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Memorandum

Date: August 30, 2019

To: Chairman Hayden and Members of the Planning and Zoning Commission
Michelle Rentzsch, Director of Community Development
Elizabeth Maxwell, City Planner
City of Crystal Lake

From: Victor P. Filippini, Jr.
Betsy Gates-Alford

Re: Zoning Regulations Under the Cannabis Regulation and Tax Act

I. Procedural Checklist for PZC Review

The Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et seq.* (the “**Act**”) was recently signed into law. On August 6, 2019, the City Council adopted a Resolution stating that it wished to further study whether, and on what terms, to allow State-licensed adult-use (recreational) cannabis (“**Adult-Use Cannabis**”) business establishments (“**Cannabis Businesses**”) in Crystal Lake. The Resolution referred this matter to the PZC, specifically asking the PZC to:

evaluate and recommend zoning classifications for Cannabis Businesses, including whether the categories of Cannabis Businesses should be considered “permitted” or “special” uses under the Zoning Code in the City’s various zoning districts, and evaluate and recommend other Cannabis Business Regulations as may be necessary, important, or beneficial to the City and its residents.

In accordance with the City Council’s referral Resolution and the Act, the following provides a checklist of the issues presented for PZC review and recommendation:

1. **Whether to Recommend Prohibition of Cannabis Businesses.** As a threshold matter, the PZC may wish to recommend to the City Council that any or all of the following categories of Cannabis Businesses be prohibited within the City (see Section III.A of this memorandum for further description of the Cannabis Business categories):
 - a. Dispensing organizations (“**Dispensaries**”)
 - b. Cultivation centers
 - c. Craft growers
 - d. Infusers/processors

- e. Transporting organizations¹

NOTE: As discussed in the Staff Report, City staff recommends that the PZC focus its initial review on Dispensaries and recommend to the City Council that all other categories of Cannabis Businesses be prohibited in the City at this time.

1st PZC DECISION POINT:

A) Recommend to prohibit all Cannabis Businesses except for Dispensaries, as outlined in the staff report. OR

B) Recommend to permit certain other Cannabis Businesses, as discussed and detailed at the PZC hearing.

2. Zoning Districts and Use Classifications. Even if the PZC recommends prohibition of some or all Cannabis Businesses, consistent with the City Council’s referral Resolution, the PZC should still consider and recommend zoning regulations that would be appropriate if Dispensaries (and such other categories of Cannabis Businesses as the PZC recommends allowing, if any) are ultimately permitted. Accordingly, the PZC should consider:

- a. What zoning districts within the City would be appropriate for Dispensaries; and
- b. Whether Dispensaries should be classified as a permitted or special use in each such zoning district.

As a starting point for discussion, the City’s UDO currently classifies: (i) Medical Cannabis Dispensaries as a special use in the F-Farming District, and (ii) Medical Cannabis Cultivation Centers as a special use in the M-Manufacturing district.

2nd PZC DECISION POINT:

A) Recommend that Cannabis Dispensaries be allowed only as a special use in the B-2 and/or M Districts, as outlined in the staff report. OR

B) Recommend that Cannabis Dispensaries be allowed as a permitted or special use in other zoning districts, as discussed and detailed at the PZC hearing. OR

C) Recommend to permit other Cannabis Businesses in certain zoning districts, as discussed and detailed at the PZC hearing.

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¹ Prohibiting transporting organizations would not prevent a licensed organization from actually transporting Adult-Use Cannabis within the City in accordance with the Act. It would merely prohibit them from establishing a physical business location within the City.

3. **Performance Standards.** The Act allows the City to require Cannabis Businesses to comply with reasonable time, place, and manner regulations that do not conflict with the Act as a condition of zoning compliance. The Staff Report includes suggestions for performance standards for Dispensaries that the PZC may wish to consider. As also discussed in the Staff Report, the Act establishes significant regulations governing the physical facilities and operations of Cannabis Businesses, which preempt conflicting or concurrent local regulations, so those subjects need not be addressed in the UDO.

3rd PZC DECISION POINT:

- A) Review the suggested performance standards in the Staff Report and recommend their inclusion in the UDO. OR
- B) Review the suggested performance standards in the Staff Report and recommend different or additional criteria, not in conflict with the Act, for inclusion in the UDO.

4. **Distance Limitations.** The Act allows the City to establish minimum buffers between Cannabis Businesses and any other uses that the City deems to be “sensitive.” The City has previously established distance limitations for medical cannabis facilities as follows:

- a. Medical Cannabis Cultivation Centers: A minimum of 2,500 feet (as measured property line to property line) from any pre-existing public or private preschool, elementary or secondary school, day center, day care home, group day care home, part-day child care facility, or an area zoned for residential use.
- b. Medical Cannabis Dispensaries: A minimum of 1,000 feet (as measured property line to property line) from any pre-existing public or private preschool, elementary or secondary school, day center, day care home, group day care home, part-day child care facility. A medical cannabis dispensary may not be located in any house, apartments, condominium, or area zoned for residential use.

NOTE: The Staff Report includes suggestions for distance limitations between Dispensaries and various sensitive uses that the PZC may wish to consider.

4th PZC DECISION POINT:

- A) Review the suggested buffers from sensitive uses in the Staff Report and recommend their inclusion in the UDO. OR
- B) Review the suggested buffers in the Staff Report and recommend additional or amended buffers from sensitive uses for inclusion in the UDO.

5. **On-Premises Consumption.** The City may regulate or prohibit on-premises consumption of cannabis within Cannabis Businesses in the City. Act, § 55-25(3). Accordingly, the PZC

should consider whether on-premises consumption should be allowed in Dispensaries and, if so, what restrictions or limitations would be appropriate.

5th PZC DECISION POINT:

A) Recommend that on-premise consumption of cannabis be prohibited in Dispensaries, as it is currently stated in the Staff Report. OR

B) Recommend that on-premise consumption be permitted in Cannabis Businesses and recommend any appropriate limitations on on-premises consumption as discussed and detailed at the PZC hearing.

II. Background Information Regarding the Act.

The Act permits (subject to various limitations and restrictions) the production, sale, possession, and use of recreational adult-use cannabis and cannabis-containing products² under Illinois law beginning on January 1, 2020. Production, sale, and transportation of Adult-Use Cannabis will be limited to State-licensed Cannabis Businesses operating in accordance with the Act. Adults 21 years of age and older will be permitted to purchase, possess, and use Adult-Use Cannabis in limited quantities for personal use.

Medical cannabis products will continue to be made available to qualified, registered patients and caregivers in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et seq.*, (the “**Medical Cannabis Act**”). Registered medical cannabis patients may also grow up to five cannabis plants in an enclosed, locked space within their residence beginning on January 1, 2020. Act § 10-5(b). Existing licensed medical cannabis cultivation centers and dispensaries will be eligible to receive the first round of State licenses for Adult-Use Cannabis production and sales. However, they will be required to keep separate inventories of medical cannabis products. Act § 55-85. The Act does not otherwise significantly affect medical cannabis business operations or patient and caregiver rights and privileges under the Medical Cannabis Act, nor does it restrict medical cannabis patients from purchasing Adult-Use Cannabis in accordance with the Act.³ *Id.* at §§ 55-10, 55-85.

Although the Act generally preempts local authority to license and regulate Cannabis Businesses (Act §§ 55-90, 55-25(4)), it does allow municipalities to adopt ordinances prohibiting Cannabis Businesses within their jurisdiction. Act § 55-25(5). If municipalities allow Cannabis Businesses, however, they may: (a) regulate them through the exercise of zoning authority and reasonable time, place, and manner regulations that are not stricter than, or in conflict with, the

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² These include cannabis concentrates produced by extracting cannabinoids from the cannabis plant as well as foods, beverages, oils, ointments, tinctures, topical formulations, and other products containing cannabis that are not intended to be smoked. Act § 1-10.

³ In the event of a conflict between the Act and the Medical Cannabis Act, the Medical Cannabis Act will prevail. Act § 55-85(a).

Act; and (b) impose a Cannabis Retailers' Occupation Tax at a maximum rate of 3%, as further discussed in Sections II and III, below. Act § 55-25.

This memorandum provides a brief overview of the State regulatory structure and license implementation for Adult-Use Cannabis and Cannabis Businesses and then discusses the City's authority to enact zoning ordinances and related time, place, and manner regulations regarding Cannabis Businesses.

III. Key Aspects of the State Regulatory Structure and License Implementation

A. Cannabis Business Licensing and Oversight Responsibility

Cannabis Businesses will be exclusively licensed by the State in the following categories:

- Dispensing organizations (or dispensaries), where Adult-Use Cannabis is sold to consumers at retail. Dispensaries may also sell cannabis paraphernalia and supplies and sell cannabis seeds to registered medical cannabis patients for home cultivation. Dispensaries may not produce or manufacture cannabis or cannabis-infused products, nor can they purchase cannabis or cannabis products from out-of-state sources. See Act, Article 15.
- Cultivation centers, which are fully enclosed growing facilities with up to 210,000 square feet of canopy space for plants in the flowering state. Cultivation centers may also process cannabis and produce cannabis concentrates and/or cannabis-infused products. See Act, Article 20.
- Craft growers, which are fully enclosed growing facilities with up to 5,000 square feet of canopy space for plants in the flowering state. Craft growers may also process cannabis and produce cannabis concentrates and/or cannabis-infused products. See Act, Article 30.
- Infusers and processing organizations, which are facilities where constituent chemicals or compounds are extracted from plants to produce cannabis concentrate and/or where cannabis-infused products are produced. See Act, Article 35.
- Transporting organizations (or transporters), which are businesses that transport cannabis in motor vehicles between other licensed Cannabis Businesses. See Act, Article 40. Transporters may, but are not required to, have a fixed, physical business location.

The Illinois Department of Financial and Professional Regulation (“**DFPR**”) is responsible for licensing and overseeing the operations of Adult-Use Cannabis dispensaries. The Illinois Department of Agriculture (“**IDOA**”) is responsible for licensing and overseeing the operations of all other categories of Cannabis Businesses.

In addition to Cannabis Businesses, the Act directs IDOA to establish and administer a Community College Cannabis Vocational Pilot Program in coordination with the Illinois Community College Board. Act, Article 25. Licensees under the Community College Cannabis Vocational Pilot Program do not fall within the scope of the definition of a “Cannabis Business Establishment” under the Act, see Act §1-10, and therefore are not within the scope of the City's zoning and regulatory powers. See *id.* §55-25.

B. Advertising and Signage Regulations

The Act regulates advertising of cannabis products. Ads cannot be placed: (i) within 1,000 feet of a school, playground, recreational center or facility, child care center, public park, public library, or game arcade that is not restricted to patrons 21 and over; (ii) in a public transit vehicle or shelter; or (iii) on publicly-owned or publicly-operated property. Additionally, ads cannot include false or misleading information, medical or therapeutic claims, depictions of underage consumption or images designed to appeal to children, depictions of actual cannabis consumption or overconsumption, or depictions of a cannabis leaf or bud (subject to exceptions for educational messages). Nothing in the Act grants Adult-Use Cannabis advertising, or signage for Cannabis Businesses, any privileged status *vis-à-vis* local signage regulations.

C. Implementation Overview

The Act went into effect on June 25, 2019, but Adult-Use Cannabis sales will not begin in Illinois until January 1, 2020. Act §§ 10-5, 15-15(g). Currently, DFPR is accepting applications from existing medical cannabis dispensary licensees for “Early Approval Adult Use Dispensing Organization Licenses.” Applications to co-locate an Adult Use Cannabis dispensary with an existing medical cannabis dispensary will be reviewed and approved by DFPR within 14 days if all requirements of the Act are met. Act § 15-15. However, the dispensary will not be permitted to begin selling Adult-Use Cannabis to the public until January 1, 2020.

Existing medical dispensaries may also seek a license to open a new Adult Use Cannabis dispensary at a secondary location. The application for a secondary location must include evidence of zoning compliance or the status of a request for local zoning approval. Act § 15-20(c)(6). DFPR states that it will not review an application for a secondary location unless it includes a “Notice of Proper Zoning” form signed by the local zoning authority. See DFPR “FAQs for Secondary Site Applications” and “Program Information.”⁴

Similarly, existing medical cannabis cultivation centers may apply to IDOA until December 22, 2019 for an “Early Approval Adult Use Cultivation Center License.” Act § 20-10. IDOA will issue the Early Approval license within 14 days after a complete application is submitted if all requirements of the Act are met, and the licenses will allow a cultivation center to begin growing and producing Adult-Use Cannabis as soon as the license is issued. *Id.* However, the cultivation center cannot start selling Adult-Use Cannabis to retail dispensary licensees until December 1, 2019 and, as noted above, sales from the dispensary to the public cannot begin until January 1, 2020. Act § 20-10(h), 15-15(g).

On May 1, 2020, the Act authorizes DFPR to begin issuing additional Adult-Use Cannabis dispensary licenses to new applicants. Act § 15-25(a)-(c). For such applicants, DFPR will first issue 180-day conditional licenses, and the final license cannot be issued (nor can business operations commence) until DFPR verifies that the dispensary’s proposed physical location complies with local zoning laws and the Act. Act § 15-25(e), (f).

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⁴ Available at: <https://www.idfpr.com/profs/adultusecan.asp>

The Act also authorizes IDOA to begin issuing licenses to Adult-Use Cannabis craft grower, infuser, and transporter businesses by July 1, 2020. §§ 30-5, 35-5, 40-5.

During 2021 and 2022, the Act provides for the number of available Cannabis Business licenses to be gradually increased by DFPR and IDOA.

IV. Local Zoning and Regulatory Authority over Cannabis Businesses.

The Act generally preempts local authority, including home rule power, to regulate or license the activities and businesses described in the Act, including authority to regulate concurrently with the State in a manner that is more restrictive than the Act. Act §§ 55-25(4), 55-90. However, the Act expressly authorizes municipalities to prohibit Cannabis Businesses within their boundaries and, if Cannabis Businesses are allowed, authorizes municipalities to exercise zoning authority and certain other limited regulatory powers, as discussed further below.

If the City decides to allow Cannabis Businesses within its jurisdiction, it may exercise zoning authority and, through the zoning process or otherwise, impose reasonable time, place, and manner regulations that are not stricter than, or in conflict with, the Act. Specifically, the City may:

- (i) enact reasonable zoning regulations for Cannabis Businesses;
- (ii) establish minimum distance limitations between Cannabis Businesses and sensitive uses;
- (iii) regulate on-premises consumption of Adult Use Cannabis at or in a cannabis business establishment; and
- (iv) enact reasonable regulations, including through special use or conditional use permits, governing the time, place, manner, and number of cannabis business establishment operations, provided that such regulations do not conflict with or unreasonably restrict business operations authorized by the Act.

Although the City is authorized to establish reasonable time, place, and manner regulations relating to Cannabis Business operations, the Act restricts the City's authority to regulate these matters concurrently with, or more strictly than, the Act. See Act §§ 55-25(4), 55-90. The Act addresses a number of matters regarding Cannabis Business operations and facilities—especially with respect to Dispensaries—that are typically within the City's local control, including the following:

1. **Building and Life Safety Codes:** Cannabis Businesses must comply with local building and fire regulations. Act §§ 15-70(g), 55-25.
2. **Hours of Operation:** A dispensary may operate between 6:00 a.m. and 10:00 p.m. Act § 15-70(i).
3. **Exterior Lighting and Security:** Cannabis Businesses must have exterior surveillance and other security measures in accordance with a State-approved plan. For dispensaries, the Act specifically requires that all interior and exterior lighting must be in good working order with wattage sufficient for security cameras. A dispensary must operate a video surveillance system, among other security measures, and the premises must be sufficiently lit to facilitate surveillance. Video surveillance of outside

areas, including the storefront and parking lot “shall be appropriate for the normal lighting conditions of the area under surveillance.” Act §§ 15-70(k), 15-100(c)(13), 15-100(i)(3).

4. Landscaping and Yards: Trees, bushes, and foliage outside of a dispensary must not allow for a person to conceal themselves from sight. Act § 15-100(c)(14).
5. Shared Premises: If allowed by local zoning, a dispensary may share premises with a craft grower, infuser, or both, provided that their products and currency are stored separately in access-restricted areas. Act § 15-100(e).
6. Drive-Throughs: A dispensary may not operate a drive-through window. Act § 15-70(n)(7).
7. Vending Machines: A dispensary may not sell Adult-Use Cannabis in a vending machine. Act § 15-70(n)(8).
8. Liquor: A dispensary cannot sell alcoholic beverages. Act § 15-70(d).
9. Separation: A new dispensary may not be located within 1,500 feet of another dispensary. Act § 15-70(n)(15). A new craft grower may not be located within 1,500 feet of another cultivation center or craft grower. Act § 30-30(o).

Please contact us with any questions.



#2019-133

City of Crystal Lake

Planning and Zoning Commission Public Hearing

Meeting Date: September 4, 2019

Suggested Motions:

A) Make a motion to recommend: (i) prohibition of the following categories of adult-use cannabis businesses: cultivation center, craft grower, infuser, processor, and transporter; and (ii) an Amendment to the UDO, Articles 2, 4, and 10 to permit a Cannabis Dispensary as a Special Use Permit in the B-2 General Commercial zoning district, with the recommended criteria and buffers. **OR**

B) Make a motion to recommend: (i) prohibition of the following categories of adult-use cannabis businesses: cultivation center, craft grower, infuser, processor, and transporter; and (ii) an Amendment to the UDO, Articles 2, 4, and 10 to permit a Cannabis Dispensary as a Special Use Permit in the M Manufacturing zoning district, with the recommended criteria and buffers. **OR**

C) Make a motion to recommend prohibition of all adult-use cannabis businesses subject to re-visiting the issue after a one-year period to allow further time for review, analysis, and input.

Staff Contact: Elizabeth Maxwell, 815-356-3605

Background:

- June 2019, the Cannabis Regulation and Tax Act was signed into law.
- Among its many provisions, the Act provides flexibility to a community in allowing various cannabis businesses, including retail dispensaries, in its jurisdiction.
- Communities may also choose to prohibit dispensaries and other cannabis businesses.
- In addition, the Act does not allow municipalities to restrict the private possession or consumption of cannabis. However, local ordinances may regulate public consumption and on-site consumption of cannabis in cannabis business establishments.

At the August 6th City Council meeting, Council authorized the exploration of cannabis businesses by passing a resolution referring the matter to the PZC for a public hearing of the **appropriate zoning regulations for these uses.**

Discussion:

Key provisions of the Act allow:

- The production, sale, possession, and use of recreational, adult-use cannabis and cannabis-containing products beginning on January 1, 2020.
- Adults 21 years and older will be permitted to purchase, possess, and use cannabis.
- Production, sale, and transportation is limited to State-licensed businesses.
- Medical marijuana businesses remain unaffected by this new Act.

The proposed text amendments below illustrate the draft UDO language for Cannabis Dispensaries as a Special Use Permit in the B-2 General Commercial zoning district or the M Manufacturing zoning district. The other, non-retail types of cannabis businesses authorized by the Act (adult-use cannabis cultivation centers, craft growers, infusers/ processors, and transporters) are **not** recommended to be allowed within the City at this time. Staff recommends that such cannabis businesses be expressly prohibited by the City Code, and that the proposed UDO amendments below be considered regarding adult-use cannabis dispensaries only.

Additionally, regardless of the approach the City takes with respect to regulating cannabis businesses, the Act authorizes a Community College Cannabis Vocational Training Pilot Program, which allows public community colleges to obtain a State license to provide student instruction on cannabis including cultivation, infusion, and production. Regulation of such programs is not within the authority of local governments. Thus, it will be for the State to decide whether a vocational training pilot program would be authorized at McHenry County College within Crystal Lake.

The following are the proposed amendments to the various UDO sections.

Article 2

Option 1 Land Use Table Amendment

Misc. Store Retailers		F	E	RE	R-1	R-2	R-3A	R-3B	R-O	O	B-1	B-2	B-4	M-L	M	Use Criteria
	Cannabis Dispensary												S			

OR

Option 2 Land Use Table Amendment

Misc. Store Retailers		F	E	RE	R-1	R-2	R-3A	R-3B	R-O	O	B-1	B-2	B-4	M-L	M	Use Criteria
	Cannabis Dispensary															S

2-400-76

Cannabis Dispensary. All cannabis dispensaries must comply with the following standards:

- a. Minimum required buffer from protected uses:
 - (i) A Cannabis Dispensary may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, 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.
 - (ii) A Cannabis Dispensary may not be located within 1,000 feet of the property line of an existing religious establishment, parks and open space, library, or recovery home.
 - (iii) A Cannabis Dispensary may not be located within 250 feet of residentially zoned property.
 - (iv) For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property of the lot on which an applicable Cannabis Dispensary is located to the nearest point on a property line of any protected use.
 - (v) Summary of Buffer Requirements:

<u>Use</u>	<u>Required Buffer</u>
Schools	1,000 feet
Childcare	1,000 feet
Religious Establishment	1,000 feet
Residentially zoned property	250 feet
Parks and Open Space	1,000 feet
Library	1,000 feet
Recovery Home	1,000 feet

- b. Single-Use Site: A Cannabis Dispensary shall be the sole principal use of the zoning lot on which it is located, and at least 75% of the floor area of any building space occupied by a Cannabis Dispensary shall be devoted to the activities of the Cannabis Dispensary as authorized by the Cannabis Regulation and Tax Act. Sale of food for on-premises consumption shall not be allowed as an accessory use or activity to a Cannabis Dispensary.
- c. A Cannabis Dispensary may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- d. Exterior Display: A Cannabis Dispensary shall be maintained or operated in a manner that the public viewing of cannabis, cannabis products, cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or from outside of the cannabis dispensing organization is not allowed.
- e. Hours of Operations: Hours of operation are limited to between 6:00am and 10:00pm.

- f. Environmental: Emission of dust, fumes, vapors, or odors in a manner that impacts neighboring premises or properties or any public property or right-of-way shall be prohibited.
- g. Signage: Electronic Message Center signs are not permitted for a Cannabis Dispensary. No cannabis leaf or bud image may be used in promotional signage for the Dispensary.
- h. State Requirements: The Cannabis Dispensary must comply with all applicable provisions of the Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et seq.*, as may be revised or amended from time to time.
- i. All hazardous waste and cannabis waste shall be disposed of in accordance with the provisions of the statutes of the State of Illinois and ordinances of the City of Crystal Lake.
- j. On-Premises Consumption: It shall be prohibited to consume cannabis products in a Cannabis Dispensary or anywhere on the site occupied by a dispensary.

It should be noted that the Act contains a myriad of requirements concerning security, lighting, product quality control, distribution, recordkeeping, etc. for cannabis businesses so the zoning criteria do not cover these areas.

Signage

The Act restricts ads for cannabis products, as follows:

- Ads cannot be placed:
 - Within 1,000 feet of a school, playground, recreation center or facility, child care center, public park, public library, or game arcade that is not restricted to persons 21 and older;
 - In a public transit vehicle or shelter; or
 - On publicly owned land or publicly operated property.
- Ads cannot contain false or misleading information, medical or therapeutic claims, depictions of underage consumption, or depiction of actual cannabis consumption.
- Ads cannot include the image of a cannabis leaf or bud or include any image designed to appeal to minors.

Article 4

Section 4-200 Off-Street Parking and Loading

Table 4-200 Minimum Off-Street Parking Requirements		
Commercial		
Miscellaneous Store Retailers	Used Merchandise Stores	3.5 per 1,000 GFA
	Cannabis Dispensary	5 per 1,000 GFA

Article 10 Definitions

The following new definitions are proposed:

CANNABIS BUSINESS ESTABLISHMENT:

A cannabis craft grower, cultivation center, dispensary, infuser, processing, or transporter organization.

CANNABIS CRAFT GROWER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture as a “craft grower” 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. **(As proposed, not an allowable use in the UDO.)**

CANNABIS CULTIVATION CENTER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture as a “cultivation center” 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 from time-to-time, and regulations promulgated thereunder. **(As proposed, not an allowable use in the UDO.)**

CANNABIS DISPENSARY:

A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation as a “dispensing organization” 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.

CANNABIS INFUSER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture as an “infusing organization” or “infuser” 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. **(As proposed, not an allowable use in the UDO.)**

CANNABIS PROCESSING:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture as a “processing organization” or “processor” 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. **(As proposed, not an allowable use in the UDO.)**

CANNABIS TRANSPORTER:

An organization or business that is licensed by the Illinois Department of Agriculture as a “transporting organization” or “transporter” 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. **(As proposed, not an allowable use in the UDO.)**

The following changes to existing definitions are recommended:

ENCLOSED, LOCKED FACILITY

A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store and distribute cannabis for registered qualifying patients **or adults 21 years of age or older in accordance with Illinois law.**

MEDICAL CANNABIS CONTAINER

A sealed, traceable, food compliant, tamper resistant, tamper evident container or package used for the purpose of containment of medical cannabis from a **medical cannabis** cultivation center to a **medical cannabis** dispensing organization.

MEDICAL CANNABIS CULTIVATION CENTER (“CULTIVATION CENTER”)

A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide ~~only~~ registered medical cannabis dispensing organizations with usable medical cannabis.

MEDICAL CANNABIS DISPENSING ORGANIZATION (~~“DISPENSING ORGANIZATION,” “DISPENSARY ORGANIZATION,” “MEDICAL CANNABIS DISPENSARY” OR “DISPENSARY”~~)

A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

~~MEDICAL CANNABIS INFUSED PRODUCT~~

Food, oils, ointments, or other products containing usable cannabis that are not smoked.

Recommendation:

A) Make a motion to recommend: (i) prohibition of the following categories of adult-use cannabis businesses: cultivation center, craft grower, infuser, processor, and transporter; and (ii) an Amendment to the UDO, Articles 2, 4, and 10 to permit a Cannabis Dispensary as a Special Use Permit in the B-2 General Commercial zoning district, with the recommended criteria and buffers. **OR**

B) Make a motion to recommend: (i) prohibition of the following categories of adult-use cannabis businesses: cultivation center, craft grower, infuser, processor, and transporter; and (ii) an Amendment to the UDO, Articles 2, 4, and 10 to permit a Cannabis Dispensary as a Special Use Permit in the M Manufacturing zoning district, with the recommended criteria and buffers. **OR**

C) Make a motion to recommend prohibition of all adult-use cannabis businesses subject to re-visiting the issue after a one-year period to allow further time for review, analysis, and input.

Proposed Buffer Map

