

CITY OF NOKOMIS

**FILED**

MAY 22 2020

*Sandy Leithuser* COUNTY CLERK

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ORDINANCE NO. 2064

7  
AN ORDINANCE AMENDING CHAPTER 150 OF THE ZONING ORDINANCE TO  
PERTAIN TO ADULT USE CANNABIS OF THE MUNICIPAL CODE OF THE CITY  
OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS,

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PASSED BY THE CITY COUNCIL  
OF THE  
CITY OF NOKOMIS

THIS 27TH DAY OF APRIL 2020

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Published in pamphlet form by authority of the City Council of the City of  
Nokomis, Montgomery County, Illinois, this 5th<sup>day</sup> of May 2020.



# CITY OF NOKOMIS

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Mayor • City of Nokomis  
**Russ Foster**

Commissioner of Finance  
**Derek Durbin**

Commissioner of Streets & Alleys  
**Michael Holliday**

Commissioner of Public Property  
**Ann Brookshire**

Commissioner of Public Health & Safety  
**Jonathan Nash**

May 4, 2020

Sandy Leitheiser  
Montgomery County Clerk  
PO Box 595  
Hillsboro IL 62049

**COPY**

Dear Sandy:

I have enclosed one original copy of **ORDINANCE NO. 2064 –AN ORDINANCE AMENDING CHAPTER <sup>7</sup>150 OF THE MUNICIPAL CODE OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS OF THE ORDINANCE TO PERTAIN TO ADULT USE CANNABIS.** And one copy of the cover page to be file stamped and returned. This Ordinance was passed at the April 27, 2020 Council meeting. Please return one stamped copy to me for City files after you sign and file-stamp it. I have enclosed an envelope for your convenience.

Please let me know if you need any additional information.

Sincerely,

Rachel Hill  
City Clerk

**CITY OF NOKOMIS**

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**ORDINANCE NO. 2064**

**AN ORDINANCE AMENDING CHAPTER <sup>7</sup>~~150~~ OF THE ZONING ORDINANCE TO  
PERTAIN TO ADULT USE CANNABIS OF THE MUNICIPAL CODE OF THE CITY  
OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS,**

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**PASSED BY THE CITY COUNCIL  
OF THE  
CITY OF NOKOMIS**

**THIS 27TH DAY OF APRIL 2020**

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**Published in pamphlet form by authority of the City Council of the City of  
Nokomis, Montgomery County, Illinois, this 5th day of May 2020.**

ORDINANCE NUMBER: 2064

**ORDINANCE AMENDING CHAPTER 150 OF THE NOKOMIS ZONING ORDINANCE  
TO PERTAIN TO ADULT USE CANNABIS**

**WHEREAS**, the City of Nokomis, Montgomery County, 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 Nokomis 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 Nokomis deems sensitive; and

**WHEREAS**, on August 1, 2019 the City Council Board initiated an amendment to Title 150 to review and consider additional amendments to further regulation adult-use cannabis facilities with the City of Nokomis; and

**WHEREAS**, the Planning and Zoning Commission/Zoning Board of Appeals conducted public hearings, as required by law, on \_\_\_\_\_ and \_\_\_\_\_, in regards to the proposed amendments to the Nokomis Zoning Ordinance; and

**WHEREAS**, the Planning and Zoning Commission/Zoning Board of Appeals recommended approval of the proposed amendments to the Nokomis Zoning Ordinance on \_\_\_\_\_.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS, as follows:

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

SECTION II: Chapter 150 of the Zoning Ordinance of the City of Nokomis Municipal Code is hereby amended by adding the following language:

**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 form 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 produce formulation to produce a cannabis produce, 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 III: Chapter 150 of the Zoning Ordinance of the City of Nokomis Municipal Code is hereby amended by adding the following language:

## ADULT-USE CANNABIS:

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 Nokomis. 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 regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.
2. Conditional Use: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a conditional use in the respective districts in which they are requested shall be processed in accordance with this Section.
3. Adult-Use Cannabis Facility Components: In determining compliance with this Section 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:
  - 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 this Section 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.
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 Petitioner shall file an Affidavit with the City affirming compliance with all ordinances in existence at the time of the issuance of the license.
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 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 a authorized by the Act.
  - 5.4 Petitioner shall file an Affidavit with the City affirming compliance with all ordinances in existence at the time of the issuance of the license.
6. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, he 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 dwelling unit or within 250 feet of the property line of pre-existing property zoned or used for residential purposes.
  - 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 Petitioner shall file an Affidavit with the City affirming compliance with all ordinances in existence at the time of the issuance of the license.
7. Adult-Use Cannabis Infuser Organization: In those zoning districts in which as Adult-Use Cannabis Infuser Organization may be located, the proposed facility must 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.
  - 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 Petitioner shall file an Affidavit with the City affirming compliance with all ordinances in existence at the time of the issuance of the license.
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 Petitioner shall file an Affidavit with the City affirming compliance with all ordinances in existence at the time of the issuance of the license.
9. 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:
- 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 Petitioner shall file an Affidavit with the City affirming compliance with all ordinances in existence at the time of the issuance of the license.

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 of 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 Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Conditional Use criteria within the City of NOKOMIS Municipal Cod. In a co-location, the floor space requirements of Section 6.3 and 7.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.

SECTION VI: Severability. If any provision of this Ordinance or application thereof to any personal 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 VII: Effective Date. This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED AND ADOPTED THIS 27 day of April, 2020

pursuant to roll call vote.

|                  | <u>Aye</u> | <u>Nay</u> | <u>Absent</u> |
|------------------|------------|------------|---------------|
| Derek Durbin     | <u>X</u>   | _____      | _____         |
| Michael Holliday | <u>X</u>   | _____      | _____         |
| Ann Brookshire   | <u>X</u>   | _____      | _____         |
| Jonathan Nash    | <u>X</u>   | _____      | _____         |



MAYOR

ATTEST:



CITY CLERK

STATE OF ILLINOIS )  
COUNTY OF MONTGOMERY ) SS.  
CITY OF NOKOMIS )

I, Rachel Hill, certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois.

I further certify that on December 9, 2019 the City Council of such municipality passed and approved **ORDINANCE NO. 2064, AN ORDINANCE AMENDING CHAPTER 150 OF THE ZONING ORDINANCE TO PERTAIN TO ADULT USE CANNABIS OF THE MUNICIPAL CODE OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS**, Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2064 including the Ordinance and a cover sheet thereof, was prepared and posted in the Municipal Complex commencing on May 4, 2020 and continuing for a least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request to the City Clerk.

DATED at Nokomis, Illinois, this 4<sup>th</sup> day of April, 2020.

(SEAL)

  
\_\_\_\_\_  
RACHEL HILL, CITY CLERK