

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 19-09-04-51

**AN ORDINANCE AMENDING TITLE 10; CHAPTER 7 OF THE MUNICIPAL CODE
OF LE ROY, ILLINOIS, 2006**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS

16th Day of September, 2019

PRESENTED: **September 16, 2019**

PASSED: **September 16, 2019**

APPROVED: **September 16, 2019**

RECORDED: **September 16, 2019**

PUBLISHED: **September 16, 2019**

In Pamphlet Form

Voting "Aye" 6

Voting "Nay" 0

The undersigned being the duly qualified and Acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.

(SEAL)



Vicki Moreland

Vicki Moreland
City Clerk of the City of
Le Roy, McLean County, Illinois

Dated: **September 16, 2019**

ORDINANCE NO. 19-09-04-51

AN ORDINANCE AMENDING TITLE 10; CHAPTER 7 OF THE MUNICIPAL CODE OF LE ROY, ILLINOIS, 2006

WHEREAS, the Mayor and City Council of the City of Le Roy, McLean County, Illinois, an Illinois municipal corporation, 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 (410 ILCS 705/1 *et seq.*, “the 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 Mayor and City Council 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, on August 19, 2019, the Mayor and City Council initiated an amendment to Title 10 of the LeRoy Municipal Code to review and consider additional amendments to further regulate adult-use cannabis facilities within the City of LeRoy; and

WHEREAS, the Zoning Board of Appeals conducted public hearings, as required by law, on Friday, September 13, 2019, in regards to the proposed amendments to Title 10 of the LeRoy Municipal Code pertaining to the adult-use cannabis; and

WHEREAS, the Zoning Board of Appeals recommended approval of the proposed amendments to Title 10 on Friday, September 13, 2019; and

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Le Roy, Illinois in lawful meeting assembled on Monday, September 16, 2019, as follows:

SECTION 1. Title 10 – Zoning Regulations, Chapter 7: Commercial Districts, of the Municipal Code of the City of Leroy shall be amended and will read as follows by ~~strikethrough~~ for omitted language and **bold** for added language:

10-7A-2: Permitted Uses: The following uses are permitted in the C-1 general commercial district (no permitted use in this zoning district shall be deemed to include or allow as part of the permitted use a drive-in establishment):

1. Appliance Store;
2. Bakery, retail only;
3. Bank;
4. Barbershop and beauty shop;

5. Bicycle shop;
6. Bus and/or cab depot;
7. Clothing store;
8. Department store;
9. Drugstore;
10. Dry cleaning and/or laundry pick up station;
11. Dwellings, above first floor only in the case of structures consisting of two (2) or more stories, not including any basement; no dwelling in a basement area; dwellings permitted on the first floor (of a one story building only – basement level not counted as a story); provided that all of the following requirements are met:
 - A. There is a business establishment open to the public on a regular basis (with the proprietor, principal, or at least one of the principals, of the partnership or corporation, or manager being available to conduct business with the public at least **thirty-five (35)** hours per week in any week of a calendar year, not less than **forty-eight (48)** weeks per year, which requirements shall be deemed the minimum in order to be considered an “ongoing” business as the term is used in this entry, “Dwellings”), said commercial establishment occupying the front, or street side, fifty-five percent (55%) of the available floor space of the principal structure located on the premises subject to the zoning requirements of the central commercial district, no portion of the fifty-five percent (55%) being devoted to the permanent or long term storage of goods and wares, other than to the extent such goods and wares are part of the goods and wares displayed in connection with the conduct of the business on the premises and available for immediate sale and delivery to the public;
 - B. The dwelling area shall not occupy more than forty-five percent (45%) of the available floor space and may not be used for storage of goods or wares or materials and supplies normally utilized in the conduct of the business to which the front fifty-five percent (55%) or any portion thereof of the structure is devoted;
 - C. The dwelling area may only be occupied by the persons owning the building or structure and operating the business in the front fifty-five percent (55%) of the building and the family of any such person, “family” being limited to spouse of the owner and children, as well as any stepchild or ward legally in the custody of the owner or the owner’s spouse;
 - D. There shall be a wall dividing the front portion where the business is located from the rear portion where the dwelling area is located, said wall to have a one (1) hour or greater fire rating and containing not more than two (2) doors opening into the business area, each door being a solid core door;
 - E. One (1) or more separate rear entrances are provided for the dwelling area and are not used for ingress or egress by the public to gain entrance to the business area located in the front of the structure;
 - F. At least one (1) off street parking space is provided on the zoned premises at the rear of the building generally not for use by the public, but rather for the general parking of the building owner/business owner’s personal vehicle;

- G. The owner of the building/business establishment gives written permission at the time the certificate of occupancy is applied for permitting the code compliance officer to make an annual inspection of the premises, such annual inspection to be conducted during reasonable business hours for the purpose of determining that the structure, including the interior dividing wall between the business and the dwelling portions of the first floor of the structure, meets all applicable city ordinances, and all other requirements as set forth previously herein, are being met on an ongoing basis; and
- H. The building owner/business owner executes an agreement in a form provided by the city, at the time application is made for a certificate of occupancy, that the dwelling area shall be occupied only so long as the business establishment continues to be in operation and open to the public on an ongoing basis; that once the business establishment ceases to be open to the public on an ongoing basis, that the structure owner/business owner agrees to vacate the dwelling area within a period of not less than three (3) months after receiving written notice from the code compliance officer that the business has been deemed no longer to meet the ~~previous~~ **previously** stated requirements of being open to the public on an ongoing basis; that the dwelling area shall not again be occupied unless it is by a person meeting all the aforesaid qualifications; and that the building owner/business owner shall be subject to a fine as provided in Title 1, Chapter 4 of this code for each day the dwelling area is occupied after the period ending three (3) months from the date written notice is given to the structure owner/business establishment owner that the business is no longer deemed to comply with the requirements as a previously stated therein. Each day that a violation occurs shall be considered a separate violation of this title.
- ~~I. A fine as provided in title 1, chapter 4 of this code for each day a violation of this entry, "Dwellings", occurs is hereby adopted. Each day that a violation occurs shall be considered a separate violation of this title.~~

12. Fire and/or police station;
13. Food market;
14. Furniture store;
15. Gift shop;
16. Government offices;
17. Hardware store;
18. Insurance and/or real estate office;
19. Laundromat;
20. Law office;
21. Medical and/or dental office;
22. Newspaper or printing shop;
23. Parking lot;
24. Places of amusement and assembly;
25. Restaurant;
26. Shoe repair shop;
27. Sporting goods shop;
28. Tavern and/or liquor store; and

29. Variety store.

(Note: Permitted uses in this district as well as in the C-2 highway-oriented district, to the extent that this list of permitted uses is included, all or any portion thereof, in the list of permitted uses of said district, shall not be deemed to include storage or warehouse uses other than in connection with another otherwise permitted use of the property within the district, said permitted use being required to exist on the same premises, ~~i.e., for example~~ **e.g.**, a retail or wholesale business on the premises, at least a portion of which premises is devoted to a display and sales area while the rest may essentially involve storage or warehousing of the goods available for sale or distribution.)

10-7A-3: Special Permitted Uses: The following are specially permitted in the C-1 general commercial district:

- 1. Adult-Use Cannabis Business Establishments may be allowed as a special use, but only upon review and approval in accordance with the provisions of Section 10-3-13 of this title and approval of the City Council:**
 - a. Adult- Use Cannabis Craft Grower;**
 - b. Adult-Use Cannabis Cultivation Center;**
 - c. Adult-Use Cannabis Processing Organization or Processor; and**
 - d. Adult-Use Cannabis Transporting Organization or Transporter.**
2. Other uses of the same general character as those listed in Section 10-7A-2 of this chapter may be permitted upon review of the Zoning Board of Appeals in accordance with the provisions of Section 10-2-4 of this title.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by Kelly Lay and seconded by Matt Steffen by roll call vote on the 16th day of September, 2019 as follows

Aldermen elected 8

Aldermen Present 6

Voting Aye:

Rick Kline, Kyle Merkle, Brad Poindexter, Kelly Lay, Ron Legner, Matt Steffen.

Voting Nay:

None

Absent:

Dawn Hanafin, Greg Steffen

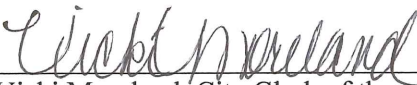
Abstain:

None

Other:


None

And deposited and filed in the office of the City Clerk in said municipality on the 16th day of September, 2019.





Vicki Moreland, City Clerk of the
City of Le Roy
Mc Lean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 16th day of September, 2019



Steven M. Dean, Mayor of the City of Le Roy,
Mc Lean County, Illinois

ATTEST: (SEAL)

Vicki Moreland, City Clerk of the City of Le Roy
Mc Lean County, Illinois

CERTIFICATE

I, Vicki Moreland, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on September 16, 2019 the Corporate Authorities of such municipality passed and approved **ORDINANCE NO. 19-09-04-51**


AN ORDINANCE AMENDING TITLE 10; CHAPTER 7 OF THE MUNICIPAL CODE OF LE ROY, ILLINOIS, 2006

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 19-09-04-51**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **September 16, 2019** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 16th day of September, 2019.

(SEAL)


Vicki Moreland
Vicki Moreland
City Clerk of the City of
Le Roy, McLean County, Illinois

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Vicki Moreland, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

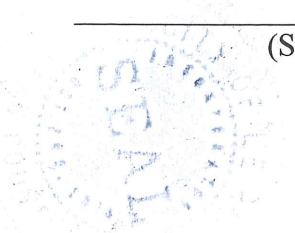
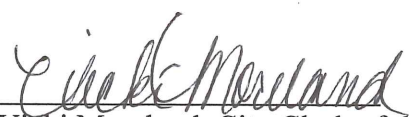
I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE AMENDING TITLE 10; CHAPTER 7 OF THE MUNICIPAL CODE OF LE ROY, ILLINOIS, 2006

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 16th day of September, 2019 and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 16th day of September, 2019

(SEAL)



Vicki Moreland, City Clerk of the
City of Le Roy,
McLean County, Illinois