

**THE CITY OF KANKAKEE
KANKAKEE COUNTY, ILLINOIS**

ORDINANCE

NUMBER _____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF
KANKAKEE MUNICIPAL CODE TO PROVIDE REGULATIONS FOR ADULT-USE
CANNABIS FACILITIES**

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CANNABIS FACILITIES**

WHEREAS, the City of Kankakee, 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 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; and

WHEREAS, on September __, 2019, the City Council initiated an application for amendment to the Zoning Ordinance to review and consider additional amendments to further regulate adult-use cannabis facilities within the City of Kankakee; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing, as required by law, on September 23, 2019, in regards to the proposed amendments to the Zoning Ordinance of the Kankakee Municipal Code pertaining to adult-use cannabis; and

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed amendments to the Zoning Ordinance on _____.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kankakee as follows:

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

SECTION 2: Section 2.03 (Definition of Words and Terms) of Chapter 2 (Definitions and Rules) of the City Zoning Ordinance of the Kankakee Municipal Code is hereby amended by adding the underlined language, as follows:

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.

CANNABIS ACCESSORIES:

Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing and containing cannabis as well as ingesting, inhaling or otherwise introducing cannabis into the human body.

CANNABIS PRODUCTS:

Products that have been manufactured and contain cannabis or an extract from cannabis, including concentrated forms of cannabis and products composed of cannabis and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

SECTION 3: Chapter 3 (General Provisions) of the City Zoning Ordinance of the Kankakee Municipal Code is hereby amended by adding Sections 3.13 to provide as follows:

3.13: ADULT-USE CANNABIS:

1. 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 Kankakee. 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.

2. Conditional Use: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a conditional use in the respective districts in which they are requested shall be processed in accordance with Section 12.04 (Conditional Uses) of this Zoning Code and Section 3 (Adult-Use Cannabis Facility Components) as provided herein.

3. Adult-Use Cannabis Facility Components: In determining compliance with Section 12.04 (Conditional Uses) of this Zoning Code, 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:

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

3.2 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.

3.3 Hours of operation and anticipated number of customers/employees.

3.4 Anticipated parking demand.

3.5 Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.

3.6 Site design, including access points and internal site circulation.

3.7 Proposed signage plan.

3.8 Compliance with all requirements provided in Section 4 (Adult-Use Cannabis Craft Grower); Section 5 (Adult-Use Cannabis Cultivation Center); Section 6 (Adult-Use Cannabis Dispensing Organization); Section 7 (Adult-Use Cannabis Infuser Organization); Section 8 (Adult-Use Cannabis Processing Organization); or Section 9 (Adult-Use Cannabis Transporting Organization), as applicable.

3.8 Other criteria determined to be necessary to assess compliance with Section 12.04 (Conditional Uses) of this Title.

3.9 Lighting proposal relating to the interior and exterior of the proposed facility.

3.10 Landscaping proposal which shall include appropriate landscaping and urban design features to harmonize the proposed facility with abutting uses so as to protect and enhance the aesthetics and architectural look and character of the surrounding neighborhood.

3.11 Security proposal which shall include measures to ensure the safety of employees, patrons and the public as well as to protect the premises from theft or criminal activity.

3.12 An odor control plan which adequately provides for the ongoing safe operation of the establishment and minimizes any adverse impacts to abutting properties from odor-emitting activities to be conducted on-site.

4. 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:

4.1 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.

4.2 Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned for residential purposes.

4.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

4.4 For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall provide one space per 1000 square feet of the proposed facility or lesser amount if a parking study is provided by the Petitioner and approved by the City, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 3.13(2) and (3) (Adult-Use Cannabis: Conditional Use) herein.

4.5 Petitioner shall file an affidavit with the City affirming compliance with the Cannabis Regulation and Tax Act (P.A. 101-0027), as amended.

5. 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:

5.1 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.

5.2 Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned for residential purposes.

5.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

5.4 For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall provide one space per 1000 square feet of the proposed facility or lesser amount if a parking study is provided by the Petitioner and approved by the City, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 3.13(2) and (3) (Adult-Use Cannabis: Conditional Use) herein.

5.5 Petitioner shall file an affidavit with the City affirming compliance with the Cannabis Regulation and Tax Act (P.A. 101-0027), as amended.

6. 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:

6.1 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.

6.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned for residential purposes.

6.3 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 in Section 6.5 below in the same tenant space.

6.4 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

6.5 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 10 (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 the City Code.

6.6 For purposes of determining required parking, said facilities shall provide five spaces per 1000 square feet of the proposed facility or lesser amount if a parking study is provided by the Petitioner and approved by the City, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 3.13(2) and (3) (Adult-Use Cannabis: Conditional Use) herein.

6.7 Petitioner shall file an affidavit with the City affirming compliance with the Cannabis Regulation and Tax Act (P.A. 101-0027), as amended.

7. 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:

7.1 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.

7.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned for residential purposes.

7.3 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.

7.4 For purposes of determining required parking, said facilities shall provide one space per 1000 square feet of the proposed facility or lesser amount if a parking study is provided by the Petitioner and approved by the City, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 3.13(2) and (3) (Adult-Use Cannabis: Conditional Use) herein.

7.5 Petitioner shall file an affidavit with the City affirming compliance with the Cannabis Regulation and Tax Act (P.A. 101-0027), as amended.

8. 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:

8.1 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.

8.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned for residential purposes.

8.3 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.

8.4 For purposes of determining required parking, said facilities shall provide one space per 1000 square feet of the proposed facility or lesser amount if a parking study is provided by the Petitioner and approved by the City, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 3.13(2) and (3) (Adult-Use Cannabis: Conditional Use) herein.

8.5 Petitioner shall file an affidavit with the City affirming compliance with the Cannabis Regulation and Tax Act (P.A. 101-0027), as amended.

9. 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:

9.1 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.

9.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned for residential purposes.

9.3 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.

9.4 For purposes of determining required parking, said facilities shall provide one space per 1000 square feet of the proposed facility or lesser amount if a parking study is provided by the Petitioner and approved by the City, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 3.13(2) and (3) (Adult-Use Cannabis: Conditional Use) herein.

9.5 Petitioner shall file an affidavit with the City affirming compliance with the Cannabis Regulation and Tax Act (P.A. 101-0027), as amended.

10. Additional Requirements:

10.1 Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional 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.

10.2 A security plan shall be submitted, to ensure the safety of employees, patrons and the public to protect the premises from theft or criminal activity. The Police Chief, or their designee, may offer comments regarding the Security Plan. The security plan shall include, but not be limited to, the following:

- I. An interior floorplan (including secured areas, windows, doors, etc.)
- II. Exterior lighting
- III. Exterior fencing (if any)
- IV. Exterior gates (if any)
- V. Alarms

10.3 Signage. All signage and advertising for Adult-Use Cannabis Business Establishment shall comply with all applicable state laws and City code requirements.

10.4 Petitioner shall provide a Transportation Plan as described herein. A proposed Adult-Use Cannabis Business Establishment shall prepare and submit a Transportation Plan that will, among other things, provide a detailed analysis of how the use may impact traffic and parking in the area immediately surrounding the proposed site of an Adult-Use Cannabis Business Establishment and how best practices of the industry may be utilized to address traffic and parking.

10.5 Cannabis plants, Products, and Accessories shall not be visible from outside the building or any Adult-Use Cannabis Business Establishment. All aspects of an Adult-Use Cannabis Business Establishment relative to the cultivation, possession, processing, sales, distribution, dispensing or administration of cannabis, Cannabis Products, or related

supplies must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the building. An Adult-Use Cannabis Business Establishment shall not be located in a trailer, storage freight container, motor vehicle or other similar movable enclosure. No outside storage of cannabis, Cannabis Products, Cannabis Accessories or related supplies is permitted.

10.6 An Adult-Use Cannabis Business Establishment shall provide an odor control plan that provides for proper and adequate ventilation at such facilities in such a manner so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of cannabis or cannabis related products from being dispersed or released outside the facilities. All resulting odors, smoke, vapor, fumes, gases and particulate matter from cannabis or its processing or cultivation shall be effectively confined to the premises or so disposed of so as to avoid any air pollution.

11. 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 Conditional Use criteria within the City of Kankakee Municipal Code. In a co-location, the floor space requirements of Section 6.3 and 7.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.

SECTION 4: Appendix A of the City Zoning Ordinance of the City of Kankakee Municipal Code is hereby amended by adding the underlined language to provide as follows:

Appendix - A Permitted and Conditional Uses by Zoning District

PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT									
No.	<i>P = Permitted Use C = Conditional Use</i> USE DESCRIPTION	Residential			Commercial			Industrial	
		R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2
1	Adult-Use Cannabis Craft Grower Organization.					C	C	C	C
2	Adult-Use Cannabis Cultivation Organization.							C	C
3	Adult-Use Cannabis Dispensing Organization.					C	C	C	C
4	Adult-Use Cannabis Infuser Organization.					C	C	C	C
5	Adult-Use Cannabis Processing Organization.							C	C
6	Adult-Use Cannabis Transporting Organization.							C	C

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.

ADOPTED by the Mayor and City Council of the City of Kankakee, Kankakee County, Illinois this ____ day of _____, 2019, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
PRUDE				
MALONE-MARSHALL				
O'BRIEN				
GALL				
CRAWFORD				
OSENGA				
SWANSON				
FAFORD				
TALL				
LEWIS				
CURTIS				
COBBS				
TETTER				
BROWN				
MAYOR WELLS-ARMSTRONG				
TOTAL				

APPROVED by the Mayor of the City of Kankakee, Kankakee County, Illinois on this _____ day of _____, 2019.

 CHASITY WELLS-ARMSTRONG, Mayor

ATTEST:

 ANJANITA DUMAS, City Clerk