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RETURN TO: (EW)

ANDREA D. LAMBERT
CLERK, CITY OF TROY
116 E. MARKET
TROY, IL 62294

2019R37464
STATE OF ILLINOIS
MADISON COUNTY
11/19/2019 01:18 PM
AMY M. MEYER, RECORDER
REC FEE: 50.00
CO STAMP FEE:
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RHSPS FEE:
OF PAGES: 15

CITY OF TROY

ORDINANCE NO. 2019 - 18

50.00 CTY

MUNICIPAL CANNABIS BUSINESS ZONING

AN ORDINANCE AMENDING CHAPTER 154 OF THE CODE OF
ORDINANCES OF THE CITY OF TROY, ILLINOIS
PERTAINING TO ADULT-USE CANNABIS

ADOPTED BY THE
CITY COUNCIL OF THE
CITY OF TROY, ILLINOIS
THIS 21st DAY OF OCTOBER, 2019

Published in pamphlet form by the authority of the City Council of the City of Troy,
Madison County, Illinois, this 21st day of October, 2019.

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ORDINANCE NO. 2019 - 18

MUNICIPAL CANNABIS BUSINESS ZONING

**AN ORDINANCE AMENDING CHAPTER 154 OF THE CODE OF
ORDINANCES OF THE CITY OF TROY, ILLINOIS
PERTAINING TO ADULT-USE CANNABIS**

WHEREAS, the City of Troy, Illinois, 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

WHEREAS, on September 30, 2019, the City Council voted in favor of moving forward with an amendment to Chapter 154 of the Code of Ordinances pertaining to adult-use cannabis, and further, instructed the Planning Commission to review and consider an amendment to further regulate adult-use cannabis facilities within the City of Troy, Illinois; and

WHEREAS, the Planning Commission conducted a public hearing as required by law on October 17, 2019, in regard to the proposed amendment to Chapter 154 of the Code of Ordinances, pertaining to adult-use cannabis; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments to Chapter 154 of the Code of Ordinances on October 17, 2019.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF TROY, MADISON COUNTY, ILLINOIS, AS FOLLOWS:**

SECTION 1: The recitals set forth above are incorporated herein.

SECTION 2: Chapter 154 of the Code of Ordinances of the City of Troy, Illinois, is hereby amended by adding the following:

Section 154.06 (8) Adult Use Cannabis



1. 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.

2. Adult-Use Cannabis.

a) 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 Troy, Illinois. 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.

b) Special Use: Adult-Use Cannabis Business Establishment facilities, as defined herein, require approval of a special use permit in the respective district in which they are allowed, and shall be processed in accordance with Section 154.141 (Special Uses) of this Title as provided herein.

c) Adult-Use Cannabis Facility Components: In determining compliance with Section 154.141 (Special Uses) of this Title, the following components of the Adult-Use Cannabis Facility 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:

- i) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- ii) 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.
- iii) Hours of operation and anticipated number of customers/employees.
- iv) Anticipated parking demand and available private parking supply.

- v) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- vi) Site design, including access points and internal site circulation.
- vii) Proposed signage plan.
- viii) Compliance with all requirements provided in Sections 3A. thru 3F. below, respectively, and as applicable.
- xiv) Other criteria determined to be necessary to assess compliance with Section 154.141 (Special Uses) of this Title.

3. Cannabis Facilities.

A. Adult-Use Cannabis Craft Grower:

Not permitted in any zoning classification and no Special Use Permits allowed.

B. Adult-Use Cannabis Cultivation Center:

Not permitted in any zoning classification and no Special Use Permits allowed.

C. Adult-Use Cannabis Dispensing Organization:

- i) Permitted only in C-2 or C-3 zoning classifications and with a Special Use Permit in accordance with Section 154.141 (Special Uses) of this Title; and
- ii) Only one (1) Dispensing Organization shall be allowed to operate in the City of Troy, Illinois; and
- iii) The Dispensing Organization may not conduct any sales or distribution of cannabis other than as authorized by the Act; and
- iv) The Dispensing Organization shall not allow any on-site consumption in accordance with the Act; and
- v) The Dispensing Organization shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the applicable special 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 Dispensing Organization and the site on which it is located, consistent with the requirements of the Act.

D. Adult-Use Cannabis Infuser Organization:

Not permitted in any zoning classification and no Special Use Permits allowed.

E. Adult-Use Cannabis Processing Organization:

Not permitted in any zoning classification and no Special Use Permits allowed.

F. Adult-Use Cannabis Transporting Organization:

Not permitted in any zoning classification and no Special Use Permits allowed.

4. Prohibition of Cannabis Public Consumption and On-Site Consumption Facilities.

All consumption of cannabis in public places is illegal in accordance with the Act, and any on-site cannabis consumption facility referenced in Section 55-25 (3) of the Act shall not be permitted in any zoning classification in the City, and no Special Use Permits shall be allowed.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TROY, MADISON COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The recitals set forth above are hereby incorporated herein as if fully set forth.

Section 2: If any provision of this Ordinance or 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.

Section 3. This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 21st day of October, 2019.

Those voting aye: Dawson, Hellrung, Henderson, Knoll, Levo.

Those voting nay: Haliand, Manley

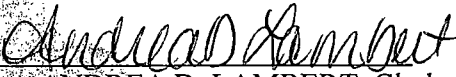
Those absent: Turner

APPROVED:

By: 

ALLEN ADOMITE, Mayor
City of Troy, Illinois

ATTEST:

BY: 
ANDREA D. LAMBERT, Clerk
City of Troy, Illinois



RECOMMENDATION NO. 2019 ~ 08PC

Of the Planning Commission of the City of Troy, Illinois Recommending an Amendment to Chapter 154 Zoning Ordinance of the Code of Ordinances Pertaining to Adult-Use Cannabis

WHEREAS, on September 30, 2019, the City Council voted in favor of moving forward with an amendment to Chapter 154 of the Code of Ordinances pertaining to adult-use cannabis, and further, instructed the Planning Commission to review and consider an amendment to further regulate adult-use cannabis facilities within the City; and

WHEREAS, the Planning Commission met on October 17, 2019 to consider an amendment to Add Section 154.068 Adult-use Cannabis to the Code of Ordinances. A copy of the proposal and certification by the City Clerk regarding publication of the notice of hearing are incorporated by reference; and

WHEREAS, the Planning Commission considered the testimony and exhibits offered on behalf of the application and the following citizens also testified regarding the application (See Exhibit B); and

WHEREAS, the Planning Commission has considered the factors as described in Section 154.143 Amendments of the Code of Ordinances; and

WHEREAS, following the testimony, the members of the Planning Commission voted as recorded below:

Adams <u> </u>	Delgado <u> </u>	Nehrt <u> Y </u>	Total:
Boeren <u> Y </u>	Johnson <u> Y </u>	Niermann <u> Y </u>	<u> 7 </u> Yeas
Burnett <u> Y </u>	Lawrenz <u> Y </u>	Reiter <u> Y </u>	<u> 0 </u> Nays

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS, that the amendment for the following: Amending Chapter 154 to add Section 154.068 Adult-use Cannabis as provided in Exhibit A

Is Not Recommended Is Recommended with the following stipulations, if noted:

A copy of this recommendation is presented to the City Council; the original shall be filed with the City Clerk.

ADOPTED this 17th day of October, 2019.

[Signature]

Attest

Secretary, Planning Commission

[Signature]

Chairman, Planning Commission

Section 154.068 Adult-Use Cannabis

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2. **Adult-Use Cannabis.**

- a) **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 Troy, Illinois. 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.
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Planning Commission Public Hearing
Thursday, October 17, 2019
Public hearing to consider adult-use marijuana

Exhibit B

Please Sign In:

	Name	Address (Optional)	Phone # (Optional)
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City of Troy
Planning Commission
Public Hearing

7:00 p.m. October 17, 2019

~ Agenda ~

Public Hearing – To consider amending Chapter 154 Zoning Ordinance pertaining adult-use cannabis.

1. Call the hearing to order with the Pledge of Allegiance
2. Roll Call in Alphabetical Order
3. Chairman's comments and presentation of application:
 - a. Name of applicant
 - b. Location of property
 - c. Reason for hearing
4. Chairman's request for anyone wishing to speak during the hearing to sign in
5. Swearing in of persons who wish to speak
6. Comments of petitioner and/or representative (or attorney, if present)
7. Comments from members of the audience
8. Discussion by the Planning Commission
9. Motion to approve or deny applicant's request
10. Complete Recommendation 2019-08PC
11. Adjourn meeting with voice vote

CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS

MADISON COUNTY } SS

City of Troy

EDWARDSVILLE PUBLISHING Co., Inc., a corporation, does

hereby certify that it is the publisher of the Edwardsville Intelligencer, a daily secular newspaper of general circulation in said County, printed and published in the City of Edwardsville, in said County and State, and that said newspaper is a newspaper as defined in "An Act to revise the law in relation to notices," approved February 13, 1874, as amended, and that the printed notice hereto annexed and hereby made a part of this certificate has been published in said newspaper at least once each week for

Time in each and every copy and impression thereof; that the

date of the first newspaper containing said publication was

10/3/19, and that the date of the last newspaper

containing said publications was 10/3/19; and that Angela Hasamear by resolution of the Board of Directors of said Edwardsville Intelligencer, Inc., has been authorized to make this certificate.

IN TESTIMONY WHEREOF said Edwardsville Intelligencer., Inc.,

has caused this certificate to be executed in its name by said

Angela Hasamear this 3rd day of October 2019

Publication Fee, ^B 67.40

EDWARDSVILLE INTELLIGENCER, INC.

By: Angela Hasamear

Angela Hasamear
Edwardsville Intelligencer

19:07801
NOTICE OF PUBLIC HEARING
The Planning Commission of the City of Troy, Illinois will hold a public hearing Thursday, October 17, 2019 at 7:00 p.m. in Council Chambers in the Troy Municipal Building, 116 E. Market Street, Troy, Illinois. Commissioners will consider amending Chapter 154, Zoning Ordinance of the Code of Ordinances pertaining to adult-use cannabis.
Linda Taake
Building & Zoning Administrative Coordinator
Public Notified: October 1, 2019
Media Notified: October 1, 2019

CERTIFICATION OF PUBLICATION

State of Illinois)
County of Madison)

THIS IS TO CERTIFY, that the notice which is a printed copy is hereto annexed, was published was published 1 times, once in each week for three successive weeks in the **TIMES-TRIBUNE**, a newspaper of general circulation, published in the City of Troy, in said County and State, by Better Newspapers, INC and that the first insertion was made in the paper published on the 10 day of October 2019 A.D., and the last in the paper published on the ___ day of ___ 2019 A.D. and said newspaper was regularly published for six months prior to date of first publication of said notice.

Printer's Fees \$ 6.40

TIMES - TRIBUNE

By Marisa LCR

Troy, IL October 10 2019 A.D.

Notice of a Public Hearing
The Planning Commission of the City of Troy, Illinois will hold a public hearing Thursday, October 17, 2019 at 7:00 p.m. in Council Chambers in the Troy Municipal Building, 118 E. Market Street, Troy, Illinois. Commissioners will consider amending Chapter 154 Zoning Ordinance of the Code of Ordinances pertaining to adult-use cannabis.
Linda Taaka
Building & Zoning
Administrative Coordinator
10/10c