

VILLAGE OF BRADLEY

ORDINANCE NO. 0-9-21-2

AN ORDINANCE AMENDING CHAPTER 60 (ZONING), ARTICLE X (ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS) OF THE BRADLEY VILLAGE CODE

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 13 DAY OF September, 2021

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 13 day of Sept, 2021

ORDINANCE NO. 0-9-21-2

AN ORDINANCE AMENDING CHAPTER 60 (ZONING), ARTICLE X (ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS) OF THE BRADLEY VILLAGE CODE

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, pursuant to Section 55-25 of the Cannabis Regulation and Tax Act (410 ILCS 705/55-25), the Village is authorized 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 previously exercised the abovementioned authority by, *inter alia*, enacting Article X (Adult-Use Cannabis Business Establishments) within Chapter 60 (Zoning) of the Bradley Village Code (the “CBE Regulations”); and

WHEREAS, the Village previously proposed an amendment to the CBE Regulations for the purposes of altering the required buffer zone around CBEs (the “Proposed Amendment”); and

WHEREAS, the Proposed Amendment was submitted to the Planning and Zoning Commission (the “Plan Commission”) for its review and consideration and for the purposes of holding a public hearing thereon; and

WHEREAS, the Plan Commission held a public hearing to consider the Proposed Amendment on Thursday, September 9, 2021, 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 President and Board of Trustees 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 (a copy of the Plan Commission’s Recommendation of Approval and Findings of Fact is attached here as Exhibit A and fully incorporated herein); and

WHEREAS, the President and Board of Trustees of the Village hereby approve and adopt the Plan Commission’s findings of fact; and

WHEREAS, the President and Board of Trustees of the Village have determined that amending the Bradley Zoning Ordinance as set forth in this Ordinance is in the best interests of the Village and its citizens.

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. That Chapter 60 (Zoning), Article X (Adult-Use Cannabis Business Establishments) is hereby amended, in part, to read as follows:

ARTICLE X. – ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS

*** * ***

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, other than property zoned ER (Estate Residence).
- 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. RESERVED.
- 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, other than property zoned ER (Estate Residence).
- 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. RESERVED.
- 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, other than property zoned either ER (Estate Residence) or NR-2 (Single Family Residence District).

- 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. RESERVED.
- 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, other than property zoned ER (Estate Residence).
- 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. RESERVED.
- 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, other than property zoned ER (Estate Residence).
- 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. RESERVED.
- 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, other than property zoned ER (Estate Residence).
- 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. RESERVED.
- 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.

SECTION 3. 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 4. 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 5. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 6. 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 13 day of Sept., 2021.

TRUSTEES:

RYAN LEBRAN	Aye - <u> </u>	Nay - <u> </u>	Absent - <u>X</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>
GRANT D. VANDENHOUT	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
GENE JORDAN	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>

VILLAGE PRESIDENT:

MICHAEL WATSON	Aye - <u> </u>	Nay - <u> </u>	Absent - <u> </u>
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TOTALS:	Aye - <u>5</u>	Nay - <u>0</u>	Absent - <u>1</u>
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ATTEST:


JULIE TAMBLING, VILLAGE CLERK

APPROVED this 13 day of September, 2021.


MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:


JULIE TAMBLING, VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF KANKAKEE) §§

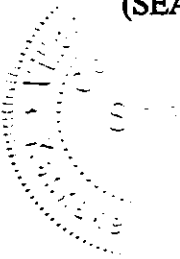
I, Julie Tambling, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number 0-9212, "AN ORDINANCE AMENDING CHAPTER 60 (ZONING), ARTICLE X (ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS) OF THE BRADLEY VILLAGE CODE," which was adopted by the Village Corporate Authorities at a meeting held on the 13 day of Sept, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 13 day of Sept, 2021.



JULIE TAMBLING, VILLAGE CLERK

(SEAL)



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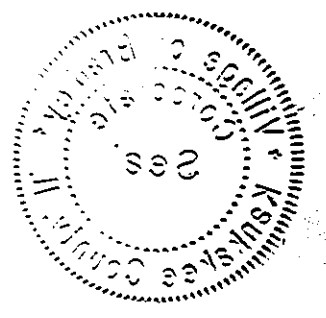


EXHIBIT A



Agenda Cover Memorandum

Meeting Date: September 13th, 2021

Fiscal Year: 2021

Agenda Item: Ord. amending chapter 60 (zoning) Article X Adult use cannabis establishments.

Item Type: Ordinance Resolution Other

Action Requested: Approval First Reading For Discussion Informational

Staff Contact:
Name: Bruce Page
Phone: 815-936-5100 ext. 1111
Email: bepage@bradleyil.org

Internal Review
Initials
Date

Brief Summary:

The approved Ord. would exempt the ER (Estate Residence) from the requirements of siting adult use cannabis establishments. It also exempts NR-2 (Single Family Residence) from siting an adult use cannabis establishment-Dispensary.

Approval of Ordinance

Supporting Documents: Ord #

Financial (if applicable)

Is this a budgeted item? Yes No Requires Budget Amendment

Line Item: _____ Title: _____

Amount Budgeted: _____