

ORDINANCE NO. O-20-01
AN ORDINANCE AMENDING THE CITY OF GENESEO
ZONING CODE
TO PROHIBIT SPECIFIC ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS
AND TO PERMIT ADULT-USE CANNABIS TRANSPORTER BUSINESSES

WHEREAS, the City of Geneseo, Illinois (“City”) is an Illinois unit of local government, charter city, and municipality operating in accordance with its Charter and the Illinois Municipal Code; and

WHEREAS, the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1, et seq. (the “Act”), regulates the cultivation, sale, possession, and consumption of adult use cannabis in Illinois; and

WHEREAS, the Act authorizes the City to enact ordinances to prohibit or significantly limit the location of adult-use cannabis business establishments, 410 ILCS 705/55-25(5); and

WHEREAS, the Act only allows on-premises consumption of cannabis at or in a cannabis dispensary or retail tobacco store (as defined in Section 10 of the Smoke Free Illinois Act) with authorization from the City, 410 ILCS 705/55-25(3); and

WHEREAS, the City’s Zoning Ordinance regulates or prohibits the location of various land uses in the City, consistent with the Zoning Division of the Illinois Municipal Code, 65 ILCS 5/11-13-1, et seq.; and

WHEREAS, the City Council directed that amendments to the Zoning Ordinance be forwarded to the Plan Commission for public hearing and a recommendation; and

WHEREAS, following publication of notice, the Plan Commission conducted a public hearing on January 6, 2020, to consider proposed amendments to the Zoning Ordinance regarding cannabis business establishments in the City; and

WHEREAS, following deliberation on the evidence and testimony elicited during the public hearing, the Plan Commission submitted its recommendation to the City Council concerning the proposed amendments to the Zoning Ordinance; and

WHEREAS, the City Council has carefully reviewed the recommendation of the Plan Commission considered the impacts that the cultivation, craft growing, dispensing, processing, transporting, infusing, and on-premises consumption of cannabis could have within the City; and

WHEREAS, the City Council has determined that prohibiting the location of adult-use cannabis business establishments, other than adult-use transporter businesses, in the City at this time will further the public health, safety, comfort, morals and welfare of the community;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Geneseo, Henry County, Illinois, as follows:

Section I: The facts and statements contained in the preamble clauses to this Ordinance are found to be true and correct and are incorporated herein by reference.

Section II: Section 9-2-2 of the Zoning Code of the City of Geneseo, entitled “Definitions” is hereby amended to add the following new definitions, in proper alphabetical order:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cannabis dispensary, cannabis cultivation center, cannabis craft grower, cannabis infuser, cannabis transporter, cannabis processor, on-premises cannabis consumption establishment, and such other cannabis business establishments authorized under the Cannabis Regulation and Tax Act. This definition does not include cannabis business establishments authorized under the Compassionate Use of Medical Cannabis Program Act.

CANNABIS: Cannabis shall have the same definition as “cannabis” set forth in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS CRAFT GROWER: A “craft grower” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS CULTIVATION CENTER: A “cultivation center” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS DISPENSARY: A “dispensing organization” and “dispensary” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS INFUSER: An “infuser organization” or “infuser” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS PROCESSER: A “processing organization” or “processor” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS TRANSPORTER: A “transporting organization” or “transporter” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

ON-PREMISES CANNABIS CONSUMPTION ESTABLISHMENT: An on-premises cannabis consumption establishment means a cannabis dispensary, or retail tobacco store (as defined in Section 10 of the Smoke Free Illinois Act), authorized or permitted to allow the on-premises consumption of cannabis.”

Section III: Section 9-4-15 of the City of Geneseo Zoning Code, concerning “Severability” is hereby renumbered 9-4-16.

Section IV: Section 9-4-15 is amended as follows:

9-4-15: Adult Use Cannabis Business Establishments

Adult Use Cannabis Business Establishments, other than Cannabis Transporters, are prohibited in the City. For purposes of this ordinance, “Adult Use Cannabis Business Establishments” and “Cannabis Transporter” are as defined in section 9-2-2 of the Zoning Ordinance.

Section V: Section 9-5-10 concerning the “B-2” Business District (Highway) is hereby amended by adding subparagraph 40 to Paragraph A as follows:

A. ...
40. Cannabis Transporter.

Section VI: Section 9-5-11 concerning the “B-3” Business District (Central) is hereby amended by adding subparagraph 40 to Paragraph A as follows:

A. ...
40. Cannabis Transporter.

Section VII: If any part of this Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section VIII: All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of such conflict.

Section IX: This Ordinance shall be in full force and effect upon its adoption and approval, as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GENESEO, HENRY COUNTY, ILLINOIS ON THIS 14TH DAY OF JANUARY, 2020


AYES: Johnson, Crow, Wachtel, James, Simosky, Arnold

NAYS: _____

ABSENT: Barnhart, Rothschild

ABSTAIN: _____

AND APPROVED BY THE MAYOR THIS 14TH DAY OF JANUARY, 2020.


Loree K. Hlypo
LOREE K. HLYPO
CITY CLERK

Kathy Carroll-Duda
KATHY CARROLL-DUDA
MAYOR FOR THE CITY OF GENESEO