
**THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER _____**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK
COUNTY, ILLINOIS AMENDING THE ZONING ORDINANCE
OF THE CODE OF BLUE ISLAND, ILLINOIS REGARDING
ADULT-USE CANNABIS**

**DOMINGO F. VARGAS, Mayor
RANDY HEUSER, City Clerk**

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JIM KLINKER**

Aldermen

ORDINANCE NUMBER _____

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS
AMENDING THE ZONING ORDINANCE OF THE CODE OF BLUE ISLAND, ILLINOIS
REGARDING ADULT-USE CANNABIS**

WHEREAS, the City of Blue Island, Cook County, Illinois (the “*City*”) is a duly organized and existing city created under the provisions of the laws of the State of Illinois and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefits of the residents of the City; and

WHEREAS, the Mayor and the City Council (the “*Corporate Authorities*”) have heretofore exercised the power conferred on them pursuant to Chapter 11-13-1, *et seq.*, of the Illinois Municipal Code by adopting the Blue Island Zoning Code for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people (1991 Code, § 162.01; Ord. 2151, passed 6-28-1971), as amended from time to time; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (the “*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, the City Council filed an application to amend the Blue Island Zoning Code (the “Zoning Ordinance”) to allow and regulate adult-use cannabis facilities within the City (the “Proposed Text Amendments”); and

WHEREAS, the Zoning Board of Appeals conducted a public hearing, as required by law, on December 12, 2019, in regards to the Proposed Text Amendments to the Zoning Ordinance pertaining to adult-use cannabis; and

WHEREAS, a public notice in the form required by law was given of said public hearing dates; and

WHEREAS, the Zoning Board of Appeals has filed its findings of fact and recommendations that the Proposed Amendments be granted, and the Corporate Authorities have duly considered said findings of fact and recommendations; and

WHEREAS, the Corporate Authorities have determined, in the best interest of the health, safety and welfare of the residents of the City, to grant the Proposed Amendments subject to the conditions identified herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Blue Island, Cook County, Illinois as follows:

Section 1. That the above recitals are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. The Corporate Authorities adopt by reference the Report on Findings of Fact of the Zoning Board of Appeals as findings of the Corporate Authorities as if completely set forth herein. All exhibits and documents submitted at the aforesaid public hearing are also incorporated by reference as fully as if attached hereto.

Section 3. Section 166.003 (“Definitions”) of Chapter 166 (“Zoning Code”) of Title XV (“Land Usage”) of the Code of Blue Island, Illinois is hereby amended by adding the underlined language, as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to

produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:
An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Section 4. Section 166.023 (“Schedule of Use Controls”) of Chapter 166 (“Zoning Code”) of Title XV (“Land Usage”) of the Code of Blue Island, Illinois is hereby amended by deleting the stricken language and adding the underlined language, as follows:

(C) *District C-1.*

...

(2) *Special uses.*

...

(f) Public storage garages; ~~and~~

~~(e)~~(g) Automobile body and fender shop; and

(h) Adult-use cannabis dispensing organizations.

...

(D) *District C-2*

...

(2) *Special uses.*

...

(b) Fabrication of metal products, wood products, paper products, cloth products, plastic products and electronics; ~~and~~

(c) Automobile body and fender shop; and

(d) Adult-use cannabis dispensing organizations.

(E) *District I-1.*

...

(2) *Special uses.*

...

(g) Approval of the Planning Commission must also be obtained; ~~and~~

(h) Automobile body and fender shop; and

(i) Adult-use cannabis business establishments.

(F) *District I-2.*

...

(2) *Special uses.*

...

(c) Mobile home sales and parks; ~~and~~

(d) Automobile body and fender shop; and

(e) Adult-use cannabis business establishments.

Section 5. Section 166.007 (“Uptown-Transit Oriented Development (U-TOD) District adopted by reference”) of Chapter 166 (“Zoning Code”) of Title XV (“Land Usage”) of the Code of Blue Island, Illinois is hereby amended by amending Section 4.06.5.1 (“Table of Use Regulations”) of the Blue Island Uptown Transit Oriented Zoning District by deleting the stricken language and adding the underlined language, as follows:

4.06.5.1 Table of Use Regulations

Uses	P = Permitted Use	Use Standards
Uses in the Uptown TOD are organized in this table as follows:	S = Special Use	
...		
Retail Sales, Food & Beverage		
<u>Adult-use cannabis dispensing organizations</u>	<u>S</u>	<u>Only allowed in U-TOD Zone A and subject to the use standards listed in Section 166.025 of Chapter 166 of Title XV of the Code of Blue Island, Illinois</u>

Section 6. Section 166.025 (“Regulations for Specific Uses”) of Chapter 166 (“Zoning Code”) of Title XV (“Land Usage”) of the Code of Blue Island, Illinois is hereby amended by adding the underlined language, as follows:

(E) Adult Use Cannabis

(1) Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding adult use cannabis business establishments within the

city, including cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the city. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (the “Act”), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

(2) Limitation on Number of Adult-Use Cannabis Business Establishments: four Adult-Use Cannabis Dispensing Organizations shall be allowed within the city at any given time; in addition to the four Adult Use Cannabis Dispensing Organizations allowed under this subsection, only four other, non-dispensing Adult-Use Cannabis Business Establishments shall be allowed within the city at any given time.

(3) 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:

- a. Facility may not be located within 1,000 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.
- b. Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- c. Facility may not be located within 1,500 feet of the property line of a pre-existing adult-use cannabis business establishment.
- d. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- e. For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be classified as a “Manufacturing” use per Section 166.029(G)(5) (“Number of Parking Spaces Required”).
- f. Petitioner shall file an affidavit with the city affirming compliance with this Subsection and all other requirements of the city code and Act.
- g. The site design shall incorporate adequate security measures, such as interior and exterior lighting, surveillance cameras, and/or fencing. Said security measures shall be determined based on the specific characteristics of the dispensary and of the floor plan for an adult-use cannabis dispensary and the site on which it is located, consistent with the requirements of the Act.
- h. Adult-use cannabis craft growers shall require approval of a special use in the city’s industrial districts, and shall be processed in accordance with Section 166.095 (Special Use Permits) of this Title and this Subsection (166.025).

(4) 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:

- a. Facility may not be located within 1,000 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.
- b. Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- c. Facility may not be located within 1,500 feet of the property line of a pre-existing adult-use cannabis business establishment.
- d. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- e. For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be classified as a “Manufacturing” use per Section 166.029(G)(5) (“Number of Parking Spaces Required”).
- f. Petitioner shall file an affidavit with the city affirming compliance with this Subsection and all other requirements of the city code and Act.
- g. The site design shall incorporate adequate security measures, such as interior and exterior lighting, surveillance cameras, and/or fencing. Said security measures shall be determined based on the specific characteristics of the dispensary and of the floor plan for an adult-use cannabis dispensary and the site on which it is located, consistent with the requirements of the Act.
- h. Adult-use cannabis cultivation centers shall require approval of a special use in the city’s industrial districts, and shall be processed in accordance with Section 166.095 (Special Use Permits) of this Title and this Subsection (166.025).

(5) 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:

- a. Only four dispensing organizations shall be allowed within the city at any given time.
- b. An adult-use cannabis dispensing organization shall not be located within 300 feet of the property line of a pre-existing place of worship, public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, or substance abuse treatment center.
- c. Facility may not be located in a dwelling unit.
- d. Facility may not be located within 1,500 feet of the property line of a pre-existing adult-use cannabis business establishment.

- e. Facility shall not exceed 5,000 square feet in size. At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in Section 6.5 below in the same tenant space.
- f. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- g. Facility may not permit on-site consumption of cannabis.
- h. For purposes of determining required parking, said facilities shall be classified as a “Retail Store” use per Section 166.029(G)(5) (“Number of Parking Spaces Required”) and shall have the requisite number of on-site parking spaces for retail stores under Section 166.029(G)(5).
- i. No operator, employee or agent of an adult-use cannabis dispensing organization shall operate, be open for business, or permit any person not an employee of the adult-use cannabis dispensing organization to remain on the premises between ten o’clock (10:00) P.M. and nine o’clock (9:00) A.M. Central Standard Time or daylight saving time, whichever is in effect.
- j. Petitioner shall file an affidavit with the city affirming compliance with this Subsection and all other requirements of the city code and Act.
- k. The site design shall incorporate adequate security measures, such as interior and exterior lighting, surveillance cameras, and/or fencing. Said security measures shall be determined based on the specific characteristics of the dispensary and of the floor plan for an adult-use cannabis dispensary and the site on which it is located, consistent with the requirements of the Act.
- l. Adult-use cannabis dispensing organizations shall require approval of a special use in the city’s commercial and industrial districts, and shall be processed in accordance with Section 166.095 (Special Use Permits) of this Title and this Subsection (166.025). In determining compliance with Section 166.095, the following components of the adult-use cannabis dispensing organizations 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 166.029 of this Title 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 this Subsection 166.025(E), as applicable.
9. Facilities located in the C-1, C-2 and UTOD Districts shall only be located on lots adjacent to Western Avenue, Old Western Avenue, Ashland Avenue, 119th Street, and 127th Street.
10. Other criteria determined to be necessary to assess compliance with Section 166.095 (Special Use Permits) of this Title.

(6) 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:

- a. Facility may not be located within 1,000 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.
- b. 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.
- c. Facility may not be located within 1,500 feet of the property line of a pre-existing adult-use cannabis business establishment.
- d. 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.
- e. For purposes of determining required parking, said facilities shall be classified as a “Manufacturing” use per Section 166.029(G)(5) (“Number of Parking Spaces Required”).
- f. Petitioner shall file an affidavit with the city affirming compliance with this Subsection and all other requirements of the city code and Act.
- g. The site design shall incorporate adequate security measures, such as interior and exterior lighting, surveillance cameras, and/or fencing. Said security measures shall be determined based on the specific characteristics of the dispensary and of the floor plan for an adult-use cannabis dispensary and the site on which it is located, consistent with the requirements of the Act.
- h. Adult-use cannabis infuser organizations shall require approval of a special use in the city’s industrial districts, and shall be processed in accordance with Section 166.095 (Special Use Permits) of this Title and this Subsection (166.025).

(7) 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:

- a. Facility may not be located within 1,000 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.
- b. 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.
- c. Facility may not be located within 1,500 feet of the property line of a pre-existing adult-use cannabis business establishment.
- d. 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.
- e. For purposes of determining required parking, said facilities shall be classified as a “Processing” use per Section 166.029(G)(5) (“Number of Parking Spaces Required”).
- f. Petitioner shall file an affidavit with the city affirming compliance with this Subsection and all other requirements of the city code and Act.
- g. The site design shall incorporate adequate security measures, such as interior and exterior lighting, surveillance cameras, and/or fencing. Said security measures shall be determined based on the specific characteristics of the dispensary and of the floor plan for an adult-use cannabis dispensary and the site on which it is located, consistent with the requirements of the Act.
- h. Adult-use cannabis processing organizations shall require approval of a special use in the city’s industrial districts, and shall be processed in accordance with Section 166.095 (Special Use Permits) of this Title and this Subsection (166.025).

(8) 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:

- a. Facility may not be located within 1,000 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.

- b. 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.
- c. Facility may not be located within 1,500 feet of the property line of a pre-existing adult-use cannabis business establishment.
- d. 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.
- e. For purposes of determining required parking, said facilities shall be classified as a “warehouse” use per 166.029(G)(5) (“Number of Parking Spaces Required”).
- f. Petitioner shall file an affidavit with the city affirming compliance with this Subsection and all other requirements of the city code and Act.
- g. The site design shall incorporate adequate security measures, such as interior and exterior lighting, surveillance cameras, and/or fencing. Said security measures shall be determined based on the specific characteristics of the dispensary and of the floor plan for an adult-use cannabis dispensary and the site on which it is located, consistent with the requirements of the Act.
- h. Adult-use cannabis transporting organizations shall require approval of a special use in the city’s industrial districts, and shall be processed in accordance with Section 166.095 (Special Use Permits) of this Title and this Subsection (166.025).

(9) Additional Requirements: The city may require additional application requirement and building enhancements for applicants seeking to operate an adult-use cannabis business establishment within the city, including:

- a. Petitioner shall install the building enhancements, such as security cameras, lighting or other improvements, as precondition to receiving a certificate of occupancy, permit, business license, or special use, as applicable, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its surrounding 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.
- b. Petitioner shall submit additional information as required by the city during the special use process.
- c. Petitioner shall provide written notice by registered mail to all owners of property within 500 feet of the parcel for which the special use is sought. Such notice must be sent not more than 30 days nor less than 15 days before the hearing at which the application for special use is to be considered. The number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 500 feet

requirement. The notice herein required shall contain the address of the location for which special use is requested, a brief statement of the nature of the requested special use, the name and address of the legal and beneficial owner of the property for which the variation or special use is requested, and the time and date of the hearing that the special use will be considered.

(10) 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. In a co-location, the floor space requirements of Subsection 5(e) and 6(d) shall not apply, but the co-located establishments shall be the sole use of the tenant space.

Section 7. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 8. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 9. This Ordinance shall be effective and in full force immediately upon passage and approval.

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ADOPTED this ____ day of _____, **2019**, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman Alexander					
Alderman Johnson					
Alderman Cazares					
Alderman Bilotto					
Alderman Rita					
Alderman Donahue					
Alderman Fahrenwald					
Alderman Hawley					
Alderman Ringo Hill					
Alderman Mech					
Alderman Carr					
Alderman Cantelo-Zylman					
Alderman Slattery					
Alderman Klinker					
Mayor Vargas					
TOTAL					

APPROVED by the Mayor on _____, **2019**.

DOMINGO F. VARGAS
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and **Filed** in my office this
 ____ day of _____, **2019**.

RANDY HEUSER, CITY CLERK

PUBLISHED in pamphlet form this
 ____ day of _____, **2019**.

RANDY HEUSER, CITY CLERK