



#2020-197

City of Crystal Lake

Project Review for Planning and Zoning Commission

Meeting Date:

January 6, 2021

Suggested Motions:

A) Make a motion to recommend: (i) adding Medical Cannabis Dispensaries as a Special Use in the B-2 General Commercial zoning district, removing Medical Cannabis Dispensaries as a Special Use in the F Farming zoning district, and amending the use criteria for Medical Cannabis Dispensaries as recommended,; and (ii) allowing Medical Cannabis Cultivation Centers as a Special Use in the W Watershed zoning district. **AND**

B) Make a motion to recommend the prohibition of the following categories of other cannabis business establishments: cultivation center, craft grower, infuser, processor, and transporter. **OR**

C) Make a motion to recommend allowing the following categories of other cannabis business establishments: cultivation center and craft grower as Special Uses in the M Manufacturing and W Watershed zoning districts and infuser, processor, and transporter as Special Uses in the M Manufacturing zoning district, subject to the recommended criteria and buffers.

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 adult-use (recreational) cannabis businesses in its jurisdiction.
- Communities may also choose to prohibit adult-use dispensaries and other cannabis businesses. In 2019, the City opted to allow adult-use cannabis dispensaries (which are State-licensed establishments for the retail sale of cannabis and cannabis-containing products), but no other adult-use 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.
- The Compassionate Use of Medical Cannabis Act also authorizes the operation of State-licensed medical cannabis cultivation centers and medical cannabis dispensaries. Although municipalities may enact reasonable zoning regulations of such medical cannabis businesses, they cannot be prohibited by local ordinance.

Discussion:

- The City allowed Medical Cannabis Dispensaries in the Farming zoning district when recreational cannabis was not permitted. Since recreational cannabis dispensaries are a Special Use Permit in the B-2 zoning district, it makes sense to have the medical cannabis dispensaries follow the same zoning standards. It may also be appropriate to consider allowing Medical Cannabis Cultivation Centers in the W Watershed zoning district.
- The City is now reevaluating other Cannabis Business Establishments, which include: adult-use Craft Growers, Cultivation Centers, Infusers/Processors, and Transporters.

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

Article 2

Option 1 Land Use Table Amendment

	F	E	RE	R-1	R-2	R-3A	R-3B	R-O	O	B-1	B-2	B-4	M-L	M	W	Use Criteria
Medical Facility														S	S	2-400-66
		S									S					2-400-67

OR

Option 2 Land Use Table Amendment

	F	E	RE	R-1	R-2	R-3A	R-3B	R-O	O	B-1	B-2	B-4	M-L	M	W	Use Criteria
Industrial														S		2-400-77
														S		2-400-77
Agricultural														S	S	2-400-77
														S	S	2-400-77
Medical Facility														S	S	2-400-66
		S									S					2-400-67

P = Permitted Use L = Limited Use Permit S = Special Use Permit

2-400-67

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

- a. Minimum required buffer from protected uses:
 - (i) A Medical Cannabis Dispensary may not be located within 500 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 Medical Cannabis Dispensary may not be located within 500 feet of the property line of an existing religious establishment, parks and open space, library, or recovery home.
 - (iii) A Medical 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 Medical Cannabis Dispensary is located to the nearest point on a property line of any protected use. For occupancy purposes, if a portion of the buffer touches the property, it does not exclude the entire property. If a portion of the building is in the buffer, the entire building would be considered in the buffer and not eligible.
 - (v) Summary of Buffer Requirements:

<u>Use</u>	<u>Required Buffer</u>
Schools	500 feet
Childcare	500 feet
Religious Establishment	500 feet
Residentially zoned property	250 feet
Parks and Open Space	500 feet
Library	500 feet
Recovery Home	500 feet

- b. Sale of food for on-premises consumption shall not be allowed as an accessory use or activity to a Medical Cannabis Dispensary.
- c. A Medical Cannabis Dispensary may not conduct any sales or distribution of cannabis other than as authorized by the Compassionate Use of Medical Cannabis Program Act.
- d. Exterior Display: A Medical Cannabis Dispensary shall be maintained or operated in a manner so 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 Medical Cannabis Dispensary.
- h. State Requirements: The Medical Cannabis Dispensary must comply with all applicable provisions of the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 *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 Medical Cannabis Dispensary or anywhere on the site occupied by a dispensary.

2-400-77

Other Cannabis Business Establishments. All Cannabis Business Establishments other than a cannabis dispensary must comply with the following standards:

- a. All activity must take place within an enclosed building including, but not limited to growing, harvesting, processing, storage, loading and unloading, and product packaging.
- b. 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. To the extent necessary, mechanical equipment shall be installed to reduce odor leaving the building.
- c. Minimum required buffer from protected uses:
 - i. The Cannabis Business Establishment may not be located within 500 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. The Cannabis Business Establishment may not be located within 500 feet of the property line of an existing religious establishment, parks and open space, library, or recovery home.
 - iii. The Cannabis Business Establishment 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 other Cannabis Business Establishment is located to the nearest point on a property line of any protected use. For occupancy purposes, if a portion of the buffer touches the property, it does not exclude the entire property. If a portion of the building is in the buffer, the entire building would be considered in the buffer and not eligible.

Summary of Buffer Requirements:

<u>Use</u>	<u>Required Buffer</u>
Schools	500 feet

Childcare	500 feet
Religious Establishment	500 feet
Residentially zoned property	250 feet
Parks and Open Space	500 feet
Library	500 feet
Recovery Home	500 feet

- d. The Cannabis Business Establishment may not conduct any production, sales, or distribution of cannabis or cannabis products other than as authorized by the Act.
- e. State Requirements: The Cannabis Business Establishment 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.
- f. 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.
- g. The Cannabis Business Establishment will comply with the off-street parking and loading requirements for “Industrial uses” as provided by Section 4-200 of this Unified Development Ordinance.

Article 4

Section 4-200 Off-Street Parking and Loading

Off-street parking requirements will be based on the main category and use of the site, so Industrial parking standards are recommended for Cannabis Infuser/Processor, Cannabis Transporter, Cultivation Center, Craft Grower, and Medical Cannabis Cultivation Center.

A Medical Cannabis Dispensary would be located under Miscellaneous Retail with an adult-use recreational cannabis dispensary for parking requirements.

Article 10 Definitions

The following relevant definitions are included in the current UDO:

○ **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.

- **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.
- **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.
- **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.
- **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.
- **MEDICAL CANNABIS 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** – 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.

Recommendation:

A) Make a motion to recommend (i) adding Medical Cannabis Dispensaries as a Special Use in the B-2 General Commercial zoning district, removing Medical Cannabis Dispensaries as a Special Use in the F Farming zoning district, and amending the use criteria for Medical Cannabis Dispensaries as recommended,; and (ii) allowing Medical Cannabis Cultivation Centers as a Special Use in the W Watershed zoning district. **AND**

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C) Make a motion to recommend allowing the following categories of other cannabis business establishments: cultivation center and craft grower as Special Uses in the M Manufacturing and W Watershed zoning districts and infuser, processor, and transporter as Special Uses in the M Manufacturing zoning district, subject to the recommended criteria and buffers.

City of Crystal Lake Development Application

Office Use Only

File # _____

Project Title: **UDO Text Amendment Other Cannabis Business Establishments**

Action Requested

- | | |
|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Preliminary PUD |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Plat of Subdivision |
| <input type="checkbox"/> Conceptual PUD Review | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Final PUD | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Final PUD Amendment | <input type="checkbox"/> Variation |
| <input type="checkbox"/> Final Plat of Subdivision | <input checked="" type="checkbox"/> Other |

Petitioner Information

Name: **City of Crystal Lake**

Address: **100 W. Woodstock Street**

Crystal Lake, IL 60014

Phone: _____

Fax: _____

E-mail: _____

Owner Information (if different)

Name: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

Property Information

Project Description: _____

Project Address/Location: _____

PIN Number(s): _____

SHAW MEDIA
EST. 1851
PO BOX 250
CRYSTAL LAKE IL 60039-0250
(815)459-4040

ORDER CONFIRMATION

Salesperson: GINA BEYER Printed at 12/16/20 15:20 by gbeye-sm

Acct #: 10233 Ad #: 1845093 Status: New

CITY OF CRYSTAL LAKE Start: 12/19/2020 Stop: 12/19/2020
100 WEST MUNICIPAL COMPLEX Times Ord: 1 Times Run: ***
PO BOX 597 CLEG 1.00 X 52.00 Words: 169
CRYSTAL LAKE IL 60039 Total CLEG 52.00

Contact: A/P ELLEN KIOLBASA Ad Descrpt: TEXT AMENDMENT
Phone: (815)459-2020 Descr Cont: 1845093
Fax#: (815)459-2350 Given by: ELIZABETH MAXWELL
Email: ekiolbassa@crystallake.org P.O. #:
Agency: Created: gbeye 12/16/20 15:18
Last Changed: gbeye 12/16/20 15:20

URL: _____

Source: _____ Section: _____ Page: ____
Camera Ready: N Group: LEGALS AdType: _____
Misc: _____
Color: _____
Proof: _____ Pickup Date: _____ Ad#: _____
Delivery Instr: _____ Pickup Src: _____
Changes: None ___ Copy ___ Art ___ Size ___ Copy Chg Every Run ___
Coupon: _____ Gang Ad #: _____
Ad Copy Method: _____
Special Instr: _____

COMMENTS:
COPIED from AD 1802892

PUB ZONE EDT TP RUN DATES
NW CL 97 S 12/19
WEB CL 99 S 12/19
APNW CL 97 S 12/19

(CONTINUED ON NEXT PAGE)

SHAW MEDIA
EST. 1851
PO BOX 250
CRYSTAL LAKE IL 60039-0250
(815)459-4040

ORDER CONFIRMATION (CONTINUED)

Salesperson: GINA BEYER

Printed at 12/16/20 15:20 by gbeye-sm

Acct #: 10233

Ad #: 1845093

Status: New

PUBLIC NOTICE

**BEFORE THE PLANNING
AND ZONING COMMISSION
OF THE CITY OF CRYSTAL
LAKE, MCHENRY COUNTY,
ILLINOIS**

IN THE MATTER OF THE
PETITION OF

City of Crystal Lake
LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois that a public hearing will be held before the Planning and Zoning Commission for the purposes of seeking UDO Text Amendments to make changes to Articles 2, 4, 9, and 10 for other Cannabis Business Establishments such as craft growers, cultivation centers, infusers/processors, and transporters along with amending the approvals for Medical Cannabis.

A public hearing before the Planning and Zoning Commission on this request will be held at 7:00 p.m. on Wednesday, January 6, 2021, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Jeff Greenman, Chairperson
Planning
and Zoning Commission
City of Crystal Lake

(Published in the Northwest
Herald on December 19,
2020)1845093

Current SUP Criteria	Proposed SUP Criteria																
No medical cannabis dispensary shall be established, maintained or operated on any lot that has a property line with 1,000 feet of the property line of a preexisting public or private preschool or elementary or secondary school or day-care center, day-care home, group day-care home, or partday child-care facility.	A Medical Cannabis Dispensary may not be located within 500 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.																
	A Medical Cannabis Dispensary may not be located within 500 feet of the property line of an existing religious establishment, parks and open space, library, or recovery home																
No medical cannabis dispensary shall be established, maintained or operated in any house, apartment, condominium, or an area zoned for residential use.	A Medical Cannabis Dispensary may not be located within 250 feet of residentially zoned property.																
Measurement: 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 line of the lot on which an applicable medical cannabis dispensary is located to the nearest point on a property line of any protected use [as defined in Section 2-400C-67a(i) above].	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 Medical Cannabis Dispensary is located to the nearest point on a property line of any protected use. For occupancy purposes, if a portion of the buffer touches the property, it does not exclude the entire property. If a portion of the building is in the buffer, the entire building would be considered in the buffer and not eligible.																
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Buffering from other medical cannabis dispensaries: Each medical cannabis dispensary shall be a minimum of 1,000 feet from all other dispensaries, as measured from the applicable property lines.																	
	Sale of food for on-premises consumption shall not be allowed as an accessory use or activity to a Medical Cannabis Dispensary																
Drug paraphernalia sales: Medical cannabis dispensaries that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.)	A Medical Cannabis Dispensary may not conduct any sales or distribution of cannabis other than as authorized by the Act																

<p>and the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.)</p>	
<p>Exterior display: No medical cannabis dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights or any similar lighting system.</p>	<p>Exterior Display: A Medical Cannabis Dispensary shall be maintained or operated in a manner so 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.</p>
<p>Hours of operation: A medical cannabis dispensary may operate between the hours of 6:00 a.m. local time to 8:00 p.m. local time.</p>	<p>Hours of Operations: Hours of operation are limited to between 6:00am and 10:00pm.</p>
	<p>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</p>
<p>Signage and advertising: All commercial signage for a medical cannabis dispensary shall be limited to one flat wall sign not to exceed 10 square feet in area, and one identifying sign, not to exceed two square feet in area, which may only include the dispensary address. Such signs shall not be directly illuminated. Exterior signs on the dispensary building shall not obstruct the entrance or windows on the dispensary. Electronic message boards and temporary signs are not permitted in connection with a medical cannabis dispensary. Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or language referencing cannabis. A sign shall be posted in a conspicuous place at or near all dispensary entrances and shall include the following language: "Only cardholders, designated caregivers, and staff may enter these premises. Persons under the age of 18 are prohibited from entering." The required text shall be no larger than one inch in height. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque without text or graphic advertising or identifying the contents of the products contained within.</p>	<p>Signage: Electronic Message Center signs are not permitted for a Medical Cannabis Dispensary.</p>
<p>Compliance with state regulations and rules: All medical cannabis dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot</p>	<p>State Requirements: The Medical Cannabis Dispensary must comply with all applicable provisions of the Compassionate Use of Medical</p>

<p>Program Act (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto</p>	<p>Cannabis Program Act, 410 ILCS 130/1 <i>et seq.</i>, as may be revised or amended from time to time</p>
	<p>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</p>
	<p>On-Premises Consumption: It shall be prohibited to consume cannabis products in a Medical Cannabis Dispensary or anywhere on the site occupied by a dispensary</p>
<p>Single-use site: No medical cannabis dispensary shall be established in multiple use or tenant property or on a site that shares parking with other uses.</p>	
<p>Setbacks: Each medical cannabis dispensary shall be a minimum of 30 feet from its surrounding property lines.</p>	
<p>Parking shall be located in an area which is visible from a public road or a private road that is accessible to the public. It cannot be screened from the roadway with vegetation, fencing or other obstructions. Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by dispensary staff and are continually recorded in a tamper proof format.</p>	
<p>Age and access limitations: Each medical cannabis dispensary shall prohibit any person who is not at least 18 years of age from entering the dispensary facility. Dispensaries shall not employ anyone under the age of 18. Access to the dispensary facility shall be limited exclusively to dispensary staff, cardholders, designated caregivers, local and state officials, and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.)</p>	
<p>Drive-in windows: Medical cannabis dispensaries may not have drive-in or drive-through services</p>	
<p>Security and video surveillance: Each medical cannabis dispensary shall be an enclosed locked facility ("facility"). Each dispensary shall provide and maintain adequate security on the entire property on which the dispensary exists, including lighting, video surveillance, security personnel and alarms reasonably designed to ensure the safety of persons and to protect the facility from theft. The medical cannabis dispensary parking areas, client entrances, sales areas, back rooms, storage areas and delivery bays and any other entrances shall be monitored by video surveillance equipment</p>	

whose live images can be viewed by dispensary staff and are continually recorded in a tamperproof format.

A sign shall be posted in a prominent location in the dispensary which includes the following language:

"THIS AREA IS UNDER LIVE/ RECORDED VIDEO SURVEILLANCE TO AID IN THE PROSECUTION OF ANY CRIMES COMMITTED AGAINST THE FACILITY OR ITS PATRONS."

The Police Chief or his/her assigned designee shall review the adequacy of lighting, security and video surveillance installations. The Police Chief or his/her assigned designee and the Crystal Lake Police Department have the discretion to conduct periodic reviews of the security features, as appropriate.

Each medical cannabis dispensary shall report all criminal activities occurring on the property to the applicable law enforcement agency immediately upon discovery.

Deliveries shall occur between 7:00 a.m. local time and 8:00 p.m. local time within a secure enclosed delivery bay and shall not be visible from the exterior of the facility.

Conduct on site:

Loitering is prohibited on the dispensary property.

It shall be prohibited to consume cannabis products in a medical cannabis dispensary or anywhere on the site occupied by a dispensary. A sign, at least 8.5 inches by 11 inches, shall be posted inside the dispensary building in a conspicuous place and visible to a client and shall include the following language: "Smoking, eating, drinking, ingesting or other forms of consumption of cannabis products is prohibited on dispensary property"