

VILLAGE OF BRADLEY

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ORDINANCE NO. O-11-19-4

AN ORDINANCE AMENDING CHAPTER 60 (ZONING) OF THE BRADLEY VILLAGE  
CODE FOR THE PURPOSES OF PERMITTING AND REGULATING ADULT-USE  
CANNABIS BUSINESS ESTABLISHMENTS

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ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BRADLEY

THIS 12 DAY OF November, 2019

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Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,  
Kankakee County, Illinois this 12 day of November, 2019

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**AN ORDINANCE AMENDING CHAPTER 60 (ZONING) OF THE BRADLEY VILLAGE CODE FOR THE PURPOSES OF PERMITTING AND REGULATING ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS**

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**WHEREAS**, the Corporate Authorities of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, the State of Illinois recently enacted the Cannabis Regulation and Tax Act (P.A. 101-0027), which legalized the cultivation, sale, purchase, possession, and use of cannabis, subject to the provisions of the Cannabis Regulation and Tax Act; and

**WHEREAS**, the Cannabis Regulation and Tax Act grants the Village various regulatory powers in relation to adult-use cannabis, including but not limited to the power to (1) enact reasonable zoning ordinances to regulate adult-use cannabis business establishments (“CBEs”), (2) enact ordinances and rules governing the time, place, manner, and number of CBEs in the Village, and (3) regulate the on-premises consumption of cannabis; and

**WHEREAS**, the Corporate Authorities of the Village held a series of town hall meetings on Monday, September 30, 2019, Saturday, October 5, 2019, and Thursday, October 10, 2019 in order to gauge public opinion on the question of whether the Village should permit or prohibit CBEs within its borders; and

**WHEREAS**, based upon the public comment received at the aforementioned town-hall meetings, the Corporate Authorities of the Village determined that it is in the best interests of the Village and its citizens to amend the Bradley Zoning Ordinance to permit and regulate CBEs within the Village; and

**WHEREAS**, the Corporate Authorities thereafter proposed amendments to the Bradley Zoning Ordinance designed to permit and regulate the location and operation of CBEs within the Village and requested that the Bradley Planning and Zoning Commission (the “Plan Commission”) hold a public hearing to consider the same; and

**WHEREAS**, the Plan Commission held a public hearing to consider the proposed amendments on Friday, November 8, 2019, with notice having been properly given for the same, and at that time made all findings of fact required by and pursuant to the Village Code; and

**WHEREAS**, the Plan Commission has recommended that the Corporate Authorities amend the Bradley Zoning Ordinance as set forth in this Ordinance; and

**WHEREAS**, the Plan Commission has supported its recommendation by setting forth its findings of fact in accordance with the requirements of the Village Code; and

**WHEREAS**, the Corporate Authorities of the Village hereby approve and adopt the Plan Commission's findings of fact; and

**WHEREAS**, the Corporate Authorities of the Village hereby find that it is in the best interest of the citizens of the Village to amend the Bradley Zoning Ordinance as set forth in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:**

**SECTION 1.** The Corporate Authorities hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

**SECTION 2.** Chapter 60 (Zoning), Article I (In General), Section 60-4 (Definitions) of the Bradley Village Code is hereby amended to include the following:

**Sec. 60-4. - Definitions.**

\* \* \*

*Adult-Use Cannabis Business Establishment* means any adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

*Adult-Use Cannabis Craft Grower* means any facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure, and package cannabis and to 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* means any facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, and transport cannabis and to perform other 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* means any 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.

*Adult-Use Cannabis Infuser Organization or Infuser* means any 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* means any 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* means any 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.

\* \* \*

*Cannabis Regulation and Tax Act* means the Cannabis Regulation and Tax Act, (P.A. 101-0027), as amended from time to time.

\* \* \*

**SECTION 3.** A new Article X (Adult-Use Cannabis Business Establishments) is hereby created in Chapter 60 (Zoning) of the Bradley Village Code of Ordinances, as follows:

## **ARTICLE X. – ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS**

### **Sec. 60-528. - Purpose and applicability.**

It is the intent and purpose of this Article to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village of Bradley. All Adult-Use Cannabis Business Establishment facilities shall strictly comply with all regulations provided in the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, all regulations promulgated thereunder, the provisions of this Article, and all other applicable provisions of this Chapter. In the event of a conflict between the Cannabis Regulation and Tax Act, any state regulations, and the Village’s ordinances and regulations, the more restrictive of the state or local regulations shall apply to the extent permitted by law.

### **Sec. 60-529. - Special use permit required.**

- A. It shall be unlawful for any person to open or operate any Adult-Use Cannabis Business Establishment within the corporate boundaries of the Village of Bradley or within any other territory subject to the Bradley Zoning Ordinance without having first secured a special use permit for said establishment in compliance with the provisions of this Article and all other relevant provisions of this Chapter, including but not limited to Article VIII (Administration), Division 7 (Special Uses) of this Chapter.

- B. No special use permit shall be granted for any Adult-Use Cannabis Business Establishment unless the applicant for said permit provides adequate assurances to the Village that the establishment will be established and operated in full compliance with all applicable laws.
- C. In addition to any conditions and restrictions that the Village Board may deem necessary to impose pursuant to Section 60-400 of this Chapter, every special use permit granted to allow the siting and operation of an Adult-Use Cannabis Business Establishment shall be subject to the following conditions:
  - 1. If the Adult-Use Cannabis Business Establishment use is not established and fully operational within two (2) years of the effective date of the ordinance granting the special use permit for such establishment, the special use permit shall lapse and shall be null and void without the need for any further action on the part of the Village, provided that the Village Board may, upon a showing of good cause, extend the period in which the Adult-Use Cannabis Business Establishment must be established and operational by not more than twelve (12) additional months.

**Sec. 60-530. - Adult-use cannabis facility standards.**

- A. In considering any application for a special use permit for any Adult-Use Cannabis Business Establishment, the Village Planning and Zoning Commission and Village Board, as the case may be, shall consider all of the following factors:
  - 1. The reasonably anticipated impact of the proposed Adult-Use Cannabis Business Establishment on existing or planned uses located within the vicinity of the subject property.
  - 2. The layout, construction, and features of the structure that will house the proposed Adult-Use Cannabis Business Establishment, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
  - 3. Proposed hours of operation and anticipated number of customers/employees.
  - 4. The anticipated parking demand of and private parking supply available to serve the proposed Adult-Use Cannabis Business Establishment.
  - 5. The reasonably anticipated traffic generation attributable to the proposed Adult-Use Cannabis Business Establishment in the context of adjacent roadway capacity and access to such roadways.
  - 6. Site design, including access points, internal site circulation, and proposed security measures.
  - 7. Proposed signage plan.

8. Overall compliance with this Chapter in general and with the applicable provisions of this Article in particular.
  9. Compatibility with surrounding uses.
  10. Other criteria determined to be necessary to assess compliance of this Article.
- B. Nothing in this Article is intended or shall be deemed as relieving any applicant for a special use permit for an Adult-Use Cannabis Business Establishment of their obligation to comply with and meet all other requirements and standards set out for special use permits in this Chapter.

**Sec. 60-531. - 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. The facility may not be located within 1,000 feet of the property line of any existing public or private nursery school, preschool, primary or secondary school, day-care center, day-care home, residential-care home, or public library. Vocational and trade school learning centers shall not be considered or deemed to be public or private schools for purposes of this Section.
- B. No facility may be located (i) on any property used or zoned for residential purposes or (ii) within 500 feet of the property line of any property that is zoned or used for residential purposes.
- C. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- D. The Adult-Use Cannabis Craft Grower shall be the sole use of any tenant space in which it is located, except to the extent that it may be co-located with other Adult-Use Cannabis Business Enterprises as provided in Section 6-538 of this Article.
- E. On-site consumption of cannabis is prohibited.
- F. [Specific parking requirements?]
- G. Petitioner shall file an affidavit with the Village affirming compliance with all requirements of this Title and the Cannabis Regulation and Tax Act, including all regulations promulgated thereunder.

**Sec. 60-532. - 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. The facility may not be located within 1,000 feet of the property line of any existing public or private nursery school, preschool, primary or secondary school, day-care center, day-care home, residential-care home, or public library. Vocational and trade school learning centers shall not be considered or deemed to be public or private schools for purposes of this Section.
- B. No facility may be located (i) on any property used or zoned for residential purposes or (ii) within 500 feet of the property line of any property that is zoned or used for residential purposes.
- C. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- D. The Adult-Use Cannabis Cultivation Center shall be the sole use of any tenant space in which it is located, except to the extent that it may be co-located with other Adult-Use Cannabis Business Enterprises as provided in Section 6-538 of this Article.
- E. On-site consumption of cannabis is prohibited.
- F. [Specific parking requirements?]
- G. Petitioner shall file an affidavit with the Village affirming compliance with all requirements of this Title and the Cannabis Regulation and Tax Act, including all regulations promulgated thereunder.

**Sec. 60-533. - 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. The facility may not be located within 1,000 feet of the property line of any existing public or private nursery school, preschool, primary or secondary school, day-care center, day-care home, residential-care home, or public library. Vocational and trade school learning centers shall not be considered or deemed to be public or private schools for purposes of this Section.
- B. No facility may be located (i) on any property used or zoned for residential purposes or (ii) within 500 feet of the property line of any property that is zoned or used for residential purposes.
- C. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- D. The Adult-Use Cannabis Dispensing Organization shall be the sole use of any tenant space in which it is located, except to the extent that it may be co-located with other Adult-Use Cannabis Business Enterprises as provided in Section 6-538 of this Article.
- E. On-site consumption of cannabis is prohibited.

F. [Specific parking requirements?]

G. Petitioner shall file an affidavit with the Village affirming compliance with all requirements of this Title and the Cannabis Regulation and Tax Act, including all regulations promulgated thereunder.

**Sec. 60-534. - 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. The facility may not be located within 1,000 feet of the property line of any existing public or private nursery school, preschool, primary or secondary school, day-care center, day-care home, residential-care home, or public library. Vocational and trade school learning centers shall not be considered or deemed to be public or private schools for purposes of this Section.
- B. No facility may be located (i) on any property used or zoned for residential purposes or (ii) within 500 feet of the property line of any property that is zoned or used for residential purposes.
- C. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- D. The Adult-Use Cannabis Infuser Organization shall be the sole use of any tenant space in which it is located, except to the extent that it may be co-located with other Adult-Use Cannabis Business Enterprises as provided in Section 6-538 of this Article.
- E. On-site consumption of cannabis is prohibited.
- F. [Specific parking requirements?]
- G. Petitioner shall file an affidavit with the Village affirming compliance with all requirements of this Title and the Cannabis Regulation and Tax Act, including all regulations promulgated thereunder.

**Sec. 60-535. - 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. The facility may not be located within 1,000 feet of the property line of any existing public or private nursery school, preschool, primary or secondary school, day-care center, day-care home, residential-care home, or public library. Vocational and trade school learning centers shall not be considered or deemed to be public or private schools for purposes of this Section.



- B. No facility may be located (i) on any property used or zoned for residential purposes or (ii) within 500 feet of the property line of any property that is zoned or used for residential purposes.
- C. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- D. The Adult-Use Cannabis Processing Organization shall be the sole use of any tenant space in which it is located, except to the extent that it may be co-located with other Adult-Use Cannabis Business Enterprises as provided in Section 6-538 of this Article.
- E. On-site consumption of cannabis is prohibited.
- F. [Specific parking requirements?]
- G. Petitioner shall file an affidavit with the Village affirming compliance with all requirements of this Title and the Cannabis Regulation and Tax Act, including all regulations promulgated thereunder.

**Sec. 60-536. - Adult use cannabis transporting 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. The facility may not be located within 1,000 feet of the property line of any existing public or private nursery school, preschool, primary or secondary school, day-care center, day-care home, residential-care home, or public library. Vocational and trade school learning centers shall not be considered or deemed to be public or private schools for purposes of this Section.
- B. No facility may be located (i) on any property used or zoned for residential purposes or (ii) within 500 feet of the property line of any property that is zoned or used for residential purposes.
- C. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- D. The Adult-Use Cannabis Transporting Organization shall be the sole use of any tenant space in which it is located, except to the extent that it may be co-located with other Adult-Use Cannabis Business Enterprises as provided in Section 6-538 of this Article.
- E. On-site consumption of cannabis is prohibited.
- F. [Specific parking requirements?]
- G. Petitioner shall file an affidavit with the Village affirming compliance with all requirements of this Title and the Cannabis Regulation and Tax Act, including all regulations promulgated thereunder.

**Sec. 60-537. - Additional requirements.**

Any person seeking a special use permit for an Adult-Use Cannabis Business Establishment within the Village shall commit, in writing, to install any and all building enhancements (including, but not limited to, security cameras, lighting, or other improvements, as set forth in the special use permit) as the Village may deem necessary to ensure the safety of the Adult-Use Cannabis Business Establishment’s employees and customers, as well as all other persons as may be found in the general vicinity of such establishment. 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 Cannabis Regulation and Tax Act. Failure to comply with the requirements of this Section is and shall be deemed sufficient grounds for the Village Board to refuse to grant the special use permit sought or, in the case of a permit already granted, to justify the repeal of the ordinance granting such permit.

**Sec. 60-538. - Co-Location of Cannabis Business Establishments.**

The Village may approve the co-location of any combination of Adult-Use Cannabis Business Establishments on the same property and/or within the same structure to the extent that such co-location is permitted by the Cannabis Regulation and Tax Act.

**Sec. 60-539. – Medical Cannabis Dispensaries Seeking Adult-Use Dispensary Licenses.**

In the event that any medical cannabis dispensary operating within the corporate boundaries of the Village or else in any territory subject to the Bradley Zoning Ordinance applies for a license authorizing the sale of adult-use cannabis in addition to or instead of medical cannabis, such dispensary must first apply for, and the Village must approve, a special use permit for an adult-use cannabis dispensary pursuant to the terms and provisions of this Article. Nothing contained in this Article is intended or shall be deemed to waive any permitting requirement applicable to Adult-Use Cannabis Business Establishments in situations where the person or entity proposing such a use is an existing medical cannabis dispensary.

**SECTION 4.** Chapter 60 (Zoning), Article V (Business Districts), Section 60-154 (B-3 village center shopping district) is hereby amended to include the following:

**Sec. 60-154. - B-3 village center shopping district.**

\* \* \*

(2) *Special uses.* The following special uses may be allowed by special use permit in accordance with the procedures in article VIII of this chapter.

\* \* \*

- k. Adult-Use Cannabis Craft Grower, subject to all requirements and provisions of Article X of this Chapter.
- l. Adult-Use Cannabis Cultivation Center, subject to all requirements and provisions of Article X of this Chapter.

- m. Adult-Use Cannabis Dispensing Organization, subject to all requirements and provisions of Article X of this Chapter.
- n. Adult-Use Cannabis Infuser Organization or Infuser, subject to all requirements and provisions of Article X of this Chapter.
- o. Adult-Use Cannabis Processing Organization or Processor, subject to all requirements and provisions of Article X of this Chapter.
- p. Adult-Use Cannabis Transporting Organization or Transporter, subject to all requirements and provisions of Article X of this Chapter.
- q. Medical marijuana dispensary in accordance with 410 ILCS 130/1 *et seq.*

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**SECTION 5.** In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

**SECTION 6.** That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

**SECTION 7.** That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

**SECTION 8.** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**PASSED** by the Board of Trustees on a roll call vote on the 12 day of NOV, 2019.

**TRUSTEES:**

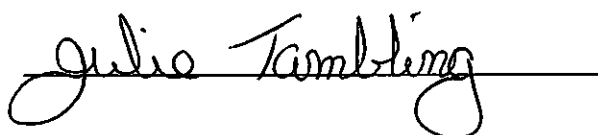
ROBERT REDMOND	Aye - <u>    </u>	Nay - <u>X</u>	Absent - <u>    </u>
MICHAEL WATSON	Aye - <u>X</u>	Nay - <u>    </u>	Absent - <u>    </u>
RYAN LEBRAN	Aye - <u>X</u>	Nay - <u>    </u>	Absent - <u>    </u>
BRIAN BILLINGSLEY	Aye - <u>X</u>	Nay - <u>    </u>	Absent - <u>    </u>
DARREN WESTPHAL	Aye - <u>X</u>	Nay - <u>    </u>	Absent - <u>    </u>
BRIAN TIERI	Aye - <u>X</u>	Nay - <u>    </u>	Absent - <u>    </u>

**ACTING VILLAGE PRESIDENT:**

MICHAEL WATSON      Non-Voting - X

**TOTALS:**              Aye - 5      Nay - 1      Absent - 0

**ATTEST:**



JULIE TAMBLING, VILLAGE CLERK

APPROVED this 12 day of November, 2019.

Michael Watson  
MICHAEL WATSON, ACTING VILLAGE PRESIDENT


ATTEST:

Julie Tambling  
JULIE TAMBLING, VILLAGE CLERK

STATE OF ILLINOIS            )  
  )        §§  
COUNTY OF KANKAKEE    )

I, Julie Tambling, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number O-11-19-4, "AN ORDINANCE AMENDING CHAPTER 60 (ZONING) OF THE BRADLEY VILLAGE CODE FOR THE PURPOSES OF PERMITTING AND REGULATING ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS," which was adopted by the Village Corporate Authorities at a meeting held on the 12 day of Nov, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 12 day of Nov, 2019.

  
\_\_\_\_\_  
JULIE TAMBLING, VILLAGE CLERK

(SEAL)

