

**THE VILLAGE OF HAINESVILLE
LAKE COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 15-1-200**

**AN ORDINANCE AMENDING CHAPTER 17.04 OF THE
VILLAGE ZONING CODE AND ESTABLISHING ZONING REGULATIONS FOR
MEDICAL CANNABIS DISPENSARIES AND CULTIVATION CENTERS**

**LINDA SOTO, Mayor
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Village Board

ORDINANCE NO. 15-1-200

AN ORDINANCE AMENDING CHAPTER 17.04 OF THE VILLAGE ZONING CODE AND ESTABLISHING ZONING REGULATIONS FOR MEDICAL CANNABIS DISPENSARIES AND CULTIVATION CENTERS

WHEREAS, Chapter 17 of the Village Hainesville Code regulates zoning in the Village of Hainesville; and

WHEREAS, under the Illinois Compassionate Use of Medical Cannabis Act, 410 ILCS 130/1 et seq. and applicable rules implementing that statute, Illinois municipalities may establish zoning regulations pertaining to medical cannabis dispensaries and cultivation centers; and

WHEREAS, the Village Board finds that it necessary and desirable to establish zoning regulations pertaining to medical cannabis dispensaries and cultivation centers; and

WHEREAS, the Village Board finds that the Village and its residents will benefit from the approval of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hainesville, Illinois, as follows:

SECTION 1: The above-stated recitals are incorporated by reference.

SECTION 2: Chapter 17 of the Village Code is hereby amended to include the following provisions:

CHAPTER 17.04 GENERAL PROVISIONS AND DEFINITIONS

Section 17.04.070 DEFINITIONS

LETTER B. DEFINITIONS (Add after the Definition for "Major Change" in alphabetical order)

"Medical cannabis cultivation center" or "Cultivation center" means 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", or "dispensing organization", or "dispensary organization" or "dispensary" means 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 facility" means a medical cannabis cultivation center or a medical cannabis dispensary.

CHAPTER 17.24 O, R&D OFFICE, RESEARCH AND DEVELOPMENT DISTRICT
Section 17.24.030 SPECIAL USE

Medical cannabis cultivation center and Medical cannabis dispensary organization are hereby added as Special Uses to the O,R,&D Office, Research, and Development District.

- B. Medical cannabis cultivation center;
- C. Medical cannabis dispensary organization.

Section 17.24.050 – Additional Requirements.

(A) Medical Cannabis Facilities Special Use Requirements.

- (1) Definitions: The following definitions shall govern the administration of this section.

"Cardholder" means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the Department of Public Health.

"Designated caregiver" means a person who: (1) is at least 21 years of age; (2) has agreed to assist with a patient's medical use of cannabis; (3) has not been convicted of an excluded offense; and (4) assists no more than one registered qualifying patient with his or her medical use of cannabis.

"Enclosed, locked facility" means 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.

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

"Medical cannabis infused product" means food, oils, ointments, or other products containing usable cannabis that are not smoked.

"Residential District" means any property in an Ag Agricultural District, R-1 Single-Family Detached District, R-2 Single-Family Attached/Multifamily Residence District of the Village of Hainesville Zoning Ordinance or any district listing dwellings as a permitted use in the Village of Hainesville Zoning Ordinance or any Zoning Ordinance of neighboring governmental jurisdiction.

"State governing statute" means the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122), or any successor legislation.

(2) Compliance with State Regulations and Rules:

All facilities shall comply with all rules and regulations adopted in accordance with the state governing statute.

(3) Submittal Requirements:

After a pre-application meeting with the Zoning Administrator, an applicant for a Special Use shall be required to submit plans and documents as deemed necessary, including, but not limited to, a Plat of Survey, a Site Plan, Engineering Plan, Architectural Plans and Elevations, Building Material Samples, Lighting Plan, Signage Plan, Business and Operational Plan, Security Plan, Traffic Impact Statement, Community Deleterious Prevention Plan, and any document required for a State license submittal application.

(4) Minimum Setbacks from Incompatible Land Uses: As measured from a medical cannabis facility's property lines, the following minimum setbacks from incompatible uses shall apply:

- (a) A dispensary may not be located within a 1,000 feet of the property line of a public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility, place of religious worship, cemetery, public or private park, forest preserve, substance abuse treatment clinic or center, or Village owned property.
- (b) A cultivation center may not be located within a 2,500 feet of the property line of a public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility, place of religious worship, cemetery, public or private park,

forest preserve, substance abuse treatment clinic or center Village owned property, any property in an AG, R-1, or R-2 District, or any property zoned for a residential district.

- (c) A medical cannabis facility may not be located within a 2,500 feet of the property line of any another medical cannabis facility.

(5) Parking and Loading:

- (a) Medical cannabis dispensary:
 - i. A minimum of 100 parking spaces or as many spaces as determined by the Village Board to meet the parking demand of the facility.
 - ii. A minimum of one (1) fully enclosed delivery bay capable of accommodating delivery vehicles to drive completely into the facility.
- (b) Medical cannabis cultivation center:
 - i. One (1) space per employee plus as many additional spaces as determined by the Village Board to meet the parking demand of the facility.
 - ii. A minimum of one (1) fully enclosed delivery bay capable of accommodating delivery vehicles to drive completely into the facility.
- (c) Parking areas shall be located in an area which is visible from a public road or a private road that is accessible to the public.
- (d) Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by cultivation or dispensary staff and continually recorded in a tamper proof format.

- (6) Traffic Impact: A Traffic Impact Statement shall be provided with any application submittal that analyzes items such as, but not limited to, peak traffic trip generation, access arrangements, existing and proposed area roadway condition, automobile queuing and stacking, and parking. The Traffic Impact Statement will provide estimates of costs to improve roadway infrastructure to accommodate any increase in demand on the area roadway network.

(7) Building Requirements:

- (a) A medical cannabis facility shall be the sole use of a single lot, parcel, and/or property and located in a detached, single tenant building.
- (b) The exterior of any medical cannabis facility building shall be of brick, stone, or similar masonry product construction and adequately reinforced to prevent forced entry.

(8) Landscaping:

- (a) Minimum landscape yards are as follows:
 - i. Along any property line abutting a roadway or a railroad right-of-way line a minimum twenty-five (25) foot deep landscape yard with plantings is required.
 - ii. Along any property line abutting an adjacent property line a minimum fifteen (15) foot deep landscape yard with plantings is required.
 - iii. Planting material shall be provided at a rate of two (2) shade trees, two (2) ornamental trees, and ten (10) shrubs (or their equivalent) per each 100 lineal feet.
- (b) Minimum interior site landscape areas as follows:
 - i. One planting island of at least 100 square feet in area for each ten (10) parking spaces shall be provided.
 - ii. Planting material shall be provided at a rate of one (1) shade tree per each 100 square feet of planting area.

(9) Exterior Display:

No medical cannabis facility 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.

(10) Signage and Advertising:

- (a) Signage shall comply with the standards of Chapter 17.44 Signs.
- (b) Electronic message boards and temporary signs are not permitted.
- (c) Signage should not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or language referencing marijuana or cannabis other than "marijuana" or "cannabis".
- (d) 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 1 inch in height.

(11) Age and Access Limitations:

It shall be unlawful for any medical cannabis facility to allow any person who is not at least eighteen (18) years of age on the premises. Dispensaries shall not employ anyone under the age of eighteen (18). Access shall be limited exclusively to medical cannabis facility staff, cardholders, designated caregivers, local and state officials, and those specifically authorized under the State governing statute.

(12) Hours of Operation:

A dispensary shall operate only between 8 am and 6 pm.

(13) Drive-Through Windows:

A medical cannabis facility may not have a drive-through service.

(14) Security and Video Surveillance:

Facilities shall provide to the Village a security plan that at a minimum provides that:

- (a) The medical cannabis facility shall be an enclosed locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft;
- (b) The parking area, client entrance, sales area, back room, storage areas and delivery bay and entrance shall be monitored by video surveillance equipment whose live images can be viewed by dispensary staff, continually recorded in a tamper proof format;
- (c) A sign shall be posted in a prominent location which includes the following language "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons";
- (d) The local law enforcement officials shall review and approve prior to the issuance of a Special Use Permit the adequacy of lighting, security and video surveillance installations;
- (e) A medical cannabis facility shall report all criminal activities to local law enforcement officials immediately upon discovery; and
- (f) Deliveries shall occur during normal business hours within a secure enclosed delivery bay, no delivery shall be visible from the exterior of the building.

(15) Conduct on Site:

- (a) Loitering is prohibited on a medical cannabis facility property.
- (b) It shall be prohibited to smoke, inhale or consume cannabis products in or anywhere on the property occupied by the medical cannabis facility beyond what is allowed under the State governing statute. A sign, at least 8.5 by 11 inches, shall be posted inside the medical cannabis facility building in a conspicuous place and visible to employees and clients and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on dispensary property."

CHAPTER 17.40 OFF-STREET PARKING AND LOADING

Section 17.40.010 OFF-STREET LOADING.

H. Medical Cannabis Facilities:

- (a) Medical Cannabis Dispensary:
 - i. A minimum of one (1) fully enclosed delivery bay capable of accommodating delivery vehicles.
- (b) Medical Cannabis Cultivation Center:
 - i. A minimum of one (1) fully enclosed delivery bay capable of accommodating delivery vehicles.

Section 17.40.020 OFF-STREET PARKING.

27. Medical Cannabis Facilities:

- (a) Medical Cannabis Dispensary:
 - i. A minimum of one-hundred (100) parking spaces or as many spaces as determined by the Village Board to meet the parking demand of the facility.
- (b) Medical Cannabis Cultivation Center:
 - i. One (1) space per employee plus as many additional spaces as determined by the Village Board to meet the parking demand of the facility.

SECTION 3: All ordinances, resolutions, motions or other actions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: If any part of this Ordinance is found or determined to be invalid, the invalid portion shall be stricken herefrom and the remainder shall be in full force and effect.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval. This ordinance shall be published in pamphlet form.

APPROVED this 13th day of January, 2015.

ADOPTED pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Barrett			X	
Daley	X			X
Derenoski	X			X
Duberstein	X			X
Hein	X			X
Kriese	X			X
Soto				X
TOTAL	5	0	1	6

APPROVED by the Mayor on January 13th, 2015.

Linda Soto
Linda Soto, Mayor

ATTEST:
Kathy Metzler
Kathy Metzler, Village Clerk

