

**TEXT AMENDMENT TO SANGAMON COUNTY ZONING ORDINANCE  
REGARDING CHAPTER 17 OF THE SANGAMON COUNTY ZONING ORDINANCE  
RELATED TO ADULT-USE CANNABIS ORGANIZATIONS**

**WHEREAS**, the Sangamon County Board, pursuant to AN ACT IN RELATION TO COUNTY ZONING of the State of Illinois (Illinois Revised Statues 1967, Chapter 34, Paragraphs 3151 through 3162) adopted a zoning ordinance in April of 1969; and

**WHEREAS**, in order to make the regulations more effective, it is necessary from time to time to consider amendments that correct deficiencies or that relate to current development circumstances; and

**WHEREAS**, it is desirable to amend Chapter 17 of the Sangamon County Zoning Ordinance to include regulations related to Adult-Use Cannabis Organizations; and

**WHEREAS**, the Public Health, Solid Waste & Zoning Committee of the Sangamon County Board has reviewed the text amendment proposed in Exhibit A, and recommends approval; and

**WHEREAS**, in accordance with State Statutes, the Sangamon County Zoning Board of Appeals conducted a public hearing on December 19, 2019 in order to seek public comment on the draft revision of the Zoning Ordinance; and

**WHEREAS**, the Sangamon County Zoning Board of Appeals recommended approval of the proposed text amendment to the Sangamon County Zoning Ordinance as Exhibit A attached hereto and made a part of this resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the County Board of Sangamon County, Illinois, in session assembled this 14<sup>th</sup> day of January, 2020 that the request to amend the text of the Sangamon County Zoning Ordinance as proposed in the attached Exhibit A is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14<sup>th</sup> day of January, 2020.

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

**FILED**

JAN 03 2020

*Don Hayes*  
Sangamon County Clerk

Exhibit A

PETITION FOR AMENDMENT TO THE TEXT OF THE SANGAMON COUNTY ZONING ORDINANCE AMENDING CHAPTERS 17.04, 17.10, ~~17.22~~, 17.24, 17.26, 17.28, 17.30, AND 17.58 RELATED TO ADULT-USE CANNABIS ORGANIZATIONS

TO THE HONORABLE SANGAMON COUNTY BOARD OF SANGAMON COUNTY, ILLINOIS; AND TO THE HONORABLE SANGAMON COUNTY ZONING BOARD OF APPEALS OF SANGAMON COUNTY

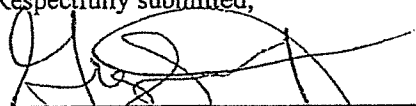
Here comes the petitioner, The Public Health, Solid Waste & Zoning Committee of the Sangamon County Board, hereby respectfully requesting that the proposed text amendments to the Sangamon County Zoning Ordinance, described in Exhibit A attached hereto and made a part hereof, be recommended for approval to the Sangamon County Board, and in support thereof state that:

1. The Sangamon County Board, pursuant to AN ACT IN RELATION TO COUNTY ZONING of the State of Illinois (Illinois Revised Statutes 1967, Chapter 34, Paragraphs 3151 through 3162) adopted a zoning ordinance in April of 1969.
2. In order to make the regulations more effective, it is necessary to make revisions from time to time which solve administrative problems and keep the zoning ordinance up-to-date with current development circumstances.
3. The Office of the Sangamon County State's Attorney has reviewed the proposed text amendments.

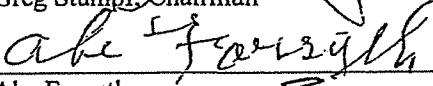
**WHEREFORE**, petitioner requests that the Zoning Board of Appeals of the County of Sangamon, after proper publication and hearing this petition, recommend approval of the text amendments to the Sangamon County Zoning Ordinance marked Exhibit A and attached hereto and made a part hereof, to the County Board of Sangamon County, Illinois.

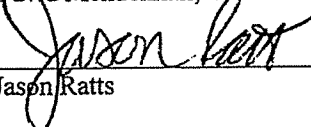
**WHEREFORE**, petitioner requests that the County Board of Sangamon County, Illinois, after proper notice and hearing on the petition and recommendation by the Sangamon County Board of Appeals, adopt the text amendments herein requested.

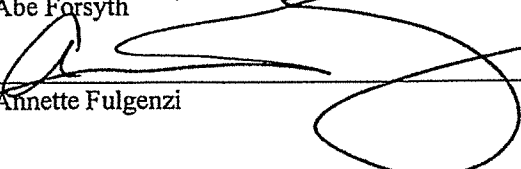
Respectfully submitted,

  
\_\_\_\_\_  
Greg Stumpf, Chairman

\_\_\_\_\_  
David Mendenhall, Vice-Chairman


  
\_\_\_\_\_  
Abe Forsyth

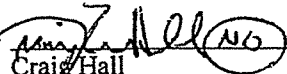
  
\_\_\_\_\_  
Jason Ratts

  
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Annette Fulgenzi

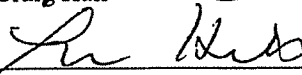
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Rose Ruzik

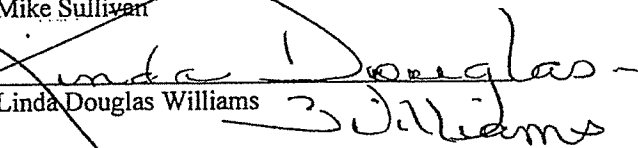
\_\_\_\_\_  
Linda Fulgenzi

  
\_\_\_\_\_  
Sam Snell

  
\_\_\_\_\_  
Craig Hall

\_\_\_\_\_  
Mike Sullivan

  
\_\_\_\_\_  
Lisa Hills

  
\_\_\_\_\_  
Linda Douglas Williams

**RECEIVED**  
2660

NOV 20 2019

Andy Goleman  
SANGAMON COUNTY AUDITOR

\_\_\_\_\_  
DATED

## Exhibit A

### Chapter 17.04 – DEFINITIONS

#### **Adult-use cannabis business establishment.**

"Cannabis business establishment" means a craft grower, cultivation center, dispensing organization, infuser organization, processing organization, or transporting organization.

#### **Adult-use cannabis craft grower.**

"Craft grower" means 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.**

"Cultivation center" means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to 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 or dispensary.**

"Dispensing organization" or "dispensary" means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act 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.**

"Infuser organization" or "infuser" means 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.**

"Processing organization" or "processor" means 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.

## Exhibit A

### **Adult-use cannabis transporting organization or transporter.**

**"Transporting organization" or "transporter"** means 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 Illinois' 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.

### **Cannabis.**

**"Cannabis"** means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

### **Cannabis-infused product.**

**"Cannabis-infused product"** means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked.

### **Industrial hemp.**

**"Industrial hemp"** means the plant *Cannabis sativa* L. and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3% on a dry weight basis that has been cultivated under a license issued under the Industrial Hemp Act [505 ILCS 89] or is otherwise lawfully present in this State, and includes any intermediate or finished product made or derived from industrial hemp.

### **On-premise consumption.**

**"On-premise consumption"** means the use or consumption of cannabis, cannabis concentrate, or cannabis-infused products or solutions at the location where such product is sold. The on-premise consumption of cannabis at cannabis dispensing organizations in unincorporated Sangamon County is prohibited.

### **Sensitive areas.**

**"Sensitive areas"** means pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day childcare facility, religious institution, public park, private park, or a residential zoning district.

## Exhibit A

### **Smoking lounge.**

“Smoking lounge” means a business establishment or room that is dedicated, in whole or in part, to the smoking of cannabis, cannabis concentrate, or cannabis-infused products or solutions. The on-premise consumption of cannabis at smoking lounges in unincorporated Sangamon County is prohibited.

### **Chapter 17.10 – A AGRICULTURAL DISTRICT**

#### **17.10.020 – Conditional permitted uses.**

Conditional permitted uses in the A district are:

Adult-use cannabis craft growers

Adult-use cannabis cultivation centers

Adult-use cannabis transporting organizations

Agricultural chemical sales

Airports

Antique stores

Archery, pistol, rifle, and shotgun ranges

Auction and wholesale establishments—restricted to sales of livestock, poultry, fur pelt, crops, plants and other similar agriculture produce

Bait shops

Banquet hall

Bed and breakfasts

Biodiesel plants

Camping and tenting parks

Cemeteries

Compost facilities, general

Compost facilities, landscape waste

Crematories

Disposal areas, in accord with other applicable county regulations

Dog kennels

Ethanol Plants

Fairgrounds

Farm Machinery Sales

Feed sales

Fertilizer sales and service installation facilities

Field tile installation and facilities

Grain elevators

Greenhouses

Heliports

**Exhibit A**

Hunting, fishing and game preserves  
 Landscaping companies  
 Lighted golf courses and driving ranges  
 Livestock buying stations  
 Manufactured home parks  
 Manufactured home sales incidental to operation of manufactured home parks  
 Mausoleums  
 Mining  
 Mushroom barns  
 Nurseries  
 Picnic grounds  
 Private outdoor recreation centers  
 Public parks  
 Railroad stations  
 Restricted landing areas  
 Riding stables  
 Sawmills and lumberyards  
 Seed houses  
 Sewage treatment plants  
 Slaughterhouses  
 Veterinary hospitals  
 Wind energy conversion systems

**Chapter 17.24 – B-2 RETAIL BUSINESS DISTRICT****17.24.020 – Conditional permitted uses.**

Conditional permitted uses in the B-2 district are:

Adult-use cannabis dispensing organizations

Antennas, towers and microwave antennas

Arenas, auditoriums, convention center, and stadiums

Automobile service stations

Electric substations

Fire stations

Garages, public and private, for the storage of private passenger vehicles and small (under three-fourths ton) commercial vehicles

Golf courses, including driving ranges

Heliports

Hospitals

Independent off-street-parking areas

Law enforcement stations

**Exhibit A**

Liquor stores  
 Pumping stations  
 Radio or television transmitting or relay stations  
 Rehabilitation centers  
 Rest homes  
 Sanitariums  
 Taverns  
 Telephone exchanges  
 Waterworks

**Chapter 17.26 – B-3 GENERAL BUSINESS DISTRICT****17.26.020 – Conditional permitted uses.**

Conditional permitted uses in the B-3 district are:

Adult uses subject to the limitation of Chapter 17.54

Adult-use cannabis dispensing organizations

Antennas, towers, and microwave antennas

Archery, pistol, rifle, and shotgun ranges, provided they are in completely enclosed buildings

Automobile towing service with temporary storage limited to six (6) months

Car washes

Electric generating unit

Electric substations

Establishments engaged in "adult uses"

Heliports

Liquor stores

Public and private outdoor recreation centers

Radio or television transmitting or relay stations

Taverns including live entertainment and dancing

Water substations

**Chapter 17.28 – I-1 RESTRICTED INDUSTRIAL DISTRICT****17.28.010 - Permitted uses.**

Permitted uses in the I-1 district are:

Uses permitted in the B-1, B-2 and B-3 districts Dwelling units and lodging rooms are not permitted except for a single watchman's quarters. Manufactured homes are permissible for watchman's quarters

Any establishment engaged in production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, provided operations conform with the performance standards and other general requirements applicable to this district set forth in this Chapter and Chapters 17.34

**Exhibit A**

and 17.38 Conditional permitted uses in the B-1, B-2 and B-3 districts except heliports, ~~and~~ adult uses, and adult-use cannabis dispensing organizations.

Arenas, auditoriums, and stadiums, open or enclosed  
 Building material sales with outside storage  
 Bus stations, terminals, and garages  
 Car washes  
 Cartage and express facilities  
 Contractor's office, shops, and yards  
 Dental service facilities and clinics  
 Fertilizer sales and service  
 Fire stations  
 Fuel sales  
 Garages for storage, repair, and servicing of motor vehicles, but not including body shops or spray painting  
 Gas regulators  
 Grain elevators  
 Greenhouses, wholesale  
 Highway maintenance shops and yards  
 Hotels, camps for railroad labor, sleeping, lodging, eating, and related facilities  
 Ice sales  
 Medical service facilities and clinics  
 Microwave relay towers  
 Motor freight terminals  
 Offices and lodges of labor organizations  
 Packing and crating  
 Police stations  
 Printing  
 Publishing establishments  
 Radar installations and towers  
 Railroad passenger stations  
 Television transmission equipment buildings  
 Temporary real estate offices, for the purpose of conducting the sale of lots of the tract upon which such tract office is located, for a period not to exceed two years  
 Towing service with temporary storage of vehicles limited to six (6) months  
 Warehouses  
 Weighing stations  
 Welding shops  
 Accessory uses incidental to and on the same lot and zoning district as the principal use



## Exhibit A

### **17.28.020 – Conditional permitted uses.**

Adult-use cannabis craft growers

Adult-use cannabis cultivation centers

Adult-use cannabis dispensing organizations

Adult-use cannabis infuser organizations

Adult-use cannabis processing organizations

Adult-use cannabis transporting organizations

Airports, private and commercial including heliports and other aircraft land fields, runways, flight strips and flying schools, together with hangars, terminal buildings and other auxiliary buildings

Compost facilities, general

Compost facilities, landscape waste

Concrete batch plants

Electric generating stations

Garages for storage, repair and servicing of motor vehicles including body shops and spray painting

### **Chapter 17.30 – I-2 GENERAL INDUSTRIAL DISTRICT**

#### **17.30.020 – Conditional permitted uses.**

Conditional permitted uses in the I-2 district are:

Conditional permitted uses in an I-1 district

Adult-use cannabis craft growers

Adult-use cannabis cultivation centers

Adult-use cannabis dispensing organizations

Adult-use cannabis infuser organizations

Adult-use cannabis processing organizations

Adult-use cannabis transporting organizations

Automobile wrecking yards and junk yards completely enclosed by eight (8) foot solid fencing

Disposal areas, in accord with other applicable state and county regulations

Electric generating stations

### **Chapter 17.58 - CONDITIONAL PERMITTED USES**

#### **17.58.080 - Standards for granting—Generally.**

No conditional permitted use shall be granted by the county board unless the conditional permitted use:

- A. Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area;

### Exhibit A

- B. Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected;
- C. Will not cause substantial injury to the value of other property in the vicinity in which it is located;
- D. In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:
1. Fairgrounds, public or private outdoor recreation centers - that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.
  2. Manufactured home parks - must meet the requirements of Chapter 17.48, Large Scale Development, of this title.
  3. Tourist homes, motels, hotels - that the proposed use must be located on or within four hundred (400) feet of a major thoroughfare.
  4. Taverns and liquor stores - that the following distances be maintained: 1) schools - one hundred (100) feet from the property line of the school to the property line of the tavern or liquor store; 2) churches - one hundred (100) feet from the church building to the tavern or liquor store building; and 3) residences - one hundred (100) feet from the tavern or liquor store property line to the residential structure or institutional care facility.
  5. Wind energy conversion systems - A WECS shall not be located within one and one-half (1½) miles of an incorporated area with a population over ten thousand (10,000) or within one-half (½) mile of an incorporated area with a population of less than ten thousand (10,000). WECS shall not be located so that they interfere with contiguous urban development.
  6. Adult-use cannabis business establishments as defined in Chapter 17.04:
    - a) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a "sensitive area" :
      - i) Adult-use cannabis craft grower – 1,500 feet
      - ii) Adult-use cannabis cultivation center – 1,500 feet
      - iii) Adult-use cannabis dispensing organization (dispensary) – 250 feet
      - iv) Adult-use cannabis infuser organization (infuser) – 1,500 feet
      - v) Adult-use cannabis processing organization (processor) – 1,500 feet
      - vi) Adult-use cannabis transporting organization (transporter) – 1,500 feet
    - b) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

**RECAP**  
(For County Board Use)

DOCKET NUMBER: 2019-049

ADDRESS: N/A

PETITIONER: **The Public Health, Solid Waste & Zoning Committee of the Sangamon County Board**

PRESENT ZONING CLASSIFICATION: N/A

REQUESTED ZONING CLASSIFICATION: N/A

AREA: N/A

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Staff finds the attached ordinance meets the standards applicable to text amendments and recommends approval by the County Board after a public hearing and recommendation by the Zoning Board of Appeals.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:  
**Approval of Staff Recommendation.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

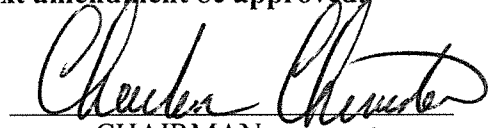
IN THE MATTER OF THE PETITION OF:)	DOCKET NO:	<b>2019-049</b>
<b>the Public Health, Solid Waste</b> )		
<b>&amp; Zoning Committee of the Sangamon</b> )	PROPERTY LOCATED AT:	
<b>County Board</b> )	N/A	
)		
)		

RECOMMENDATION OF THE ZONING BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **text amendment** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **December 19, 2019** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the proposed changes are more particularly described in EXHIBIT A attached hereto and make a part hereof.
3. That required findings of the Sangamon County Zoning Board of Appeals are accurately stated on the attached exhibit (s).
4. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **text amendment** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **text amendment** be approved.

  
 \_\_\_\_\_  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, to concur with the findings and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** which was duly seconded by **Charlie Chimento**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Anthony Mares, Don Wulf, Andrew Spiro**

NO: **JD Sudeth**

PRESENT:

ABSENT:

  
RECORDING SECRETARY