

**PLANNING COMMISSION MEETING  
Wednesday October 9, 2019  
Fairbury City Hall Basement**

The Planning Commission held a meeting at 12 Noon. Members present were Chairman Rick Wilson, Leroy McPherson, Michael Blackwell, and Bekah Fehr. Also in attendance were City of Fairbury Police Chief Robert McCormick and Planning Commission secretary Stephanie Meints.

**Review of minutes from September 11, 2019: Motion by Fehr, second by Blackwell to approve. Motion carried unanimously.**

Chief McCormick was asked to speak to the Planning Commission about the new cannabis laws that will take effect January 1, 2020. He stated that he will be sending his officers' to a cannabis law class on October 31, 2019, where they will learn more about the rules and regulations of the new law.

He stated that he doesn't think that Fairbury will be a key town for a dispensary at the time, but does think a cultivation center could be beneficial because of its location.

A question about security at cultivation centers was asked and he replied that there would be strict security such as cameras and locks. The cultivating would also have to take place inside a facility, making it easier to secure.

Michael Blackwell asked about smoke lounges and how they operate. Chief McCormick stated that they are exempt from the smoke free act that bans cigarettes from being smoked in public places. Bars will not be allowed to sell or allow marijuana on the premises because the law states that alcohol and cannabis cannot be combined in the same facility. Marijuana users will also be banned from the 15 ft. smoking rule and will not be allowed to smoke in public or outside doors like that of cigarette smokers while at a bar.

Rebekah Fehr asked how they would regulate or test for DUI with the use of marijuana. Chief McCormick stated that standard field sobriety tests will be given and if the officer decides that they believe the person is over the legal limit they will then be arrested and taken the hospital for a blood or urine analysis. As of now, there is no other way to test for the amount of THC in the system without taking a blood or urine sample. The police will treat marijuana as they do alcohol and not allow smoking while driving or open containers.

The Planning Commission read through a model ordinance and a sample ordinance from the City of Champaign. They liked that facilities cannot operate within 1500 ft. of a school, park, daycare and more. They also want to be able to adopt the ability to regulate within a mile and a half of city limits. This would allow the City to get some revenue from sales of marijuana.

The Planning Commission made a recommendation to the City Council to adopt special use permits per the requirements stated in the model ordinance, which is attached.

**Motion:** Fehr, second by McPherson. All in favor.

Motion to Adjourn: Blackwell, second by McPherson

PC Secretary, Stephanie Meints

# CITY OF FAIRBURY

City of Fairbury ~ 201 W. Locust Street ~ PO Box 228 ~ Fairbury, Illinois 61739  
815.692.2743 ~ [www.cityoffairbury.com](http://www.cityoffairbury.com)

TO: MAYOR AND CITY COUNCIL

FROM: RICK WILSON, PLANNING COMMISSION CHAIRMAN

SUBJECT: PUBLIC ACT 101-0027 CANNABIS AND TAX REGULATION ACT

DATE: October 9, 2019

CC: BRETT ASHBURN

TO MAYOR AND COUNCIL,

THE PLANNING COMMISSION HELD THEIR REGULARLY SCHEDULED MEETING ON WEDNESDAY OCTOBER 9, 2019. THE AGENDA WAS THE CANNABIS ACT. BASED ON THE DISCUSSION FROM THE PLANNING COMMISSION MEMBERS THIS AFTERNOON I AM MAKING A RECOMMENDATION TO THE CITY COUNCIL TO ADOPT SPECIAL USE PERMITS PER THE REQUIREMENTS STATED IN THE MODEL ORDINANCE, WHICH IS ATTACHED.

THANK YOU FOR YOUR CONSIDERATION.

SINCERELY,

A handwritten signature in black ink that reads "Rick Wilson". The signature is written in a cursive, flowing style.

RICK WILSON

**MODEL ORDINANCE  
MUNICIPAL CANNABIS BUSINESS ZONING**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER \_\_ (ZONING TITLE, PURPOSE, DEFINITIONS), CHAPTER \_\_ (GENERAL ZONING PROVISIONS), CHAPTER \_\_ (COMMERCIAL DISTRICTS), AND CHAPTER \_\_ (INDUSTRIAL DISTRICTS) OF TITLE \_\_ (ZONING ORDINANCE) OF THE \_\_\_\_\_ MUNICIPAL CODE PERTAINING TO ADULT-USE CANNABIS**

**WHEREAS**, the City/Village of \_\_\_\_\_, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

**WHEREAS**, the State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

**WHEREAS**, pursuant to the Act, the City/Village 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/Village deems sensitive; and

**WHEREAS**, on \_\_\_\_\_, the City Council/Village Board initiated an amendment to Title \_\_ (Zoning Ordinance) to review and consider additional amendments to further regulate adult-use cannabis facilities within the City/Village of \_\_\_\_\_; and

**WHEREAS**, the Planning and Zoning Commission/Zoning Board of Appeals conducted public hearings, as required by law, on \_\_\_\_\_ and \_\_\_\_\_, in regards to the proposed amendments to Title \_\_ (Zoning Ordinance) of the \_\_\_\_\_ Municipal Code pertaining to adult-use cannabis; and

**WHEREAS**, the Planning and Zoning Commission/Zoning Board of Appeals recommended approval of the proposed amendments to Title \_\_ (Zoning Ordinance) on \_\_\_\_\_.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City/Board of Trustees of the Village of \_\_\_\_\_ as follows:

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

**SECTION 2:** Chapter \_\_ (Zoning Title, Purpose, Definitions) of Title \_\_ (Zoning Ordinance) of the \_\_\_\_\_ Municipal Code is hereby amended by adding the underlined language and deleting the stricken 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 3:** Chapter \_\_ (General Zoning Provisions) of Title \_\_ (Zoning Ordinance) of the \_\_\_\_\_ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

\* \* \*

**: ADULT-USE CANNABIS:**

1. Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the City/Village of \_\_\_\_\_. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

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

3. Adult-Use Cannabis Facility Components: In determining compliance with Section \_\_\_\_ (Conditional Uses) of this Title, the following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

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

3.2 Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.

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

3.4 Anticipated parking demand based on Section \_\_\_\_ and available private parking supply.

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

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

3.7 Proposed signage plan.

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

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

4. Adult-Use Cannabis Craft Grower: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

4.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

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

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

4.4 For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be classified as “\_\_\_\_\_” per Section \_\_\_\_ (Schedule of Off-Street Parking Requirements: Industrial Uses), provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section \_\_\_\_ (Adult-Use Cannabis: Conditional Use) herein.

4.5 Petitioner shall file an affidavit with the City/Village affirming compliance with Section \_\_\_\_ as provided herein and all other requirements of the Act.

5. Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

5.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

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

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

5.4 For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be classified as “\_\_\_\_\_” per Section \_\_\_\_ (Schedule of Off-Street Parking Requirements: Industrial Uses), provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section \_\_\_\_ (Adult-Use Cannabis: Conditional Use) herein.

5.5 Petitioner shall file an affidavit with the City/Village affirming compliance with Section \_\_\_\_ as provided herein and all other requirements of the Act.

6. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

6.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

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

6.3 At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in Section 6.5 below in the same tenant space.

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

6.5 Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility required by Section 10 (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing as provided in Section \_\_\_ of the City/Village of Municipal Code.

6.6 For purposes of determining required parking, said facilities shall be classified as "\_\_\_" per Section \_\_\_ (Schedule of Off-Street Parking Requirements: Commercial Uses) of the City/Village of \_\_\_ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section \_\_\_ (Adult-Use Cannabis: Conditional Use) herein.

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

7. Adult-Use Cannabis Infuser Organization: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

7.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

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

7.3 At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

7.4 For purposes of determining required parking, said facilities shall be classified as "\_\_\_" per Section \_\_\_ (Schedule of Off-Street Parking Requirements: Commercial Uses) of the City/Village of \_\_\_ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section \_\_\_ (Adult-Use Cannabis: Conditional Use) herein.

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

8. Adult-Use Cannabis Processing Organization: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

8.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

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

8.3 At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

8.4 For purposes of determining required parking, said facilities shall be classified as "\_\_\_\_\_ " per Section \_\_\_\_\_ (Schedule of Off-Street Parking Requirements: Commercial Uses) of the City/Village of \_\_\_\_\_ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section \_\_\_\_\_ (Adult-Use Cannabis: Conditional Use) herein.

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

9. Adult-Use Cannabis Transporting Organization: In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

9.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

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

9.3 The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

9.4 For purposes of determining required parking, said facilities shall be classified as "\_\_\_\_\_ " per Section \_\_\_\_\_ (Schedule of Off-Street Parking Requirements: \_\_\_\_\_ ) of the City/Village of \_\_\_\_\_ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section \_\_\_\_\_ (Adult-Use Cannabis: Conditional Use) herein.

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

10. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the



floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

11. Co-Location of Cannabis Business Establishments. The City/Village may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Conditional Use criteria within the City/Village of \_\_\_\_\_ Municipal Code. In a co-location, the floor space requirements of Section 6.3 and 7.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.

**SECTION 4:** Chapter \_\_\_\_ (Commercial Districts) of Title \_\_\_\_ (Zoning Ordinance) of the City/Village of \_\_\_\_\_ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

**ARTICLE A. B-1 GENERAL COMMERCIAL DISTRICT**

\_\_\_\_\_: **PERMITTED USES:**

\* \* \*

\_\_\_\_\_: **CONDITIONAL USES:**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section \_\_\_\_\_ and Chapter \_\_\_\_ of this Title, as appropriate:

\* \* \*

Adult-Use Cannabis Dispensing Organization.

**ARTICLE B. B-2. INTENSE COMMERCIAL DISTRICT**

\_\_\_\_\_: **PERMITTED USES:**

\* \* \*

\_\_\_\_\_: **CONDITIONAL USES:**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section \_\_\_\_\_ and Chapter \_\_\_\_ of this Title, as appropriate:

\* \* \*

Adult-Use Cannabis Dispensing Organization.

Adult-Use Cannabis Infuser Organization.

Adult-Use Cannabis Processing Organization.

Adult-Use Cannabis Transporting Organization.

**SECTION 5:** Chapter \_\_\_\_ (Industrial Districts) of Title \_\_\_\_ (Zoning Ordinance) of the City/Village of \_\_\_\_\_ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

**ARTICLE A. I-1 GENERAL INDUSTRIAL DISTRICT**

\_\_\_\_\_: **PERMITTED USES:**

\* \* \*

\_\_\_\_\_: **CONDITIONAL USES:**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section \_\_\_\_\_ and Chapter \_\_\_\_ of this Title, as appropriate:

\* \* \*

Adult-Use Cannabis Craft Grower Organization.  
Adult-Use Cannabis Dispensing Organization.  
Adult-Use Cannabis Infuser Organization.  
Adult-Use Cannabis Processing Organization.  
Adult-Use Cannabis Transporting Organization.

**ARTICLE B. I-2 HEAVY INDUSTRIAL DISTRICT**

**\_\_\_\_\_ : PERMITTED USES:**

\* \* \*

**\_\_\_\_\_ : CONDITIONAL USES:**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section \_\_\_\_\_ and Chapter \_\_ of this Title, as appropriate:

\* \* \*

Adult-Use Cannabis Craft Grower Organization.  
Adult-Use Cannabis Cultivation Organization.  
Adult-Use Cannabis Dispensing Organization.  
Adult-Use Cannabis Infuser Organization.  
Adult-Use Cannabis Processing Organization.  
Adult-Use Cannabis Transporting Organization.

**SECTION 6: Severability.** If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

**SECTION 7: Effective Date.** This Ordinance shall be in full force and effect upon its passage and approval as required by law.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor/Village President

ATTEST:

\_\_\_\_\_  
City/Village Clerk