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

**ORDINANCE
NUMBER 2022-049**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK
COUNTY, ILLINOIS, AMENDING TITLE XV (“LAND
USAGE”), CHAPTER 166 (“ZONING”) IN RELATION TO THE
ZONING OF ADULT-USE CANNABIS BUSINESS
ESTABLISHMENTS.**

**FRED BILOTTO, Mayor
RAEANN CANTELO-ZYLMAN, City Clerk
JAIRO FRAUSTO, City Treasurer**

**DEXTER JOHNSON
LUIZ MONTOYA
NANCY RITA
BILL FAHRENWALD
GABRIEL McGEE
CANDACE CARR
JOSH ROLL**

Aldermen

ORDINANCE NUMBER

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AMENDING TITLE XV (“LAND USAGE”), CHAPTER 166 (“ZONING”) IN
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ESTABLISHMENTS.**

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 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 Aldermen of the City of Blue Island previously adopted the Blue Island Zoning Ordinance of 1971 (the “*Zoning Code*”), which is codified in Chapter 166 of Title XV of the Code of Ordinances of the City (the “*City Code*”); and

WHEREAS, the Mayor and the Alderman of the City of Blue Island previously adopted ordinances creating City rules and regulations in relation to the Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).

WHEREAS, a text amendment application has been submitted by the City seeking an amendment to Section 166.023 of the City Code regarding special uses in the I-1 District and Section 166.025 of the City Code regarding adult-use cannabis business establishment uses within the City (the “*Proposed Amendment*”); and

WHEREAS, the Planning and Zoning Board of Appeals (“*PZBA*”) held a public hearing on September 1, 2022 (the “*Public Hearing*”) as to whether the Proposed Amendment should be approved, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, a public notice in the form required by law was given of said Public Hearing

by publication not more than thirty (30) days nor less than fifteen (15) days prior to said Public Hearing; and

WHEREAS, the PZBA has filed its findings of fact and recommendations that the Proposed Amendment be granted, and the Mayor and Aldermen of the City have duly considered said findings of fact and recommendations, and

WHEREAS, the Mayor and City Aldermen find that the following amendments to Chapter 166 of the Zoning Code, as set forth herein, are in the best interests of the health, safety and welfare of the City and its residents.

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

Section 1. That the above recitals and legislative findings 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. That the Mayor and City Aldermen find and determine that the adoption of this Ordinance is in the best interests of the City as well as in the best interests of the public and aligns more directly with state law relating to the regulation of cannabis dispensaries.

Section 3. That Section 166.023 (“*Schedule of Use Controls*”) of Chapter 166 (“*Zoning Code*”) of Title XV (“*Land Usage*”) is hereby amended by deleting the stricken language and adding the underlined language to read, as follows:

Section 166.023

* * * *

(E) *District I-1*

* * * *

(2) *Special uses*

- (a) Any permitted or special use in the C-1 or C-2 Commercial District, excluding any residential dwelling use, provided the approval of the Planning & Zoning Board of Appeals of Blue Island is also obtained;
- (b) Reduce front yard restrictions and increases lot coverage percent from that shown in the Schedule of Bulk and Coverage Controls in special or unusual cases in order to encourage industrial development;
- (c) Automobile body and fender shop; and
- (d) Automobile repair shop.

Section 4. That Section 166.025 (“*Regulations for Specific Uses*”) of Chapter 166 (“*Zoning Code*”) of Title XV (“*Land Usage*”) is hereby amended by deleting the stricken language and adding the underlined language to read, as follows:

Section 166.025

(E) Adult-Use Cannabis Establishments

* * * *

(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, community college, 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. a. Facility may not be located within 250 feet of the property line of a pre existing property in an area zoned or used for residential purposes use.
- e. b. Facility may not be located within 1,500 feet of the property line of a pre existing adult-use cannabis business establishment.
- d. c. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- e. d. 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. e. Petitioner shall file an affidavit with the city affirming compliance with this subsection and all other requirements of the city code and Act.
- g. f. 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 adult-use cannabis craft grower and of the floor plan for the adult-use cannabis craft grower and the site on which it is located, consistent with the requirements of the Act.

- h. g. 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, community college, 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 250 feet of the property line of a pre-existing property zoned or used for residential purposes.~~
- e. a. Facility may not be located within 1,500 feet of the property line of a pre-existing adult-use cannabis business establishment.
- d. b. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- e. c. For purposes of determining required parking, adult-use cannabis cultivation center shall be classified as a "Manufacturing" use per Section 166.029(G)(5) ("Number of Parking Spaces Required").
- f. d. Petitioner shall file an affidavit with the city affirming compliance with this subsection and all other requirements of the city code and Act.
- g. e. 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 adult-use cannabis cultivation center and of the floor plan for the adult-use cannabis cultivation center and the site on which it is located, consistent with the requirements of the Act.
- h. f. 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 Organizations: In zoning districts in which an adult-use cannabis dispensing organization may be located, the proposed facility must comply with the following:

- a. Only four adult-use cannabis 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 lone of a pre-existing place of worship, public or private nursery, preschool, primary or secondary school,

~~community college, day care center, day care home, residential care home, or substance abuse treatment center.~~

* * * *

(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, community college, 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. a. Facility may not be located within 250 feet of the property line of a pre existing property in an area zoned or used for residential purposes use.~~
- ~~e. b. Facility may not be located within 1,500 feet of the property line of a pre existing adult-use cannabis business establishment.~~
- ~~d. c. At least 75% of the floor area of any facility occupied by an infusing organization shall be devoted to the activities of the adult-use cannabis infuser organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.~~
- ~~e. d. 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. e. Petitioner shall file an affidavit with the city affirming compliance with this subsection and all other requirements of the city code and Act.~~
- ~~g. f. 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 adult-use cannabis infuser organization and of the floor plan for the adult-use cannabis infuser organization and the site on which it is located, consistent with the requirements of the Act.~~
- ~~h. g. 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, community college, 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 250 feet of the property line of a pre~~

~~existing property zoned or used for residential purposes.~~

- e. a. Facility may not be located within 1,500 feet of the property line of a pre existing adult-use cannabis business establishment.
- d. b. At least 75% of the floor area of any facility occupied by an adult-use cannabis processing organization shall be devoted to the activities of the adult-use cannabis 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. c. 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. d. Petitioner shall file an affidavit with the city affirming compliance with this subsection and all other requirements of the city code and Act.
- g. e. 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 adult-use cannabis processing organization and of the floor plan for the adult-use cannabis processing organization and the site on which it is located, consistent with the requirements of the Act.
- h. f. 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 cannabis 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, community college, 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 250 feet of the property line of a pre existing property zoned or used for residential purposes.~~
- e. a. Facility may not be located within 1,500 feet of the property line of a pre existing adult-use cannabis business establishment.
- d. b. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- e. c. For purposes of determining required parking, said facilities shall be classified as a "warehouse" use per Section 166.029(G)(5) ("Number of Parking Spaces Required").
- f. d. Petitioner shall file an affidavit with the city affirming compliance with this subsection and all other requirements of the city code and Act.
- g. e. 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 adult-use cannabis transporting organization and of the floor plan for the adult-use cannabis transporting organization and the site on which it is located, consistent with the requirements of the Act.

- h. f. 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 requirements 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 application process.
- c. Petitioner shall provide written notice by ~~registered~~ certified mail to all owners of property within 250 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 250 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 at which the special use will be considered.

(10) Signage and Advertisements: In addition to local regulations for business signs, adult-use cannabis business establishments shall comply with all advertising regulations contained in the Act. No establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained an advertisement of cannabis or a cannabis-infused product in any form or through any medium:

- a. within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older;
- b. on or in a public transit vehicle or public transit shelter;

- c. on or in publicly-owned or publicly-operated property; or
- d. that contains information that:
 - 1. is false or misleading;
 - 2. promotes excessive consumption;
 - 3. depicts a person under 21 years of age consuming cannabis;
 - 4. includes the image of a cannabis leaf; or
 - 5. includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any imitation of candy packaging or labeling, or that promotes consumption of cannabis.

(~~40~~11) Co-Location of Adult-Use Cannabis Business Establishments: To the extent permitted by the Act and subject to the special use criteria set forth herein, the city may approve for a single property or structure the co-location of any combination of adult-use cannabis business establishments. In a co-location provided for herein, the floor space requirements of this Section 166.025(e) shall not apply, but the co-located adult-use cannabis business establishments shall be the sole use of the tenant space. The most restrictive distance requirement for any co-located adult-use cannabis business establishments shall control.

(~~41~~12) Prohibition of Ownership by Elected City Officials: No elected City Official shall during the elected City Official's term of office hold a n ownership interest in any cannabis business establishment which applies for a special use pursuant to this ordinance or which is licensed to operate in the City of Blue Island under the Cannabis Regulation and Tax Act, 410 ILCS 705/1 et seq.

Section 5. 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 6. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

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ADOPTED this **11th** day of **October, 2022**, pursuant to roll call as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON	X				
Alderman FAHRENWALD	X				
Alderman RITA	X				
Alderman MONTOYA	X				
Alderman MCGEE	X				
Alderman CARR	X				
Alderman ROLL	X				
Mayor BILOTTO					
	7				

APPROVED by the Mayor on **October 11, 2022**.

FRED BILOTTO
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
11th day of **OCTOBER, 2022**.

RAEANN CANELO-ZYLMAN, CITY CLERK

PUBLISHED in pamphlet form this
11th day of **OCTOBER, 2022**.

RAEANN CANELO-ZYLMAN, CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

CERTIFICATION

I, RAEANN CANTELO-ZYLMAN, DO HEREBY CERTIFY THAT I am the duly elected City Clerk of the City of Blue Island, Illinois, as such City Clerk, I am the keeper of the minutes and records of the Proceedings of the City Council of the said City and have in my custody the ORDINANCE and BOOKS of the records of said City.

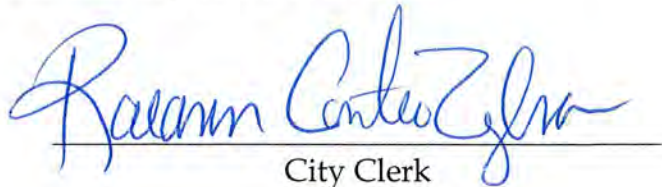
I DO FURTHER CERTIFY that the attached and foregoing is a true and correct copy of the certain **ORDINANCE: AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, AMENDING TITLE XV ("LAND USAGE"), CHAPTER 166 ("ZONING") IN RELATION TO THE ZONING OF ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS.**

ORDINANCE NO. 2022-049 which was adopted at a regular meeting of the City Council of the City of Blue Island, Illinois held on the **11th day of October, 2022**; that at said meeting **7** Alderman were present; that at said meeting, on motion duly made and seconded that the Ordinance did pass and on the roll being called the vote of each Aldermen present on the question of the passage of said Ordinance was duly and separately taken by Ayes and Nays and their names and votes recorded in the minutes of **7** Alderman voted Aye and **0** Alderman voted Nay and **0** Alderman voted Abstain and **0** Alderman Absent.

I DO FURTHER CERTIFY that the original Ordinance which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of the City of Blue Island aforesaid, at the said City in the County and State aforesaid, this **11th** day of **October, 2022**.

CORPORATE SEAL



City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE

I, RAEANN CANTELO-ZYLMAN, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on **October 11, 2022** the Corporate Authorities of such municipality passed and approved Ordinance No. **2022 - 049**
Entitled: **ORDINANCE: AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, AMENDING TITLE XV ("LAND USAGE"), CHAPTER 166 ("ZONING") IN RELATION TO THE ZONING OF ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS.**

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

The pamphlet form of Ordinance No. **2022 - 049** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **October 11, 2022** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **11th** day of **October, 2022.**

CORPORATE SEAL


CITY CLERK

Text Amendment



FRED BILOTTO, MAYOR

**City of Blue Island
Building & Zoning Department**

13051 Greenwood Avenue
Blue Island, IL 60406
Office (708) 597-8606
Fax (708) 396-2686
building@cityofblueisland.org

FINDINGS OF FACT

**CITY OF BLUE ISLAND ZONING BOARD OF APPEALS (ZBA)
PUBLIC HEARING – SEPTEMBER 1, 2022**

Applicant: City of Blue Island, 13051 Greenwood Avenue, Blue Island, IL 60406

On September 1, 2022, the Planning and Zoning Board of Appeals (PZBA) voted (5-0) to adopt Findings of Fact recommending that the City Council approve a text amendment to the City of Blue Island Zoning Ordinance, with one modification. The PZBA recommends approval of amendments to Section 166.025(E) regarding regulations for adult-use cannabis establishments. However, the PZBA recommends not amending Section 166.023(E)(2) regarding special uses in District I-1.

The Blue Island Zoning Ordinance prescribes the requirements of the Findings of Fact:

Section 166.094(F)(2):

The Planning and Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

In accordance with the foregoing requirements, the Planning and Zoning Board of Appeals finds as follows:

The proposed amendment to Section 166.025(E) will increase the possibility of non-dispensary adult-use cannabis business establishments locating in Blue Island by removing most location restrictions to mirror the Cannabis Regulation and Tax Act (410 ILCS 705). The removal of these barriers will not threaten the health, safety, or welfare of citizens, as the adult-use cannabis business establishments that would benefit from these changes would be highly regulated by the State of Illinois and would involve no retail sales. More business in the City, though, brings more revenue, which will help provide necessary City services. The proposed amendment will also reiterate the statutory prohibitions on advertising cannabis products. This amendment is in the best interest of the public as well as the City.

The amendment to Section 166.023(E)(2) of the Zoning Ordinance was proposed to ensure that the I-1 and I-2 Industrial Districts would not be considered "residential districts" merely because residences are allowed as a special use. In the absence of caselaw supporting that interpretation, the PZBA does not want to cause an unintentional negative consequence on existing property owners by making their residential use non-conforming. The PZBA does not consider the I-1 and I-2 Districts to be residential districts, which makes that amendment unnecessary.