Potential Zoning Regulations – Cannabis Business Establishments

Zoning Commission

October 7, 2019
Introduction

- Referral and Request for Recommendation
- Illinois Cannabis Regulation and Tax Act
- Municipal Regulation and Zoning
- State Regulatory Authority
- Village Board Feedback
- Potential Zoning Code Amendments
- Next Steps
Referral and Request for Recommendation

• Village Board referral to Zoning Commission on zoning-related regulations that may apply to Cannabis Business Establishments, if ultimately allowed

• Zoning Commission asked to consider:
  • Which zoning district(s), if any, as a permitted or special use?
  • Conditions or restrictions that should be imposed?

• Zoning Commission will conduct public hearing, discuss potential Zoning Code amendments and make recommendation to Village Board regarding zoning regulations

• Village Board will ultimately decide if Cannabis Business Establishments are allowed in the Village
Cannabis Regulation and Tax Act

Effective January 1, 2020, the Act will allow:

• Purchase and possession of recreational cannabis by adults
• Consumption by adults on private property
• State licensure of recreational cannabis dispensaries, cultivation centers and related businesses
• Municipal zoning regulations – time, place and location of recreational cannabis businesses
• State, county and municipal taxation
• Home grow for medical cannabis patients (five plants/household)
Cannabis Regulation and Tax Act

Prohibitions:

• Consumption of cannabis in a public place, school grounds, in close proximity to minors or in any place where smoking is prohibited under the Smoke Free Illinois Act

• Sale of cannabis to minors under 21; possession or consumption by minors (except lawful medical patients)

• Home delivery of cannabis

• Possession of cannabis in a motor vehicle, unless in a sealed, odor-proof, child-resistant, tamper-evident, reasonably inaccessible container

• Driving under the influence of cannabis
Municipal Zoning Regulations

Municipal zoning regulations allowed under the Act:

• Prohibit or limit the operation of recreational cannabis businesses – time, place and location
• Type(s) of cannabis business(es) permitted
• Business registration/general business license
• Special use or conditional use permit
• Number of cannabis businesses
• Separation/distance from other land uses in zoning district
• Other municipal zoning authority – appearance, construction, signage, parking, etc.
State Regulatory Authority

- Legalization of adult possession and use of cannabis
- Licensing
- Minimum distance between dispensaries
- Regulate home grow
Timeline

June - September
• Legal overview
• Red flag resolution
• Board discussion/feedback

October
• Zoning Commission public hearing

October – December +
• Additional discussion, if necessary
• Zoning Commission recommendation to Village Board
• Village Board policy decision to allow or prohibit (and zoning regulations if allowed)

January +
• Act becomes effective January 1, 2020
• Village Board taxation discussion (if cannabis businesses allowed)
Village Board Feedback

• Preliminary interest in allowing Cannabis Businesses Establishments as special uses in B-2 and HF zoning districts
  • Dispensaries
  • Craft growers
  • Infusers
  • Processors

• Other zoning regulations to be considered:
  • Separation/distance from sensitive uses
  • Maximum hours of operation
  • Signage and advertising
  • Off-street parking
  • Security and lighting

• No interest in allowing on-premises consumption
Permitted Use vs. Special Use

• **Permitted Use:**
  • Allowed by right if use complies with all other relevant aspects of Village Code and Zoning Code
  • No additional zoning review required

• **Special Use:**
  • Considered generally compatible with other uses, but warrant additional level of scrutiny and review due to potential impacts on neighboring properties;
  • Requires special use permit (recommendation by Zoning Commission, approval by Village Board)
  • May limit number of special use permits

• **Staff Recommendation:** Require special use permit for Cannabis Business Establishments; Zoning Commission to discuss whether to limit number of special use permits
Potential Zoning Code Amendments

New Proposed Cannabis Business Establishments Classes:

• **Cannabis Business Establishments** – Collective term for craft growers, dispensaries, infusers, and processors

• **Cannabis Craft Growers** – Small scale cultivation operation (between 5,000-14,000 square feet)

• **Cannabis Dispensary** – Unified definition for dispensaries serving both adult-use/recreational customers and medical patients

• **Cannabis Infuser** – Incorporated cannabis or cannabis concentrates into products (oils, edibles, topicals)

• **Cannabis Processor** – Facility that extracts constituent chemicals or compounds from cannabis for inclusion into products or direct sales to customers
Potential Zoning Code Amendments

Proposed Zoning Districts:

• **B-2 District**
  • Allowed only by Special Use permit
  • Required a minimum 500 foot separation/distance from property line of “sensitive uses”
    • Any pre-existing public or private elementary school or day care center, day care home, group day care home or part-day child care facility

• **HF District**
  • Allowed only by Special Use permit
  • No separation/distance requirement recommended
    • Natural buffers created by Edens Expressway and ComEd right-of-way
    • Lack of access to parcels to the west
ComEd Right-of-Way

Village Water Tower
Potential Zoning Code Amendments

Hours of Operation

- **State Law**: Maximum 6 a.m. to 10 p.m.
- **Village Code**: No regulation for general business license
- **Zoning Code**: May regulate or may review in special use permit
- **Staff Recommendation**: Zoning Commission discuss whether to regulate hours of operation (Zoning Code, special use, or not regulated)
Potential Zoning Code Amendments

Parking Requirements

- **State Law:** No regulations
- **Village Code:** No regulation for general business license
- **Zoning Code:** Regulations by business type
- **Staff Recommendation:** Apply existing Zoning Code regulations based on type of Cannabis Business Establishment (e.g. apply retail standard for dispensaries, etc.)
Potential Zoning Code Amendments

Signage, Imagery and Advertising

• **State Law:** Prohibits image of cannabis leaf or bud, depiction of actual cannabis consumption, consumption by minors, promotion of overconsumption, false or misleading advertisement, claims of health, medicinal or therapeutic claims, images designed or likely to appeal to children (e.g. cartoons, toys, animals, etc.)

• **Village Code:** No regulation for general business license

• **Zoning Code:** Sign size, type and illumination regulations

• **Staff Recommendation:** Discuss whether to recommend additional signage, imagery and advertising requirements (if so, in Zoning Code or special use permit)
Potential Zoning Code Amendments

Building Appearance

• **State Law:** No regulation

• **Village Code:** General building code regulations (construction, life/safety)

• **Zoning Code:** Bulk, yard, landscaping/buffering regulations

• **Staff Recommendation:** Discuss whether to recommend building appearance requirements (if so, in Zoning Code or special use permit)
Potential Zoning Code Amendments

Fully-Enclosed Loading Dock

• **State Law:** Anticipate requirement for cannabis products to be delivered to “restricted areas” of business inaccessible to customers

• **Village Code:** No regulation for general business license

• **Zoning Code:** No general regulation

• **Staff Recommendation:** Discuss whether to recommend requirement for fully-enclosed loading dock or to review product delivery plans as part of special use process
Potential Zoning Code Amendments

Facility, Security and Other Operational Requirements

- **State Law**: Creates series of security and operational requirements
- **Village Code**: No regulation for general business license
- **Zoning Code**: No general regulation
- **Staff Recommendation**: Discuss whether to recommend specific facility, security or operational plans and requirements in Zoning Code or review as part of special use process
Next Steps

- **Zoning Commission**
  - Public hearing
  - Discuss potential Zoning Code amendments
  - Recommendation to Village Board regarding Zoning Code

- **Village Board**
  - Public comment
  - Consider allowing or prohibiting Cannabis Business Establishments
  - If Cannabis Business Establishments allowed:
    - Consider Zoning Code amendments recommended by Zoning Commission
    - Future discussions regarding other Village Code amendments (e.g. business license, incorporate the Act, etc.), taxation
Questions