

SECTION 30

CANNABIS BUSINESS ESTABLISHMENTS

30.1 PURPOSE:

The purpose of this section is to provide regulations regarding all types of recognized cannabis business activities permitted by state law, which include without limitation, craft growing, cultivation, dispensing, infusing, processing, testing, and transportation within the corporate limits of the Village, which are in addition to all other requirements of the Village's Municipal Code and Zoning Ordinance.

30.2 DEFINITIONS:

30.2-1 *School*: For purposes of this section, school shall mean any public or non-public entity providing educational services equivalent to grades kindergarten through twelfth grades for multiple students and recognized by the Illinois State Board of Education in the Directory of Educational Entities. It shall not include home schooling, preschool, day care, or tutoring programs.

30.2-2 *Public Park*: For purposes of this section, public park shall mean public lands designed to serve one or more recreational needs of the area population.

30.3 GENERAL STANDARDS:

30.3-1 All operations of a cannabis business establishment shall comply with all requirements of the Cannabis Regulation and Tax Act (PA 101-0027) or the Compassionate Use of Medical Cannabis Pilot Program Act (PA 98-122) according to the licensing of the business and as it may be amended from time to time. In the event that the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Pilot Program Act is amended, the more restrictive of the state or local regulations shall apply.

30.3-2 For purposes of determining required parking, cannabis business establishments shall be classified as "Retail / Service Establishment" for activities having on-site retail operations and as "Industrial Use" for activities without on-site retail sales operations.

30.4 LOCATION RESTRICTIONS:

30.4-1 A cannabis business establishment having on-site retail sales shall be no closer than 300 feet to any residence, school, or public park, irrespective of municipal boundaries. The setback distance shall be the horizontal distance measured in a straight line, without regard to intervening structures, from the principal entry door of each facility except for public parks. The setback distance for public parks shall be the horizontal distance measured in a straight line, without regard to intervening structures, from the principal entry door of the cannabis business establishment to the nearest property line of the public park where the public may enter the park from a non-park parcel.

30.4-2 A cannabis business establishment not having on-site retail sales shall be no closer than 100 feet to any residence, school, or public park, irrespective of municipal boundaries. The setback distance shall be the horizontal distance measured in a straight line, without regard to intervening structures, from the nearest regularly used personnel or vehicle door to the nearest property line of the residence, school, or public park. If both uses are on the same parcel, the setback distance shall be measured between the nearest regularly used personnel or vehicle doors as determined by the Community Services Director.

30.4-3 The setback distances specified in this section may be reduced by half under a conditional use permit according to Section 24 of this Zoning Ordinance. The granting authority must make a finding that the proposed cannabis business establishment is not detrimental to the safety, morals, or general welfare of persons residing or working within the normal setback distances specified in this section.

30.5 PRESERVATION OF PERMITTED USE:

30.5-1 The addition of a new property use near the existing, approved cannabis business establishment, after establishment of the cannabis business establishment at a specific location, which places the cannabis business establishment in violation of this section shall not adversely impact the zoning of the cannabis business establishment's permitted zoning status. This shall not create, confer, or convey any nonconforming right to the cannabis business establishment. Any lapse in licensing eliminates the right to operate outside of full compliance with this section.