

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

AN ORDINANCE AMENDING CHAPTER 154, THE ZONING CODE OF THE CITY OF  
MONMOUTH MUNICIPAL CODE PERTAINING TO ADULT-USE CANNABIS

WHEREAS, the City of Monmouth has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

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

WHEREAS, pursuant to the Act, the City may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the City deems sensitive; and

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

Section 1:

The recitals set forth above are incorporated herein.

Section 2:

Chapter 154 of the Zoning Code of the City of Monmouth Municipal Code is hereby amended by adding the following language, as follows:

**ADULT-USE CANNABIS**

§ 154.20 SHORT TITLE.

This chapter shall be known as, and may be referred to as, the “MONMOUTH ADULT USE CANNABIS ORDINANCE.”

§ 154.21 DEFINITIONS.

**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.

## § 154.22 ADULT USE CANNABIS ESTABLISHMENT LOCATION STANDARDS.

### (A) 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 of Monmouth. 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. Only two (2) Adult-Use Cannabis Business Establishments shall be allowed within the corporate city limits to the City of Monmouth.

2. Permitted Districts. Adult Use Cannabis Business Establishments shall only be permitted B-3, B-4, M-1 and M-2 zoned Business and Manufacturing Districts located north of Clinton Avenue or south of 3<sup>rd</sup> Avenue within the corporate limits of the City of Monmouth.

3. Adult-Use Cannabis Facility Components: In determining compliance with Section (A) 2. above, the following components of the Adult-Use Cannabis Business Establishments 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 multitenant 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.

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 Facility may not be located within 500 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care or residential care home.

3.9 Facility may not be located within 100 feet of the property line of a preexisting property zoned or used for residential purposes.

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

3.11 At least Seventy-five (75%) percent 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. Additionally, no smoking of any kind shall allowed on the premises.

4. Additional Requirements: Owner of the Adult Use Cannabis Business Establishment shall install building enhancements, such as security cameras, lighting or other improvements, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its surrounding area. 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.

Section 3:

In all other respects, Chapter 131 of the Code of Ordinance of the City of Monmouth, previously enacted, shall remain in full force and effect.

Section 4:

This ordinance shall be in full force and effect after passage and approval thereof.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent or not voting: \_\_\_\_\_