

CITY OF BELVIDERE, ILLINOIS

ORDINANCE #481H

AN ORDINANCE AMENDING CHAPTER 150,
ZONING ORDINANCE, OF THE MUNICIPAL CODE
(Section 150.013 Definitions, Sections 150.105(C)(4)-150.105(C)(9) Planned Business, General Business,
Central Business, Planned Industrial, General Industrial and Heavy Industrial Districts land uses, Section
150.204(D) Commercial Land Uses and Appendix C: Land Use Summary Chart. Specifically, the
amendments are in regards to Adult-use Cannabis dispensaries
and cultivation centers.)

PASSED AND ADOPTED

BY THE CITY COUNCIL

OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 3RD DAY OF FEBRUARY 2020.

APPROVED BY THE

MAYOR OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 7TH DAY OF FEBRUARY 2020.

Published in Pamphlet Form this 7th day of February 2020.

ORDINANCE # 481H

**AN ORDINANCE AMENDING CHAPTER 150,
ZONING ORDINANCE, OF THE MUNICIPAL CODE
(Section 150.013 Definitions, Sections 150.105(C)(4)-150.105(C)(9) Planned Business,
General Business, Central Business, Planned Industrial, General Industrial and Heavy
Industrial Districts land uses, Section 150.204(D) Commercial Land Uses and
Appendix C: Land Use Summary Chart. Specifically, the amendments are in regards
to Adult-use Cannabis dispensaries and cultivation centers.)**

WHEREAS, the City of Belvidere has adopted Chapter 150 (Zoning Ordinance) of the Belvidere Municipal Code pursuant to the Illinois Compiled Statutes to establish and set forth regulations pertaining to the use and development of land, buildings and structures in the City; and,

WHEREAS, it is necessary and desirable to periodically amend the Zoning Ordinance in response to changes in technology, business and development practices, community standards and to improve administration and enforcement procedures; and,

WHEREAS, after due notice, the Planning and Zoning Commission held a public hearing to consider an amendment of the Zoning Ordinance on January 14, 2020 and has transmitted its recommendation on the matter to the City Council; and,

WHEREAS, the City Council has considered the Planning and Zoning Commission's recommendation.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELVIDERE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. That Section 150.013 Definitions, be and is hereby amended, to add the following definitions after the definition for "adjacent":

Adjacent:

Adult-use Cannabis Business Establishment: A cultivation center, craft grower, processing organization, dispensing organization, or transporting 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 craft grower: A facility operated by an organization or business that is licensed by the 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. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership, 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 Department of Agriculture to cultivate, process, transport (unless otherwise limited by the Act), and perform other necessary activities to provide cannabis and cannabis-infused products to 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 Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under the Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in the Act, dispensary organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult, 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 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 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.

Agricultural district(s):

Section 2. That Section 150.105(C)(4)(B) Planned Business List of Allowable Principal Land Uses, be and is hereby amended, to read as follows:

B. List of Allowable Principal Land Uses (per Article 2)

1. Permitted by Right

Cultivation
Selective Cutting
Passive Outdoor Public Recreation
Active Outdoor Public Recreation
Public Services and Utilities
Office

2. Permitted as Special Use

Clear Cutting
Outdoor Display
In-Vehicle Sales or Service
Indoor Commercial Entertainment
Outdoor Commercial Entertainment
Commercial Animal Boarding

Personal or Professional Services
Indoor Sales or Service
Indoor Maintenance Service
Small Wireless Facility

Commercial Indoor Lodging
Bed and Breakfast Establishments
Day care center (3+ children)
Vehicle Repair and Maintenance
Artisan Studio/Production Shop
Large-scale Development
Shooting Range
Adult-use Cannabis Dispensing
Organization
Adult-use Cannabis Transporting
Organization or Transporter
Adult-use Cannabis infuser organization or
infuser

Section 3. That Section 150.105(C)(5)(B) General Business List of Allowable Principal Land Uses, be and is hereby amended, to read as follows:

B. List of Allowable Principal Land Uses (per Article 2)

1. Permitted by Right

Cultivation
Selective Cutting
Passive Outdoor Public Recreation
Active Outdoor Public Recreation
Public Services and Utilities
Office
Personal or Professional Services
Indoor Sales or Service
Indoor Maintenance Service
Off-Site Parking Lot
Small Wireless Facility

2. Permitted as Special Use

Artisan Studio/Production Shop
Boarding House
Clear Cutting
Commercial Animal Boarding
Outdoor Display
Personal Storage Facility
Large-scale Development
In-Vehicle Sales or Service
Indoor Commercial Entertainment
Outdoor Commercial Entertainment
Commercial Indoor Lodging
Bed and Breakfast Establishments
Day care center (3+ children)
Vehicle Repair and Maintenance
Shooting Range
Adult-use Cannabis Dispensing
Organization
Adult-use Cannabis Transporting
Organization or Transporter
Adult-use Cannabis infuser organization or
infuser

Section 4. That Section 150.105(C)(6)(B) Central Business List of Allowable Principal Land Uses, be and is hereby amended, to read as follows:

B. List of Allowable Principal Land Uses (per Article 2)

1. Permitted by Right

Cultivation
Selective Cutting
Passive Outdoor Public Recreation
Active Outdoor Public Recreation
Public Services and Utilities
Office
Personal or Professional Services
Indoor Sales or Service
Indoor Maintenance Service
Off-Site Parking Lot
Residential units above the first floor
Artisan Studio/Production Shop
Indoor Institutional (minor)

Small Wireless Facility

2. Permitted as Special Use

Clear Cutting
Indoor Institutional (major)
Outdoor Institutional
Institutional Residential
In-Vehicle Sales or Service
Indoor Commercial Entertainment
Outdoor Commercial Entertainment
Commercial Indoor Lodging
Bed and Breakfast Establishments
Day care center (3+ children)
Boarding House
Apartment (3 or 4 unit building)
Adult-use Cannabis Dispensing
Organization
Adult-use Cannabis infuser organization or
infuser

Section 5. That Section 150.105(C)(7)(B) Planned Industrial List of Allowable Principal Land Uses, be and is hereby amended, to read as follows:

B. List of Allowable Principal Land Uses (per Article 2)

1. Permitted by Right

Cultivation
Selective Cutting
Passive Outdoor Public Recreation
Active Outdoor Public Recreation
Public Services and Utilities
Office
Personal or Professional Services
Indoor Maintenance Service
Indoor Storage or Wholesaling
Light Industrial
Small Wireless Facility

2. Permitted as Special Use

Clear Cutting
Indoor Commercial Entertainment
Indoor Sales or Service
Day care center (3+ children)
Artisan Studio/Production Shop
Personal Storage Facility
Airport/Heliport
Distribution Center
Communication Tower
Campground
Off-Site Parking Lot
Vehicle Repair and Maintenance
In-vehicle Sales or Service
Non-building mounted solar installations for

export of energy for use by a Public Utility
Adult-use Cannabis Dispensing
Organization
Adult-use Cannabis Craft Grower
Adult-use Cannabis Cultivation Center
Adult-use Cannabis infuser organization or
infuser
Adult-use cannabis processing organization
or processor
Adult-use cannabis transporting organization
or transporter

Section 6. That Section 150.105(C)(8)(B) General Industrial List of Allowable Principal Land Uses, be and is hereby amended, to read as follows:

B.List of Allowable Principal Land Uses (per Article 2)

1.Permitted by Right

Cultivation
Selective Cutting
Passive Outdoor Public Recreation
Public Services and Utilities
Office
Indoor Maintenance Service
Indoor Storage or Wholesaling
Off-Site Parking Lot
Vehicle Repair and Maintenance
Personal Storage Facility
Light Industrial
Small Wireless Facility

2.Permitted as Special Use

Clear Cutting
Day care center (3+ children)
Artisan Studio/Production Shop
Outdoor Storage or Wholesaling
Airport/Heliport
Freight Terminal
Communication Tower
Campground
Distribution Center
Heavy Industrial
Shooting Range
Non-building mounted solar installations for
export of energy for use by a Public Utility
Adult-use Cannabis Craft Grower
Adult-use Cannabis Cultivation Center
Adult-use Cannabis infuser organization or
infuser
Adult-use cannabis processing organization
or processor
Adult-use cannabis transporting organization
or transporter

Section 7. That Section 150.105(C)(9)(B) Heavy Industrial List of Allowable Principal Land Uses, be and is hereby amended, to read as follows:

B. List of Allowable Principal Land Uses (per Article 2)

1. Permitted by Right

Cultivation
Selective Cutting
Passive Outdoor Public Recreation
Public Services and Utilities
Office
Indoor Maintenance Service
Indoor Storage or Wholesaling
Outdoor Storage or Wholesaling
Off-Site Parking Lot
Distribution Center
Light Industrial
Heavy Industrial
Vehicle Repair and Maintenance
Small Wireless Facility

2. Permitted as Special Use

Agricultural Services
Clear Cutting
Outdoor Maintenance Service
Sexually Oriented Land Use
Junkyard or Salvage Yard
Waste Disposal Facility
Composting Operation
Airport/Heliport
Freight Terminal
Communication Tower
Extraction Use
Shooting Range
Non-building mounted solar installations for export of energy for use by a Public Utility
Adult-use Cannabis Craft Grower
Adult-use Cannabis Cultivation Center
Adult-use Cannabis infuser organization or infuser
Adult-use cannabis processing organization or processor
Adult-use cannabis transporting organization or transporter

Section 8. That Section 150.204(D) Commercial Land Uses is amended to add a new subsection (21), Adult-use Cannabis, as follows:

A. Purpose: It is the intent of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis. 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. Minimum Requirements:

1. 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:

A facility may not be located within 100 feet (building wall to building wall) of a church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station.

2. **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:
 - A facility may not be located within 100 feet of a church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station.
3. **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:
 - (a) A facility may not be located within 100 feet of a church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station.
 - (b) 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.
 - (c) A facility shall not host on-site consumption of cannabis.
4. **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:
 - (a) A facility may not be located within 100 feet of a church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station.
 - (b) 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.
5. **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:
 - (a) A facility may not be located within 100 feet of a church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station.
 - (b) 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.
6. **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:
 - (a) A facility may not be located within 100 feet of a church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station.
 - (b) The transporting organization shall be the sole use of the tenant space in which it is located.
7. Facilities may not conduct any sales, storage, growing, processing, transportation or distribution of cannabis other than as authorized by the Act.

C. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the Act, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs.

Section 9. The Commercial subsection of Appendix C: Land Use Summary Chart, be and is hereby amended, to read as follows:

APPENDIX C: LAND USE SUMMARY CHART

Single-Family Residential (SR-3)	Single-Family Residential (SR-6)	Multi-Family (MR-8S)	Neighborhood Office (NO)	Neighborhood Business (NB)	General Business (GB)	Planned Mixed Use 1 (PM 1)	Planned Mixed Use 4 (PM 4)	Technology Center (TC)	General Industrial (GI)	Institutional (I)	Type of Land Use
											Commercial Uses (150.204(D))
			P	P	P	P	P	P	P		(1) Office
			P	P	P	P	P				(2) Personal or Professional Service
			S	P	P	P	P				(3) Indoor Sales or Service
					S		S	S			(4) Large-Scale Development
					S						(5) Outdoor Display
				P	P	P	P		P		(6) Indoor Maintenance Service
											(7) Outdoor Maintenance Service
				S	S	S	S				(8) In-Vehicle Sales or Service
			S	S	S	S	S				(9) Indoor Commercial Entertainment
					S	S					(10) Outdoor Commercial Entertainment
					S	S	S				(11) Commercial Animal Boarding
					S	P	S				(12) Commercial Indoor Lodging
S	S	S	S	S	S						(13) Bed and Breakfast Establishments
		S	S	S	S	P	P	P	S	S	(14) Day Care Center (3+ children)

Single-Family Residential (SR-3)	Single-Family Residential (SR-6)	Multi-Family (MR-8S)	Neighborhood Office (NO)	Neighborhood Business (NB)	General Business (GB)	Planned Mixed Use 1 (PM 1)	Planned Mixed Use 4 (PM 4)	Technology Center (TC)	General Industrial (GI)	Institutional (I)	Type of Land Use
		S	S	S	S				S		(15) Campground
											(16) Boarding House
											(17) Sexually-Oriented Land Use
					S	S			P		(18) Vehicle Repair and Maintenance
			S	S	S	S	S	S	S		(19) Artisan Studio
					S				S		(20) Shooting Range
					S						(21) Adult-use Cannabis Dispensing Organization
									S		Adult-use Cannabis Craft Grower
									S		Adult-use Cannabis Cultivation Center
					S				S		Adult-use Cannabis infuser organization or infuser
									S		Adult-use cannabis processing organization or processor
					S				S		Adult-use cannabis transporting organization or transporter
						P	P	P			(22) On-site Parking Garage (above & below ground)

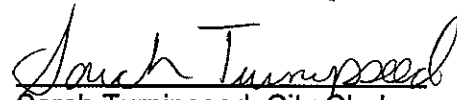
PASSED by the City Council of the City of Belvidere this 3rd day of February, 2020.

APPROVED by the Mayor of the City of Belvidere this 7th day of February, 2020.



Michael W. Chamberlain, Mayor

ATTEST:


Sarah Turnipseed, City Clerk

Ayes: 8 Nays: 1 Absent: 0

City Council Members Voting Aye: McGee, Porter, Ratcliffe, Snow, Stevens, Brereton,
Crawford and Frank.

City Council Members Voting Nay: Freeman.

Date Published: February 7, 2020

Sponsor: Alderman McGee

AFFIDVAIT

STATE OF ILLINOIS)
)
COUNTY OF BOONE)

Sarah Turnipseed, first being duly sworn on oath deposes and says as follows:

By authority of the City Council of the City of Belvidere, Illinois, I published Ordinance #481H of the City of Belvidere, Illinois, in pamphlet form on February 7, 2020, and as a convenience for the public; I posted the pamphlet form of Ordinance #481H on the bulletin board outside the City Clerk's office at 401 Whitney Blvd., Belvidere, Illinois; said location being readily accessible to the public during business hours of the City Clerk's Office.

Sarah Turnipseed
Sarah Turnipseed
City Clerk



SUBSCRIBED AND SWORN TO BEFORE ME
this 7th day of Feb, 2020.

Susie R Embry

Notary Public