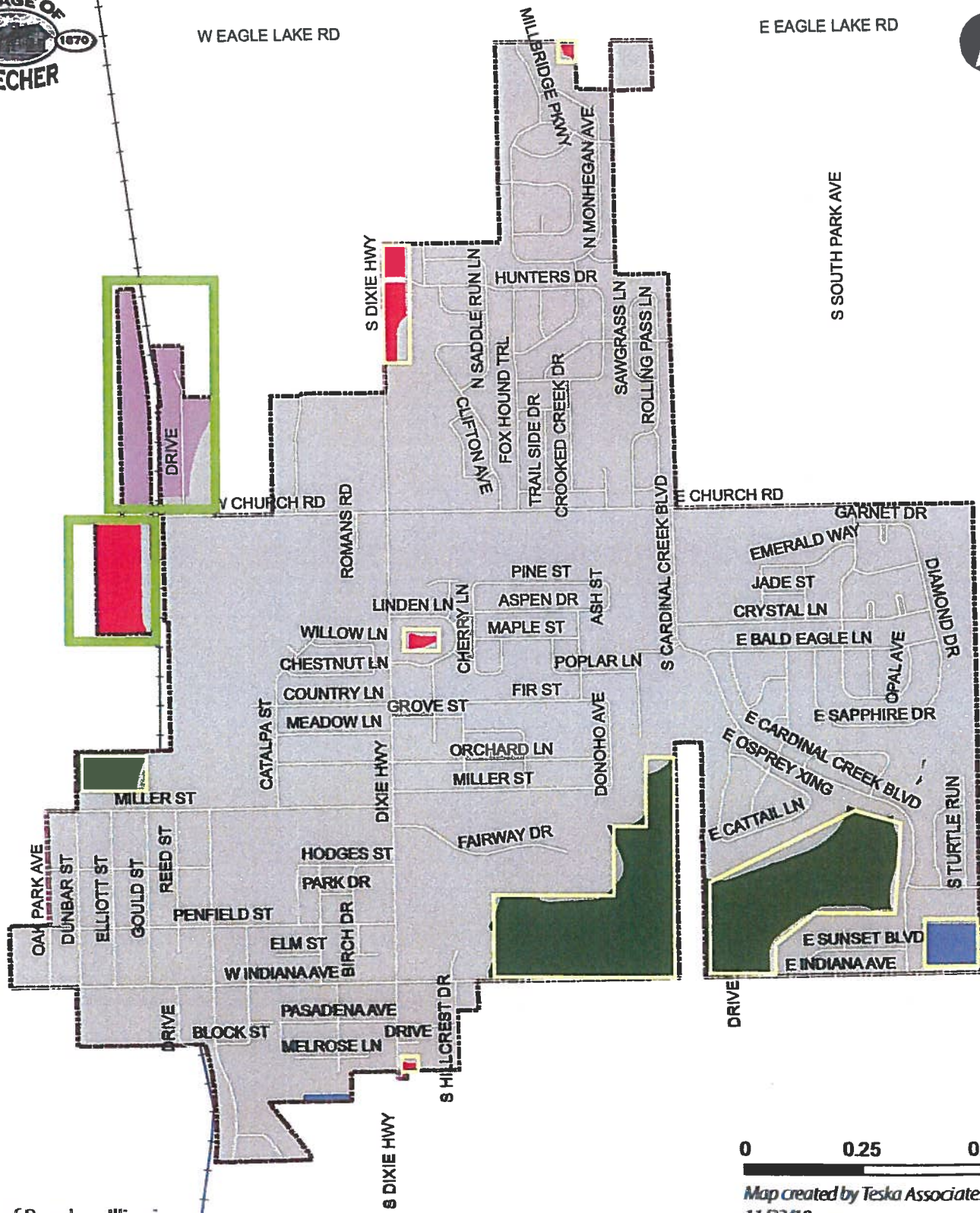
ATTEST:


Janett Conner, Village Clerk



W EAGLE LAKE RD

E EAGLE LAKE RD



Map created by Teska Associates
11/22/19

Village of Beecher, Illinois

Adult-Use Cannabis: Eligible Areas for Dispensing Facility (Beecher Proposed Ordinance)

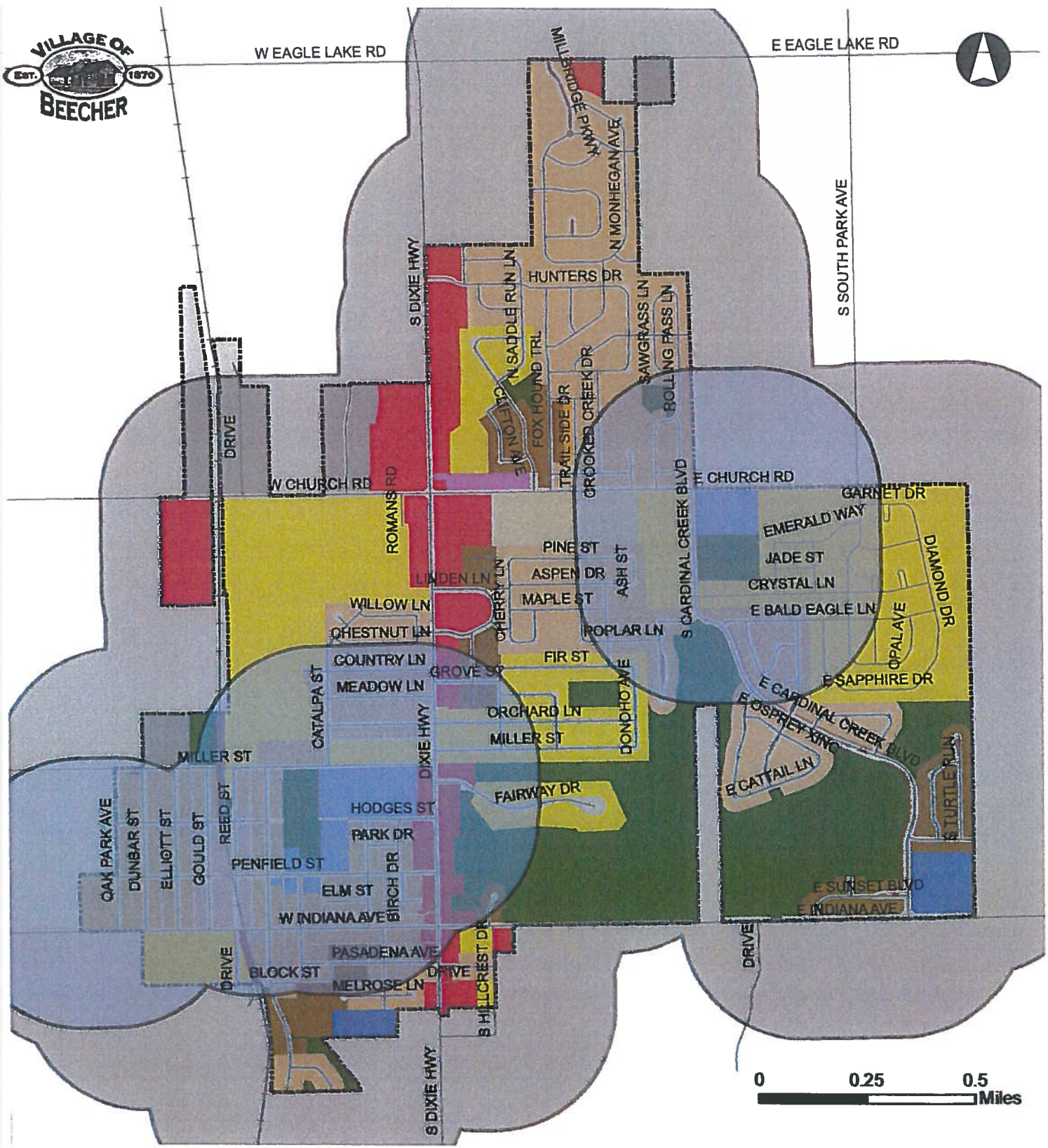
250-Foot Residential Separation + 1,500-Foot School Separation + 1,500 Church Separation for Dispensing Facilities

Agricultural	Two Family	Local Business	Government Institutional
Residential Estate	General Residence	General Business	Ineligible Area
Single Family Detached	Open Space	Limited Industrial	Eligible Areas
Single Family Attached	Historic Downtown	Office Research	Feasible Areas



W EAGLE LAKE RD

E EAGLE LAKE RD



Village of Beecher, Illinois

Adult-Use Cannabis: IML Model Ordinance Recommended Buffers

1,500-Foot Residential Separation and 1,500-Foot School Separation for Craft Growers and Cultivation Centers

- | | | | |
|------------------------|-------------------|--------------------|--------------------------|
| Agricultural | Two Family | Local Business | Government Institutional |
| Residential Estate | General Residence | General Business | School Buffer |
| Single Family Detached | Open Space | Limited Industrial | Residential Buffer |
| Single Family Attached | Historic Downtown | Office Research | |