



**AGENDA  
BLOOMINGTON PLANNING COMMISSION  
REGULAR MEETING  
COUNCIL CHAMBERS  
109 EAST OLIVE STREET  
BLOOMINGTON, IL  
WEDNESDAY, NOVEMBER 13, 2019 4:00 P.M.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. MINUTES** Review the minutes of the October 9, 2019, regular meeting of the Bloomington Planning Commission.
- 5. REGULAR AGENDA**
  - A. Z-09-19** Public Hearing, review and action on a Text Amendment to the Bloomington Zoning Ordinance, Chapter 44 of the Bloomington City Code, to define and allow Adult-Use Cannabis Business Establishments with a special use permit in the agriculture, business, and manufacturing districts in the City of Bloomington.
- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
  - A.** Approve 2020 meeting dates.
- 8. ADJOURNMENT**

**DRAFT**  
**MINUTES**  
**BLOOMINGTON PLANNING COMMISSION**  
**REGULAR MEETING**  
**WEDNESDAY, OCTOBER 9, 2019 4:00 P.M.**  
**COUNCIL CHAMBERS, CITY HALL**  
**109 EAST OLIVE STREET**  
**BLOOMINGTON, ILLINOIS**

**MEMBERS PRESENT:** Mr. David Stanczak; Mr. John Protzman; Mr. Justin Boyd; Mr. Mark Muehleck; Mr. Tyson Mohr; Mr. Thomas Kreiger; Chairperson Megan Headean.

**MEMBERS ABSENT:** Mr. Kevin Suess; Mr. Eric Penn; Ms. Megan McCann.

**OTHERS PRESENT:** Mr. Bob Mahrt, Community Development Director; Ms. Casey Weeks, Assistant City Planner; Mr. George Boyle, Assistant Corporate Council.

**CALL TO ORDER:** Chairperson Headean called the meeting to order at 4:05 PM. Mr. Mahrt called roll. With seven members present, the Commission established a quorum.

**PUBLIC COMMENT:** None

**MINUTES:** The Commission reviewed the minutes from the August 28, 2019 regular meeting. Mr. Boyd motioned to approve the minutes as presented; Mr. Stanczak seconded the motion. The minutes were approved by voice vote 7-0.

**REGULAR AGENDA:**

Mr. Mahrt provided an overview of the recent update to the Zoning Ordinance, which now established the requirement for legislative Site Plan Reviews for commercial developments in all Business Districts. The two public hearings on the agenda represent the first application of the regulations since adoption by the City Council on March 11, 2019. Mr. Mahrt outlined the general application criteria and the standards for conducting a Site Plan Review by the Planning Commission.

**PR-01-19 Public Hearing, review and action on a site plan review application submitted by Bellas Landscaping LLC for a patio and parking lot in the B-1 General Commercial District at 5 Finance Drive (Ward 1).**

Chairperson Haedean opened the public hearing and introduced the case. Ms. Weeks was sworn in and provided an overview of the case and the staff recommendation. The staff recommendation included approval of the application for outdoor seating and parking lot at 5 Finance Drive along with the four requested variances as follows: 1) variance to reduce the front yard landscaping setback for the parking lot, 2) variance to waive the requirement for landscape islands installed in a parking lot with more than ten spaces, 3) variance to waive the requirement for pedestrian sidewalk from the public sidewalk to the building entrance, and 4) variance to waive the five foot sidewalk requirement through the parking lot entrance.

Mr. Boyd requested information on the process and timing for the developer to secure building permits with approvals by both the City Council and administrative site plan approval by City Staff. There was some general discussion on timing for legislative Site Plan Review being roughly 6-8 weeks and the administrative site plan review being 2-3 weeks before Building Permit issuance. There was continued discussion on whether the Commission should continue the discussion on the new processes under New Business.

Justin Bellas, petitioner, provided an overview of the development project and development constraints on the property. He expressed the need for approval of the requested variances.

Chairperson Haedean called for additional testimony in favor or opposition to the petition. There was none.

There being no further testimony, Chairperson Haedean closed the public hearing.

Commissioner Mohr made a motion to adopt the findings of fact and approve the petition for Site Plan Review with the requested variances as recommended by City Staff. Commissioner Justin Boyd seconded the motion.

Roll call vote to approve petitioner's request: Mr. David Stanczak - Yes; Mr. Justin Boyd - Yes; Mr. John Protzman - Yes; Mr. Mark Muehleck - Yes; Mr. Tyson Mohr - Yes; Mr. Krieger - Yes; Chairperson Megan Headean - Yes.

**PR-02-19 Public Hearing, review and action on a site plan review application submitted by Carmala LLC for a restaurant in the B-1 General Commercial District at 802 E Washington Street (Ward 4).**

Chairperson Haedean opened the public hearing and introduced the case. Ms. Weeks was sworn in and provided an overview of the case and the staff recommendation. The staff recommendation included approval of the application for a restaurant at 802 East Washington Street with development conditions and conditional approval of requested variances as follows: 1) condition to shift the building either 10 feet to the east or shift the building 5 feet to east while vacating a portion of existing easement along the west property line; 2) variance to eliminate the landscaping setback on east property line while maintaining the requirement for perimeter landscaping adjacent to the alley right-of-way; 3) condition that no required plantings be located within public right-of-way; 4) condition to relocate dumpster to northeast corner of the property; and 5) variance to waive the requirement for pedestrian sidewalk from the public sidewalk to the building entrance.

Mr. Boyd requested information on site lighting and the impact on the adjoining properties to the east. Mr. Mahrt indicated that lighting would be required within the parking lot, but that lighting would need to be shielded to prevent glare on adjoining residential uses.

Mr. Mohr requested information on the need to relocate the dumpster and was encouraged by the building placement which maintained the streetscape along Washington Street. Mr. Mahrt

replied that the refuse disposal areas are not to be located in the required street front of the property.

Mr. Mark Allen, petitioner, provided an overview of the development project. He indicated that the property owners completed a survey of the property and found some discrepancies in the alley right-of-way. He also indicated an interest in working with IDOT to establish a two-way alley.

Chairperson Haedean called for additional testimony in favor or opposition to the petition.

Mr. Mark Kudrys indicated that he owned property in the vicinity and that he wanted to view the building configuration on the property and the proposed location of the mechanicals. After viewing the renderings provided he stated he had no further questions and was happy to see something get developed. He further requested information on the removal of the billboard.

Mr. Allen indicated that the billboard would be removed.

There being no further testimony, Chairperson Haedean closed the public hearing.

Commissioner Mohr made a motion to adopt the findings of fact and approve the petition for Site Plan Review with the conditions and variances as recommended by City Staff. Commissioner Justin Boyd seconded the motion.

Roll call vote to approve petitioner's request: Mr. David Stanczak - Yes; Mr. Justin Boyd - Yes; Mr. John Protzman - Yes; Mr. Mark Muehleck - Yes; Mr. Tyson Mohr - Yes; Mr. Krieger - Yes; Chairperson Megan Headean - Yes.

**OLD BUSINESS:** None.

**NEW BUSINESS:** There was general discussion amongst commission members in regard to the newly adopted legislative Site Plan Review and the potential impacts on the business community. A request was put forth by the membership for Staff to provide a summary of the process and the benefits of the Site Plan Review for discussion at a future meeting.

**ADJOURNMENT:** The meeting was adjourned at 4:46 pm by voice vote, motioned by Mr. Muehleck and seconded by Mr. Boyd.

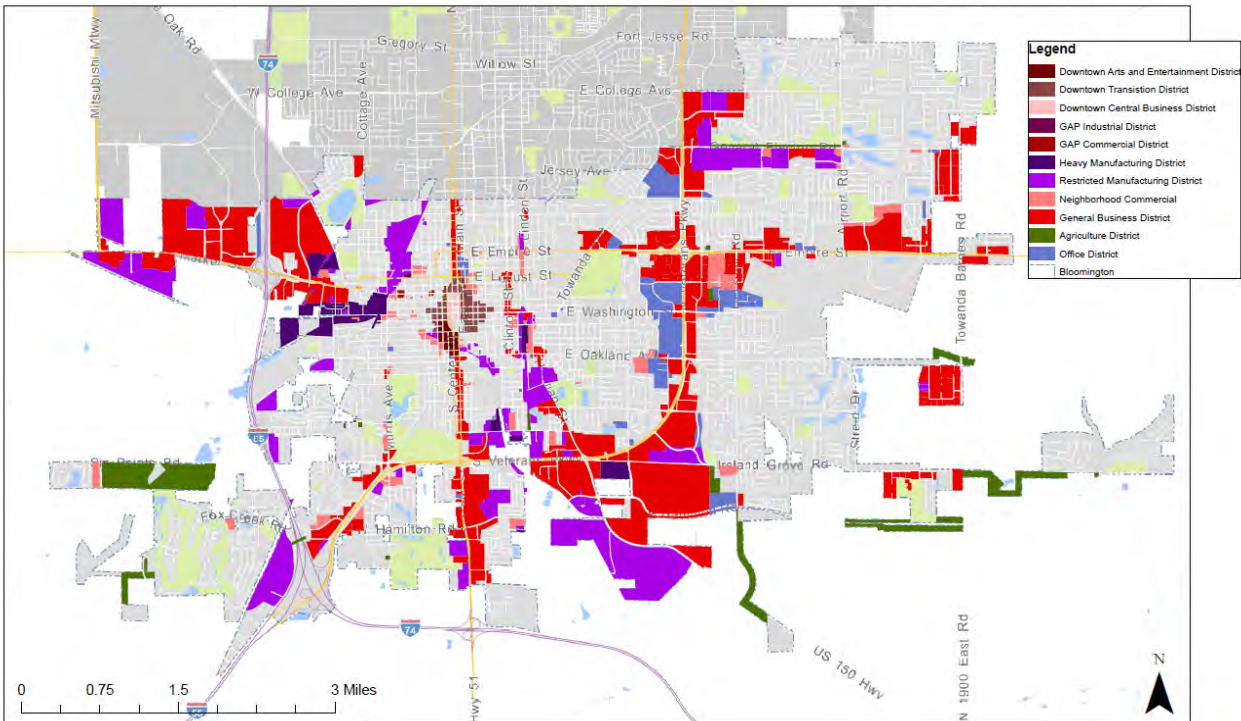
Respectfully submitted,  
Bob Mahrt  
Community Development Director

**Agenda Item A  
Adult-Use Cannabis  
Text Amendment**

**CITY OF BLOOMINGTON  
STAFF REPORT FOR  
THE BLOOMINGTON PLANNING COMMISSION  
NOVEMBER 13, 2019**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-09-19	Text Amendment to allow Adult-Cannabis Business Establishments with a special use permit in certain agriculture, business and manufacturing districts.	Text Amendment	Planning Division

**BUSINESS, MANUFACTURING, AND AGRICULTURAL DISTRICTS WHERE  
ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS MAY BE ALLOWED AS A SPECIAL USE**



**GENERAL INFORMATION**

Applicant: City Council, Resolution 2019-27

Legal notice for the November 13, 2019 public hearing was published in *The Pantagraph* on Tuesday, October 29, 2019.

**Background**

On July 25, 2019, Governor JB Pritzker signed Public Act 101-0027, the Cannabis Regulation and Tax Act, into law. The Act, which is effective January 1, 2020, legalizes the possession and private use of cannabis for Illinois residents over the age of 21. Illinois residents are not allowed to consume cannabis in public spaces including on the street or in a park. The Cannabis Regulation and Tax Act addresses all aspects of the value-added cannabis supply chain, from cultivation to distribution. The Act defines each type of use involved in the production of cannabis products. The Act also allows medical cannabis program participants to grow their own cannabis, at home, and for their own consumption. The Act does not allow non-medical participants to grow their own cannabis. The Act does not permit cannabis-related home businesses.

Further, the Act affords municipalities the opportunity to either prohibit adult-use cannabis establishments or to regulate the time, place, manner, and number of establishments. This is unlike the city's ability to license bars and alcohol establishments. Instead, the City must use its zoning ordinance to establish desired separations. Additionally, the state administers licenses for operating for all uses. Local zoning approvals may be a requirement for state licensing.

On October 28, 2019, City Council passed Resolution #2019-31 initiating a text amendment to the zoning ordinance, Chapter 44 of the City Code, that defines and regulates adult-use cannabis business establishments. The Resolution does not endorse the allowance of adult-use cannabis business establishment. The Resolution initiates the public hearing process required for zoning text amendments. The Bloomington City Council will take final action on the amendment after the public hearing is closed. The Planning Commission provides Council with a recommendation on the text amendment. The Planning Commission is not required to provide Council with a recommendation endorsing opting-in or opting-out of allowing adult-use cannabis business establishments. The Commission is tasked with providing recommendations related to zoning if Council decides to opt-in and allow adult-use cannabis business establishments.

**Industry characteristics, built environment impacts, and zoning considerations:**

In September 2018, the ICMA published a report called "Local Impacts of Commercial Cannabis"<sup>1</sup> that evaluated the commercial cannabis industry in Colorado, Washington, California, Oregon and Alaska, early adopters of cannabis. The report's findings focus on land use, taxation, public health implications and safety concerns. The report summarizes lessons learned from other communities. In general, the report recommends a thoughtful approach to siting cannabis related businesses. According to the report the cannabis industry can, but may not always, be an

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[https://icma.org/sites/default/files/Local%20Impacts%20of%20Commercial%20Cannabis%20Final%20Report\\_0.pdf](https://icma.org/sites/default/files/Local%20Impacts%20of%20Commercial%20Cannabis%20Final%20Report_0.pdf)

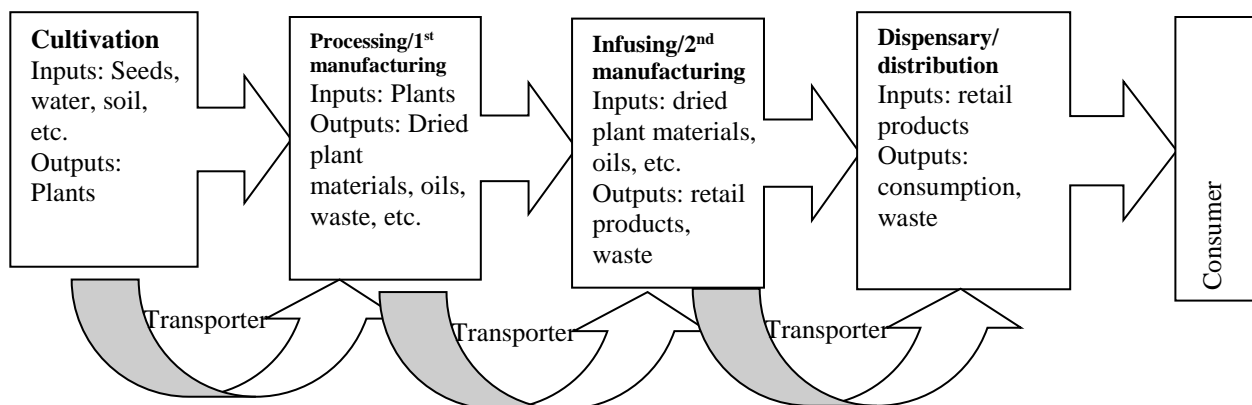
**Agenda Item A**  
**Adult-Use Cannabis**  
**Text Amendment**

opportunity for redevelopment of vacant and underutilized industrial land, or underproducing farm land (2). It can be a tool for economic development and spark reinvestment in a specific area. The report explains that cannabis is a cash industry with high barriers to entry for cannabis related businesses, such as expensive licenses and added building requirements (2). However, given the cash-nature of the market, additional security measures may be needed for cannabis establishments. While retailers, processors and producers in Washington, are smaller establishments with fewer than 9 full time employees (3), the businesses can generate heavy amounts of traffic. Trip generation is compared to that of the fast food industry, with people making short, frequent trips to retail establishments. Also, according to the report, the circulation patterns and parking demand created by distributors can be greater than traditional retail use. Many states did not expect the amount of traffic generated.

The report recommends incorporating security precautions, like lighting and security systems, into regulations and licenses (4). The report also explains that cities may have concerns regarding odor and waste, and may want to require ventilation systems to mitigate odors (7). The report discusses the nature of cannabis uses. Cannabis processing may involve using chemicals to extract resin and process oils from the raw plant material. Like other manufacturing uses, these chemicals could be explosive or necessitate special storage and handling precautions (4). Additionally, the report recommends protecting the character of an area through zoning including setbacks and separation requirements between businesses and from sensitive uses like schools and day care centers. While each community is different, some decide to cluster adult-cannabis uses and others implemented separation requirements between cannabis uses. Lastly, the report recommends reviewing regulations and adjusting as necessary (7).

**Proposed Text Amendment—Draft for consideration**

Staff drafted the proposed text amendment (attached) to initiate this conversation and provide the Commission with a starting point for establishing regulations. The Act contemplates all uses on the value-added/cannabis supply chain. Below is an illustration of how the supply chain might look. The proposed text amendment includes the following definitions of each participant in the process. These definitions are consistent with the Act:



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*“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, 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, 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, as it may be amended from time-to-time, and regulations promulgated thereunder. No on-site consumption is allowed.”

*“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, 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, 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, as it may be amended from time-to-time, and regulations promulgated thereunder.”



**Agenda Item A  
Adult-Use Cannabis  
Text Amendment**

**Proposed Zoning Districts**

The draft text amendment proposes allowing the defined uses listed on the previous page in the following districts with a special use permit. In the attached draft, no adult-use cannabis establishments are permitted by right. Special Uses are intended for uses that cannot be treated in the same manner as other uses due to their very nature and unique characteristics which may affect public health, safety, and welfare, or which may establish public nuisances and conflict with surrounding uses and character. With Special Uses, Council can add conditions and make additional considerations to each permit based on location. The Special Use allows Council and the City to exercise caution, and to have more oversight when siting cannabis businesses.

Table: Permitted and Special Uses												
	A	B-1	B-2	C-1	D-1	D-2	D-3	GAP 5	M-1	GAP 6	M-2	References
<b>COMMERCIAL</b>												
Retail and Service												
Adult-Use Cannabis Dispensing Organization		S	S	S	S	S	S	S	S	S	S	44-1038
<b>INDUSTRIAL</b>												
Manufacturing and Production, Light												
Adult-Use Cannabis Craft Grower	S	S	S		S	S	S	S	S	S	S	44-1038
Adult-Use Cannabis Cultivation Center	S						S		S	S	S	44-1038
Adult-Use Cannabis Infuser Organization		S	S				S		S	S	S	44-1038
Adult-Use Cannabis Processing Organization							S		S	S	S	44-1038
Transportation												
Adult-Use Cannabis Transporting Organization							S		S	S	S	44-1038

**Special Use Regulations (~44-1038)**

The special use application requirements are outlined in ~44-1707 of the City Code. Applicants are required to submit a site plan and application. The Zoning Board of Appeals reviews applications for compliance with five standards gaging the impacts on the surrounding uses, the overall neighborhood, property values, and impacts on traffic and stormwater. The Board provides Council with a recommendation. Council votes to either approve, deny, or approve the

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application with conditions. Special uses are valid until the use is discontinued at the specific location, or the permit is revoked.

**A. Supplemental Application requirements**

In addition to the regular application requirements, the draft text amendment proposes that adult-use cannabis business establishment applicants provide supplemental information on the business's building construction, security information, sign plan, and business plan explaining the hours of operation, number of employees, and anticipated traffic demand.

**B. Buffers and setbacks**

The Act allows the City to establish separation requirements and to regulate proximity of adult-use cannabis establishments to other businesses and residential uses. The draft text amendment proposes a 500ft separation buffer requirement from the following uses for all adult-cannabis business establishments:

- Pre-existing public or private nursery school;
- Preschool;
- Primary or secondary school;
- Day care center or day care home;
- Residential care home;
- Any place of worship; or
- Playground or parks.

The draft text amendment proposes a 250ft separation buffer from the following residential districts for all adult-cannabis business establishments:

- R1A, Single family residential district
- R1B, Single family residential district
- R1C, Single family residential district
- R1H, Single family residential district
- R2, Mixed residential district
- R3A, Multifamily residential district
- R3B, Multifamily residential district
- R4, Mobile home districts
- GAP 1, GAP 2, GAP 3, GAP 4, GAP residential districts.

The draft text amendment proposes a 1,500-foot separation requirement between dispensaries. This recommendation is consistent with the state requirement.

**C. Additional standards for consideration:**

The general Special Use standards outlined in 44-1707. In addition to these standards, the Zoning Board of Appeals and the City Council would consider the following standards when deciding to approve or deny a special use permit application for adult-cannabis businesses:

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

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- [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 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 Section H[1] (Adult-Use Cannabis Craft Grower); Section H[2] (Adult-Use Cannabis Cultivation Center); Section H[3] (Adult-Use Cannabis Dispensing Organization); Section H[4] (Adult-Use Cannabis Infuser Organization); Section H[5] (Adult-Use Cannabis Processing Organization); or Section H[6] (Adult-Use Cannabis Transporting Organization), as applicable.
- [9] The number of Adult-Use Cannabis Business Establishments already in operation
- [10] Other criteria determined to be necessary to assess compliance with Chapter 44 (Special Uses) of this Chapter.

**D. On-site consumption**

The proposed text amendment prohibits on-site consumption of cannabis. Cannabis, per the Act, may be consumed in private residences but not in public places, unless approved through zoning. Staff added this prohibition to the draft text amendment following discussions and feedback received at Council meetings and throughout the community. Many communities, including the Town of Normal, are also abstaining from approving on-site consumption. Should Council decide that they would like to permit on-site consumption in the future, the proposed ordinance could be amended in the future.

**Medical Marijuana**

The Bloomington Zoning Ordinance permits medical marijuana dispensaries by right in business and with a special use permit when located in a manufacturing district and abutting residential zoning. Medicinal cultivation centers are considered urban agriculture and permitted in the manufacturing and agricultural districts. The state regulates licensing of medical marijuana dispensaries and cultivators, so the City does not have additional separation requirements for these businesses. Bloomington does not currently have a medical marijuana facility located within its jurisdiction.

**Town of Normal Planning Commission Recommendations:**

The Normal Planning Commission met on Thursday, November 7, 2019 to discuss a draft text amendment for adult-use cannabis businesses. Like the City of Bloomington, the Town Council initiated the text amendment and public hearing process without endorsing an opt-in or opt-out stance for the community. The Normal Commission recommended a text amendment that allowed all six types of uses (cultivators, craft growers, processors, infusers, dispensaries, transporters) with special use permits in their B-1, M-1, M-2 and Agricultural districts. The Commission recommended a 100 ft setback from schools, day care centers, and places of worship. This recommendation is consistent with the Town's Liquor Code requirement for alcohol sales. The Commission recommended a 200 ft setback from single family residential districts. This recommendation is consistent with the Town's Video Gaming ordinance. They also added additional setback requirements from mobile home courts, and prohibited dispensaries near campus and around Main Street. Normal's Council will consider the text amendment on November 18, 2019.

**Discussion/Considerations for the Bloomington Planning Commission:**

1. **Should Adult-Use Cannabis Business Establishments be permitted by right or require a special use permit?**
2. **In what districts should Bloomington permit Adult-Use Cannabis Business Establishments to locate?**
3. **What separation requirements should apply including how many feet and from what uses?**
4. **What, if any, additional considerations should apply for Adult-Use Cannabis Business Establishments?**

**Zoning map and text amendment guidelines (44-1706)**

1. *The suitability of the subject property for uses authorized by the existing zoning;* The special use permit allows this consideration to be examined on a case-by-case basis.
2. *The length of time the property has remained vacant as zoned considered in the context of land development in the area;* The special use permit allows this consideration to be examined on a case-by-case basis.
3. *The suitability of the subject property for uses authorized by the proposed zoning;* The special use permit allows this consideration to be examined on a case-by-case basis.
4. *The existing land uses and zoning of nearby property;* Staff recommended siting adult cannabis businesses in districts with similar businesses, such as retail or secondary and primary manufacturing.
5. *Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application;* The special use application process facilitates a public hearing providing property owners with the opportunity to speak on the application.
6. *The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification;* access, circulation and parking would be reviewed during the special use process.

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**Text Amendment**

7. *The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area;*
8. *The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification; impacts on services would be examined on a case-by-case basis during the special use application process. The proposed uses are also similar to other uses in their respective districts.*
9. *The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in § [44-1701](#) herein;*
10. *The extent to which property values are diminished by the particular zoning restriction; Separation requirements help protect residential property values. Additional zoning and building requirements, like landscaping, lighting, or ventilation, could be added as a condition of a special use application, if necessary.*
11. *The extent to which the destruction of property values promotes the health, safety, morals, or general welfare of the public;*
12. *Whether a Comprehensive Plan for land use and development exists, and whether the ordinance is in harmony with it;*
13. *Whether the City needs the proposed use.*

Respectfully submitted,  
Planning Staff

Attachments:

- Resolution 2019-31
- Draft Text Amendment
- Zoning Map showing proposed districts
- 500 ft/250 ft buffer map
- 1000 ft/250 ft buffer map
- 100 ft/200 ft single family buffer map (consistent with Town of Normal)
- 100 ft/200 ft buffer map
- IML Cannabis Fact Sheet
- Legal notice and courtesy notice

RESOLUTION NO. 2019 - 31

A RESOLUTION INITIATING A TEXT AMENDMENT TO THE CITY OF BLOOMINGTON  
ZONING CODE, CHAPTER 44, TO ALLOW ADULT-USE CANNABIS  
BUSINESS ESTABLISHMENTS IN THE CITY OF BLOOMINGTON

WHEREAS, the City of Bloomington is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, pursuant to the Illinois Municipal Code, the City of Bloomington has authority to create and to establish, by ordinance, zoning regulations and districts, and to amend said regulations and districts from time to time; and

WHEREAS, on June 6, 2019, Illinois General Assembly passed the “Cannabis Regulation and Tax Act” (the “Act”), which Act legalizes the sale, possession and use of cannabis sativa and its derivatives and subspecies (“Cannabis”) for recreational purposes by adults over age 21 starting January 1, 2020; and

WHEREAS, the Act grants limited authority to municipalities to regulate commercial cannabis facilities, including cultivation centers, dispensaries, infusers, processors and craft growers intending to serve recreational customers (collectively, “Adult-Use Cannabis Business Establishments”); and

WHEREAS, the Act authorizes municipalities to completely prohibit the location and operation of Adult-Use Cannabis Business Establishments, restrict the Adult-Use Cannabis Business Establishments to specific zoning districts, require Adult-Use Cannabis Business Establishments to obtain special use permits to operate, and condition the grant of a special use permit on compliance with certain regulatory restrictions; and

WHEREAS, the City’s Zoning Code does not plainly address uses that would encompass Adult-Use Cannabis Business Establishments; and

WHEREAS, the Zoning Code defines and classifies “Medical Marijuana Dispensing Organization” as an allowable use in the City’s B-1, B-2, C-1, D-1, D-2, D-3, M-1 and M-2 Zoning Districts, however this use only permits sales for medical use; and

WHEREAS, the City Council has determined that it is in the best interest of the City to initiate with the Planning Commission a text amendment to the Zoning Code in relation to the zoning of Adult-Use Cannabis Business Establishments within the City as set forth in Exhibit “A”.

WHEREAS, pursuant to Chapter 44-1706(B) of the Zoning Code, the City Council has the power to pass this resolution to initiate the text amendment, and to direct the Bloomington Planning Commission to hold a public hearing on said amendment.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Bloomington, McLean County, Illinois:

Section 1. Recitals. The above recitals are incorporated into this Section 1 as if fully stated herein.

Section 2. Text Amendment. City staff is directed to initiate the process for adoption of a text amendment, specified in Exhibit "A", to the Zoning Code.

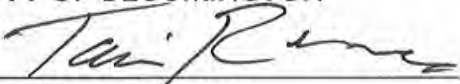
Section 3. Public Hearing. The Planning Commission shall hold a public hearing on said text amendment as soon as practical, and after proper notice is given, and shall make a recommendation to the City Council on same.

Section 4. Effective Date. This Resolution shall be in full force and effect upon the passage and approval.

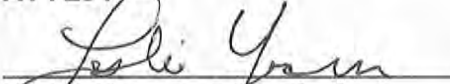
ADOPTED this 28th day of October 2019.

APPROVED this 29th day of October 2019.

CITY OF BLOOMINGTON

  
\_\_\_\_\_  
Tari Renner, Mayor

ATTEST

  
\_\_\_\_\_  
Leslie Yocum, City Clerk

## Exhibit "A"

### Adult-Use Cannabis Business Establishments Proposed Text Amendments to Zoning Code, Chapter 44 of the City Code.

#### I. New Definitions in Section 44-1602

##### § 44-1602. Definitions "A"

*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, 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, 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, as it may be amended from time-to-time, and regulations promulgated thereunder. No on-site consumption is allowed.

*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, 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, 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, as it may be amended from time-to-time, and regulations promulgated thereunder.

II. New Section 44-1038

**§ 44-1038. Adult Use Cannabis Business Establishments.**

- 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 Bloomington. Such Adult-Use Cannabis Business Establishments shall comply with all regulations provided in the Cannabis Regulation and Tax Act (hereinafter “Act”), as it may be amended from time-to-time and the regulations provided below. If the Act is amended, the more restrictive of the state or local regulations shall apply.
- B. Application. In addition to the special use application requirements of Section 44-1707, the application for a special use for Adult-Use Cannabis Business Establishments must include all the following information and documents:
  - [1] The legal name and, if different than the legal name, the trade name of the proposed Adult-Use Cannabis Business Establishment for which the special use is sought.
  - [2] The commonly known address of the proposed Adult-Use Cannabis Business.
  - [3] The property owner’s name and address.
  - [4] The legal name of the applicant, if different than the name of the proposed Adult-Use Cannabis Business.
  - [5] The address, telephone number and e-mail address of the Adult-Use Cannabis Business and applicant’s principal place of business, if different than the common address of the proposed Adult-Use Cannabis Business. *A post office box may not be submitted as the address of the applicant’s principal place of business.*
  - [6] A copy of a business plan for the proposed Adult-Use Cannabis Business Establishment that includes, without limitation, the following information:
    - [a] A description of the products and services that the proposed Adult-Use Cannabis Business Establishment intends to offer, if any;
    - [b] Number of employees;
    - [c] Anticipated number of customers (if applicable); and
    - [d] The proposed hours and days of operation of the proposed Adult-Use Cannabis Business.
  - [7] A security plan that describes how the proposed adult-use cannabis business will provide security for its inventory, customers, and employees shall be submitted

to Community Development Department. The security plan shall be shared with the Chief of Police for review and recommendation. The security plan shall be kept confidential to the extent permitted by law. Without limitation, the security plan shall include the following information:

- [a] A description of the procedures that the proposed Adult-Use Cannabis Business Establishment will implement to prevent the diversion, theft, or loss of cannabis during the delivery of cannabis to, and possibly from, the Adult-Use Cannabis Business Establishment by another Adult-Use Cannabis Business Establishment including, without limitation, the use of delivery manifests;
  - [b] A description of the procedures that the proposed Adult-Use Cannabis Business Establishment will implement to: (1) monitor the activities conducted within the proposed adult-use cannabis business; (2) secure the proposed business, including, without limitation, the Adult-Use Cannabis Business Establishment agents, cannabis, and currency stored at the business; and (3) prevent the diversion, theft or loss of cannabis; and
  - [c] A description of the procedures that the proposed Adult-Use Cannabis Business Establishment will implement to restrict access to limited access areas and restricted access areas within and outside of the establishment.
- [8] A written, and notarized, statement that the applicant owns the property on which it proposes to operate the Adult-Use Cannabis Business Establishment or, if the applicant does not own the property, a written, and notarized, statement from the property owner certifying the owner's consent to the use of the property as an adult-use cannabis business.
- [9] A statement of the impact of the proposed Adult-Use Cannabis Business Establishment on existing and/or planned uses located within the vicinity of the subject property.
- [10] A map of the area surrounding the location of the proposed Adult-Use Cannabis Business Establishment identifying the businesses, and the nature of each surrounding use, located within 1,000 ft of any part of the property line of the proposed Adult-Use Cannabis Business Establishment in existence at the time that the application of a special use permit is filed with the City.
- [11] Schematic drawings illustrating the design and character of the building elevations, types of construction, and floor plans of all proposed buildings and structures.
- [a] The drawing shall also include a schedule showing the number, type, and floor area of all uses or combinations of uses, and the floor area of the entire development.
  - [b] The drawings shall illustrate ingress/egress of the entire building, as well as ingress/egress for any and all secured areas and restricted or limited access areas.
  - [c] The drawing shall illustrate any loading and handling facilities, including trash and waste.
  - [d] The drawings shall illustrate video surveyance areas, panic button locations and other security systems as needed.
- [12] A comprehensive site plan drawn to scale, compliant with the requirements of Section 44-1707 of this code, that also includes:

- a. Anticipated parking demand and available private parking supply
  - b. A photometric lighting plan for the proposed project if the project would result in new exterior lighting or changes to the existing exterior lighting
  - c. A site drainage plan, if applicable
- [13] Information sufficient to demonstrate that the proposed Adult-Use Cannabis Business Establishment complies with all applicable State laws and regulations, as such laws and regulations may be adopted or amended from time to time.

C. Special Use Considerations: Adult-Use Cannabis Business Establishments, requiring approval of a special use in the respective districts in which they are requested shall be processed in accordance with Section 44-1707 (Special Uses) of this Chapter 44. Additionally, the Zoning Board of Appeals and the City Council, when determining to approve a special use permit shall evaluate the following 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 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 Section H[1] (Adult-Use Cannabis Craft Grower); Section H[2] (Adult-Use Cannabis Cultivation Center); Section H[3] (Adult-Use Cannabis Dispensing Organization); Section H[4] (Adult-Use Cannabis Infuser Organization); Section H[5] (Adult-Use Cannabis Processing Organization); or Section H[6] (Adult-Use Cannabis Transporting Organization), as applicable.
- [9] The number of Adult-Use Cannabis Business Establishments already in operation
- [10] Other criteria determined to be necessary to assess compliance with Chapter 44 (Special Uses) of this Chapter.

D. General Operational Standards. The following requirements shall apply to all Adult-Use Cannabis Business Establishments:

- [1] Applicant shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use, to ensure the safety of employees and customers of the Adult-Use Cannabis Business Establishments, as well as its environs. The 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.
- [2] No consumption of cannabis may be permitted on the premises.
- [3] Any cannabis, cannabis-infused products, or cannabis waste on the premises of an Adult-Use Cannabis Business Establishment must be stored within secure refuse containers located within a restricted access area of the Adult-Use Cannabis Business Establishment at all times prior to the destruction and disposal thereof, which destruction and disposal must be performed pursuant to all applicable State laws and regulations, as may be amended from time to time.
- [4] All advertising shall comply with advertising and promotional standards of the Cannabis Regulation and Tax Act and with the City of Bloomington Sign Code.
- [5] Adult-Use Cannabis Business Establishments may not be located in a dwelling unit or operated as a home occupation.

E. 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 Use criteria within the City of Bloomington Zoning Code. In a co-location, the floor space requirements of Section H[3]c and H[4]c shall not apply, but the co-located establishments shall be the sole use of the tenant space.

F. Screening and Buffering: All Adult-Use Cannabis Business Establishments shall comply with the landscaping provisions, including transitional yard and screening requirements of Division 13 of this code.

G. Parking: Off-street parking shall be provided in accordance with Division 12 of this code.

H. Specific Operational Standards: The following additional requirements shall apply.

[1] Adult-Use Cannabis Craft Grower (“Grower”): In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed Grower must comply with the following:

- [a] Grower 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, residential care home, any place of worship or playground. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- [b] Grower may not be located within 250 feet of the property line of a pre-existing

property zoned R1A, R1B, R1C, R1H, R2, R3A, R3B, R4 GAP 1, GAP 2, GAP 3, GAP 4.

- [c] Grower may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- [d] Petitioner shall file an affidavit with the City affirming compliance with Section H[1] as provided herein and all other requirements of the Act.

[2]. Adult-Use Cannabis Cultivation Center (“Center”): In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed Center must comply with the following:

- [a] Center 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, residential care home, place of worship or playground. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- [b] Center may not be located within 250 feet of the property line of a pre-existing property zoned R1A, R1B, R1C, R1H, R2, R3A, R3B, R4 GAP 1, GAP 2, GAP 3, GAP 4.
- [c] Center may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- [d] Petitioner shall file an affidavit with the City affirming compliance with Section H[2] as provided herein and all other requirements of the Act.

[3]. Adult-Use Cannabis Dispensing Organization (“Dispenser”): In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed Dispenser must comply with the following:

- [a] Dispenser 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, residential care home, place of worship or park/playground. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- [b] Dispenser may not be located within 250 feet of the property line of a pre-existing property zoned R1A, R1B, R1C, R1H, R2, R3A, R3B, R4 GAP 1, GAP 2, GAP 3, GAP 4.
- [c] 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 Dispenser shall also sell food for consumption on the premises.

- [d] Dispenser may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- [e] Dispensers that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.) and the “Cannabis Regulation and Tax Act.”
- [f] Dispensers may not have a drive through service window.
- [g] All Dispensers must be equipped with a secure unloading space for the reception of deliveries of recreational cannabis and recreational cannabis infused products, which space must be: (a) located within an enclosed area of the principal structure in which the Adult-Use Cannabis Dispensing Organizations operates; (b) secured by doors that are closed and locked during all times that deliveries of recreational cannabis or recreational cannabis infused products are unloaded; and (c) a restricted access area.
- [h] All Dispensers must be located at least 1,500 feet from the property line of another Adult-Use Cannabis Dispensing Organizations
- [i] Petitioner shall file an affidavit with the City affirming compliance with Section H[3] as provided herein and all other requirements of the Act.

[4]. Adult-Use Cannabis Infuser Organization (“Infusers”): In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed Infusers must comply with the following:

- [a] Infusers 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, residential care home, place of worship, or parks/playground. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- [b] Infusers may not be located within 250 feet of the property line of a pre-existing property zoned R1A, R1B, R1C, R1H, R2, R3A, R3B, R4 GAP 1, GAP 2, GAP 3, GAP 4.
- [c] At least 75% of the floor area of any tenant space occupied by an Infuser shall be devoted to the activities of the infusing organization as authorized by the Act. Infusers may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- [d] Petitioner shall file an affidavit with the City affirming compliance with Section H[4] as provided herein and all other requirements of the Act.

[5]. Adult-Use Cannabis Processing Organization (“Processors”): In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed Processors must comply with the following:

- [a] Processors 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, residential care home, place of worship, or park/playground. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- [b] Processors may not be located within 250 feet of the property line of a pre-existing property zoned R1A, R1B, R1C, R1H, R2, R3A, R3B, R4 GAP 1, GAP 2, GAP 3, GAP 4.
- [c] At least 75% of the floor area of any tenant space occupied by a Processor shall be devoted to the activities of the processing organization as authorized by the Act. Processor may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- [d] Petitioner shall file an affidavit with the City affirming compliance with Section H[5] as provided herein and all other requirements of the Act.

[6]. Adult-Use Cannabis Transporting Organization (“Transporters”): In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed Transporters must comply with the following:

- [a] Transporters 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, residential care home, place of worship, or park/playground. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- [b] Transporters may not be located within 250 feet of the property line of a pre-existing property zoned R1A, R1B, R1C, R1H, R2, R3A, R3B, R4 GAP 1, GAP 2, GAP 3, GAP 4.
- [c] The Transporter shall be the sole use of the tenant space in which it is located. Transporter may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- [d] Petitioner shall file an affidavit with the City affirming compliance with Section H[6] as provided herein and all other requirements of the Act.

**III. Changes to Tables 302A, 502A & 602A**

Table 302A: Agricultural District - Permitted and Special Uses		
	A	Reference
Adult-Use Cannabis Craft Grower	S	44-1038
Adult-Use Cannabis Cultivation Center	S	44-1038

Table 502A: Business Districts - Permitted and Special Uses										
				B-1	B-2	C-1	D-1	D-2	D-3	References
COMMERCIAL										
Retail and Service										
Adult-Use Cannabis Dispensing Organization				S	S	S	S	S	S	44-1038
INDUSTRIAL										
Manufacturing and Production, Light										
Adult-Use Cannabis Craft Grower				S	S		S	S	S	44-1038
Adult-Use Cannabis Cultivation Center									S	44-1038
Adult-Use Cannabis Infuser Organization				S	S				S	44-1038
Adult-Use Cannabis Processing Organization									S	44-1038
Transportation										
Adult-Use Cannabis Transporting Organization									S	44-1038

Table 602A: Manufacturing District - Permitted and Special Uses					
			M-1	M-2	Reference
Retail and Service					
Adult-Use Cannabis Dispensing Organization			S	S	44-1038
Manufacturing and Production, Light					
Adult-Use Cannabis Craft Grower			S	S	44-1038
Adult-Use Cannabis Cultivation Center			S	S	44-1038
Adult-Use Cannabis Infuser Organization			S	S	44-1038
Adult-Use Cannabis Processing Organization			S	S	44-1038
Transportation					
Adult-Use Cannabis Transporting Organization			S	S	44-1038

#### IV. Changes to Table 12-8E

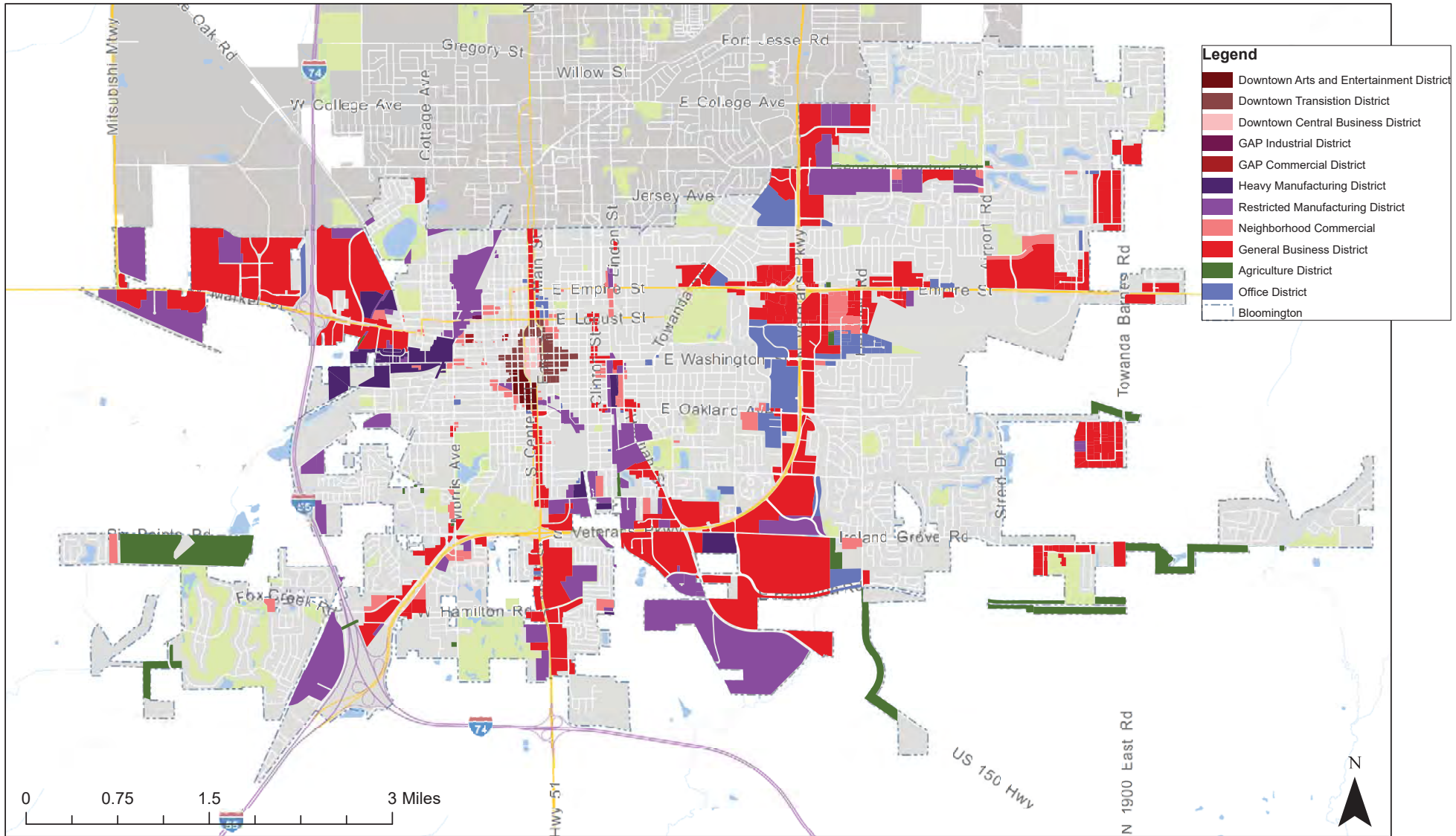
Table 12-8E Off Street Parking Requirements	
Retail and Service	
Adult-Use Cannabis Dispensing Organization	1 space per 250 GFA
Manufacturing and Production, Light	
Adult-Use Cannabis Craft Grower	1 space per 600 GFA
Adult-Use Cannabis Cultivation Center	1 space per 600 GFA
Adult-Use Cannabis Infuser Organization	1 space per 600 GFA
Adult-Use Cannabis Processing Organization	1 space per 600 GFA
Transportation	
Adult-Use Cannabis Transporting Organization	1 space per 1000 GFA



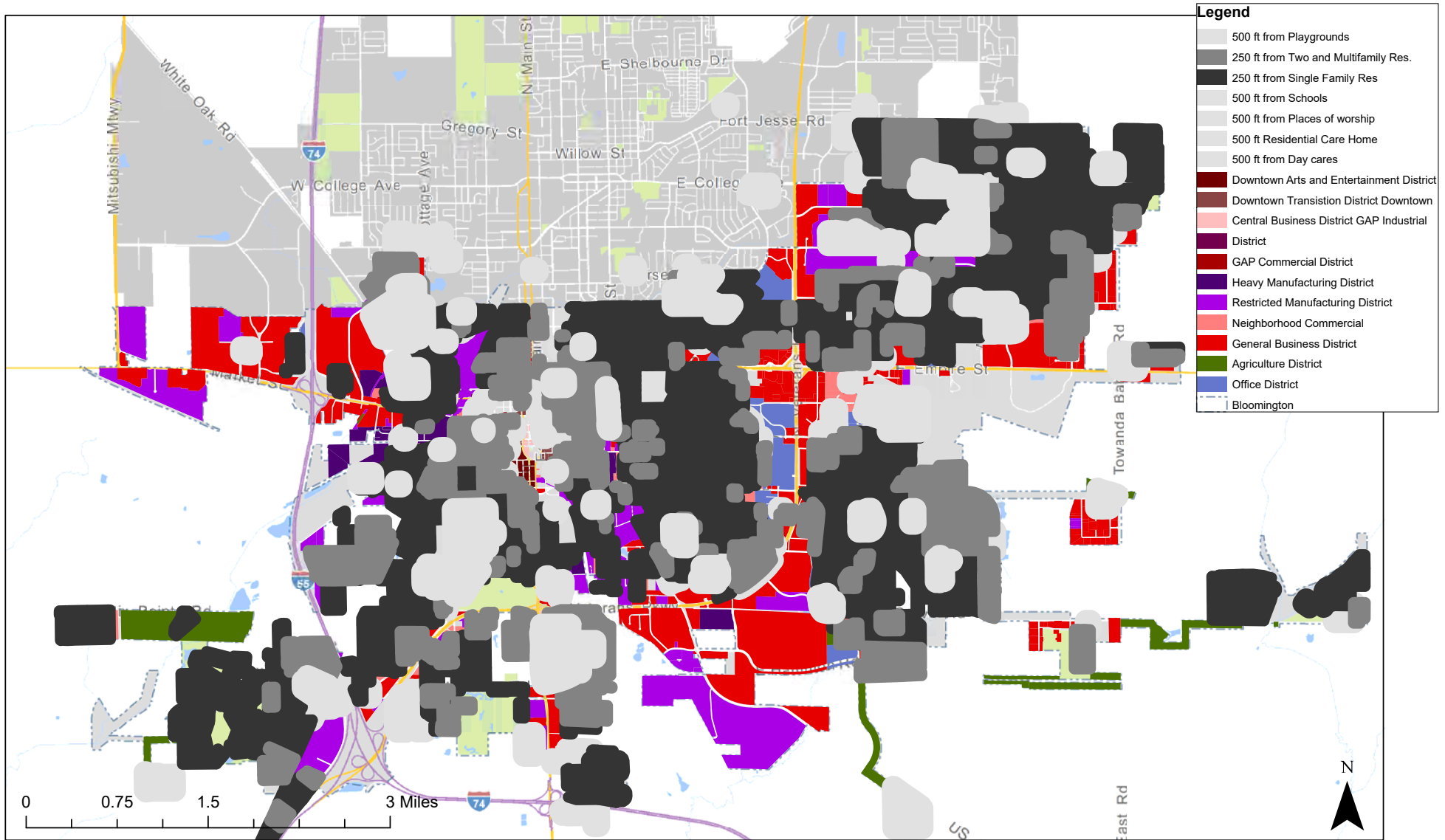
V. Changes to Table “GAP Form-Based Code, Section C. Uses. Permitted Use Table.”

Table 502A: Business Districts - Permitted and Special Uses			
	GAP-5	GAP-6	References
<b>COMMERCIAL</b>			
Retail and Service			
Adult-Use Cannabis Dispensing Organization	S	S	44-1038
<b>INDUSTRIAL</b>			
Manufacturing and Production, Light			
Adult-Use Cannabis Craft Grower	S	S	44-1038
Adult-Use Cannabis Cultivation Center		S	44-1038
Adult-Use Cannabis Infuser Organization		S	44-1038
Adult-Use Cannabis Processing Organization		S	44-1038
Transportation			
Adult-Use Cannabis Transporting Organization		S	44-1038

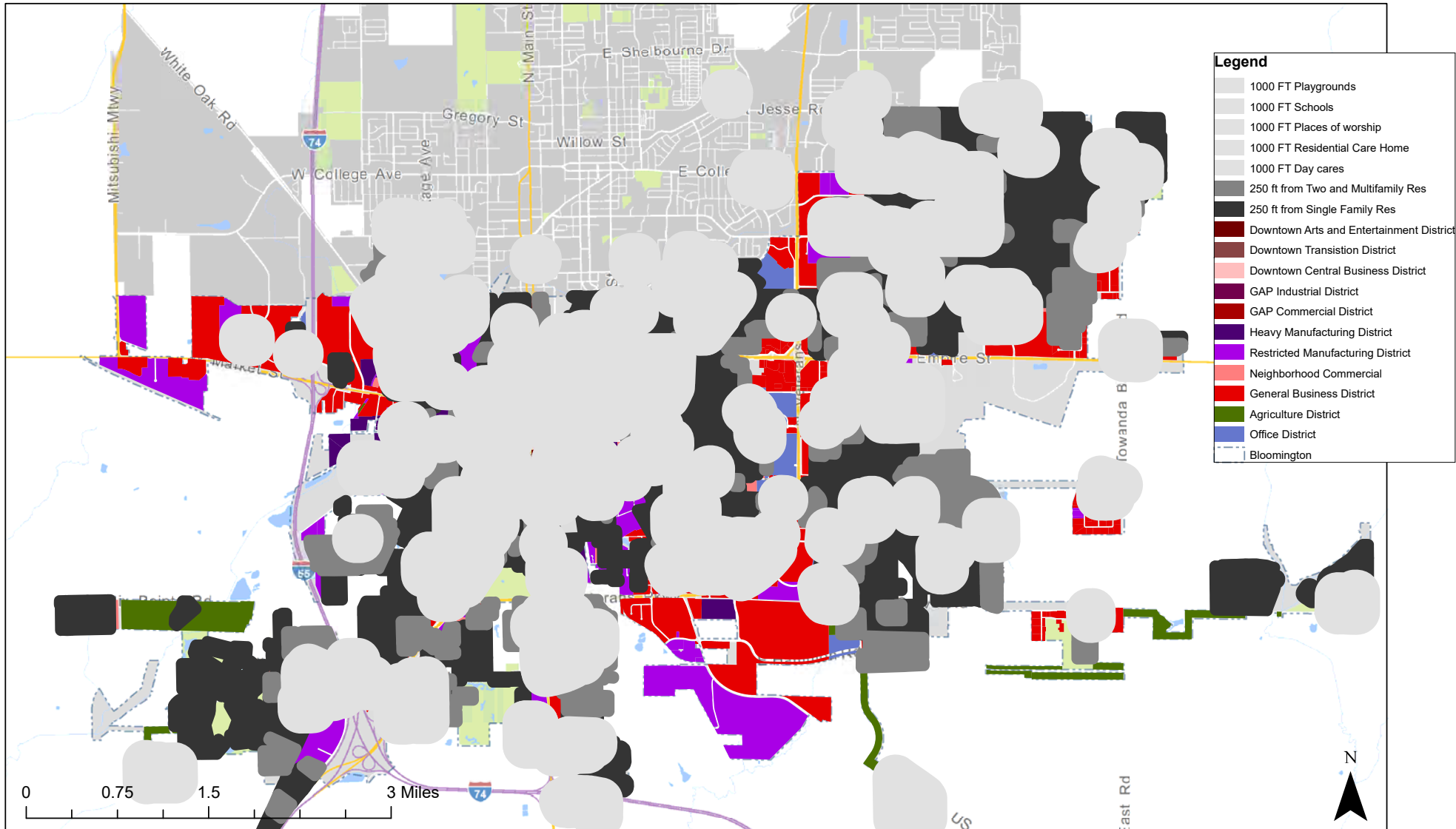
# BUSINESS, MANUFACTURING, AND AGRICULTURAL DISTRICTS WHERE ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS MAY BE ALLOWED AS A SPECIAL USE



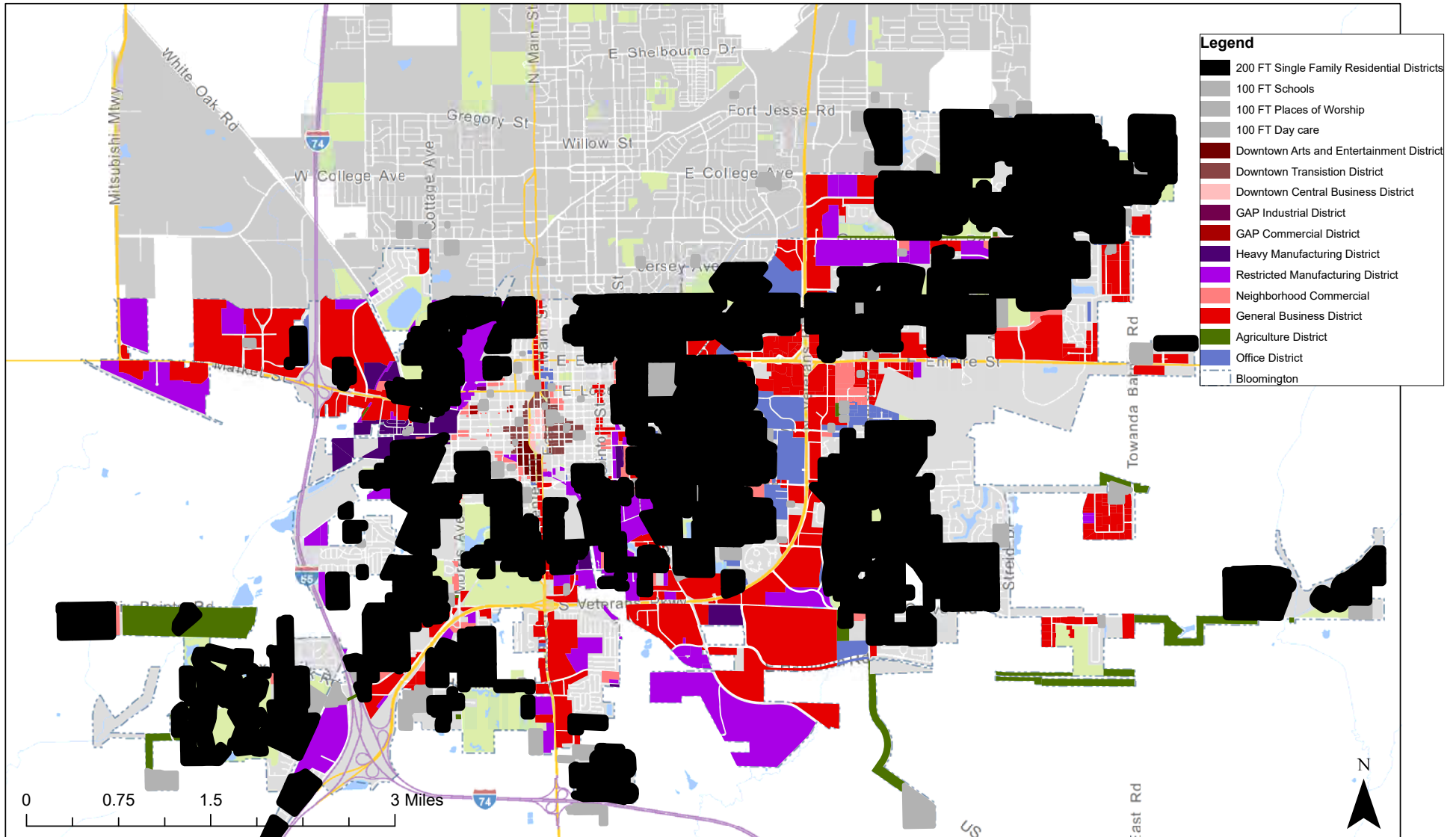
# 500 FT PROTECTED PROPERTY BUFFER AND 250 FT RESIDENTIAL BUFFER INCLUDING MULTIFAMILY



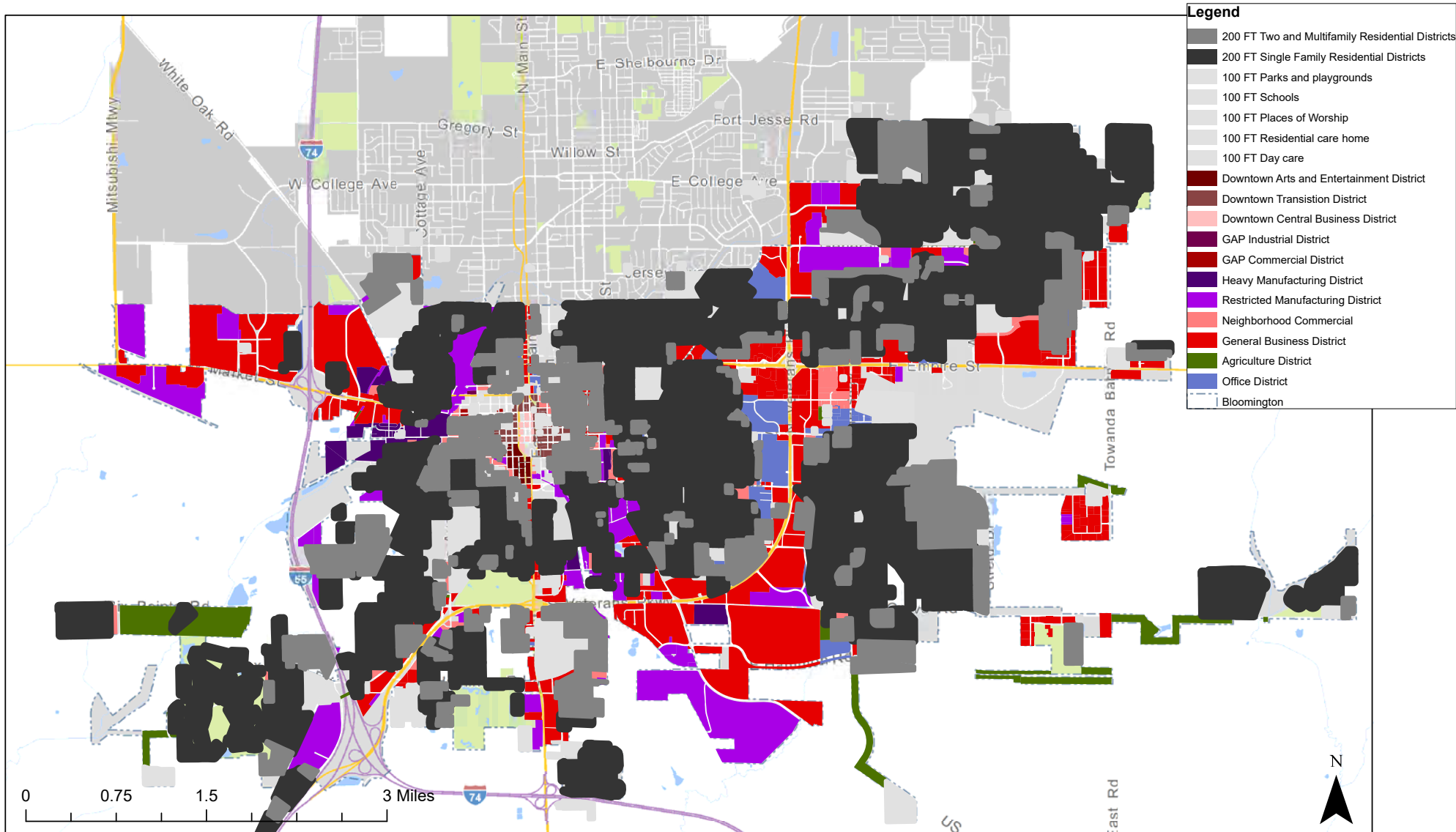
# 1000 FT PROTECTED PROPERTY BUFFER AND 250 FT RESIDENTIAL BUFFER INCLUDING MULTIFAMILY



**BUFFERS CONSISTENT WITH THE TOWN OF NORMAL,  
100 FT PROTECTED PROPERTY BUFFER AND 200 FT SF RESIDENTIAL BUFFER**



# 100 FT PROTECTED PROPERTY BUFFER AND 200 FT RESIDENTIAL BUFFER INCLUDING MULTIFAMILY



## Adult-Use Cannabis

HB 1438 (Rep. Cassidy, D-Chicago, Sen. Steans, D-Chicago) creates the Cannabis Regulation and Tax Act. Effective January 1, 2020, the Act legalizes the possession and private use of cannabis for Illinois residents over 21 years of age. The legislation has passed both Chambers and the Governor has indicated he will sign it.



6/2/19

### LOCAL REGULATION OF CONSUMPTION

Municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, the Act prohibits the use of cannabis in public places, schools and child care facilities among other locations. Municipalities may adopt and enforce local ordinances to regulate possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act.

### HOME GROW LIMITED TO MEDICAL PROGRAM PARTICIPANTS

Home grow cannabis will be authorized only for medical cannabis program participants, and is limited to five plants in their residence and subject to specified restrictions. Home grow of recreational cannabis by non-medical participants is prohibited. [More information about the medical cannabis program is available via this link.](#)



### ZONING

The Act preserves local zoning authority and directly authorizes municipalities to prohibit (opt out) or significantly limit the location of cannabis businesses by ordinance. Municipalities will have the authority to enact reasonable zoning regulations that are not in conflict with the act. This would include the authority to opt out of either commercial production or distribution (dispensaries) of adult-use cannabis within their jurisdiction. Municipalities also may enact zoning ordinances and regulations designating the time, place, manner and number of cannabis business operations, including minimum distances between locations through conditional use permits.

### BUSINESS REGULATION

In addition to their general business licensing authority, municipalities will have the authority to allow for on-premise use of cannabis at locations to be determined locally. The Act anticipates that local authorities will engage in inspections of cannabis-related businesses. Municipalities may establish and impose civil penalties for violations of the local business licensing ordinances and regulations.



## LOCAL REVENUE

Municipalities, by ordinance, may impose a Municipal Purchase Excise Tax on adult-use cannabis products of up to 3% of the purchase price, in .25% increments. Counties may impose up to 3.75% in unincorporated areas, in .25% increments. The taxes imposed under this Act shall be in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois, such as sales tax.



## SMOKE FREE ILLINOIS ACT

The Act applies the restrictions of the Smoke Free Illinois Act on smoking cannabis, and provides that property owners may prohibit the use of cannabis by any guest, lessee, customer or visitor. In addition, lessors may prohibit cultivation of cannabis by their lessees.

## EMPLOYER PROVISIONS

The Act provides employer protections including that nothing in the enactment prohibits employers from adopting reasonable zero-tolerance or drug-free workplace employment policies concerning drug testing, smoking, consumption, storage or use of cannabis in the workplace or while on-call. These policies must be applied in a nondiscriminatory manner. Employers may prohibit the use of cannabis by employees in the workplace, and engage in discipline, including termination, for violations of those policies and workplace rules.

## STATE LICENSING

The Act authorizes the production and distribution of cannabis and cannabis products through state-licensed cultivators, craft growers, infusers, transporters and dispensaries. Cannabis transporters will be separately licensed by the Act, as well. A market study due in March 2021 will inform future licensing. The state will issue licenses according to a graduated scale. By the end of the first year, there will be up to 295 dispensing organizations. The Act will allow up to 500 dispensing organizations by January 1, 2022. Cultivators will be capped at 50, and 100 craft growers will be allowed. By that same date, 100 infusers will also be authorized to be licensed.

## GRANTS AND INVESTMENT

The Act establishes the Restore, Reinvest and Renew (R3) Program to invest in communities historically impacted by economic disinvestment and violence. The Illinois Criminal Justice Information Authority (ICJIA) will identify R3 areas that qualify for funding, and grants will be awarded by the R3 Board. A 22-member R3 Board will award grants throughout the state, subject to an application process and the Government Accountability and Transparency Act (GATA); the R3 Board shall be chaired by the Lt. Governor.

## SOCIAL EQUITY

The Act provides for a social equity program to establish a legal cannabis industry that is accessible to those most adversely impacted by the enforcement of drug-related laws in this state, including cannabis-related laws. Qualifying social equity applicants may be awarded financial assistance and incentives if they are interested in establishing cannabis related businesses.

## DECRIMINALIZATION AND EXPUNGEMENTS

A significant portion of the Act addresses the decriminalization of cannabis through mandatory and discretionary expungements of criminal convictions relating to non-violent cannabis offenses.

## STATE REVENUE

State revenues derived from the Cannabis Regulation and Tax Act will be deposited into the Cannabis Regulation Fund. The funds will be distributed to multiple state agencies for implementation of the Act. The legalization of adult cannabis also includes a new source of Local Government Distributive Fund (LGDF) dollars. A portion of the Cannabis Regulation Fund (8% of deposits) will go to local governments as LGDF to be used to fund crime prevention programs, training and interdiction efforts. The Cannabis Regulation Fund is derived from moneys collected from state taxes, license fees and other amounts required to be transferred into the Fund.



Legal Inside

63084  
CITY OF BLOOMINGTON  
PUBLIC HEARING NOTICE  
Planning Commission  
NOVEMBER 13, 2019

Notice is hereby given that the Planning Commission of the City of Bloomington, Illinois, will hold a public hearing initiated by the Bloomington City Council on:

1). a text amendment to the Bloomington Zoning Ordinance, Chapter 44 of the Bloomington City Code, to

define and allow Adult-Use Cannabis Business Establishments with a special use permit in the agriculture, business, and manufacturing districts in the City of Bloomington.

Said public hearing will be held during the regular meeting of the Bloomington Planning Commission on Wednesday, November 13, 2019 at 4:00 p.m. in the City Council Chambers of City Hall Building at 109 E. Olive St. Bloomington, IL. All interested persons may present their views and testimony upon said text amendment during the public hearing.

The meeting's agenda, the initiation resolution, the draft text amendment, and further information will be published online prior to the meeting at the City of Bloomington's web site: <https://www.cityblm.org/Home/Components/Calendar/Event/9999/755?backlist=%2fgovernment%2fboards-commissions%2fplanning-commission/>

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing. The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email [cityclerk@cityblm.org](mailto:cityclerk@cityblm.org). The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published:  
Tuesday, October 29, 2019



Department of Community Development  
115 E Washington St, Ste 201  
Bloomington IL 61701

## Courtesy Notice

Public Hearing  
with the  
Bloomington Planning Commission  
Wednesday, November 13, 2019  
4:00 PM  
109 E. Olive Street.  
Bloomington, IL 61701

**Subject: A text amendment to the Zoning Ordinance, Chapter 44 of the City Code, to establish zoning regulations for adult-use cannabis business establishments.**

The text amendment was initiated by City Council on October 28, 2019 (Resolution 2019-31). The Resolution and draft amendment are available in the October 28 Council Packet online at <http://bloomingtonil.iqm2.com/Citizens/Board/1000-City-Council>

The draft amendment allows for various adult-use cannabis business establishments (cultivators, processors, craft growers, infusers, dispensaries, and transporters) with a special use permit in the agriculture, business, and manufacturing zoning districts. The text amendment establishes application requirements and development standards pertaining to building features such as security, parking, and separation from churches, schools, etc.

The agenda and information packet for the hearing will be available prior to the Commission meeting on the City of Bloomington website at [www.cityblm.org](http://www.cityblm.org). Please send questions and/or comments to [planning@cityblm.org](mailto:planning@cityblm.org) or contact the Planning Division at 309-434-2226.

In compliance with the Americans with Disabilities Act and other applicable federal and state law, all hearings will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

Please note that hearings are sometimes continued or postponed for various reasons (i.e. lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting.

## Planning Commission

### Planning Commission 2020 Meeting Schedule

Meetings will be on the Second and Fourth Wednesday of the month unless noted. The meetings are located in the City of Bloomington Council Chambers at 4:00 PM

Meeting dates will be as follows:

1/8/2020

1/22/2020

2/12/2020

2/26/2020

3/11/2020

3/25/2020

4/8/2020

4/22/2020

5/13/2020

5/27/2020

6/10/2020

6/24/2020

7/8/2020

7/22/2020

8/12/2020

8/26/2020

9/9/2020

9/23/2020

10/14/2020

10/28/2020

Thursday 11/12/2020

12/9/2020

These meeting dates have to be submitted to city council for approval.

The Planning Commission must approve these dates before staff can submit to the city clerk for council agenda consideration.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_