

ORDINANCE NO. 12-2019.3

WHEREAS, the Whiteside County Building and Zoning Administrator, duly filed with the Planning and Zoning Commission, her petition praying that the following amendments be made to the Whiteside County Zoning, Planning and Development Ordinance found in Chapter 39, Articles I, III and V of the Whiteside County Code; and

WHEREAS, the Planning and Zoning Commission held the required public hearing on the proposed amendments on November 21, 2019, and has recommended to this Board that said amendments be adopted as follows:

Chapter 39 - ZONING, PLANNING AND DEVELOPMENT

ARTICLE I. - IN GENERAL

Sec. 39-3. - Definitions.

Cannabis Business Establishment means an adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

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.

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.

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.

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.

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 a 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.

Cannabis Transporting Organization or Transporter means an organization 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.

ARTICLE II. – ZONING DISTRICTS

Table 2-1. Use Matrix

Use	F-1	C-1	A-1	B-1	B-2	B-3	I-1	I-2	Definition
Commercial									
Cannabis Dispensing Organization					P	P	P		See Sec. 39-3
Medical cannabis dispensing facilities					P	P	P		
Manufacturing/Industrial									
Cannabis Craft Grower							P	P	See Sec. 39-3
Cannabis Cultivation Center							P	P	See Sec. 39-3
Cannabis Infuser Organization or Infuser							P	P	See Sec. 39-3
Cannabis Processing Organization or Processor							P	P	See Sec. 39-3
Medical cannabis cultivation centers							P		
Transportation and Utilities									
Cannabis Transportation Organization or Transporter							P	P	See Sec. 39-3

ARTICLE V. – SUPPLEMENTAL USE REGULATIONS

Sec. 39-269. – Recreational Cannabis

- (a) *Cannabis Craft Grower*. In those zoning districts in which a Cannabis Craft Grower may be located, the proposed facility must comply with the following:
- (1) A Craft Grower 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, residential care home, park, playground or religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (2) A facility may not be located within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
 - (3) A facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 - (4) For purposes of determining required parking, a Cannabis Craft Grower shall be classified as "Greenhouse, nursery and floriculture" per Section 39-79, Table 3-5 of the Whiteside County Code.
 - (5) An applicant shall file an affidavit with the Whiteside County Building and Zoning Office affirming compliance with Section 39-269 as provided herein and all other requirements of the Cannabis Regulation and Tax Act.
- (b) *Cannabis Cultivation Center*. In those zoning districts in which a Cannabis Cultivation Center may be located, the proposed facility must comply with the following:
- (1) A Cultivation Center 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, residential care home, park, playground or religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (2) A facility may not be located within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
 - (3) A facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - (4) For purposes of determining required parking, a Cannabis Cultivation Center shall be classified as "Production, General" per Section 39-79, Table 3-5 of the Whiteside County Code.
 - (5) An applicant shall file an affidavit with the Whiteside County Building and Zoning Office affirming compliance with Section 39-269 as provided herein and all other requirements of the Act.
- (c) *Cannabis Dispensing Organization*. In those zoning districts in which a Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

- (1) A Dispensing Organization 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, residential care home, park, playground or religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (2) A 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.
 - (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 sell food for consumption other than as authorized by the Act in the same tenant space.
 - (4) A facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - (5) For purposes of determining required parking, a Cannabis Dispensing Organization shall be classified as "Alcohol sales: retail package liquor" per Section 39-79, Table 3-5 of the Whiteside County Code.
 - (6) An applicant shall file an affidavit with the Whiteside County Building and Zoning Office affirming compliance with Section 39-269 as provided herein and all other requirements of the Act.
- (d) *Cannabis Infusing Organization*. In those zoning districts in which a Cannabis Infuser Organization may be located, the proposed facility must comply with the following:
- (1) An Infuser Organization 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, residential care home, park, playground or religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (2) A 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.
 - (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, a Cannabis Infuser Organization shall be classified as "Production, General" per Section 39-79, Table 3-5 of the Whiteside County Code.
 - (5) An applicant shall file an affidavit with the Whiteside County Building and Zoning Office affirming compliance with Section 39-269 as provided herein and all other requirements of the Act.
- (e) *Cannabis Processing Organization*. In those zoning districts in which a Cannabis Processing Organization may be located, the proposed facility must comply with the following:
- (1) A Processing Organization 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, residential care home, park, playground or religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (2) A 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.
 - (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, a Cannabis Processing Organization shall be classified as "Production, General" per Section 39-79, Table 3-5 of the Whiteside County Code.
 - (5) An applicant shall file an affidavit with the Whiteside County Building and Zoning Office affirming compliance with Section 39-269 as provided herein and all other requirements of the Act.
- (f) *Cannabis Transportation Organization*. In those zoning districts in which a Cannabis Transporting Organization may be located, the proposed facility must comply with the following:
- (1) A Transporting Organization 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, residential care home, park, playground or religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (2) A 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.
 - (3) 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.

- (4) For purposes of determining required parking, a Cannabis Transporting Organization shall be classified as "Truck Transportation" per Section 39-79, Table 3-5 of the Whiteside County Code.
- (5) An applicant shall file an affidavit with the Whiteside County Building and Zoning Office affirming compliance with Section 39-269 as provided herein and all other requirements of the Act.

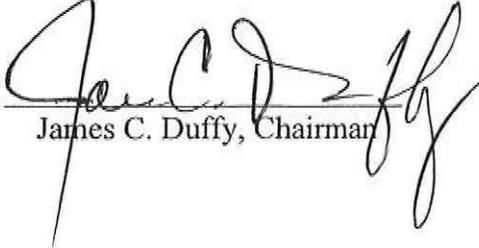
- (g) *On-Site Consumption of Cannabis.* On-site consumption of cannabis is prohibited in the unincorporated areas of Whiteside County.
- (h) *Measurements to Property Lines.* For the purposes of Section 39-269 of the Whiteside County Code, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot/parcel on which an applicable Cannabis Business Establishment Facility is located to the nearest point on the property line of the lot/parcel of any protected use as identified in Section 39-269.

NOW, THEREFORE BE IT ORDAINED that the Whiteside County Board concurs with the Planning and Zoning Commission and hereby adopts said proposed Zoning, Planning and Development Ordinance amendments, as part of Chapter 39, Articles I, III and V of the Whiteside County Code and;

BE IT FURTHER ORDAINED that the effective date is immediately upon adoption.

Passed and Adopted this 17th day of December, 2019, by the County Board of Whiteside County.

Attest: 
Dana Nelson, County Clerk


James C. Duffy, Chairman