

VILLAGE OF ROUND LAKE

ORDINANCE NO. 21-O-30

AMEND TITLE 17, ZONING CODE, REGULATING CANNABIS BUSINESSES

WHEREAS, the Village of Round Lake (“Applicant”), submitted a petition to amend the Zoning Code to allow for cannabis businesses as a special use in specific zoning districts (“Amendment Request”); and

WHEREAS, Section 17.112.040 of the Round Lake Zoning Code provides that proposed text amendments to the Zoning Code must be heard at a public hearing before the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission held a public hearing on August 31, 2021; and

WHEREAS, the Planning and Zoning Commission discussed with the Applicant the desired uses and determined that it would be best for the Village’s future use and application of the Zoning Code to permit cannabis businesses as a special use in specific zoning districts; and

WHEREAS, the Planning and Zoning Commission recommends approval of the Amendment Request as described above; and

WHEREAS, the Village President and Village Board of Trustees (collectively “Board of Trustees”) have reviewed the documents pertinent to the Amendment Request as well as the findings of the Planning and Zoning Commission and finds that the standards for a text amendment as set out in Section 17.112.060 of the Round Lake Zoning Code have been met; and

WHEREAS, the Board of Trustees has determined that the requisite public notice and hearing has been completed in conformity with the Round Lake Village Code;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ROUND LAKE, LAKE COUNTY, ILLINOIS, as follows:

SECTION ONE: That the Village Zoning Code be amended in various sections as set forth below so that the same shall include the following changes:

Title 17 - ZONING

Chapters:

Chapter 17.04 - INTRODUCTORY PROVISIONS AND DEFINITIONS

- B. Definitions. The following words and terms shall have the meaning set forth, except where otherwise specifically indicated. Words and terms not defined shall have the meaning indicated by common dictionary definition.

“Cannabis business establishment” means an adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

“Cannabis craft grower” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture 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” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture 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 dispensing organization” means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

“Cannabis infuser organization or infuser” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture 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 organization or processor” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture 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 transporting organization or transporter” means an organization or business that is licensed by the Illinois Department of Agriculture 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.

Chapter 17.12 - GENERAL REGULATIONS

~~17.12.310 Medical And Adult Use Cannabis Business Establishments~~

~~All Medical and Adult Use Cannabis Business Establishments are prohibited in the Village. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the~~

~~operation within the Village of any of the following establishments as defined in the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1) or the Cannabis Regulation and Tax Act, (P.A.101-0027):~~

~~Medical or Adult Use Cannabis Craft Grower~~

~~Medical or Adult Use Cannabis Cultivation Center~~

~~Medical or Adult Use Cannabis Dispensing Organization~~

~~Medical or Adult Use Cannabis Infuser Organization or Infuser~~

~~Medical or Adult Use Cannabis Processing Organization or Processor~~

~~Medical or Adult Use Cannabis Transporting Organization or Transporter~~

~~17.12.310 Cannabis~~ 17.12.310 Cannabis Businesses.

- A. Purpose and Applicability. It is the intent and purpose of this Section to provide regulations regarding the dispensing, growing, processing, and transporting of cannabis occurring within the corporate limits of the Village. Such establishments shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time to time, in the regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.
- B. Special Use Requirements. A cannabis business establishment, as defined herein, shall require an approval of a Special Use, and shall be processed in accordance with Chapter 17.100 (Special Uses) of this Title as provided herein, and shall be subject to the following conditions:
1. State License. The cannabis business establishment must be operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation or the Illinois Department of Agriculture. The Special Use Applicant shall submit a complete copy of their license application and all plans submitted to the State of Illinois, or any agency thereof, as part of their special use application. Before issuance of a certificate of occupancy or otherwise opening to the public, the business must provide a copy of their state license to operate as a cannabis business.
 2. Minimum Distance from Protected Uses. The cannabis business establishment may not be located within 500 feet of the property line of a pre-existing public or private nursery school, pre-school, primary or secondary school, day care center, or day care home (pre-existing means licensed by the State of Illinois). Notwithstanding the foregoing, a cannabis business will not be deemed to violate this provision if one of the above uses locates within the 500-foot spacing after the cannabis business has been issued an occupancy certificate to open for business. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 3. Measurement. For the purposes of the minimum distances 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 dispensary is located to the nearest point on any property line of any protected use.
 4. Buffering from Other Dispensaries. Each dispensary shall be a minimum of 1,500 feet from all other dispensaries, as measured from the applicable property lines.
 5. Co-Location of Cannabis Business Establishments. The Village may approve the co-location of a Cannabis Dispensary with a Cannabis Craft Grower Center or a Cannabis Infuser, or both, subject to the provisions of the Act and the Special Use criteria.

6. Parking.
 - a. For purpose of determining required parking, a cannabis dispensary shall be classified as retail and all other cannabis businesses shall be classified as manufacturing pursuant to Section 17.88.060 of the Zoning Ordinance; provided however that the Village may require that additional parking be provided as a result of the analysis completed through the Special Use process.
 - b. Parking shall be located in an area which is visible from a public road or a private road that is accessible to the public.
 - c. Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by business staff and are continually recorded in a tamper proof format.
7. Exterior Display. No cannabis business establishment shall be maintained or operated in a manner that causes, creates, or allows the public viewing of cannabis, 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 business is located. No portion of the exterior of the business shall utilize or contain any flashing lights, search lights or spot lights or any similar lighting system.
8. Advertising. No cannabis business establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or cannabis-infused product in any form or through any medium:
 - a. Within 1,000 feet of the perimeter of a pre-existing public or private nursery school, pre-school, primary or secondary school, day care center, or day care home; or
 - b. On or in a public transit vehicle or public transit shelter; or
 - c. On or in publicly owned or publicly operated property.All advertising shall comply with the rules and regulations set forth in the Cannabis Regulation and Tax Act (P.A. 101-0027).
9. Signage. All signage shall comply with the Sign Code, Title 18 and with regulations herein.
 - a. Electronic message boards and temporary signs are not permitted in connection with a cannabis business.
 - b. Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.
 - c. All applicable advertising regulations set forth in the Cannabis Regulation and Tax Act (P.A. 101-0027) shall apply.
10. Age and Access Limitations. Each cannabis dispensary shall prohibit any person who is not at least twenty-one (21) years of age from entering the dispensary, except for cardholders granted medical access under the Compassionate Use of Medical Cannabis Act over 18 years of age. Cannabis businesses shall not employ anyone under the age of twenty-one (21). Access to the cannabis business shall be limited exclusively to cannabis

business staff and those specifically authorized under the Cannabis Regulation and Tax Act (P.A. 101-0027).

11. Hours of Operation. A dispensary may operate between the hours of 6 AM to 10 PM local time or as determined through the Special Use permit.
12. Drive-Thru Windows. Dispensaries may not have a drive-through service.
13. On Site Consumption and Conduct.
 - a. Other than cannabis-infused food products, no cannabis dispensary shall also sell food for consumption on the premises in the same tenant space.
 - b. On-site consumption of cannabis shall be prohibited within all cannabis business establishments and on the premises.
 - c. Loitering is prohibited on the cannabis business property.
 - d. A sign, at least eight and one-half (8.5) by eleven (11) inches, shall be posted inside the business building in a conspicuous place and visible to a client and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on business property." The cannabis business shall be responsible for enforcing the prohibition of on-site consumption of cannabis and loitering under all circumstances inside and outside the dispensary and on the premises.
 - e. Establishment may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - f. At least 75% of the floor area of any tenant space occupied by a cannabis business shall be devoted to the activities of the business as authorized by the Act. Any request for reduction in floor area percentage shall be evaluated as part of the Special Use request.
14. Security and Video Surveillance. Each cannabis business shall be an enclosed locked facility ("facility"). Each business shall provide and maintain adequate security on the entire property on which the business exists, including lighting, video surveillance, security personnel and alarms reasonably designed to ensure the safety of persons and to protect the site from theft.
 - a. 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 staff and continually recorded in a tamper proof format.
 - b. 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."
 - c. The Director of Economic and Community Development shall review the adequacy of lighting, security and video surveillance installations with assistance from the Chief of Police. The Director and/or the Chief have the discretion to conduct periodic review of security features as appropriate.
 - d. Each business shall report all criminal activities occurring on the property to the applicable law enforcement agency immediately upon discovery.

- e. Deliveries shall occur between 7:00 am and 9:00 pm local time within a secure delivery bay and shall not be visible from the exterior of the facility.
 - f. Facilities shall comply with all applicable standards set in the Cannabis Regulation and Tax Act (P.A. 101-0027).
15. Noxious Odors. All production centers shall operate in a manner that prevents odor impacts on neighboring premises or properties and, if necessary, the facility shall be ventilated with a system for odor control.
16. Violation/Penalties. Any violation of this Section shall be punishable as provided in Section 17.120.010 of this Code.

Chapter 17.48 - C-1 LOCAL SHOPPING DISTRICT
17.48.040 - Special uses.

- A. Reserved Cannabis Dispensary;
- B. Child care nursery;
- C. Residence of the proprietor of a commercial use;
- D. Planned development;
- E. Full service banking facility with drive-up banking as an accessory use;
- F. Physical fitness/sports facility/health club facility/boxing gym, provided that any such use shall be combined with a retail sales use and that any such tenant space shall have at a minimum four thousand five hundred (4,500) square feet of floor space contained on a single floor.
- G. Function hall, which is defined as a room or building for the purpose of hosting private functions including a party, banquet, wedding, or other reception, or social event.

Chapter 17.52 - C-2 COMMUNITY SHOPPING DISTRICT
Sections:

17.52.040 - Special uses.

- A. Similar and compatible uses to those allowed as permitted uses in this district;
- B. Cannabis Dispensary;
- C. Child care nursery;
- D. Residence of the proprietor of a commercial use;
- E. Planned development;
- F. Drive-in banking facilities;
- G. Mobilehome sales facility and display location limited to not more than three mobilehome models and a use duration of not more than five years;
- H. Retail landscape/brick paving and related office facility.
- I. Function hall, which is defined as a room or building for the purpose of hosting private functions including a party, banquet, wedding, or other reception, or social event.

Chapter 17.56 - C-3 GENERAL BUSINESS DISTRICT

17.56.040 - Special uses.

- A. Automobile laundry;
- B. Drive-in banking facilities;
- C. ReservedCannabis Dispensary;
- D. Lumber yard;
- E. Veterinary clinic, animal hospital, and kennels;
- F. Ambulance service;
- G. Convalescent, nursing home, rest home or sanitarium;
- H. Child care nursery;
- I. Automobile rental;
- J. Parking lot, commercial;
- K. Taxi cab stand;
- L. Planned development;
- M. Residence of the proprietor of a commercial use;
- N. Used furniture and second-hand store.
- O. Function hall, which is defined as a room or building for the purpose of hosting private functions including a party, banquet, wedding, or other reception, or social event.

Chapter 17.60 - C-4 AUTOMOTIVE SERVICE DISTRICT

17.60.040 - Special uses.

- A. Residential of the proprietor of a commercial use;
- B. Planned development.
- C. ReservedCannabis Dispensary.

Chapter 17.68 - I-1 LIMITED INDUSTRIAL DISTRICT

17.68.040 - Special uses.

- A. Planned development;
- B. Reserved Cannabis dispensary, Cannabis craft grower, Cannabis cultivation center, Cannabis infuser, Cannabis processing center or Cannabis transporter;

Chapter 17.72 - I-2 GENERAL INDUSTRIAL DISTRICT

17.72.040 - Special uses—Planned unit development.

- A. Residence of the proprietor, caretaker or watchman, when located on the premises of the industrial use;
- B. Radio and television stations and transmission towers;
- C. Landfill with noncombustible material free from organic refuse and/or food waste, not including a sanitary landfill;
- D. Mining, and/or the extraction of minerals, sand, gravel, topsoil or other aggregates, including equipment, buildings or structures for screening, crushing, mixing, washing or storage; provided, that:
 - 1. No open pit or shaft is less than two hundred (200) feet from any public road.
 - 2. All buildings or structures are located not less than two hundred (200) feet from any property line.
 - 3. The borders of the property adjacent to or across the street from any district other than an industrial district are fenced with a solid fence or wall at least six feet in height;
- E. Central sewage treatment plant;
- F. Outdoor storage of uncondoned building materials;
- G. Grain storage;
- H. Fertilizer and seed sales;
- I. Animal feed-preparation, grinding, mixing and storage;
- J. Airport.
- K. Cannabis dispensary, Cannabis craft grower, Cannabis cultivation center, Cannabis infuser, Cannabis processing center or Cannabis transporter;
- L. Similar and compatible uses to the uses listed in the permitted and/or special use sections of this I-1 district may be allowed provided the use can meet the standards for special uses under this zoning chapter and if variations are required they must also meet the standards for variations under this zoning chapter.

SECTION 2: This Ordinance shall not be held to repeal a former ordinance as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatsoever affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred to any right accrued to claims arising before this Ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceedings, as far as practicable.

SECTION 3: That if any part or parts of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this Ordinance. The Village Board declare hereby that they would have passed the remaining parts of this Ordinance, if they had known that such part or parts thereof would be declared unconstitutional.

SECTION 4: The Village Clerk of the Village of Round Lake is directed hereby to publish this Ordinance in pamphlet form.

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

APPROVED:

Russell S. Kraly, Village President

ATTEST:


Deborah Perlini, Village Clerk

PASSED: September 20, 2021

APPROVED: September 20, 2021

AYES: Trustees Foy, Frye, Duby, Mandelman, Law, Patel

NAYS: None

ABSENT: None

PUBLISHED IN PAMPHLET FORM: September 20, 2021

EXHIBIT "A"

August 31, 2021

Members of the Board of Trustees
Village of Round Lake
442 North Cedar Lake Road
Round Lake, IL 60073

RE: Village of Round Lake Planning and Zoning Commission Recommendation Regarding a Petition for a Text Amendment to the Zoning Code to Permit Cannabis Businesses as a Special Use in Specific Zoning Districts

FINDINGS AND RECOMMENDATIONS

Pursuant to a published Public Notice of Hearing, on August 31, 2021 at 7:00 p.m., the Planning and Zoning Commission held a public hearing to consider a Petition for a Text Amendment to the Zoning Code ("Petition") submitted on behalf of Village of Round Lake. Pursuant to Title 17, Chapter 112, the Applicant requests that the Village Zoning Code be amended to allow cannabis businesses as a special use in specific zoning districts.

Prior to the hearing, the Plan Commission received copies of the Petition.

The Plan Commission finds as follows:

Public Notice of Hearing was given by publication in the Lake County News Sun, on August 12, 2021 a newspaper, and certification of publication was accepted by the Commission, all as provided by ordinance and at the direction of the Zoning Administrator.

The State of Illinois has enacted the Cannabis Regulation and Tax Act, Public Act 101-0027 (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis approved June 25, 2019. The Act allows State residents over the age of 21 to possess up to 30 grams of cannabis beginning January 1, 2020. Personal cannabis use will be allowed in most private residences, but not in prohibited areas including any public place or in close physical proximity to underage persons. Pursuant to the Act, the Village may enact reasonable zoning ordinances not in conflict with the Act regulating the cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and the minimum distance limitation between cannabis establishments and the locations the Village deems sensitive.

The State Department of Agriculture and the State Department of Financial and Professional Regulation will oversee and issue licenses for all cannabis businesses. There are very strict rules to follow on who can apply, the application process, the cost involved, the timing and the number of licenses that will be issued. The State of Illinois has issued 110 dispensary licenses. There is the potential for the State to issue 119 more dispensary licenses for Chicago and the collar counties this

year. However, those licenses will be issued from applications applied for in 2019. The State may issue 50 licenses in 2022, so that would be the earliest opportunity for someone to apply for a dispensary in Round Lake.

Having considered the testimony and evidence presented at said hearing, this Planning and Zoning Commission as follows:

- (A) Notice of said hearing was duly published on petitioner's application in accordance with the provisions of the Illinois Municipal Code;
- (B) This Planning and Zoning Commission has jurisdiction over the subject matter and the parties hereto;
- (C) No objections to the proposed amendment have been received by this Planning and Zoning Commission prior to, during, or subsequent to said hearing;
- (D) The proposed amendments will not be detrimental to or endanger the public safety, health, morals, comfort or general welfare of the Village of Round Lake;
- (E) The proposed amendment will be beneficial to the Village of Round Lake and will be in conformity with the intent and spirit of all relevant ordinances of the Village of Round Lake;

Therefore, the Planning and Zoning Commission recommends to the Village Board that the Municipal Code, being the official Zoning Ordinance of the Village of Round Lake, be amended as presented.

Commissioner Lecinski made a Motion to recommend approval of the Petition to permit cannabis businesses as a special use in certain zoning districts, which was seconded by Commissioner Daniel. By a vote of four (4) Ayes and one (1) Nay, the Planning and Zoning Commission recommends approval of the text amendment, subject to any other applicable requirements contained in the Village Code.

Dated this 31st day of August, 2021.

Respectfully submitted,

Kate Kristan, Chairwoman

AYES: Daniel, Lecinski, Monaco, Waller
NAYS: Trachtman
ABSENT: Boyk



Village of Round Lake
442 N. Cedar Lake Road Round Lake, IL 60073
Ph. 847-546-5400 Fax 847-546-5405
www.roundlakeil.gov

DATE: August 31, 2021
TO: Planning and Zoning Commission
FROM: Katie Parkhurst, AICP, Director of Economic and Community Development
SUBJECT: Case No. 21-08, Amendments to Title 17 Zoning Ordinance

Summary

Case Number and Title	21-08 Amendments to Title 17 Zoning Ordinance
Petitioner	Village of Round Lake
Zoning Request	Amendments to Zoning Ordinance relating to cannabis businesses

The Village Board discussed at their July 6, 2021 meeting that they would like to allow cannabis business within the Village. The Village Board has directed the Planning and Zoning Commission to revisit regulations for cannabis based businesses and make a recommendation on Title 17, Zoning Ordinance, code changes.

Introduction

The State of Illinois has enacted the Cannabis Regulation and Tax Act, Public Act 101-0027 (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis approved June 25, 2019. The Act allows State residents over the age of 21 to possess up to 30 grams of cannabis beginning January 1, 2020. Personal cannabis use will be allowed in most private residences, but not in prohibited areas including any public place or in close physical proximity to underage persons. Pursuant to the Act, the Village may enact reasonable zoning ordinances not in conflict with the Act regulating the cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and the minimum distance limitation between cannabis establishments and the locations the Village deems sensitive.

The State Department of Agriculture and the State Department of Financial and Professional Regulation will oversee and issue licenses for all cannabis businesses. There are very strict rules to follow on who can apply, the application process, the cost involved, the timing and the number of licenses that will be issued.

State Licenses

The State of Illinois has issued 110 dispensary licenses. There is the potential for the State to issue 119 more dispensary licenses for Chicago and the collar counties this year. However, those licenses will be issued from applications applied for in 2019. The State may issue 50 licenses in 2022, so that would be the earliest opportunity for someone to apply for a dispensary in Round Lake.

Other municipalities

The following nearby communities have dispensaries open for business: Mundelein, Buffalo Grove, Highland Park, Deerfield, Northbrook, Prospect Heights and Rolling Meadows. The Police Chief has spoken to several communities to inquire about issues with the dispensaries. The police chiefs have all commented that there are more issues with bars and liquor stores than there are with dispensaries.

Relating to zoning, staff has reviewed ordinances from Mundelein, Lake in the Hills, Buffalo Grove and Northbrook for comparisons. In addition, staff participated in the Lake County Cannabis Model Ordinance Task Force.

Staff Analysis

Staff has gathered information from the Illinois Municipal League, the Lake County Task Force to create a model ordinance, legal counsel, local municipalities and communities in Colorado regarding cannabis businesses and enforcement.

The Village Code currently prohibits all cannabis based businesses, as approved by the Planning and Zoning Commission and Village Board in 2019.

Proposed Code Changes Summary

There are two options for the Planning and Zoning Commission to consider regarding cannabis businesses, each is further discussed below:

- 1) Allow cannabis businesses by right in specific zoning districts.
- 2) Allow cannabis businesses with a special use permit in specific zoning districts.

1) Allow cannabis businesses by right in specific zoning districts.

Should the Planning and Zoning Commission recommend and the Village Board approve allowing cannabis businesses by right, staff will prepare an ordinance allowing cannabis businesses allowed by right in certain zoning districts. The State licensing requirements will ultimately regulate where and how many cannabis businesses are permitted in the State. The Village ordinance will allow Cannabis Dispensary use in C-1, C-2, C-3, C-4, I-1 and I-2 zoning districts, allow Cannabis Cultivation Centers, Processing Centers, Craft Growers, Infusers, and Transporters in I-1 and I-2 zoning districts, unless otherwise recommended by the Planning and Zoning Commission.

The Planning and Zoning Commission can recommend a distance restriction from protected uses, as explained under other considerations, if so desired.

2) *Allow cannabis businesses with a special use permit in specific zoning districts.*

Staff prepared the changes in the Zoning Ordinance to show allowing cannabis businesses through a special use permit. This will ensure that all the State and Village regulations are met. Each business can be reviewed on a case-by-case basis. Specifically, allow Cannabis Dispensary in C-1, C-2, C-3, C-4, I-1 and I-2 zoning districts with a Special Use Permit, allow Cannabis Cultivation Centers, Processing Centers, Craft Growers, Infusers, and Transporters in I-1 and I-2 zoning districts with a Special Use Permit.

As part of a Special Use Permit additional requirements can be considered and are included in the draft code changes. These items may include:

Security Plan

A Special Use request shall include a detailed security plan. This plan may be evaluated as part of the process.

Copy of State License

Applicants shall provide a complete copy of their license application to the State. Prior to the issuance of a certificate of occupancy, cannabis businesses shall provide their state license showing that they are allowed to operate.

Additional Information as Required by the Village of Round Lake

As part of the Special Use process, the Village may require additional information.

Violations

Any cannabis dispensary that violates any provision of the regulations may be subject to the enforcement and revocation process outlined in Village Code.

Other considerations for cannabis businesses

On Premise Consumption

The Village Board was clear that on-site consumption was not going to be allowed. The ordinance will include language to prohibit the consumption of cannabis and cannabis products at all cannabis businesses.

Spacing Restrictions

For spacing and location restrictions, the Act requires dispensaries to be 1,500 feet apart from each other. The Village may include distance requirements from protected uses, such as daycares, schools, etc. If distance restrictions are desired, an appropriate distance (250', 500', 1000', etc.) should be discussed and recommended at the Planning and Zoning Commission meeting.

Advertising Restrictions

The Act has restrictions on advertising within 1,000 feet of schools, playgrounds, recreation centers or facilities, child care centers, public parks or public libraries or game arcades. Also, no advertising is permitted on or in public transit vehicles or public transit shelters or on publicly owned or controlled land. This is a different approach from the medical cannabis regulations that had more stringent location restrictions. There are two options for consideration:

- 1) In order to avoid confusion or interpretation concerns regarding advertising and business signage, a 1,000-foot buffer around the protected uses noted above could be required. This would significantly limit available property options for cannabis businesses.
- 2) Since all business owners will be well versed in the State regulations limiting signage/advertising, no further restriction on business placement is necessary. The cultivation centers, processors, infusers and the most of the craft growers do not feel signage is important to their business as they cannot sell to the public and usually would prefer the public not know what is happening in their buildings.

Recommendation

The Planning and Zoning Commission should conduct the public hearing, gather public comments and make a recommendation to the Village Board regarding Title 17 changes to allow for cannabis businesses.

Attachments:

Redline changes to Zoning Ordinance

Title 17 - ZONING

Chapters:

Chapter 17.04 - INTRODUCTORY PROVISIONS AND DEFINITIONS

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Chapter 17.12 - GENERAL REGULATIONS

~~17.12.310 Medical And Adult Use Cannabis Business Establishments~~

~~All Medical and Adult Use Cannabis Business Establishments are prohibited in the Village. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the Village of any of the following establishments as defined in the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1) or the Cannabis Regulation and Tax Act, (P.A.101-0027):~~

~~Medical or Adult Use Cannabis Craft Grower~~

~~Medical or Adult Use Cannabis Cultivation Center~~

~~Medical or Adult Use Cannabis Dispensing Organization~~

~~Medical or Adult Use Cannabis Infuser Organization or Infuser~~

~~Medical or Adult Use Cannabis Processing Organization or Processor~~

~~Medical or Adult Use Cannabis Transporting Organization or Transporter~~

~~17.12.310 Cannabis~~ 17.12.310 Cannabis Businesses.

- A. Purpose and Applicability. It is the intent and purpose of this Section to provide regulations regarding the dispensing, growing, processing, and transporting of cannabis occurring within the corporate limits of the Village. Such establishments shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time to time, in the regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.
- B. Special Use Requirements. A cannabis business establishment, as defined herein, shall require an approval of a Special Use, and shall be processed in accordance with Chapter 17.100 (Special Uses) of this Title as provided herein, and shall be subject to the following conditions:
1. State License. The cannabis business establishment must be operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation or the Illinois Department of Agriculture. The Special Use Applicant shall submit a complete copy of their license application and all plans submitted to the State of Illinois, or any agency thereof, as part of their special use application. Before issuance of a certificate of occupancy or otherwise opening to the public, the business must provide a copy of their state license to operate as a cannabis business.
 2. Minimum Distance from Protected Uses. The cannabis business establishment may not be located within _____ feet of the property line of a pre-existing public or private nursery school, pre-school, primary or secondary school, day care center, or day care home (pre-existing means licensed by the State of Illinois). Notwithstanding the foregoing, a cannabis business will not be deemed to violate this provision if one of the above uses locates within the _____ foot spacing after the cannabis business has been issued an occupancy

- certificate to open for business. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
3. Measurement. For the purposes of the minimum distances 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 dispensary is located to the nearest point on any property line of any protected use.
 4. Buffering from Other Dispensaries. Each dispensary shall be a minimum of 1,500 feet from all other dispensaries, as measured from the applicable property lines.
 5. Co-Location of Cannabis Business Establishments. The Village may approve the co-location of a Cannabis Dispensary with a Cannabis Craft Grower Center or a Cannabis Infuser, or both, subject to the provisions of the Act and the Special Use criteria.
 6. Parking.
 - a. For purpose of determining required parking, a cannabis dispensary shall be classified as retail and all other cannabis businesses shall be classified as manufacturing pursuant to Section 17.88.060 of the Zoning Ordinance; provided however that the Village may require that additional parking be provided as a result of the analysis completed through the Special Use process.
 - b. Parking shall be located in an area which is visible from a public road or a private road that is accessible to the public.
 - c. Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by business staff and are continually recorded in a tamper proof format.
 7. Exterior Display. No cannabis business establishment shall be maintained or operated in a manner that causes, creates, or allows the public viewing of cannabis, 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 business is located. No portion of the exterior of the business shall utilize or contain any flashing lights, search lights or spot lights or any similar lighting system.
 8. Advertising. No cannabis business establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or cannabis-infused product in any form or through any medium:
 - a. Within 1,000 feet of the perimeter of a pre-existing public or private nursery school, pre-school, primary or secondary school, day care center, or day care home; or
 - b. On or in a public transit vehicle or public transit shelter; or
 - c. On or in publicly owned or publicly operated property.All advertising shall comply with the rules and regulations set forth in the Cannabis Regulation and Tax Act (P.A. 101-0027).
 9. Signage. All signage shall comply with the Sign Code, Title 18 and with regulations herein.
 - a. Electronic message boards and temporary signs are not permitted in connection with a cannabis business.

- b. Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.
 - c. All applicable advertising regulations set forth in the Cannabis Regulation and Tax Act (P.A. 101-0027) shall apply.
10. Age and Access Limitations. Each cannabis dispensary shall prohibit any person who is not at least twenty-one (21) years of age from entering the dispensary, except for cardholders granted medical access under the Compassionate Use of Medical Cannabis Act over 18 years of age. Cannabis businesses shall not employ anyone under the age of twenty-one (21). Access to the cannabis business shall be limited exclusively to cannabis business staff and those specifically authorized under the Cannabis Regulation and Tax Act (P.A. 101-0027).
11. Hours of Operation. A dispensary may operate between the hours of 6 AM to 10 PM local time or as determined through the Special Use permit.
12. Drive-Thru Windows. Dispensaries may not have a drive-through service.
13. On Site Consumption and Conduct.
- a. Other than cannabis-infused food products, no cannabis dispensary shall also sell food for consumption on the premises in the same tenant space.
 - b. On-site consumption of cannabis shall be prohibited within all cannabis business establishments and on the premises.
 - c. Loitering is prohibited on the cannabis business property.
 - d. A sign, at least eight and one-half (8.5) by eleven (11) inches, shall be posted inside the business building in a conspicuous place and visible to a client and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on business property." The cannabis business shall be responsible for enforcing the prohibition of on-site consumption of cannabis and loitering under all circumstances inside and outside the dispensary and on the premises.
 - e. Establishment may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - f. At least 75% of the floor area of any tenant space occupied by a cannabis business shall be devoted to the activities of the business as authorized by the Act. Any request for reduction in floor area percentage shall be evaluated as part of the Special Use request.
14. Security and Video Surveillance. Each cannabis business shall be an enclosed locked facility ("facility"). Each business shall provide and maintain adequate security on the entire property on which the business exists, including lighting, video surveillance, security personnel and alarms reasonably designed to ensure the safety of persons and to protect the site from theft.
- a. 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 staff and continually recorded in a tamper proof format.

- b. 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."
 - c. The Director of Economic and Community Development shall review the adequacy of lighting, security and video surveillance installations with assistance from the Chief of Police. The Director and/or the Chief have the discretion to conduct periodic review of security features as appropriate.
 - d. Each business shall report all criminal activities occurring on the property to the applicable law enforcement agency immediately upon discovery.
 - e. Deliveries shall occur between 7:00 am and 9:00 pm local time within a secure delivery bay and shall not be visible from the exterior of the facility.
 - f. Facilities shall comply with all applicable standards set in the Cannabis Regulation and Tax Act (P.A. 101-0027).
15. Noxious Odors. All production centers shall operate in a manner that prevents odor impacts on neighboring premises or properties and, if necessary, the facility shall be ventilated with a system for odor control.
16. Violation/Penalties. Any violation of this Section shall be punishable as provided in Section 17.120.010 of this Code.

Chapter 17.48 - C-1 LOCAL SHOPPING DISTRICT
 17.48.040 - Special uses.

- A. ~~Reserved~~ Cannabis Dispensary;
- B. Child care nursery;
- C. Residence of the proprietor of a commercial use;
- D. Planned development;
- E. Full service banking facility with drive-up banking as an accessory use;
- F. Physical fitness/sports facility/health club facility/boxing gym, provided that any such use shall be combined with a retail sales use and that any such tenant space shall have at a minimum four thousand five hundred (4,500) square feet of floor space contained on a single floor.
- G. Function hall, which is defined as a room or building for the purpose of hosting private functions including a party, banquet, wedding, or other reception, or social event.

Chapter 17.52 - C-2 COMMUNITY SHOPPING DISTRICT
Sections:

17.52.040 - Special uses.

- A. Similar and compatible uses to those allowed as permitted uses in this district;
- B. Cannabis Dispensary;
- C. Child care nursery;

- D. Residence of the proprietor of a commercial use;
- E. Planned development;
- F. Drive-in banking facilities;
- G. Mobilehome sales facility and display location limited to not more than three mobilehome models and a use duration of not more than five years;
- H. Retail landscape/brick paving and related office facility.
- I. Function hall, which is defined as a room or building for the purpose of hosting private functions including a party, banquet, wedding, or other reception, or social event.

Chapter 17.56 - C-3 GENERAL BUSINESS DISTRICT

17.56.040 - Special uses.

- A. Automobile laundry;
- B. Drive-in banking facilities;
- C. ~~Reserved~~Cannabis Dispensary;
- D. Lumber yard;
- E. Veterinary clinic, animal hospital, and kennels;
- F. Ambulance service;
- G. Convalescent, nursing home, rest home or sanitarium;
- H. Child care nursery;
- I. Automobile rental;
- J. Parking lot, commercial;
- K. Taxi cab stand;
- L. Planned development;
- M. Residence of the proprietor of a commercial use;
- N. Used furniture and second-hand store.
- O. Function hall, which is defined as a room or building for the purpose of hosting private functions including a party, banquet, wedding, or other reception, or social event.

Chapter 17.60 - C-4 AUTOMOTIVE SERVICE DISTRICT

17.60.040 - Special uses.

- A. Residential of the proprietor of a commercial use;
- B. Planned development.
- C. ~~Reserved~~Cannabis Dispensary.

Chapter 17.68 - I-1 LIMITED INDUSTRIAL DISTRICT

17.68.040 - Special uses.

- A. Planned development;
- B. Reserved Cannabis dispensary, Cannabis craft grower, Cannabis cultivation center, Cannabis infuser, Cannabis processing center or Cannabis transporter;

Chapter 17.72 - I-2 GENERAL INDUSTRIAL DISTRICT

17.72.040 - Special uses—Planned unit development.

- A. Residence of the proprietor, caretaker or watchman, when located on the premises of the industrial use;
- B. Radio and television stations and transmission towers;
- C. Landfill with noncombustible material free from organic refuse and/or food waste, not including a sanitary landfill;
- D. Mining, and/or the extraction of minerals, sand, gravel, topsoil or other aggregates, including equipment, buildings or structures for screening, crushing, mixing, washing or storage; provided, that:
 - 1. No open pit or shaft is less than two hundred (200) feet from any public road.
 - 2. All buildings or structures are located not less than two hundred (200) feet from any property line.
 - 3. The borders of the property adjacent to or across the street from any district other than an industrial district are fenced with a solid fence or wall at least six feet in height;
- E. Central sewage treatment plant;
- F. Outdoor storage of unconditioned building materials;
- G. Grain storage;
- H. Fertilizer and seed sales;
- I. Animal feed-preparation, grinding, mixing and storage;
- J. Airport.
- K. Cannabis dispensary, Cannabis craft grower, Cannabis cultivation center, Cannabis infuser, Cannabis processing center or Cannabis transporter;
- L. Similar and compatible uses to the uses listed in the permitted and/or special use sections of this I-1 district may be allowed provided the use can meet the standards for special uses under this zoning chapter and if variations are required they must also meet the standards for variations under this zoning chapter.

CHICAGO TRIBUNE

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Certificate of Publication:

Order Number: 7013631
Purchase Order: AUGUST 31, 2021

State of Illinois - Lake

Chicago Tribune Media Group does hereby certify that it is the publisher of the Lake County News-Sun. The Lake County News-Sun is a secular newspaper, has been continuously published Daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of Waukegan, Township of Waukegan, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 IL CS 5/5.

This is to certify that a notice, a true copy of which is attached, was published 1 time(s) in the Lake County News-Sun, namely one time per week or on 1 successive weeks. The first publication of the notice was made in the newspaper, dated and published on 8/12/2021, and the last publication of the notice was made in the newspaper dated and published on 8/12/2021.

This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2. 1.

PUBLICATION DATES: **Aug 12, 2021.**

Lake County News-Sun

In witness, an authorized agent of The Chicago Tribune Media Group has signed this certificate executed in Chicago, Illinois on this

13th Day of August, 2021, by

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media group

NOTICE OF A PUBLIC HEARING
PLAN COMMISSION – ZONING BOARD OF APPEALS
VILLAGE OF ROUND LAKE,
ILLINOIS

NOTICE IS HEREBY GIVEN, THAT A PUBLIC HEARING WILL BE HELD BY THE PLAN COMMISSION - ZONING BOARD OF APPEALS OF THE VILLAGE OF ROUND LAKE, LAKE COUNTY, ILLINOIS, ON AUGUST 31, 2021, AT 7:00 PM, IN THE VILLAGE COUNCIL CHAMBERS, 442 NORTH CEDAR LAKE ROAD, ROUND LAKE, ILLINOIS, 60073 TO CONSIDER THE PETITION OF THE VILLAGE OF ROUND LAKE.

THIS APPLICATION IS FILED FOR THE PURPOSE OF AMENDING TITLE 17, ZONING CODE, OF THE ROUND LAKE MUNICIPAL CODE, REGARDING CANNABIS BUSINESSES, PURSUANT TO THE REQUIREMENTS OF THE VILLAGE OF ROUND LAKE ZONING ORDINANCE.

NOTICE IS FURTHER GIVEN, THAT ALL PERSONS PRESENT AT SAID HEARING AND DESIRING TO BE HEARD FOR OR AGAINST THE ACTION REQUESTED OR TO ASK QUESTIONS OF THE WITNESSES SHALL BE GIVEN SUCH OPPORTUNITY, IF YOU HAVE QUESTIONS PLEASE CONTACT VILLAGE OF ROUND LAKE COMMUNITY DEVELOPMENT AT (847)546-0963.

KATE KRISTAN, CHAIRPERSON
PLAN COMMISSION – ZONING
BOARD OF APPEALS
8/12/2021 7013631

Chicago Tribune - chicagotribune.com
160 N Stetson Avenue, Chicago, IL 60601
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1.1 Public Hearing for Zoning Case 21-08: Text Amendments to Title 17, Zoning Ordinance, pertaining to Cannabis Business regulations.

Motion to open the public hearing by Waller, seconded by Trachtman.

Voice Vote: all aye

Motion passed.

Confirmation of Legal Notice was provided.

Director of Economic and Community Development, Katie Parkhurst, provided an overview of the cannabis act and background of how the Village has considered cannabis businesses in the past. The Village Board has directed Staff and the Planning and Zoning Commission to provide recommendations on amending the zoning ordinance to allow for cannabis businesses. Staff has prepared two main options for the Commission to consider 1) use allowed by right or 2) use allowed with a special use permit. There are additional regulations the Village can place on the businesses, such as distance requirements from protected uses, if desired.

Commissioner Monaco suggested the Commission vote again on whether they wish to allow cannabis based businesses first, then consider the options if that motion fails. Chairperson Kristan stated the Commission was directed to provide regulations as the Village Board is going to allow the businesses.

Commissioner Waller stated that Mundelein has a dispensary and the distribution of cannabis is already in the area. The Village should have some control over what gets distributed in Round Lake and likes the idea of a Special Use being required.

Commissioner Trachtman explained her concerns about cannabis businesses not providing the image desired for a family friendly Round Lake.

Commissioner Lecinski has changed his opinion from the first time this was considered. He has toured a cannabis dispensary and was impressed with the security, the safety measures in place, and the comfortable environment. He is in favor of allowing cannabis businesses with a special use permit.

Commissioner Daniel inquired about the sales tax revenue for the Village and if that was significant for the Village. She also inquired about the difference between recreational and medical cannabis and how it is sold.

Public Comment was opened.

Attorney Peck swore in Gail Caponi. Ms. Caponi inquired where a dispensary would be located. Director Parkhurst explained there is no specific proposal at this time. Rather this is creating the regulations on where and how cannabis businesses would be permitted.

Public Comment was closed.

PLANNING AND ZONING COMMISSION MEETING MINUTES 08/31/2021

The Commission took an informal vote on who is opposed to cannabis businesses. Commissioners Monaco and Trachtman are opposed. Commissioners Lecinski, Waller, Daniel and Chairperson Kristan are in favor.

The Commission further discussed the options of distance restrictions from protected uses. It was the desire of the Commission to create a 500-foot distance requirement from schools and daycares.

Motion to approve the cannabis businesses with a special use permit and requirements as shown in the proposed ordinance in addition to a 500-foot restriction from primary and secondary schools, nursery schools, and day cares, by Lecinski, seconded by Daniel.

Roll Call: Daniel- aye, Lecinski- aye, Monaco- aye, Trachtman- no, Waller- aye.

Motion passed.

Motion to direct the Village Attorney to prepare the Findings and Recommendations for Case 21-08, to the Mayor and Board of Trustees, by Waller, seconded by Lecinski.

Roll Call: Daniel- aye, Lecinski- aye, Monaco- aye, Trachtman- aye, Waller- aye.

Motion passed.

Motion to close the public hearing by Trachtman, seconded by Waller.

Roll Call: Daniel- aye, Lecinski- aye, Monaco- aye, Trachtman- aye, Waller- aye.

Motion passed.

2 COMMISSIONER COMMENTS

3 DIRECTOR'S COMMENTS

4 ADJOURN

Motion to adjourn 8:06 p.m. by Waller, seconded by Daniel.

Voice Vote: all aye

Motion passed.

Minutes Approved:

Kate Kristan, Chairperson


Example of Buffers



8/25/2021, 9:52:37 AM

1:106,982

 Municipalities

 Education

Buffer: Library500

 Buffer: ForestPreserve250

 Buffer: Library500

 Buffer: DayCare500

Buffer: Park500

 Buffer: Park500



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