

CITY OF OGLESBY

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ORDINANCE NO. 1106-021820

AN ORDINANCE AMENDING ORDINANCE NO. 1063-100118 ENTITLED AN ORDINANCE  
ADOPTING THE LAND DEVELOPMENT CODE OF OGLESBY ILLINOIS

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ADOPTED BY THE CITY COUNCIL OF  
THE CITY OF OGLESBY  
THIS 18TH DAY OF FEBRUARY, 2020

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Published in pamphlet form by authority of the City Council of the City of Oglesby, LaSalle  
County, Illinois, this 18th day of February, 2020.

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STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF LASALLE     )

I, Amy Eitutis, certify that I am the duly appointed and acting municipal clerk of the  
City of Oglesby, LaSalle County, Illinois.

I further certify that on the 18th day of February, 2020, the corporate authorities of  
the above municipality passed and approved Ordinance No. 1106-021820, entitled “An  
Ordinance Amending Ordinance No. 1063-100118 Entitled an Ordinance Adopting the  
Land Development Code of Oglesby Illinois”, which provided by its terms that it should be  
published in pamphlet form.

The pamphlet form of Ordinance No. 1106-021820, including the ordinance and  
cover sheet thereof, was prepared and a copy of such ordinance was posted in the  
municipal building, commencing on the 18th day of February, 2020, and continuing for at  
least ten days thereafter. Copies of the ordinance were also available for public  
inspection upon request in the office of the municipal clerk.

Dated in Oglesby, Illinois, this 18th day of February, 2020.

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Municipal Clerk

(SEAL)

AN ORDINANCE AMENDING ORDINANCE NO. 1063-100118 ENTITLED AN ORDINANCE  
ADOPTING THE LAND DEVELOPMENT CODE OF OGLESBY ILLINOIS

WHEREAS, the City of Oglesby adopted Ordinance No. 1063-100118 entitled "An Ordinance Adopting the Land Development Code of Oglesby Illinois" for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the residents of the City of Oglesby; 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 of Oglesby 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 of Oglesby deems sensitive; and

WHEREAS, the Oglesby City Council initiated an amendment to Ordinance No. 1063-100118 entitled "An Ordinance Adopting the Land Development Code of Oglesby Illinois" (zoning ordinance) to review and consider additional amendments and to further regulate adult use cannabis facilities within the City of Oglesby; and

WHEREAS, the Oglesby Plan Commission conducted a public hearing as required by law on the 8th day of January, 2020, regarding the proposed amendments to the Oglesby Illinois Land Development Code; and

WHEREAS, the Oglesby Plan Commission recommended approval of the proposed amendments to the Oglesby Illinois Land Development Code and the Minutes of the Oglesby

Plan Commission meeting are attached hereto, marked as Group Exhibit A and incorporated by reference as if set out in full herein.

WHEREAS, Section 11-13-4 of the Illinois Municipal Code (65 ILCS 5/11-13-4) authorizes the City of Oglesby to amend its zoning ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS, AS FOLLOWS:

1. The recitals contained in the preamble to this ordinance are incorporated by reference as if set out in full herein.

2. Section 14-14-2, Definitions, of Ordinance No. 1063-100118 entitled "An Ordinance Adopting the Land Development Code of Oglesby Illinois" is amended by adding the following definitions to Section 14-14-2 of the Land Development Code of Oglesby Illinois:

*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, process, transport 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:*

A facility operated by 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.

3. Section 14-3-2, Use Specific Standards, of Ordinance No. 1063-100118 entitled "An Ordinance Adopting the Land Development Code of Oglesby Illinois" is hereby amended by adding Section 14-3-2(L) to the Land Development Code of Oglesby Illinois:

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 Oglesby. 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. *Special Use:* Adult-Use Cannabis Business Establishment facilities, as defined herein, shall require approval as a special use in the respective districts in which they are allowed and shall be processed in accordance with section 14-11-4 and section 14-11-5 of the Oglesby Land Development Code as provided herein.

3. *Adult-Use Cannabis Facility Components:* Section 14-3-2, Use Regulations, of Title 14, Land Development Code of the Oglesby City Code is hereby amended by adding Subsection 14-3-2(L) which shall read as follows:

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 14-5-1 et seq. 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 Growers); 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.
- 3.9 Other criteria determined to be necessary to assess compliance with Section 14-11-14 (Special Uses) and Section 14-11-5 (Special Use Procedure) 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 an Industrial Use pursuant to the provisions of Section 14-5-2 of the Oglesby Illinois Land Development Code.
- 4.5 Petitioner shall file an affidavit with the City affirming compliance with all provisions of the Oglesby Land Development Code as provided herein and all other requirements under this 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 an Industrial Use pursuant to the provisions of Section 14-5-2 of the Oglesby Illinois Land Development Code.
- 5.5 Petitioner shall file an affidavit with the City affirming compliance with all provisions of the Oglesby Land Development Code as provided herein and all other requirements under this Act.

6. *Adult-Use Cannabis Dispensing Organizations:* 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. The restriction that a facility not be located within 250 feet of the property line of a property zoned or used for residential purposes may be waived by the Oglesby City Council for any facility located in any commercially-zoned district located on Walnut Street or Columbia Avenue.
- 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 by the City of Oglesby.
- 6.6 For purposes of determining required parking, said facilities shall be classified as Commercial Uses under Section 14-5-2 of the Oglesby Illinois Land Development Code.
- 6.7 Facility must provide documentation of measures which will be taken to control cannabis odor, so that cannabis odor does not emanate beyond the building housing the facility.
- 6.8 Petitioner shall file an affidavit with the City of Oglesby affirming compliance with all provisions of the Oglesby Illinois Land Development Code as provided herein and all other requirements under this 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 be 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. The restriction that a facility not be located within 250 feet of the property line of a property zoned or used for residential purposes may be waived by the Oglesby City Council for any facility located in any commercially-zoned district located on Walnut Street or Columbia Avenue.
- 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 a Commercial Use pursuant to Section 14-5-2 of the Oglesby Illinois Land Development Code.
- 7.5 Facility must provide documentation of measures which will be taken to control cannabis odor, so that cannabis odor does not emanate beyond the building housing the facility.
- 7.6 Petitioner shall file an affidavit with the City affirming compliance with all provisions of the Oglesby Land Development Code as provided herein and all other requirements under this 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 Industrial Use pursuant to Section 14-5-2 of the Oglesby Illinois Land Development Code.
- 8.5 Petitioner shall file an affidavit with the City affirming compliance with all provisions of the Oglesby Land Development Code as provided herein and all other requirements under this Act.

9. *Adult-Use Cannabis Transporting Organization:* In those zoning districts in which an Adult-Use Cannabis 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 Industrial Use pursuant to Section 14-5-2 of the Oglesby Illinois Land Development Code.
- 9.5 Petitioner shall file an affidavit with the City affirming compliance with all provisions of the Oglesby Land Development Code as provided herein and all other requirements under this 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 may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Special Use criteria of Section 14-11-4 and Section 14-11-5 of the Oglesby Illinois Land Development Code. In a co-location, the floor space requirements of Section 14-3-2(L) (6.3) and Section 14-3-2(L) (7.3) shall not apply, but the co-located establishments shall be the sole use of the tenant space.

4. The following special uses may be permitted in specific situations in all commercial districts as defined in Section 14-2-2 of Ordinance No. 1063-100118 entitled "An Ordinance Adopting the Land Development Code of Oglesby Illinois", after obtaining a special use pursuant to Section 14-11-4 and Section 14-11-5 of the Land Development Code of Oglesby Illinois:

*Adult-Use Cannabis Dispensing Organizations.*  
*Adult-Use Cannabis Infuser Organizations.*

5. The following special uses are permitted in specific situations in any industrial district pursuant to Section 14-2-3 of Ordinance No. 1063-100118 entitled "An Ordinance Adopting the Land Development Code of Oglesby Illinois" as special uses after obtaining a special use permit

pursuant to Section 14-11-4 and Section 14-11-5 of the Land Development Code of Oglesby Illinois:

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

6. If any provision of this ordinance of 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.

7. This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oglesby, LaSalle County, Illinois, this 18th day of February, 2020, by an aye and nay roll call vote as follows:

CARRIE LIJEWSKI	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS
JASON CURRAN	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS
THOMAS ARGUBRIGHT	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS
JAMES CULLINAN	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS
DOMINIC RIVARA	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS

APPROVED:

\_\_\_\_\_  
Dominic Rivara, Mayor

\_\_\_\_\_  
Amy Eitutis, City Clerk