

AGENDA BRIEFING

COMMITTEE: Land Use
MEETING DATE: June 23, 2020

LINE ITEM: N/A
AMOUNT: N/A

ISSUE:

Case #022-20-S, A Text Amendment to amend Chapter 20:
Article 2, Section 2.2.6 Hearing Procedures;
Article 3, Section 3.5 Special Use Permits;
Article 7, Section 7.18 Cannabis Business Establishments; and
Article 11, Section 11.1 Definitions of the Peoria County Code.

BACKGROUND/DISCUSSION:

Article 2, Section 2.2.6 Hearing Procedures:

The proposed amendment to Section 20-2.2.6 allows for the frequency of Zoning Board of Appeals hearings to be determined at the discretion of the Zoning Board of Appeals, rather than established at the beginning of each year. This allows for more flexibility with scheduling of cases, as needed due to budget cuts.

Article 3, Section 3.5 Special Use Permits:

The proposed amendment to Section 20-3.5.3.g requires for the applicant of a Special Use request to submit a signed statement certifying that the applicant is responsible for all additional costs incurred by the County as a result of the Special Use and any subsequent appeals. This eliminates any financial burden to the County as a result of costs incurred through an applicant's zoning request.

Article 7, Section 7.18 Cannabis Business Establishments:

In December 2019, Peoria County adopted regulations for Cannabis Business Establishments under Zoning Case 2019-056-S. On December 4, 2019, Public Act 101-0593 was made effective, which provided for clean-up language on previously passed recreational cannabis legislation under the Cannabis Regulation and Tax Act.

The proposed amendment to Section 20-7.18.3.5 requires that applicants must notify Peoria County within 10 business days of making application for any type of Cannabis Business Establishment to the State of Illinois for a proposed location within Peoria County's jurisdiction. This will allow for verification by the County that the proposed location follows currently enacted zoning regulations.

The proposed amendment to Section 20-7.18.3.6 strengthens Peoria County's prohibition of on-site consumption or use of cannabis by adding a retail tobacco store to the list of prohibited locations. This amendment is proposed based on the State of Illinois adding retail tobacco stores to the list of locations that may be authorized by a unit of local government for on-premises consumption or use of cannabis.

Article 11, Section 11.1 Definitions:

The proposed amendments to Section 11.1 amend definitions within the Peoria County Unified Development Ordinance to be consistent with the language adopted by the State of Illinois.

COUNTY BOARD GOALS:



**SAFE AND HEALTH
COMMUNITY**

STAFF RECOMMENDATION: Approval

ZBA RECOMMENDATION: *Approval (4-0)*

COMMITTEE ACTION: **Approved (3-0)** (Ms. Pastucha voted via teleconference.) (Ms. Williams & Mr. Windish were absent.)

PREPARED BY: Andrew Braun, Assistant Director

DEPARTMENT: Planning & Zoning

DATE: June 12, 2020

2.2.6 Hearing Procedures.

2. Hearings.

a. All meetings of the board of appeals shall be held at the call of the chairman and at such times and places within the county as the board may determine. Regular meetings of the ZBA shall be held monthly at a minimum, at such dates and times that the ZBA determines. The ZBA meeting schedule shall be published during January of each year in a newspaper of general circulation within the County and shall be posted in the office of the Zoning Administrator.

20-3.5.3.3.g.5

Applicants must provide a signed statement with their special use application certifying that the applicant is responsible for the costs & fees associated with their Special Use Application, including, but not limited to, attorneys fees, engineer studies, costs of expert retention, costs associated with any appeal, and any and all costs incurred by the County as a result of the applicants request or appeal.

20-7.18.3.5

a. When an application for any type of Cannabis Business Establishment has been submitted to the State of Illinois for a proposed location within Peoria County's jurisdiction, the applicant shall notify the Department of Planning & Zoning within 10 business days.

b. Applicants seeking to open an Adult-Use or Medical Cannabis Business Establishment shall provide the County with proof of State licensing approval prior to the issuance of a building permit by the County. Persons operating an Adult-Use or Medical Cannabis Business Establishment shall annually provide to the County all State inspection reports and other information necessary to verify ongoing compliance with State and County requirements. Applicants shall, after commencing operations, provide to the County, within seven (7) days of receipt, copies of any notices, citations or other enforcement actions undertaken against the facility by the State, along with an explanation as to what steps are being taken by the Applicant to bring the facility back into compliance.

20-7.18.3.6. On-site consumption or Use Prohibited

Consumption or use of cannabis is prohibited within Adult-Use or Medical Cannabis Dispensing Organizations, within a retail tobacco store, and within the parking areas or other public areas of Adult-Use or Medical Cannabis Dispensing Organizations. Dispensing Organizations are required to prominently display signs regarding this prohibition near the exit door or doors of the facility.

20-11.1 Definitions

Adult-Use Cannabis Transporting Organization, or Transporter: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis or cannabis-infused product 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.

Cannabis concentrate: A product derived from cannabis that is produced by extracting cannabinoids, including tetrahydrocannabinol (THC), from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water, ice, or dry ice; or butane, propane, CO2, ethanol, or isopropanol and with the intended use of smoking or making a cannabis-infused product. The use of any other solvent is expressly prohibited unless and until it is approved by the Illinois Department of Agriculture.

Cannabis-infused product: A beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis or cannabis concentrate that is not intended to be smoked.

MINUTES OF THE DELIBERATION OF THE
PEORIA COUNTY ZONING BOARD OF APPEALS

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, June 11, 2020, in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois. The meeting was called to order by acting Chairperson Linda O'Brien at 10:00 a.m.

PRESENT: Linda O'Brien, Greg Happ, Greg Fletcher, Andrew Keyt

ABSENT: Loren Bailliez, Leonard Unes, Jim Bateman, John Harms, Justin Brown

STAFF: Kathi Urban – Director
Andrew Braun – Assistant Director
Corbin Bogle – Planner I
Taylor Armbruster – Planner I
Jennie Cordis Boswell – Civil Assistant State's Attorney
Ellen Hanks - ZBA Administrative Assistant

Case No. 022-20-S at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **PEORIA COUNTY, acting on their own behalf**, a **TEXT AMENDMENT** to amend Chapter 20, Article 2, Section 2.2 ("Zoning Board of Appeals"), Article 3, Section 3.5 ("Special Use Permits"), Article 7, Section 7.18 ("Cannabis Business Establishments"), and Article 11, Section 11.1 ("Definitions") of the Peoria County Code.

FINDINGS OF FACT FOR TEXT AMENDMENTS

Section 20-3.6.4

In evaluating a proposed text amendment, the following factors shall be considered, not one of which shall be controlling:

1. The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition;
 - Public Act 101-0593 provides for clean up language on previously passed Recreational Cannabis legislation under the Cannabis Regulation and Tax Act. The proposed amendment makes those same amendments to the Peoria County Unified Development Ordinance.
 - The proposed amendment to Section 20-3.5.3.3.g.5 requires for the applicant of a Special Use request to submit a signed statement certifying that the applicant is responsible for all additional costs incurred by the county as a result of the Special Use and any subsequent appeals. This eliminates any financial burden to the county as a result of costs incurred through an applicant's zoning request.
 - The proposed amendment the Section 20-2.2 allows for the frequency of Zoning Board of Appeals hearing to be determined at the discretion of the Zoning Board of Appeals rather than established at the beginning of each year. This reduction is necessary as a result of changing conditions due to COVID-19.

2. The proposed amendment is consistent with the purpose and intent of this ordinance;
 - The proposed amendments to Section 20-7.18 are consistent with meeting the compliance standards established by the State of Illinois related to Adult Use Recreational Cannabis.

- The proposed amendments to Section 20-3.5.3.3.g.5 and Section 20-2.2 are consistent with meeting the purpose and intent of this ordinance in which it is the intent of the County Board that the development process in the county be efficient in terms of time and expense, effective in terms of addressing the natural resource and public facility implications of proposed development, and equitable in terms of consistency with the established regulations and procedures, respect for the rights of property owners, and consideration of interest of the citizens of the county.
3. The proposed amendment will not adversely affect health, safety, morals, and general welfare of the public;
 - The proposed amendments to Section 20-7.18 will not adversely affect health, safety, morals or general welfare of the public. It is intended to strengthen and clarify existing language related to the sale and consumption of adult use recreational cannabis.
 4. The proposed amendment is required because of a change in State or Federal law;
 - Public Act 101-0593 provides for clean up language on previously passed recreational cannabis legislation under the Cannabis Regulation Tax Act. Public Act 101-0593 had an effective date of December 4, 2019. Under zoning case 2019-056-S, the Peoria County Board adopted the Adult Use Cannabis regulations on December 12, 2019. However, in order for adoption on December 12, 2019, it had been filed subsequent to the October 2019 hearing, which would have not allowed for the content of the cleanup language to be included in the county's text amendment.

A motion to approve the Findings of Fact was made by Mr. Fletcher and seconded by Mr. Keyt. affirmative votes; (4-0) A motion to approve the Text Amendment with the addition of the word "by" as pointed out by Mr. Keyt in discussion was made by Mr. Happ and seconded by Mr. Keyt. A vote was taken and the motion was approved; (4-0)

Meeting adjourned 11:05 a.m.

Respectfully submitted,

Ellen Hanks
ZBA Administrative Assistant

