

CITY OF CARLYLE

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ORDINANCE NO. 1683

AN ORDINANCE AMENDING CHAPTER 40 OF THE CODE OF THE  
MUNICIPAL CODE OF THE CITY OF CARLYLE, CLINTON  
COUNTY, ILLINOIS

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ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARLYLE

THIS 10<sup>th</sup> DAY OF February, 2020

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PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL  
OF THE CITY OF CARLYLE, CLINTON COUNTY, ILLINOIS, THIS 11<sup>th</sup>  
DAY OF February, 2020

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CERTIFICATE OF PUBLICATION

I, Rita Jurgensmeyer, the duly qualified and acting City Clerk of the City of  
Carlyle, Illinois, and the official custodian of the records of said City, do hereby certify  
that this Ordinance was published in pamphlet form by authority of the City Council  
on the 11<sup>th</sup> day of February, 2020.

Rita Jurgensmeyer  
RITA JURGENSMAYER, CITY CLERK

**ORDINANCE NO. 1683**

**AN ORDINANCE AMENDING CHAPTER 40 OF CITY OF CARLYLE  
MUNICIPAL CODE PERTAINING TO ADULT-USE CANNABIS**

**WHEREAS**, the City of Carlyle, 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 of Carlyle 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**, the Zoning Board of Appeals conducted public hearings as required by law on January 2, 2020, in regards to the proposed amendments to the City of Carlyle Municipal Code pertaining to adult-use cannabis; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Carlyle, as follows:

**SECTION 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**SECTION 2.** Chapter 40-2-2 of the Municipal Code of the City of Carlyle shall be amended by the addition of the following:

**40-2-2. Selected definitions.**

**"ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:** A 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."

**SECTION 3:** Chapter 40 of the City of Carlyle Municipal Code is hereby amended by the addition of the following:

**"40-3-25: 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 Carlyle. 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, requiring approval of a special use in the respective districts in which they are requested shall be processed in accordance with 40-10-24 thru 40-10-28 of the Revised Code of Ordinances of the City of Carlyle and Section C (Adult-Use Cannabis Facility Components) as provided herein.

**C. Adult-Use Cannabis Facility Components:** In determining compliance with 40-10-24 thru 40-10-28 of the Revised Code of Ordinances of the City of Carlyle (Special Uses), 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:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
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. Hours of operation and anticipated number of customers/employees.
4. Anticipated parking demand and available private parking supply.
5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
6. Site design, including access points and internal site circulation.
7. Proposed signage plan.
8. Compliance with all requirements provided in Section D. (Adult-Use Cannabis Craft Grower); Section E. (Adult-Use Cannabis Cultivation Center); Section F. (Adult-Use Cannabis Dispensing Organization); Section G. (Adult-Use Cannabis Infuser Organization); Section H. (Adult-Use Cannabis Processing Organization); or Section I. (Adult-Use Cannabis Transporting Organization), as applicable.
9. Other criteria determined to be necessary to assess compliance with 40-10-24 thru 40-10-28 of the Revised Code of Ordinances of the City of Carlyle (Special Uses).

**D. 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:

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.
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.
3. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
4. For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be in compliance with 40-5-7 of the Revised Code of Ordinances of the City of Carlyle, provided, however, that the City of Carlyle may require that additional parking be provided as a result of the analysis completed through 40-3(B) (Adult-Use Cannabis: Special Use) herein.
5. Petitioner shall file an affidavit with the City affirming compliance with 40-3-25 as provided herein and all other requirements of the Act.

**E. 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:

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.
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.
3. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
4. For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall comply with 40-5-7 of the Revised Code of Ordinances of the City of Carlyle, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through 40-3(B) (Adult-Use Cannabis: Special Use) herein.
5. Petitioner shall file an affidavit with the City affirming compliance with 40-3-25 as provided herein and all other requirements of the Act.

**F. 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:

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.
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.
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.~~
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
5. For purposes of determining required parking, said facilities shall comply with 40-5-7 of the Revised Code of Ordinances of the City of Carlyle, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through 40-3(B) (Adult-Use Cannabis: Special Use) herein.
6. Petitioner shall file an affidavit with the City affirming compliance with 40-3-25 as provided herein and all other requirements of the Act.

**G. 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:

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.
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.
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.
4. For purposes of determining required parking, said facilities shall comply with 40-5-7 of the Revised Code of Ordinances of the City of Carlyle, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through 40-3(B) (Adult-Use Cannabis: Special Use) herein.

Cannabis: Special Use) herein.

5. Petitioner shall file an affidavit with the City affirming compliance with 40-3-25 as provided herein and all other requirements of the Act.

**H. 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:

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.
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.
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.
4. For purposes of determining required parking, said facilities shall comply with 40-5-7 of the Revised Code of Ordinances of the City of Carlyle, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through 40-3(B) (Adult-Use Cannabis: Special Use) herein.
5. Petitioner shall file an affidavit with the City affirming compliance with 40-3-25 as provided herein and all other requirements of the Act.

**I. Adult-Use Cannabis Transporting Organization:** In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

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.
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.
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.
4. For purposes of determining required parking, said facilities shall comply with 40-5-7 of the Revised Code of Ordinances of the City of Carlyle,

provided, however, that the City may require that additional parking be provided as a result of the analysis completed through 40-3(B) (Adult-Use Cannabis: Special Use) herein.

5. Petitioner shall file an affidavit with the City affirming compliance with 40-3-25 as provided herein and all other requirements of the Act.

**J. 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.

**K. 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 Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Special Use criteria within the City of Carlyle Municipal Code. In a co-location, the floor space requirements of Section F.3. and G.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space."

**SECTION 4: B-1 BUSINESS DISTRICTS.** Chapter **40-4-43** of the City of Carlyle Municipal Code is hereby amended by adding the following special uses in B-1 Business Districts:

**40-4-43 Special uses.**

*"Adult-Use Cannabis Dispensing Organization"*

**SECTION 5: B-2 BUSINESS DISTRICTS.** Chapter **40-4-48** of the City of Carlyle Municipal Code is hereby amended by adding the following special uses in B-2 Business Districts:

*"Adult-Use Cannabis Dispensing Organization  
Adult-Use Cannabis Infuser Organization  
Adult-Use Cannabis Processing Organization  
Adult-Use Cannabis Transporting Organization"*

**SECTION 6: I-1 INDUSTRIAL DISTRICTS.** Chapter **40-4-56** of the City of Carlyle Municipal Code is hereby amended by adding the following special uses in I-1 Industrial Districts:



*"Adult-Use Cannabis Craft Grower Organization  
Adult-Use Cannabis Cultivation Organization  
Adult-Use Cannabis Dispensing Organization  
Adult-Use Cannabis Infuser Organization  
Adult-Use Cannabis Processing Organization  
Adult Use Cannabis Transporting Organization"*

**SECTION 6: Severability.** 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 7: Effective Date.** This Ordinance shall be in full force and effect upon its passage and approval as required by law.

STATE OF ILLINOIS                     )  
   )  
COUNTY OF CLINTON                     )


MEMORANDUM OF ENACTMENT OF ORDINANCE

The foregoing Ordinance No. 1683 was passed this  
10th day of February, 2020 by the Mayor and City Council of  
the City of Carlyle, Clinton County, Illinois. The City Council voted as  
follows:

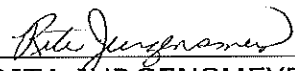
NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Scott Diekemper	✓				
Michael Jansen				✓	
Shannon Petrea	✓				
Kent Newkirk	✓				
Donald Perez	✓				
John Hodapp	✓				
Jeremy Weh	✓				
Logan Speiser	✓				

The Mayor declared the Ordinance adopted and ordered it recorded and published as provided by law.

Dated this 10<sup>th</sup> day of February, 2020.

  
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JUDY SMITH, MAYOR  
CARLYLE, ILLINOIS

Attest:

  
\_\_\_\_\_  
RITA JURGENSMEYER  
CITY CLERK