

ORDINANCE NO. 2019 - 054

**AN ORDINANCE AMENDING THE BUFFALO GROVE ZONING ORDINANCE BY
THE ADDITION OF REGULATIONS REGARDING ADULT-USE CANNABIS
IN THE VILLAGE OF BUFFALO GROVE**

WHEREAS, the Village of Buffalo Grove is a Home Rule Unit pursuant to the Illinois Constitution of 1970; and

WHEREAS, the Village of Buffalo Grove, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Act, the Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business organizations, including rules adopted governing the time, place, manner and number of cannabis business organizations, and minimum distance limitations between cannabis business organizations and locations the Village deems sensitive; and

WHEREAS, on August 5, 2019, at the Village Board meeting, a policy question was asked whether the Village of Buffalo Grove should allow adult-use cannabis organizations within its corporate limits; discussion on the policy question followed; and

WHEREAS, the Village staff has researched the regulations on adult-use cannabis if allowed in the Village; and

WHEREAS, on August 5, 2019, the Village Board initiated an amendment to Title 17 (Zoning Ordinance) to review and consider additional amendments to further regulate adult-use cannabis organizations within the Village; and

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed amendments to Chapter 17.44.040 et seq. (Zoning Ordinance) on October 2, 2019.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BUFFALO GROVE, COOK AND LAKE COUNTIES, ILLINOIS, as follows:

Section 1. The foregoing recitals are hereby adopted and incorporated into and made a part of this Ordinance as if fully set forth herein.

Section 2. Title 17.28.080 (Special Use for Adult-Use Cannabis) of the Village Zoning Ordinance is hereby amended by adding the underlined language:

17.28.80 a. Adult-Use Cannabis Business Organizations: An adult-use cannabis dispensary as defined in Section 17.28.80-b. Adult-Use Cannabis Business Organization shall not include a cultivation center, craft grower, processing organization, infuser organization or transporting organization as defined by the Illinois Cannabis Regulation and Tax Act.

b. Adult-use cannabis dispensary: An adult-use cannabis dispensary shall be defined as 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 organizations 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.

c. Purpose and Applicability. It is the intent and purpose of this Section to provide regulations regarding the dispensing of adult-use cannabis occurring within the corporate limits of the Village. Such facilities 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.

d. Special Use. An adult-use cannabis dispensary, as defined herein, shall require an approval of a Special Use, which use may include a medical cannabis dispensary as defined in Section 17.12.399 (Definition) and shall be processed in accordance with Chapter 17.28 (Special Uses) of this Title as provided herein, and shall be subject to the following conditions:

- i. The adult-use cannabis dispensary must be operated by an organization or business that is currently licensed by the Illinois Department of Financial and Professional Regulation to operate a medical cannabis dispensary under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130 et seq.)
- ii. The adult-use cannabis dispensary must keep a copy of the dispensing organization agent identification card issued pursuant to

the Compassionate Use of Medical Cannabis Pilot Program Act visible at all times.

- iii. There shall be no more than two adult-use cannabis dispensaries permitted at any one time.
- iv. The adult-use cannabis dispensary may not be located within 1,000 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, museum, library and substance abuse treatment or counseling center within the Village of Buffalo Grove corporate limits. Notwithstanding the foregoing, an adult-use cannabis dispensary will not be deemed to violate this provision if one of the school related facilities locates within the 1,000 foot spacing after the adult-use cannabis dispensary has been granted special use approval by the Village. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- v. At least 85% of the floor area of any tenant space occupied by an adult-use cannabis dispensary shall be devoted to the activities of the dispensary as authorized by the Act. Any request for reduction in floor area percentage shall be evaluated as part of the Special Use request.
- vi. For purpose of determining required parking, the adult-use cannabis dispensary shall be classified as a retail and wholesale trade pursuant to Section 17.36.040 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.
- vii. Other than cannabis-infused food products, no adult-use cannabis dispensary shall also sell food for consumption on the premises in the same tenant space.
- viii. On-site consumption of cannabis shall be prohibited within an adult-use cannabis dispensary and on the premises. The dispensary shall be responsible for enforcing the prohibition of on-site consumption of cannabis under all circumstances inside and outside the dispensary and on the premises.
- ix. The adult-use cannabis dispensary may not conduct any sales or distribution of cannabis other than as authorized by the Act.

- x. No adult-use dispensary shall be maintained or operated in a manner that causes, creates, or allows the public viewing of adult-use 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 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.
- xi. No adult-use cannabis dispensary 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:
 - 1. 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 within the Village of Buffalo Grove corporate limits; or
 - 2. On or in a public transit vehicle or public transit shelter; or
 - 3. 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).

- xii. Each adult-use 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, whose access shall be limited to the medical cannabis dispensing area only. Dispensaries shall not employ anyone under the age of twenty-one (21). Access to the dispensary shall be limited exclusively to dispensary staff and those specifically authorized under the Cannabis Regulation and Tax Act (P.A. 101-0027).

e. Additional Requirements. As part of the Special Use application requirements, Petitioner shall submit plans regarding installation of building enhancements, such as security cameras, security systems, lighting or other improvements to ensure the safety of employees and customers of the adult-use cannabis dispensary, as well as its environs. Said improvements shall be determined based on the specific characteristics of the dispensary and of the floor plan for an adult-use cannabis dispensary and the site on which it is located, consistent with the requirements of the Act.

- i. 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, Adult-Use Cannabis Business Organizations must provide a copy of their state license to operate as an adult-use cannabis dispensary issued by the Illinois Department of Financial and Professional Regulation.
 - ii. Petitioner shall file an affidavit with the Village affirming compliance with Section 17.28.80-c as provided herein and all other requirements of the Act.
 - iii. The Special Use Applicant shall submit additional information as required by the Village during the Special Use process.
- f. Violation / Penalties – Any violation of this Section 17.28.080 shall be punishable as provided in Section 1.08 and/or Section 1.12 of this Code.

Section 3. Chapter 17.44 entitled Business Districts is hereby amended by adding Section 15 to Section 17.44.020.C as follows:

15. Adult-use cannabis dispensary pursuant to Section 17.28.080, provided that they are located on sites with frontage along the following major streets: Lake-Cook Road, IL Route 68 (Dundee Road) or IL Route 45 (Milwaukee Avenue).

Section 4. Chapter 17.44 entitled Business Districts is hereby amended by adding Section 23 to Section 17.44.030-C as follows:

23. Adult-use cannabis dispensary pursuant to Section 17.28.080, provided that they are located on sites with frontage along the following major streets: Lake-Cook Road, IL Route 68 (Dundee Road) or IL Route 45 (Milwaukee Avenue).

Section 5. Chapter 17.48 entitled Office and Industrial Districts is hereby amended by adding Section 29 to Section 17.48.020-C as follows:

29. Adult-use cannabis dispensary pursuant to Section 17.28.080

Section 6. No other type of adult-use cannabis business organizations shall be permitted in Buffalo Grove.

Section 7. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 8. This Ordinance shall be in full force and effect from and after its passage and approval.

AYES: 5 – Stein, Ottenheimer, Johnson, Smith, Pike

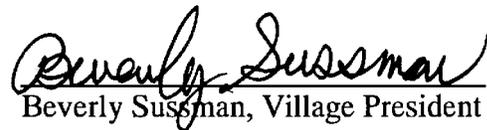
NAYES: 1 - Weidenfeld

ABSENT: 0 - None

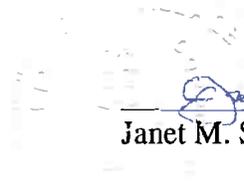
PASSED: October 21, 2019

APPROVED: October 21, 2019

APPROVED:


Beverly Sussman, Village President

ATTEST:



Janet M. Sirabian, Village Clerk