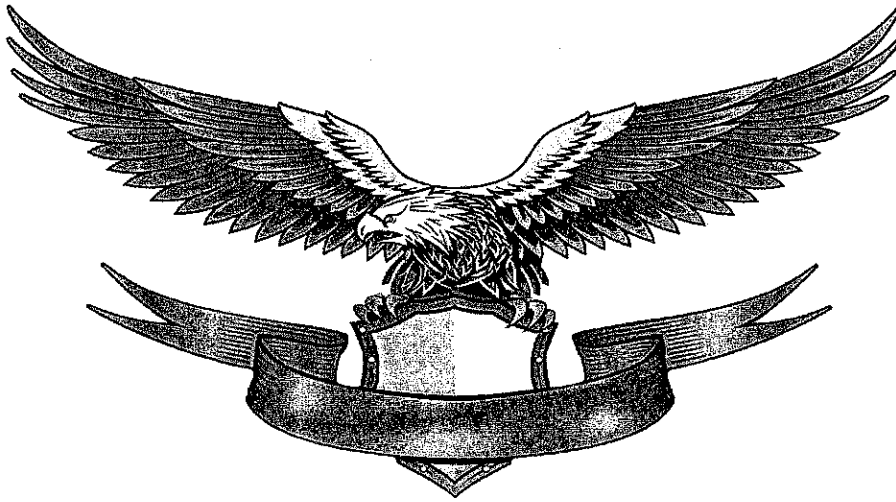


The
City
Of
Maroa



Ordinance No. 2020/02/24-3

**AN ORDINANCE APPROVING AND AUTHORIZING AMENDMENTS TO THE CITY OF
MAROA REVISED CODE OF ZONING ORDINANCES; SPECIFICALLY, THE ADDITION OF
ARTICLE 12: CANNABIS RELATED BUSINESS**

Adopted by the Mayor and City Council of the City of Maroa this 24th Day of February, 2020.

Published in pamphlet form by authority of the City Council of the City of Maroa, Macon, Illinois, this 24th
Day of February, 2020.

ORDINANCE NO. 2020/02/24-3

**AN ORDINANCE APPROVING AND AUTHORIZING AMENDMENTS TO THE
CITY OF MAROA REVISED CODE OF ZONING ORDINANCES;
SPECIFICALLY, THE ADDITION OF ARTICLE 12: CANNABIS RELATED
BUSINESS**

WHEREAS, the City of Maroa, 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 February 24th 2020, the City Council initiated the creation of Article 12 of the City of Maroa Revised Code of Zoning Ordinances to review and consider additional amendments to further regulate adult-use cannabis facilities within the City of Maroa; and

WHEREAS, the Planning and Zoning Commission/Zoning Board of Appeals conducted public hearings, as required by law, on February 24th, 2020, in regards to the proposed creation of Article 12 of the City of Maroa Revised Code of Zoning Ordinances pertaining to adult-use cannabis; and

WHEREAS, the Planning and Zoning Commission/Zoning Board of Appeals recommended approval of the proposed creation of Article 12 of the City of Maroa Revised Code of Zoning Ordinances on February 24th, 2020.

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

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

SECTION 2: Article 12, Section 1 of the City of Maroa Revised Code of Zoning Ordinances is hereby created by adding the underlined language, as follows:

12.1 Description of Cannabis Related Business

A. ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:

An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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 3: Article 12, Section 2 of the City of Maroa Revised Code of Zoning Ordinances is hereby created by adding the underlined language, as follows:

12.2 General Restrictions

- 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 City of Maroa. 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.
- B. Conditional 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 3 (Adult-Use Cannabis: Special Uses) of this Article and Paragraph C (Adult-Use Cannabis Facility Components) as provided herein.
- C. Adult-Use Cannabis Facility Components: In determining compliance with Section 3 (Adult-Use Cannabis: Special Uses) of this Article, 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 Section 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 all requirements provided in Paragraph D (Adult-Use Cannabis Craft Grower); Paragraph E (Adult-Use Cannabis Cultivation Center); Paragraph

F (Adult-Use Cannabis Dispensing Organization); Paragraph G (Adult-Use Cannabis Infuser Organization); Paragraph H (Adult-Use Cannabis Processing Organization); or Paragraph I (Adult-Use Cannabis Transporting Organization), as applicable.

9. Other criteria determined to be necessary to assess compliance with Section 3 (Adult-Use Cannabis: Special Uses) of this Article.

D. 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 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 Craft Grower shall be classified as "Light Industrial" per Article VII (Off-Street Parking and Loading) of the City of Maroa Revised Code of Zoning Ordinances, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 3 (Adult-Use Cannabis: Special Uses) herein.

5. Petitioner shall file an affidavit with the City affirming compliance with Section 3 as provided herein and all other requirements of the Act.

E. 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 classified as "Light Industrial" per Article VII (Off-Street Parking and Loading) of the City of Maroa Revised Code of Zoning Ordinances, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 3 (Adult-Use Cannabis: Conditional Uses) herein.

5. Petitioner shall file an affidavit with the City affirming compliance with Section 3 (Adult-Use Cannabis: Special Uses) as provided herein and all other requirements of the Act.

F. 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 the premises other than as authorized in Section F.5 below in the same tenant space.
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
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 Paragraph J (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 Article X of the City of Maroa Revised Code of Zoning Ordinances.
6. For purposes of determining required parking, said facilities shall be classified as "Retail and Service Use" per Article VII (Off-Street Parking and Loading) of the City of Maroa Revised Code of Zoning Ordinances, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 3 (Adult-Use Cannabis: Special Uses) herein.
7. Petitioner shall file an affidavit with the City affirming compliance with Section 3 as provided herein and all other requirements of the Act.

G. 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 classified as "Retail and Service Use" per Article VII (Off-Street Parking and Loading) of the City of Maroa Revised Code of Zoning Ordinances, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 3 (Adult-Use Cannabis: Special Uses) herein.
5. Petitioner shall file an affidavit with the City affirming compliance with Section 3 as provided herein and all other requirements of the Act.

H. 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 classified as "Light Industrial" per Article VII (Off-Street Parking and Loading) of the City of Maroa Revised Code of Zoning Ordinances, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 3 (Adult-Use Cannabis: Special Uses) herein.
5. Petitioner shall file an affidavit with the City affirming compliance with Section 3 as provided herein and all other requirements of the Act.

I. 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. 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. 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 classified as "Light Industrial" per Article VII (Off-Street Parking and Loading) of the City of Maroa Revised Code of Zoning Ordinances, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 3 (Adult-Use Cannabis: Special Uses) herein.
5. Petitioner shall file an affidavit with the City affirming compliance with Section 3 as provided herein and all other requirements of the Act.

J. Additional Requirements: 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.

K. 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 Maroa Revised Code of Zoning Ordinances. In a co-location, the floor space requirements of Paragraph F.3 and G.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.

SECTION 4: Article 12, Section 3 of the City of Maroa Revised Code of Zoning Ordinances is hereby created by adding the underlined language, as follows:

12.3 Adult-Use Cannabis Special Uses

A. Business District (B)

1. Adult-Use Cannabis Dispensing Organization.

B. Commercial Service District (C)

1. Adult-Use Cannabis Dispensing Organization.
2. Adult-Use Cannabis Infuser Organization.
3. Adult-Use Cannabis Processing Organization.
4. Adult-Use Cannabis Transporting Organization.

C. Light Industrial District (I-1)

1. Adult-Use Cannabis Dispensing Organization.
2. Adult-Use Cannabis Infuser Organization.
3. Adult-Use Cannabis Processing Organization.
4. Adult-Use Cannabis Transporting Organization.
5. Adult-Use Cannabis Craft Grower Organization.
6. Adult-Use Cannabis Cultivation Organization.

D. Heavy Industrial District (I-2)

1. Adult-Use Cannabis Dispensing Organization.
2. Adult-Use Cannabis Infuser Organization.
3. Adult-Use Cannabis Processing Organization.
4. Adult-Use Cannabis Transporting Organization.
5. Adult-Use Cannabis Craft Grower Organization.
6. Adult-Use Cannabis Cultivation Organization.

E. Agricultural District (A)

1. Adult-Use Cannabis Craft Grower Organization.
2. Adult-Use Cannabis Cultivation Organization.

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.

BE IT FURTHER ORDAINED by the City Council of the City of Maroa, Illinois, that this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect February 24th, 2020 from and after the date of its final passage, adoption, and publication, in the manner, form, and time as provided by the laws of the State of Illinois; and


That the City Clerk is hereby ordered and directed to cause this ordinance to be published.

PRESENTED, PASSED AND APPROVED by the Mayor and City Council of the City of Maroa, Illinois, on the 24th day of February, 2020.

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PRESENTED, PASSED AND APPROVED, by the Mayor and City Council of the City of Maroa, Illinois, on this 24th day of February 2020.

NAME	AYE	NAY	ABSTAIN	ABSENT
Alderman Monica Estep	✓			
Alderman Angela Bogle	✓			
Alderman Jeremiah Grider	✓			
Alderman Tyler Jackson	✓			
Alderman Blake West	✓			
Alderman Ryan Wilkey	✓			
Mayor Aaron Meador				
Totals	6			



Aaron Meador, Mayor

Attest:



Diane Edwards, City Clerk

Seal

STATE OF ILLINOIS)
)
COUNTY OF MACON) S.S.

Certification of Ordinance

I, Diane Edwards, certify that I am the duly elected and acting City Clerk of the City of Maroa, Macon County, Illinois.

I further certify that on the 24th day of February 2020, the Corporate Authorities of such Municipality passed and approved:

ORDINANCE NO. 2020/02/24-3

AN ORDINANCE APPROVING AND AUTHORIZING AMENDMENTS TO THE CITY OF MAROA REVISED CODE OF ZONING ORDINANCES; SPECIFICALLY, THE ADDITION OF ARTICLE 12: CANNABIS RELATED BUSINESS

which provided by its terms that it should be published in pamphlet form.

The attached is a true and correct copy of 2020/2/24-2


The pamphlet form of **ORDINANCE NO. 2020/2/24-3** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on February 24, 2020, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

The undersigned, duly elected, qualified and acting Clerk of the City of Maroa, Macon County, Illinois does hereby certify that the attached document is a true and correct copy of:

ORDINANCE NO. 2020/02/24-3

AN ORDINANCE APPROVING AND AUTHORIZING AMENDMENTS TO THE CITY OF MAROA REVISED CODE OF ZONING ORDINANCES; SPECIFICALLY, THE ADDITION OF ARTICLE 12: CANNABIS RELATED BUSINESS

DATED at Maroa, Illinois, this 24th day of February 2020.



Diane Edwards, City Clerk

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