2019-ZO-_______

AN ORDINANCE AMENDING SECTIONS 155.002, 155.022, 155.043, 155.047 AND THE ZONING USE TABLE OF CHAPTER 155 OF TITLE XV OF THE WAUCONDA CODE OF ORDINANCES REGARDING CANNABIS BUSINESS ESTABLISHMENTS

(Zoning Ordinance)

WHEREAS, pursuant to 65 ILCS 5/11-13-1 et seq., the Village of Wauconda (“Village”) has enacted zoning regulations that have been codified in Title XV of the Village Code and known as the Wauconda Zoning Code (“Zoning Code”); and,

WHEREAS, the enactment of Public Act 101-0027 created the Cannabis Regulation and Tax Act (the “Act”), regulating the cultivation, sale, possession, and consumption of cannabis in Illinois; and,

WHEREAS, the Act authorizes the sale and consumption of cannabis for recreational purposes throughout the State of Illinois; and,

WHEREAS, the Act provides the Village and other local governments with the power to regulate cannabis businesses, such as dispensaries, cultivation centers, infusers, transporters, processors, and craft growers (collectively, “Cannabis Business Establishments”); and,

WHEREAS, the Act authorizes the Village to enact reasonable zoning ordinances or resolutions regulating cannabis business establishments as long as such regulations are not in conflict with the Act (410 ILCS 705/55-25(1); and,

WHEREAS, the Act allows the Village to enact ordinances governing the time, place, manner, and number of cannabis business establishments, including minimum distance limitations between cannabis business establishments and locations the Village deems sensitive (410 ILCS 705/55-25(2); and,

WHEREAS, the Act expressly authorizes the Village to regulate cannabis business establishments through the use of conditional use permits (410 ILCS 705/55-25(2); and,

WHEREAS, the President and the Board of Trustees of the Village have determined that it is the best interest of the health, safety, and welfare of the Village and its residents to amend the Zoning Code to establish regulations for cannabis business establishments as authorized by the Act (the “Proposed Amendment”); and,
WHEREAS, in accordance with Section 155.095(b) of the Zoning Code, the Proposed Amendment to the Zoning Code was referred to the Wauconda Plan Commission/Zoning Board of Appeals ("PC/ZBA") for a public hearing and recommendation; and,

WHEREAS, public notice was published in the Daily Herald Newspaper, on November 2, 2019 providing legal notice of said public hearing and the date, time and place of the hearing thereon; and

WHEREAS, pursuant to said public notice, on November 20, 2019, a public hearing was commenced before a joint meeting of the PC/ZBA, said hearing being in compliance with the laws of the State of Illinois and the ordinances of the Village of Wauconda; and

WHEREAS, the PC/ZBA has issued its written Findings of Fact and Recommendations on the Proposed Amendment, a true copy of which is attached hereto and incorporated herein as “Exhibit A”; and

WHEREAS, the President and Board of Trustees, with the exception of listing “forest preserves” as a sensitive place in Section 155.043 entitled “Specific Uses, Requirements”, concurs with the said Findings of Fact and Recommendations,

NOW, THEREFORE, be it ordained by the President and the Board of Trustees of the Village of Wauconda, Lake County, Illinois as follows:

SECTION I: That Section 155.002 entitled “Definitions” of Chapter 155 of Title XV of the Wauconda Code of Ordinances is hereby amended to provide as follows, where double underline (underline) indicates added text and strikethrough (strikethrough) indicates deletion of text:

CANNABIS: Shall have the same definition as “cannabis” set forth in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS BUSINESS ESTABLISHMENT: Means a “cultivation center”, “craft grower”, “processing organization”, “dispensing organization”, or “transporting organization” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended, and such other cannabis business establishments authorized under the Act, as amended.

CANNABIS CULTIVATION CENTER: Means “cultivation center” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.
CANNABIS CRAFT GROWER: Means “craft grower” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS DISPENSARY: Means “dispensing organization” and “dispensary” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS INFUSER: Means “infuser organization” or “infuser” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS PROCESSER: Means “processing organization” or “processer” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS TRANSPORTER: Means “transporting organization” or “transporter” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

ON-PREMISES CANNABIS CONSUMPTION ESTABLISHMENT: Means a cannabis business establishment or other entity that is authorized or permitted to allow the on-premises consumption of cannabis.

PARK – A facility designed for active recreational needs of residents within the community.

[...]

MEDICAL CANNABIS CULTIVATION CENTER OR 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, OR DISPENSING ORGANIZATION, OR DISPENSARY ORGANIZATION 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 FACILITY: A medical cannabis cultivation center or a medical cannabis dispensary.

SECTION II: That Table 1 located within Section 155.022 entitled “Principal
Permitted, Conditional and Temporary Uses” of Chapter 155 of Title XV of the Wauconda Code of Ordinances is hereby amended to provide as follows, where double underline (underline) indicates added text and strikethrough (strikethrough) indicates deletion of text:

Table 1: Principal Permitted, Conditional and Temporary Uses  
\( x = \text{permitted} \quad c = \text{conditional use} \quad t = \text{temporary} \)

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<th>Use</th>
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SECTION III: That Section 155.043 entitled “Specific Uses, Requirements” of Chapter 155 of Title XV of the Wauconda Code of Ordinances is hereby amended to provide as follows, where double underline (underline) indicates added text and strikethrough (strikethrough) indicates deletion of text:

(1) Medical cannabis facilities Cannabis business establishments. All cannabis business establishments must comply with the requirements of this Chapter.

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

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

Statute governing statute. The Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122), or any successor legislation.

(21) Compliance with state regulations and rules. All facilities shall comply with all rules and regulations adopted in accordance with the state governing statute. All cannabis business establishments must comply with all applicable state and local laws, including the Cannabis Regulation and Tax Act, as amended, the Compassionate Use of Medical Cannabis Program Act, as amended, and applicable administrative rules.

(32) Submittal requirements. After a pre-application meeting with the Zoning Enforcement Officer, an applicant for a conditional 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.

(43) Minimum setbacks from incompatible land uses. As measured from a medical cannabis facility’s cannabis business establishment’s property lines, the following minimum setbacks from incompatible uses shall apply:

a. A cannabis dispensary may not be located within 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, or substance abuse treatment clinic or center of any sensitive places, which shall include: schools, parks, substance abuse treatment clinics or centers, churches (house of worship), and child care facilities.

b. A dispensary may not be located within 500 feet of a property of any property in an AG, R-1, R-2, R-3, R-4, R-5, or RSH District or any property zoned for residential use.

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, any property in an AG, R-1, R-2, R-3, R-4, R-5, or RSH District, or any property zoned for residential use.

db. A medical cannabis facility dispensary may not be located within a 2,500 feet of the property line of any another medical cannabis facility dispensary.

(54) Parking and loading.

a. Medical cannabis dispensary:

   1. A minimum of 25 parking spaces or as many spaces as determined by the Village Board to meet the parking demand of the facility.

   2. A minimum of one fully enclosed secure delivery bay capable of accommodating delivery vehicles to drive completely into the facility.

b. Medical cannabis cultivation center, cannabis craft growers, cannabis processors, cannabis infusers, and cannabis transporters:

   1. One space per employee plus as many additional spaces as determined by the Village Board to meet the parking demand of the facility.
2. A minimum of one fully enclosed secure 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 cannabis business establishment cultivation or dispensary staff and continually recorded in a tamper proof format.

(65) 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. The Board of Trustees may require a cannabis business establishment to submit a traffic study, if the proposed use is expected to substantially increase traffic on local streets. The Board of Trustees may deny a conditional use permit for a cannabis business establishment if a traffic study shows the proposed use would reduce the Highway Capacity Manual level of service grade to D, E or, F for any street within 250 feet of the property.

(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:

1. Along any property line abutting a roadway or a railroad right-of-way line a minimum 25-foot deep landscape yard with plantings is required.
2. Along any property line abutting an adjacent property line a minimum 15-foot deep landscape yard with plantings is required.

3. Planting material shall be provided at a rate of two shade trees, two ornamental trees, and ten shrubs (or their equivalent) per each 100 lineal feet.

b. Minimum interior site landscape areas as follows:

1. One planting island of at least 100 square feet in area for each ten parking spaces provided.

2. Planting material shall be provided at a rate of one shade tree per each 100 square feet of planting area.

(86) Exterior display. No medical cannabis facility cannabis business establishment 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.

(97) Signage and advertising.

a. Signage shall comply with the standards of the underlying zoning district and the advertising provisions of the Cannabis Regulation and Tax Act, as amended.

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 one inch in height.
(108) Age and access limitations. It shall be unlawful for any medical cannabis facility to allow any person who is not at least 18 years of age on the premises. Dispensaries shall not employ anyone under the age of 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. Age limitations shall be set forth per the Cannabis Regulation and Tax Act, as amended, the Compassionate Use of Medical Cannabis Program Act, as amended, and applicable administrative rules.

(119) Hours of operation. A dispensary shall operate only between 8:00 a.m. and 6:00 p.m. Unless otherwise prescribed by state law, the Board of Trustees may impose hours of operation for a cannabis business establishment as a condition of any conditional use permit to reduce conflicts with surrounding land uses.

(4210) Drive-through windows. A medical facility cannabis business establishment shall 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 conditional 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.”

(11) State License. Before issuance of a conditional use permit, certificate of occupancy or otherwise opening to the public, cannabis business establishments must file a copy of all required state licenses to operate as a cannabis business establishment with the Zoning Enforcement Officer.

(12) Number. The maximum number of cannabis business establishments authorized to operate within the Village corporate limits at any one time shall be limited to two (2) dispensaries and four (4) other establishments as defined herein for a total of six (6) cannabis businesses establishments.

(13) Co-Location. The Board of Trustees may approve the co-location of a cannabis dispensary with a cannabis craft grower or a cannabis infuser, or both, subject to the provisions of state law, and compliance with the underlying district regulations and the conditions required by this Article.

SECTION IV: That Section 155.047 entitled “Off Street Parking and Loading” of Chapter 155 of Title XV of the Wauconda Code of Ordinances is hereby amended to provide as follows, where double underline (underline) indicates added text and strikethrough (strikethrough) indicates deletion of text:

***
Medical Cannabis dispensary

A minimum of one hundred twenty-five (10025) parking spaces or as many spaces as determined by the Village Board to meet the parking demand of the facility. A minimum of one (1) fully enclosed delivery bay capable of accommodating delivery vehicles.

Medical Cannabis cultivation center, cannabis craft grower, cannabis processor, cannabis infuser, and cannabis transporter

One (1) space per employee plus as many additional spaces as determined by the Village Board to meet the parking demand of the facility. A minimum of one (1) fully enclosed delivery bay capable of accommodating delivery vehicles.

***

SECTION V: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Ordinance.

SECTION VI: All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict, hereby repealed.

SECTION VII: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the Corporate Authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

SECTION VIII: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.
Passed this ____ day of ___________________, 2019

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<th>Ayes:</th>
<th>Nays:</th>
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<tbody>
<tr>
<td>Chuck Black</td>
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APPROVED:

By:________________________ Date:________________________
LINCOLN F. KNIGHT, Mayor

ATTEST:

By:________________________
CHERYL FALK-NOVAK, Village Clerk

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on ________________________, 2019.

I hereby certify that the above ordinance was published in pamphlet form on ________________, 2019 as provided by law.

By:________________________
CHERYL FALK-NOVAK, Village Clerk
To: Mayor Lincoln Knight and Village Trustees  
Village of Wauconda  

Fr: Rob Fosness, Chairman  
Members, Plan Commission / Zoning Board of Appeals  
Village of Wauconda  

Date: November 20, 2019  

Re: Findings of Fact and Report of Determination  
Zoning Case #19-06, Cannabis Business Establishments  
Zoning Ordinance Text Amendments  

The Wauconda Plan Commission / Zoning Board of Appeals (PC/ZBA) conducted a public hearing on Wednesday, November 20th 2019 at 7:00 p.m. on Zoning Case #19-06, Zoning Code Text Amendments, a recommendation for zoning text changes to the Zoning Code to amend Title XV Land Use, Chapter 155 Zoning Code, Sections: 155.002 Definitions; 155.022, Principal Permitted, Conditional and Temporary Uses; 155.043 Specific Use Requirements; 155.047 Off-Street Parking and Loading.

Village Staff presented the Text Amendments to the Plan Commission / ZBA by way of Agenda Supplement created November 1st 2019, a copy of which is attached hereto as EXHIBIT “A”.

The Plan Commission / Zoning Board of Appeals did recommend that the proposed Zoning Text Amendments (cited above), as amended, hereto attached as EXHIBIT “C”, be approved and offer the following findings of fact for required text amendments per Section 155.095 (b) Amendments (5) Standards for Amendments. A proposed amendment shall be considered on its own merits using the following criteria as a guide. (a.) Text or Map Amendment. The following conditions shall be met for all amendments:

**Standard #1:** The proposed amendment shall correct an error or meet the challenge of some changing conditions in the area and the zones affected.

**Finding:** The Plan Commission/ Zoning Board of Appeals (PC/ZBA) finds that sufficient testimony and supporting documents were presented to show that some changing conditions have occurred over time to support the proposed changes of the zoning provisions for the areas as recommended by
the Plan Commission/ Zoning Board of Appeals (PC/ZBA). The enactment of the “Cannabis Regulation and Tax Act” (“the Act”) by the State of Illinois has created new potential uses, for which there are no regulations. The text amendment provides the regulations necessary to fulfill the intent of the Act.

**Standard #2:** The proposed amendment shall be consistent with the intent of the Zoning Code and with its various provisions.

**Finding:** The Plan Commission/ Zoning Board of Appeals (PC/ZBA) finds that sufficient testimony and supporting documents were presented to demonstrate that the proposed amendments are consistent with the intent of the Zoning Code. Section 155.001 of the Wauconda Zoning Ordinance provides, among other things, that the purpose of the Zoning Code is to protect the health, safety, comfort, morals, welfare, convenience and necessity of the public; to regulate the location and use of buildings; to limit the intensity of use of land, to protect against fire, explosions, noxious fumes and other dangers; to protect the health of the public by reducing or abating objectionable smoke, noise or other objectionable materials or influences wherever possible; to protect the character and maintain the stability of residential, business and industrial areas within the village: to prohibit uses or structures which are incompatible with the character of other appropriate existing or intended developments within zoning districts; to conserve and enhance the taxable value of land and buildings; and to promote the orderly development of the village in accordance with the Comprehensive Plan.

The propose amendment provides for limitations on the location, and provides regulations for the orderly development and conduct, of cannabis related uses.

**Standard #3:** The proposed amendment shall not be detrimental to the development of the municipality.

**Finding:** The Plan Commission/ Zoning Board of Appeals (PC/ZBA) finds that the testimony and supporting documents demonstrated that the change of the zoning provisions for the areas recommended by the Plan Commission/ Zoning Board of Appeals (PC/ZBA) would not be detrimental to the development of the Village, given that the proposed text amendment provides limitations on the location, and provides regulations for the orderly development and conduct, of cannabis related uses.

After hearing the presentation from Village Staff, and taking comments from the public present, the Commission voted seven (7) in favor / none (0) opposed / none (0) abstained, on a motion to send a
FAVORABLE RECOMMENDATION for Zoning Case# 19-06 on to the Village Board of Trustees to amend Title XV Land Use, Chapter 155 Zoning Code, Sections: 155.002 Definitions; 155.022, Principal Permitted, Conditional and Temporary Uses; 155.043 Specific Use Requirements; 155.047 Off-Street Parking and Loading as described and amended in EXHIBIT C.

Respectfully Submitted by:

[Signature]

Rob Fosness, Chairman PC/ZBA

Attested by:

[Signature]

Gregory J. Anderson, AICP, Secretary
Director of Community Development

Exhibits:

A Zoning Code Text Amendments, Title XV Land Use, Chapter 155 Zoning Code
B DRAFT Minutes-11/20/2019 Plan Commission/ ZBA Minutes
C Zoning Code Text Amendments, Title XV Land Use, Chapter 155 Zoning Code, as amended
EXHIBIT “A”

Zoning Code Text Amendments, Title XV Land Use, Chapter 155 Zoning Code

Original Draft
EXHIBIT A – Zoning Code Text Amendments

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MEDICAL CANNABIS CULTIVATION CENTER OR 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, OR DISPENSING ORGANIZATION, OR DISPENSARY ORGANIZATION 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 FACILITY: A medical cannabis cultivation center or a medical cannabis dispensary.

Table 1 located within Section 155.022 entitled “Principal Permitted, Conditional and Temporary Uses” of Chapter 155 of Title XV of the Wauconda Code of Ordinances is hereby amended to provide as follows, where double underline (underline) indicates added text and strikethrough (strikethrough) indicates deletion of text:

<table>
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<tr>
<th>Use</th>
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<th>RSH</th>
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<th>L1</th>
<th>AG</th>
<th>OR</th>
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<tbody>
<tr>
<td>Medical Cannabis Cultivation Center and Medical Cannabis Dispensary Organization</td>
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Section 155.043 entitled “Specific Uses, Requirements” of Chapter 155 of Title XV of the Wauconda Code of Ordinances is hereby amended to provide as follows, where double underline (underline) indicates added text and strikethrough (strikethrough) indicates deletion of text:

(1) Medical cannabis facilities Cannabis business establishments. All cannabis business establishments must comply with the requirements of this Chapter.

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

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

Statute governing statute. The Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122), or any successor legislation.

(21) Compliance with state regulations and rules. All facilities shall comply with all rules and regulations adopted in accordance with the state governing statute. All cannabis business establishments must comply with all applicable state and local laws, including the Cannabis Regulation and Tax Act, as amended, the Compassionate Use of Medical Cannabis Program Act, as amended, and applicable administrative rules.

(32) Submittal requirements. After a pre-application meeting with the Zoning Enforcement Officer, an applicant for a conditional 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.

(43) Minimum setbacks from incompatible land uses. As measured from a medical cannabis facility's cannabis business establishment’s property lines, the following minimum setbacks from incompatible uses shall apply:

a. A cannabis 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, or substance abuse treatment clinic or center of any sensitive places.
which shall include: schools, parks, churches (house of worship), and child care facilities.

b. A dispensary may not be located within 500 feet of a property of any property in an AG, R-1, R-2, R-3, R-4, R-5, or RSH District or any property zoned for residential use.

b. A cultivation center may not be located within 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, any property in an AG, R-1, R-2, R-3, R-4, R-5, or RSH District, or any property zoned for residential use.

db. A medical cannabis facility dispensary may not be located within 2,500 feet of the property line of any another medical cannabis facility dispensary.

(§4) Parking and loading.

a. Medical cannabis dispensary:

1. A minimum of 25 parking spaces or as many spaces as determined by the Village Board to meet the parking demand of the facility.

2. A minimum of one fully enclosed delivery bay capable of accommodating delivery vehicles to drive completely into the facility.

b. Medical cannabis cultivation center, cannabis craft growers, cannabis processors, cannabis infusers, and cannabis transporters:

1. One space per employee plus as many additional spaces as determined by the Village Board to meet the parking demand of the facility.

2. A minimum of one 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 cannabis business establishment cultivation or dispensary staff and continually recorded in a tamper proof format.

(65) 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. The Board of Trustees may require a cannabis business establishment to submit a traffic study, if the proposed use is expected to substantially increase traffic on local streets. The Board of Trustees may deny a conditional use permit for a cannabis business establishment if a traffic study shows the proposed use would reduce the Highway Capacity Manual level of service grade to D, E or, F for any street within 250 feet of the property.

(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:

1. Along any property line abutting a roadway or a railroad right-of-way line a minimum 25-foot deep landscape yard with plantings is required.

2. Along any property line abutting an adjacent property line a minimum 15-foot deep landscape yard with plantings is required.

3. Planting material shall be provided at a rate of two shade trees, two ornamental trees, and ten shrubs (or their equivalent) per each 100 lineal feet.

b. Minimum interior site landscape areas as follows:

1. One planting island of at least 100 square feet in area for each ten parking spaces provided.

2. Planting material shall be provided at a rate of one shade tree per each 100 square feet of planting area.

(86) Exterior display. No medical cannabis facility cannabis business establishment 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.

(97) Signage and advertising.

a. Signage shall comply with the standards of the underlying zoning district and the advertising provisions of the Cannabis Regulation and Tax Act, as amended.

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 one inch in height.

(108) Age and access limitations. It shall be unlawful for any medical cannabis facility to allow any person who is not at least 18 years of age on the premises. Dispensaries shall not employ anyone under the age of 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. Age limitations shall be set forth per the Cannabis Regulation and Tax Act, as amended, the Compassionate Use of Medical Cannabis Program Act, as amended, and applicable administrative rules.

(119) Hours of operation. A dispensary shall operate only between 8:00 a.m. and 6:00 p.m. Unless otherwise prescribed by state law, the Board of Trustees may impose hours of operation for a cannabis business establishment as a condition of any conditional use permit to reduce conflicts with surrounding land uses.

(120) Drive-through windows. A medical facility cannabis business establishment shall 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 conditional 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."

(11) State License. Before issuance of a conditional use permit, certificate of occupancy or otherwise opening to the public, cannabis business establishments must file a copy of all required state licenses to operate as a cannabis business establishment with the Zoning Enforcement Officer.

(12) Number. The maximum number of each type of cannabis business establishment authorized to operate within the Village corporate limits at any one time is two (2).

(13) Co-Location. The Board of Trustees may approve the co-location of a cannabis dispensary with a cannabis craft grower or a cannabis infuser, or both, subject to the provisions of state law, and compliance with the underlying district regulations and the conditions required by this Article.
Section 155.047 entitled “Off Street Parking and Loading” of Chapter 155 of Title XV of the Wauconda Code of Ordinances is hereby amended to provide as follows, where double underline (underline) indicates added text and strikethrough (strikethrough) indicates deletion of text:

<table>
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<th><strong>Medical Cannabis dispensary</strong></th>
<th><em><strong>A minimum of one hundred twenty-five (125) parking spaces or as many spaces as determined by the Village Board to meet the parking demand of the facility. A minimum of one (1) fully enclosed delivery bay capable of accommodating delivery vehicles.</strong></em></th>
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<tr>
<td><strong>Medical Cannabis cultivation center, cannabis craft grower, cannabis processor, cannabis infuser, and cannabis transporter</strong></td>
<td>One (1) space per employee plus as many additional spaces as determined by the Village Board to meet the parking demand of the facility. A minimum of one (1) fully enclosed delivery bay capable of accommodating delivery vehicles.</td>
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EXHIBIT “B”
Draft Plan Commission Minutes
November 20, 2019
1. **Call to Order**
Chair Rob Fosness called the Regular Plan Commission / Zoning Board of Appeals Meeting to order at 7:00 P.M. and lead everyone in the Pledge of Allegiance.

3. **Roll Call**

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<th>Attendance</th>
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<td>Peter Graves</td>
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<tr>
<td>Dave Jakubek</td>
<td>X</td>
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<td>Steve Madsen</td>
<td>X</td>
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<tr>
<td>Brad Mayer</td>
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<td>Wade Meyer</td>
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<td>Julianna Somers</td>
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<td>Rob Fosness, Chairman</td>
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Quorum established.

**Village Staff & Consultants Present:**
Peter Karlovics, Village Attorney; Kevin Timony, Village Administrator; Gregory Anderson, Director of Community Development; Chris Heinen, Rolf Campbell & Associates

**Others Present:**
Geoff Olsen, All Good; Jennifer Brunmeau, All Good

4. **Approval of Minutes**
No minutes were presented for approval.

5. **Public Hearing: Zoning Code Text Amendments, Zoning Case #19-06**
Revisions and/or amendments to the Wauconda Municipal Code, Title XV - Land Use, Chapter 155, Zoning Code, as published in the Wauconda Code of Ordinances, pertaining to amendments to the following Sections: 155.002 - Definitions; Section 155.022 – Principal Permitted, Conditional and Temporary Uses; 155.043 – Specific Use Requirements; 155.047 – Off-Street Parking and Loading; and the Zoning Land Use Table. The proposed revisions and amendments regulate land use of cannabis related business establishments.

Chairman Fosness opened the public hearing and described the procedures that would be followed.
Director Anderson gave a brief update from two weeks prior Commission meeting, November 6, 2019, whereby a summary on the proposed text amendments to the Sections of Title XV Land Use, Chapter 155, more specifically, Sections 155.002 Definitions, 155.022 Principal Permitted, Conditional and Temporary Uses, 155.043 Specific Use Requirements, 155.047 Off-Street Parking and Loading, and the Zoning Land Use Table #1 as it relates to the regulation of “Cannabis Business Establishments” within the Village of Wauconda. (2:16)

Director Anderson cited for the Commission the authorizing State Code being that of the Public Act 101-0027 Cannabis Use & Tax Act with the State of Illinois. The cannabis business establishments are described and regulated within the Act by the State.

Director Anderson stated that the medical cannabis previously approved by the Village will be merged with these amendments simplifying and becoming one set of regulations for the purposes and definitions pertaining to Cultivation Centers, Craft Grower, Dispensary, Infuser, Processor and Transporter. All of the uses will be designated as conditional uses and require additional approvals under the permit approval process. (3:28)

Director Anderson stated that the text amendments recommended represent a modification for and as it relates to specific use requirements for application / submission, setbacks from sensitive uses, parking requirements, traffic impact, signage/advertising, landscaping, exterior display, state licensing requirements, number of uses per classification, co-location and parking and loading requirements. The State has made some amendments to the Act as early as last week (Nov 14th 2019) any amendments proposed and approved at the State level become a part of our codes. (4:53)

Before the public hearing continued Attorney Karlovics swore in the participants that would be giving testimony at the public hearing. (5:10)

Commission Graves asked about on premise cannabis consumption establishment and why a definition was included but did not see regulations to that effect within the recommendation.

Attorney Karlovics explained to Commissioner Graves that the Public Act will allow at the discretion by and for the municipalities to choose whether to permit or not permit on premise consumption. (6:10)

Commissioner Graves, the text amendment includes it as a descriptor and does not include it as allowed use. Director Anderson and Attorney Karlovics answered yes it does not allow for the on premise consumption. Further discussion with regard to using the term with no regulatory value, it simply provides for a clarification of what the term means.
Director Anderson was asked to present the recommended amendments as discussed at the commission meeting of November 6, 2019. The commission asked for a definition of "park", Mr. Anderson, stated the following: Park – A facility designed for active recreational needs of residents within the community.

Additional comments or inclusions presented by Commissioner Mayer presented the following changes being, Page 4 of 8, 155.043 (54) Parking and Loading a. 2. A minimum of one fully enclosed secure delivery bay capable of accommodating delivery vehicles to drive completely into the facility. Also, 155.043 (54) Parking and Loading b. 2. A minimum of one fully enclosed secure delivery bay capable of accommodating delivery vehicles to drive completely into the facility.

Chairman Fosness confirmed with the Commission these were the only points of clarification from the previous meeting.

Commissioner Graves discussed the previous amendment being that of medical cannabis with regard to language prepared on Page 3 of 8, subsection (4) now (3) Minimum Setbacks and uses permitted or not permitted under sensitive places. (9:32)

Discussion with regard to the shorten list of uses: schools, parks, churches (house of worship), and child care facilities and why such a detailed list was removed. Discussion about existing versus proposed sensitive places and these types of facilities albeit pre-existing would not preempt a location prior to construction of a new facility.

Commissioner Graves asked if this was part of the original language and more extensive listing of sensitive places, in particular the stricken list was the more intensive list.

Director Anderson stated yes this was under the original public act for medical dispensaries, when originally established and now these uses are not part of a required setbacks under the new public act. Should you want this to be or remain a sensitive place you would need to include them in this section for local enforcement. Since the new public act removed them from the sensitive places it was only appropriate to delete these from the Zoning Code.

Discussion with regard to sensitive places and the list proposed or not proposed by the amendments. Specifically uses like hospital, medical treatment facility, substance abuse treatment clinic or cemetery within 500 feet is it appropriate.

Commissioner Graves proposed to add language to the effect of other similar social services care facilities. Attorney Karlovics felt that the proposed language was not necessary there is no limitations on the inclusion which shall include items are like or similar are included in the sensitive places. Example a cemetery is not similar so it would not be included as similar.
Attorney Karlovics provided further clarity where something is similar to with a description of uses, for example, elementary school versus high school would still be classified as a school. (17:15)

Discussion with regard to existing versus proposed status of dispensary versus sensitive use, should the sensitive use developed after the dispensary within the setback they could not object to the existence of the dispensary. (19:30)

(20:35) Discussion about the commission Page 3, Item 3 Line A whereby a discussion commenced to restate the items that were stricken from the text amendment.

(21:35) Attorney Karlovics better drafted as proposed it allows the Village to make an argument without that language you are restricted to what you have listed, however, with sensitive places now it is like what has been listed. Now what you can do to add, you should advocate that a specific item be added back in.

Discussion on sensitive places to include the previously stricken text, such as, substance abuse treatment clinic or center, then it was mentioned that all of the text should be restated and included back into the Item 3, a.

A straw poll or consensus of the commission leaving the copy on Page 3 of 8, Item 3 a leaving it as written or printed Yes (1) No (6).

Discussion with regard to mapping the 500 foot setback for sensitive places to include forest preserves and substance abuse centers and the impact of adding these uses. (30:16) Forest preserves would take away some of the retail areas along Route 12 on south side of village; however, the forest preserves are predominately on the eastern side of the community which would not affect the locations as mapped.

Commissioner Madsen proposed amendment with regard to Item 3 (a) by way of including all stricken items except for cemetery. Further discussion followed no action taken, no motion, and no straw poll taken.

Discussion regarding on premise consumption, Administrator Timony, mentioned that this classification was going to be taken up by the board at a later date through the Administration and License Committee and not through the zoning process. Discussion with regard to zoning or land use and then there is business conduct or licensing and this segment of the business will be controlled through these regulatory powers of the Village. (33:06)

Commissioner Madsen reiterated his request and asked for straw poll regarding his amendment all but for cemetery.
Chairman Fosness set this aside for now and discussed the public or private preschool or elementary or secondary school falls under “schools”, does not need to be spelled out, and now child care facilities versus day care home. (34:31)

Discussion regarding day care and its proximity to said day care home or facilities. A Child care facility is all inclusive. Attorney Karlovics reminded the commission that the new language is much more inclusive and the Village can make a better argument. From a legal form the term as stated are far more inclusive and allows the Village greater flexibility to prevent a potential nuisance through an undesirable location.

Commissioner Graves pointed out that the three uses that really were struck from the amendment are / were cemetery, forest preserve, or substance abuse treatment clinic or center as a sensitive place.

Attorney Karlovics affirmed his analysis.

Chairman Fosness suggested that if the commission wanted to add forest preserve and substance abuse treatment clinic or center back into the amendments does the commission agree. (37:23) Straw poll vote to include forest preserve and substance abuse treatment clinic or center; (7) Yes – (0) No back into the document.

Commissioner Graves asked about Page 6 of 8 Item 14, Security and Video Surveillance is this amendment going to take on the security protocols.

Regulatory police powers versus zoning powers, Administrator Timony, explained as asked by the commission this has two points: 1) Village will have regulatory under the oversight process as it relates to zoning and land use; and, 2) to understand the application process with the stringent standards that are in place with State process. The Committee felt that the State thresholds had been met and this was redundant through the zoning process. We (the Committee) felt that this was not a land use question but a business conduct or operation question.

Commissioner Graves relative to lands that might be owned by church, school, etc., but not developed how do we cover the sensitive use. Attorney Karlovics replied that this would be vacant land.

Discussion with regard as to which development or project comes first in the application process. First in time and first in right for vacant land yet to be developed. Further discussion of any lands that are vacant and owned by the school or park district that are eminently ready for development, Administrator Timony and Director Anderson replied, not to their knowledge at this time. (44:46)
Regulations have been written with a certain amount of discretion which would allow for enforcement.

Public Notice of Hearing and required notifications been sent for this evenings meeting. Director Anderson responded yes.

Commissioner Mayer asked about the allowed number of each type of cannabis business establishments authorized to operate is the commission comfortable with twelve (12) operations. (47:15)

Discussion with regard to each use and building architecture façade.

Ms. Jennifer Brunmeau, All Good, spoke to the craft grower type facility which is manned and armed 24/7 and no identification from the outside.

Director Anderson commented that the cultivation center would be similar to a warehouse with a secure overhead door that alarmed and armed personnel. (50:09)

Discussion with regard to the dispensary and retail location higher traffic area with more eyes on the facility. Grow and sell only in Illinois cannot cross State lines with product.

Discussion with regard to the Medical Cannabis and lottery recently held in Chicago and the BLS regional areas. Chicago-Elgin-Naperville, forty-seven (47) dispensaries with fifty-five (55) medical dispensaries are state-wide, one per district.

Chairman Fosness asked for a recommendation from the commission with regard to the number of facilities to be allowed by the text amendment.

Attorney Karlovics suggested that the commission be exact for the benefit of staff to draft the amendment similar to the sensitive places amendment.

Director Anderson recited Page 7 of 8 Item (12) Number. The maximum number of each type of cannabis business establishment authorized to operate within the Village corporate limits at any one time is two (2).

Commissioner Mayer suggested maximum of two (2) dispensaries with four (4) others distributed not to exceed a maximum of six (6) such uses within the Village.

Discussion with regard to the number of uses to be allowed in the Village.

Straw poll regarding the maximum number of dispensaries is two (2) and four (4) of any of the other non-dispensary type of uses. Commission voted seven (7) Yes and none (0) No.
Final discussion for clarification of actions taken this evening by the Commission:

The Chairman closed the public comment section of the hearing at 8:04 pm.

Commission Madsen made a motion to send a favorable recommendation for **Case #19-06 Zoning Code Text Amendment** as amended, seconded by Commissioner Jakubek, roll call, Mr. Peter Graves – Yes; Mr. Dave Jakubek – Yes; Mr. Steve Madsen – Yes; Mr. Brad Mayer – Yes; Mr. Wade Meyer – Yes; Ms. Julianna Somers – Yes; Chairman Rob Fosness – Yes.

Motion carried seven (7) Yes, none (0) No.

Discussion with regard to the findings of fact and forwarding the report to the Village Board.

Commissioner Madsen made a motion to send a favorable recommendation to authorize Village Staff to prepare an expedited findings of fact to the Village Board of Trustees, seconded by Commissioner Somers, roll call, Mr. Peter Graves – Yes; Mr. Dave Jakubek – Yes; Mr. Steve Madsen – Yes; Mr. Brad Mayer – Yes; Mr. Wade Meyer – Yes; Ms. Julianna Somers – Yes; Chairman Rob Fosness – Yes.

Motion carried seven (7) Yes, none (0) No.

6. **Public Comments**

There was no public comment

7. **Adjournment**

The meeting was adjourned at 8:09 P.M. (1:09:11)

Respectfully reported by:

______________________________
Chairman Rob Fosness

Attested by:

______________________________
Gregory J Anderson, AICP, MBA
Director of Community Development
EXHIBIT “C”
Zoning Code Text Amendments, Title XV Land Use, Chapter 155 Zoning Code
As Amended

Page #, Item #
EXHIBIT C – Zoning Code Text Amendments

Section 155.002 entitled “Definitions” of Chapter 155 of Title XV of the Wauconda Code of Ordinances is hereby amended to provide as follows, where double underline (underline) indicates added text and strikethrough (strikethrough) indicates deletion of text:

CANNABIS: Shall have the same definition as “cannabis” set forth in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS BUSINESS ESTABLISHMENT: Means a “cultivation center”, “craft grower”, “processing organization”, “dispensing organization”, or “transporting organization” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended, and such other cannabis business establishments authorized under the Act, as amended.

CANNABIS CULTIVATION CENTER: Means “cultivation center” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS CRAFT GROWER: Means “craft grower” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS DISPENSARY: Means “dispensing organization” and “dispensary” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS INFUSER: Means “infuser organization” or “infuser” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS PROCESSER: Means “processing organization” or “processer” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS TRANSPORTER: Means “transporting organization” or “transporter” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

ON-PREMISES CANNABIS CONSUMPTION ESTABLISHMENT: Means a cannabis business establishment or other entity that is authorized or permitted to allow the on-premises consumption of cannabis.

PARK – A facility designed for active recreational needs of residents within the community.

[...]
MEDICAL CANNABIS DISPENSING ORGANIZATION, OR DISPENSING
ORGANIZATION, OR DISPENSARY ORGANIZATION 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 FACILITY: A medical cannabis cultivation center or a medical
cannabis dispensary.

Table 1 located within Section 155.022 entitled “Principal Permitted, Conditional and
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| Medical Cannabis Cultivation
  Center and Medical Cannabis
  Dispensary Organization      |    |    |    |    |    |     |    |    |    |    |    |    |    |

Section 155.043 entitled “Specific Uses, Requirements” of Chapter 155 of Title XV of the
Wauconda Code of Ordinances is hereby amended to provide as follows, where double underline (underline) indicates added text and strikethrough (strikethrough) indicates deletion of text:

(1) Medical cannabis facilities Cannabis business establishments. All cannabis business
establishments must comply with the requirements of this Chapter.

(1) Definitions. The following definitions shall govern the administration of this section.
Cardholder. 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. 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. 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. 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. Food, oils, ointments, or other products containing usable cannabis that are not smoked.

Statute governing statute. The Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122), or any successor legislation.

(21) Compliance with state regulations and rules. All facilities shall comply with all rules and regulations adopted in accordance with the state governing statute. All cannabis business establishments must comply with all applicable state and local laws, including the Cannabis Regulation and Tax Act, as amended, the Compassionate Use of Medical Cannabis Program Act, as amended, and applicable administrative rules.

(32) Submittal requirements. After a pre-application meeting with the Zoning Enforcement Officer, an applicant for a conditional 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.

(43) Minimum setbacks from incompatible land uses. As measured from a medical cannabis facility's cannabis business establishment's property lines, the following minimum setbacks from incompatible uses shall apply:

a. A cannabis dispensary may not be located within 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, or substance abuse treatment clinic or center of any sensitive places, which shall include: schools, parks, forest preserves, substance abuse treatment clinic or center, churches (house of worship), and child care facilities.

b. A dispensary may not be located within 500 feet of a property of any property in an AG, R-1, R-2, R-3, R-4, R-5, or RSH District or any property zoned for residential use.

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, any property in an AG, R-1, R-2, R-3, R-4, R-5, or RSH District, or any property zoned for residential use.

d b. A medical cannabis facility dispensary may not be located within a 2,500 feet of the property line of any another medical cannabis facility dispensary.

(54) Parking and loading.

a. Medical cannabis dispensary:
   1. A minimum of 100 parking spaces or as many spaces as determined by the Village Board to meet the parking demand of the facility.
   2. A minimum of one fully enclosed secure delivery bay capable of accommodating delivery vehicles to drive completely into the facility.

b. Medical cannabis cultivation center, cannabis craft growers, cannabis processors, cannabis infusers, and cannabis transporters:
   1. One space per employee plus as many additional spaces as determined by the Village Board to meet the parking demand of the facility.
   2. A minimum of one fully enclosed secure 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 cannabis business establishment cultivation or dispensary staff and continually recorded in a tamper proof format.
(65) 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. The Board of Trustees may require a cannabis business establishment to submit a traffic study, if the proposed use is expected to substantially increase traffic on local streets. The Board of Trustees may deny a conditional use permit for a cannabis business establishment if a traffic study shows the proposed use would reduce the Highway Capacity Manual level of service grade to D, E or, F for any street within 250 feet of the property.

(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:

1. Along any property line abutting a roadway or a railroad right-of-way line a minimum 25-foot deep landscape yard with plantings is required.

2. Along any property line abutting an adjacent property line a minimum 15-foot deep landscape yard with plantings is required.

3. Planting material shall be provided at a rate of two shade trees, two ornamental trees, and ten shrubs (or their equivalent) per each 100 lineal feet.

b. Minimum interior site landscape areas as follows:

1. One planting island of at least 100 square feet in area for each ten parking spaces provided.

2. Planting material shall be provided at a rate of one shade tree per each 100 square feet of planting area.

(86) Exterior display. No medical cannabis facility cannabis business establishment 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.

(97) Signage and advertising.

a. Signage shall comply with the standards of the underlying zoning district and the advertising provisions of the Cannabis Regulation and Tax Act, as amended.

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 one inch in height.

(108) Age and access limitations. It shall be unlawful for any medical cannabis facility to allow any person who is not at least 18 years of age on the premises. Dispensaries shall not employ anyone under the age of 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. Age limitations shall be set forth per the Cannabis Regulation and Tax Act, as amended, the Compassionate Use of Medical Cannabis Program Act, as amended, and applicable administrative rules.

(119) Hours of operation. A dispensary shall operate only between 8:00 a.m. and 6:00 p.m. Unless otherwise prescribed by state law, the Board of Trustees may impose hours of operation for a cannabis business establishment as a condition of any conditional use permit to reduce conflicts with surrounding land uses.

(1210) Drive-through windows. A medical facility cannabis business establishment shall 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;

e. 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 conditional 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."

(11) State License. Before issuance of a conditional use permit, certificate of occupancy or otherwise opening to the public, cannabis business establishments must file a copy of all required state licenses to operate as a cannabis business establishment with the Zoning Enforcement Officer.

(12) Number. The maximum number of each type of cannabis business establishments authorized to operate within the Village corporate limits at any one time is shall be limited to two (2) dispensaries and four (4) other establishments as defined herein for a total of six (6) cannabis businesses establishments.

(13) Co-Location. The Board of Trustees may approve the co-location of a cannabis dispensary with a cannabis craft grower or a cannabis infuser, or both, subject to the provisions of state law, and compliance with the underlying district regulations and the conditions required by this Article.
Section 155.047 entitled “Off Street Parking and Loading” of Chapter 155 of Title XV of the Wauconda Code of Ordinances is hereby amended to provide as follows, where double underline (underline) indicates added text and strikethrough (strikethrough) indicates deletion of text:

<table>
<thead>
<tr>
<th>Medical Cannabis dispensary</th>
<th>A minimum of one-hundred twenty-five (10025) parking spaces or as many spaces as determined by the Village Board to meet the parking demand of the facility. A minimum of one (1) fully enclosed delivery bay capable of accommodating delivery vehicles.</th>
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<tbody>
<tr>
<td>Medical Cannabis cultivation center, cannabis craft grower, cannabis processor, cannabis infuser, and cannabis transporter</td>
<td>One (1) space per employee plus as many additional spaces as determined by the Village Board to meet the parking demand of the facility. A minimum of one (1) fully enclosed delivery bay capable of accommodating delivery vehicles.</td>
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