

COUNTY OF KANE

DEVELOPMENT & COMMUNITY
SERVICES DEPARTMENT
Mark D. VanKerkhoff, AIA, Director
Building Officer
Zoning Enforcing Officer



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MEMO

Date: October 23, 2019

To: Kane County Zoning Board of Appeals and for Public Review

From: Mark VanKerkhoff, AIA, Director, Zoning Enforcing Officer

Re: Proposed Text Amendments to the Kane County Zoning Ordinance regarding Adult-Use Cannabis Business Establishments for two options:
A) Prohibiting Adult-Use Cannabis Business Establishments in the unincorporated areas of Kane County
B) Allowing Adult-Use Cannabis Business Establishments in the unincorporated areas of Kane County

Background

- **State Law allowing Adult-Use Cannabis Business Establishments is effective January 1, 2020.** This law permits possession and consumption of certain amounts of cannabis and regulates the licensing and operations of cannabis businesses.
- **Local Governments may pass ordinances prohibiting the establishments of certain cannabis businesses in their jurisdiction.** Local units of government must adopt 'opt out' ordinances prohibiting such businesses within one year of the effective date of the statute or they are limited to adopting 'opt out' provisions via local referendum. Please note that local governments may not prohibit the possession or consumption of certain amounts of cannabis; they may only regulate certain business aspects of its sale via reasonable zoning regulations.
- **The Kane County Board will be considering a Resolution to "Opt Out" and thereby prohibit Adult-use Cannabis Business Establishments in the unincorporated areas of Kane County at the Kane County Board meeting at 9:45 AM on November 12, 2019.** *If the resolution to "Opt Out" and thereby prohibit Adult-use Cannabis Business Establishments in the unincorporated areas of Kane County is adopted at the Kane County Board meeting at 9:45 AM on November 12, 2019, then the Option A Proposed Text Amendments included in this memo will be the subject of the public hearing by the Kane County Zoning Board of Appeals at their meeting that same evening at 7:00 PM on November 12, 2019.*

- **Local Governments may enact reasonable zoning restrictions pertaining to licensed cultivation centers, craft growers, processing organizations, and dispensaries.** *If the resolution to “Opt Out” and thereby prohibit Adult-use Cannabis Business Establishments in the unincorporated areas of Kane County is not adopted at the Kane County Board meeting at 9:45 AM on November 12, 2019, then the Option B proposed Text Amendments included in this memo will be the subject of the public hearing by the Kane County Zoning Board of Appeals at their meeting that same evening at 7:00 PM on November 12, 2019.*

“OPTION A” draft text amendments reflect the additional definitions and language needed to prohibit Adult-use Cannabis Business in the unincorporated area of Kane County.

“OPTION B” draft text amendments incorporate the following approaches to zoning regulations for Adult-use Cannabis Business in the unincorporated area of Kane County.

The following possible approaches were considered by the Development Committee of the Kane County Board at their meeting on October 15, 2019. **Bolded text summarizes how the OPTION B draft text amendments addresses each approach.**

- Add definitions for adult –use cannabis businesses and advertising as adopted by the State. **Definitions included in the draft text amendments.**
- Amend other definitions, as appropriate, to keep adult-use cannabis businesses distinguished from other defined agricultural, processing and retail land uses. **Appropriate definitions amended in the draft text amendments.**
- Add the various types of adult-use cannabis businesses as “Special Uses” in the appropriate zoning districts. **Appropriate section of the zoning ordinance amended per the below chart.**

Adult-Use Cannabis Businesses Proposed as Special Uses

Type of Business	Farming F	Agricultural Business F2	Business RB, B1, B3, B4	Industrial LI, I
Craft Growers	X	X		X
Cultivation Centers	X	X		X
Dispensers			X	
Infusers		X		X
Processors		X		X
Transporters		X*		X*

* if in combination with another permitted adult-use cannabis business

- Include State adopted setbacks from the property line of a pre-existing public or private preschool, elementary school, or secondary school, and other sensitive land uses being considered by other local governments. **Appropriate section of the zoning ordinance amended per the below chart.**

Proposed Adult-Use Cannabis Businesses Setbacks from other uses

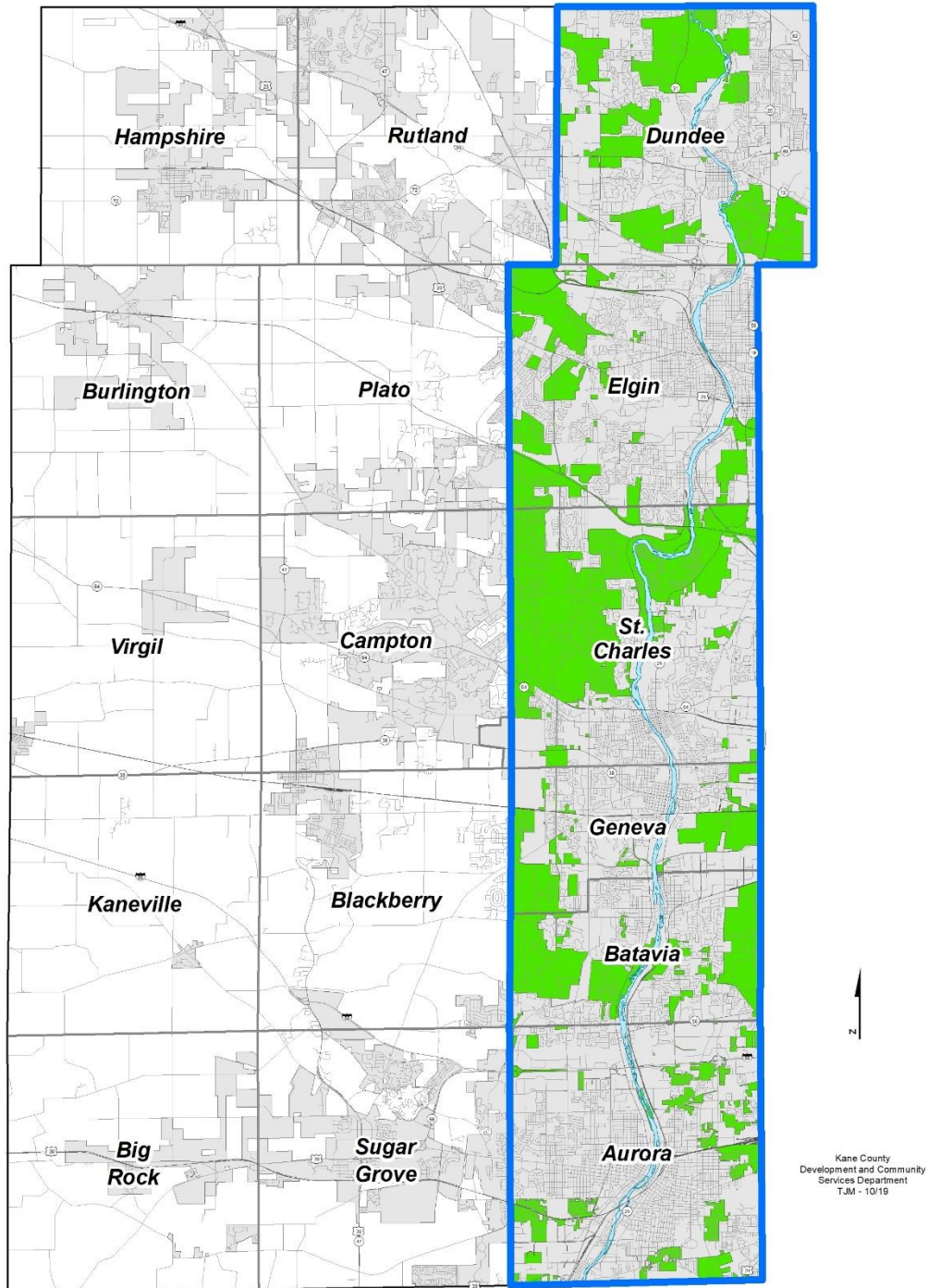
Type of Business	1	2	3
Craft Growers	1000'	1000'	1000'
Cultivation Centers	2500'	2500'	2500'
Dispensers	1000'	250'	1000'
Infusers	1500'	250'	1500'
Processors	1500'	250'	1500'
Transporters	1500'	250'	1500'

1. Facility may not be located within (_____)’ of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home.
 2. Facility may not be located in a dwelling unit or within (_____)’ of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within (_____)’ of the property line of a pre-existing forest preserve, public park, or place of worship.
- Consider adding hours of operation to mirror State Statues. **The proposed text amendments limit business hours for dispensaries to between 6 a.m. and 10 p.m.**
 - Consider limiting all or some types of business to the eastern six townships as a “zone” for cannabis business establishments due to public safety concerns discussed by Sheriff Hain. Specifically, Sheriff Hain indicated that the Sheriff’s office may not be able to adequately respond to major crimes in progress (as experienced in other states with legalized cannabis) in a timely manner given the geographic spread of the county. **The proposed text amendments include defining that all adult-use cannabis business establishments shall be located only in the unincorporated areas townships of Dundee, Elgin, St. Charles, Geneva, Batavia and Aurora. (eastern part of the County – see map)**
 - Consider limiting the number of Adult-use Cannabis Dispenser Establishments. **The proposed text amendments include that there shall be no more than three (3) Dispensers in the Adult-Use Cannabis Business Establishments Zone.**

“Option B”
Allowing Adult-Use Cannabis Business Establishments in the unincorporated areas of Kane County

Proposed Cannabis Business Establishments Zone

All adult-use cannabis businesses shall be permitted as a special use as listed herein in various zoning districts subject to Section 4.8 Special Uses, and located only in the unincorporated areas in the townships of Dundee, Elgin, St. Charles, Geneva, Batavia and Aurora.



Proposed Schedule

October 15, 2019	Development Committee - Proposed approach and draft text
November 12, 2019	Zoning Board of Appeals Public Hearing on draft text
November 19, 2019	Development Committee – review draft text and public comments
December 4, 2019	Executive Committee
December 10, 2019	County Board

Summary

Proposed Zoning Ordinance Text Amendments

Option A: Prohibiting Adult-Use Cannabis Business Establishments in the unincorporated areas of Kane County

Option B: Allowing Adult-Use Cannabis Business Establishments in the unincorporated areas of Kane County

If the resolution to “Opt Out” and thereby prohibit Adult-use Cannabis Business Establishments in the unincorporated areas of Kane County is adopted at the Kane County Board meeting at 9:45 AM on November 12, 2019, then the Option A Proposed Text Amendments will be the subject of the public hearing by the Kane County Zoning Board of Appeals at their meeting that same evening at 7:00 PM on November 12, 2019.

If the resolution to “Opt Out” and thereby prohibit Adult-use Cannabis Business Establishments in the unincorporated areas of Kane County is not adopted at the Kane County Board meeting at 9:45 AM on November 12, 2019, then the Option B proposed Text Amendments will be the subject of the public hearing by the Kane County Zoning Board of Appeals at their meeting that same evening at 7:00 PM on November 12, 2019. These amendments will be based on approaches presented to the Development Committee of the Kane County Board at their meeting on October 15, 2019. See attached memo. In addition to the approaches in the memo, the Development Committee added also considering limiting the number of dispensaries in the unincorporated area.

“Option A”
**Prohibiting Adult-Use Cannabis Business Establishments in the
unincorporated areas of Kane County**
Proposed Text Amendments
To Chapter 25: Zoning

ARTICLE III. RULES AND DEFINITIONS

Section 3.1. Established.

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization. All adult-use cannabis businesses shall comply with all state rules and regulations and have the appropriate state licenses. **Cannabis Business Establishments Prohibited.** The following Adult-Use Cannabis Business Establishments are prohibited in the County of Kane. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the County of Kane any of the following:

Adult-Use Cannabis Craft Grower

Adult-Use Cannabis Cultivation Center

Adult-Use Cannabis Dispensing Organization

Adult-Use Cannabis Infuser Organization or Infuser

Adult-Use Cannabis Processing Organization or Processor

Adult-Use Cannabis Transporting Organization or Transporter

ADULT-USE CANNABIS CRAFT GROWER: 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.

ADULT-USE CANNABIS CULTIVATION CENTER: 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.

ADULT-USE CANNABIS DISPENSING ORGANIZATION OR DISPENSER: 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).

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: 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.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: 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.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: 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.

AGRICULTURAL ACTIVITIES: Means and includes planting, raising or harvesting of any agricultural or horticultural commodities, including the related handling, packing and processing upon the farm where produced or at the point of first processing. This shall not include the cultivation of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

AGRICULTURE: Land, including buildings and structures accessory thereto, used for agricultural purposes; provided, the principal use involves the production, cultivation, or growing of soil crops and the raising of livestock (including poultry, bees, fish, horses, etc.), the lot contains not less than five (5) acres of land area, and only byproducts thereof may be sold from the lot. Buildings or structures used, or to be used, for agricultural purposes shall be required to conform to building setback lines. This shall not include buildings used primarily for residences. This shall not include the cultivation, processing, infusing, dispensing or transporting of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS: Marijuana, hashish, and other substances that are identified as including any parts of the plant cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) of greater than 0.3% on a dry weight basis and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction, in accordance with the Illinois Cannabis Regulation and Tax Act. Cannabis includes cannabis concentrate and cannabis-infused products. Cannabis shall not include industrial hemp as defined and authorized under the Industrial Hemp Act.

HEALTH AND RECREATION CLUB OR ASSOCIATION: An organization engaged in the business of providing for its members, services and facilities related to encouraging and promoting the health and well being of its members, by providing recreational facilities of swimming pool, tennis courts, handball and racquetball courts, and weight control facilities of sauna and steam baths, weightlifting equipment, exercise equipment, whirlpool and massage, and such other services and facilities consistent with and directly related to fostering the health and well being of its members. This shall not include the cultivation, processing, infusing, dispensing or transporting of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

NIGHTCLUB: An establishment serving food and/or liquor and providing music and space for dancing by patrons only. A nightclub shall not include an "adult business". This shall not include the cultivation, processing, infusing, dispensing or transporting of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

ROADSIDE STAND: A structure for the display and sale of agricultural products, with no space for customers within the structure itself. This shall not include the cultivation, processing, infusing, dispensing or transporting of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

~~Use, interim for cultivation of controlled substances licensed by the State of Illinois: An interim use that may be granted on zoning lots in the F, F-2, B-3, LI and I specifically for the cultivation of controlled substances licensed by the State of Illinois. An "interim special use" may be granted for only a limited period of time, not to exceed (5) years.~~

~~Use, interim for dispensing of controlled substances licensed by the State of Illinois: An interim use that may be granted on zoning lots in the RB, B-1, and B-3 specifically for the dispensing of controlled substances licensed by the State of Illinois. An "interim special use" may be granted for only a limited period of time, not to exceed (5) years.~~

ARTICLE IV. ADMINISTRATION AND ENFORCEMENT

Section 4.2. Zoning Board of Appeals

4.2-3 Jurisdiction

The board of appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the zoning enforcing officer charged with the enforcement of this ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

The concurring vote of ~~five (5)~~ four (4) members of the board of appeals shall be necessary to reverse any orders, requirements, decisions or determinations of the zoning enforcing officer or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance, or to effect any variations in this ordinance.

ARTICLE VIII. FARMING DISTRICT

Sec. 8.1. F District – Farming

Sec. 8.1-1 Permitted Uses.

G. Produce stand (1 portable) for the display and sale of only products which are produced on the premises, provided:

- 1. That such stand shall comply with the setback requirements.*

2. That adequate parking space be provided for the motor vehicles of customers off the highway right-of-way. (See article XIV, "Off Street Parking", of this chapter.)

3. That the lot from which the sale products are produced and sold shall contain not less than five (5) acres of land area.

4. This shall not include the cultivation, processing, infusing, dispensing or transporting of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Sec. 8.1-2. Special Uses.

gg. Produce stand (1) for the display and sale of a minimum of five (5) products which are produced on the premises, plus a maximum of ten (10) farm produce products, not grown on the site and not including any processed items of any kind, subject to the following restrictions:

1. A temporary use permit upon proper application by such owner or operator is issued by the Zoning Enforcing Officer.

2. Such permit shall not be valid for more than six (6) months (May 1 to November 1) out of each calendar year and a new permit shall be obtained each year during which the granted special use is in effect.

3. Such permit shall require compliance with subsection 25-8-1-1G of this section 25-8-1.

4. Such permit shall not allow the serving or consumption of food on said premises.

5. At the time the temporary use permit is applied for, the applicant shall submit a plot plan and sketch portraying an open air structure, in detail, showing the construction of said structure for approval for the display and retail sale of the farm products.

6. The application for such permit shall list the types of produce to be sold, or offered for sale, which are grown or are to be grown on said parcel and shall also list the types of produce proposed to be imported for sale.

7. Such special use, when granted, shall apply only to the original applicant.

8. Where all produce sold or offered for sale is produced on the immediate premises, see subsection 25-8-1-1G of this section 25-8-1.

9. This shall not include the cultivation, processing, infusing, dispensing or transporting of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

~~ii. Interim use for a limited period of not more than five (5) years specifically for the cultivation of controlled substances licensed by the State of Illinois.~~

Sec. 8.3. F2 District - Agricultural related sales, service, processing, research, warehouse and marketing: Special uses.

The purpose and intent of this district is to provide for the proper location and regulation of agriculturally related sales, services, processing, research, warehousing and marketing activities and other related uses that are dependent upon, or closely allied to, the agricultural industry.

Any use established in the F2 District hereafter shall be operated in such a manner as to comply with the applicable performance standards as set forth in Article XI, Section 11.1-5 of this ordinance.

8.3-1 Permitted Uses.

All uses in this district are special uses and must be approved in accordance with procedures and requirements of Section 4.8, Special Uses, of this ordinance.

8.3-2 Special Uses.

The following special uses may be allowed in the F2 District:

~~I. Interim use for a limited period of not more than five (5) years specifically for the cultivation of controlled substances licensed by the State of Illinois.~~

ARTICLE X. BUSINESS DISTRICTS

Sec. 10.1. RB District – Restricted Business

Sec. 10.1-1 Permitted Uses

F. Prescription drugstores (not including serving of any food or beverages). This shall not include the dispensing of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

G. Retail sale of foods, drugs, wearing apparel, hardware, furniture, household goods and supplies, office equipment and supplies, camping and recreational equipment (not self-propelled), garden supplies and other similar products, goods and merchandise are permitted so long as the aforesaid goods and/or merchandise is sold from a permanent structure. Temporary seasonal sales may be permitted for a period not to exceed six (6) months without erecting a structure providing a temporary use permit is obtained from the zoning enforcing officer. In the case of temporary food sales, a temporary food service license must be obtained from the Kane County environmental health department. This shall not include the dispensing of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Sec. 10.1-2. Special Uses.

~~b. Interim use for a limited period of not more than five (5) years specifically for the dispensing of controlled substances licensed by the State of Illinois.~~

Sec. 10.2. B1 District – Business

Sec. 10.2-1. Permitted Uses

S. Retail sale of foods, drugs, wearing apparel, hardware, furniture, household goods and supplies, office equipment and supplies, camping and recreational equipment (not self-propelled), garden supplies and other similar products, goods and merchandise is permitted so long as the aforesaid goods and/or merchandise is sold from a permanent structure. Temporary seasonal sales may be permitted for a period not to exceed six (6) months without erecting a structure providing a temporary use permit is obtained from the zoning enforcing officer. In the

case of temporary food sales, a temporary food service license must be obtained from the Kane County environmental health department. This shall not include the dispensing of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Sec. 10.2-2. Special Uses.

~~g. Interim use for a limited period of not more than five (5) years specifically for the dispensing of controlled substances licensed by the State of Illinois.~~

Sec. 10.4. B3 District – Business

Sec. 10.4-2. Special Uses.

~~p. Interim use for a limited period of not more than five (5) years specifically for the cultivation of controlled substances licensed by the State of Illinois.~~

~~g. Interim use for a limited period of not more than five (5) years specifically for the dispensing of controlled substances licensed by the State of Illinois.~~

Sec. 11.1. LI District – Light Industry

Sec. 11.1-2. Special Uses.

Because permitted uses in the LI District are determined by compliance with applicable performance standards, there shall be not special uses ~~except for as follows:~~

~~a. Interim use for a limited period of not more than five (5) years specifically for the cultivation of controlled substances licensed by the State of Illinois.~~

Sec. 11.2. I District – Industry

Sec. 11.2-1 Permitted Uses

In the I District any use is permitted except the following:

~~m. Cultivation of controlled substances licensed by the State of Illinois.~~

~~m. Adult-use cannabis business establishments~~

~~n. Dispensing controlled substances licensed by the State of Illinois.~~

Sec. 11.2-2. Special Uses.

The following special uses may be allowed in the I District subject to the provisions of Section 4.8 of this ordinance:

~~a. Interim use for a limited period of not more than five (5) years specifically for the cultivation of controlled substances licensed by the State of Illinois.~~

“Option B”
Allowing Adult-Use Cannabis Business Establishments in the
unincorporated areas of Kane County
Proposed Text Amendments
To Chapter 25: Zoning

ARTICLE III. RULES AND DEFINITIONS

Section 3.1. Established.

ADULT-USE CANNABIS ADVERTISING: No adult-use cannabis business establishment shall place or maintain, or cause to be placed or maintained, an advertisement, of cannabis or a cannabis-infused product in any form or through any medium:

- a. Within 1,000 feet of the perimeter of a school grounds, playground, hospital, healthcare facility, recreation center or facility, child care center, public park or public library, or any arcade to which admission is not restricted to person’s age 21 years or older
- b. On or in a public transit vehicle or public transit shelter
- c. On or in a publicly owned or public operated property
- d. Which contains information that is false or misleading, promotes excessive consumption, depicts a person under 21 years of age consuming cannabis, or includes the image of a cannabis leaf
- e. Includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any imitation of candy packaging or labeling, or that promotes the consumption of cannabis
- f. These restrictions do not apply to noncommercial messages.

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization. All adult-use cannabis businesses shall comply with all state rules and regulations and have the appropriate state licenses. In addition, all adult-use cannabis businesses shall be within the Adult Cannabis Business Establishments Zone, as defined herein, and comply with Adult Cannabis Business Establishments Setbacks, as defined herein.

ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS SETBACKS: All adult-use cannabis businesses shall comply with the following setbacks from other uses:

Type of Business	1	2	3
Craft Growers	1000'	1000'	1000'
Cultivation Centers	2500'	2500'	2500'
Dispensers	1000'	250'	1000'
Infusers	1500'	250'	1500'
Processors	1500'	250'	1500'
Transporters	1500'	250'	1500'

1. Facility may not be located within (_____) of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, or day care center.
2. Facility may not be located in a dwelling unit or within (_____) of the property line of a pre-existing property zoned or used for residential purposes.
3. Facility may not be located within (_____) of the property line of a pre-existing forest preserve, public park, or place of worship.

ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS ZONE: All adult-use cannabis businesses shall be permitted as a special use as listed herein in various zoning districts subject to Section 4.8 Special Uses, and located only in the unincorporated areas in the townships of Dundee, Elgin, St. Charles, Geneva, Batavia and Aurora.

ADULT-USE CANNABIS CRAFT GROWER: 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. All cultivation and processing of cannabis shall take place in an enclosed locked facility.

ADULT-USE CANNABIS CULTIVATION CENTER: 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. All cultivation of cannabis shall take place in an enclosed locked facility.

ADULT-USE CANNABIS DISPENSING ORGANIZATION OR DISPENSER: 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. In addition, all adult-use cannabis dispensers shall only operate between the hours of 6:00 AM and 10:00 pm. There shall be no more than three (3) Dispensers in the Adult-Use Cannabis Business Establishments Zone.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: 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.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: 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.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: 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.

AGRICULTURAL ACTIVITIES: Means and includes planting, raising or harvesting of any agricultural or horticultural commodities, including the related handling, packing and processing upon the farm where produced or at the point of first processing. This shall not include the cultivation of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

AGRICULTURE: Land, including buildings and structures accessory thereto, used for agricultural purposes; provided, the principal use involves the production, cultivation, or growing of soil crops and the raising of livestock (including poultry, bees, fish, horses, etc.), the lot contains not less than five (5) acres of land area, and only byproducts thereof may be sold from the lot. Buildings or structures used, or to be used, for agricultural purposes shall be required to conform to building setback lines. This shall not include buildings used primarily for residences. This shall not include the cultivation, processing, infusing, dispensing or transporting of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS: Marijuana, hashish, and other substances that are identified as including any parts of the plant cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) of greater than 0.3% on a dry weight basis and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction, in accordance with the Illinois Cannabis Regulation and Tax Act. Cannabis includes cannabis concentrate and cannabis-infused products. Cannabis shall not include industrial hemp as defined and authorized under the Industrial Hemp Act.

HEALTH AND RECREATION CLUB OR ASSOCIATION: An organization engaged in the business of providing for its members, services and facilities related to encouraging and promoting the health and well being of its members, by providing recreational facilities of swimming pool, tennis courts, handball and racquetball courts, and weight control facilities of sauna and steam baths, weightlifting equipment, exercise equipment, whirlpool and massage, and such other services and facilities consistent with and directly related to fostering the health and well being of its members. This shall not include the cultivation, processing, infusing, dispensing or transporting of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

NIGHTCLUB: An establishment serving food and/or liquor and providing music and space for dancing by patrons only. A nightclub shall not include an "adult business". This shall not include the cultivation, processing, infusing, dispensing or transporting of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

ROADSIDE STAND: A structure for the display and sale of agricultural products, with no space for customers within the structure itself. This shall not include the cultivation, processing, infusing, dispensing or transporting of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Use, interim for cultivation of controlled substances licensed by the State of Illinois: An interim use that may be granted on zoning lots in the F, F-2, B-3, LI and I specifically for the cultivation of controlled substances licensed by the State of Illinois. An "interim special use" may be granted for only a limited period of time, not to exceed (5) years.

Use, interim for dispensing of controlled substances licensed by the State of Illinois: An interim use that may be granted on zoning lots in the RB, B-1, and B-3 specifically for the dispensing of controlled substances licensed by the State of Illinois. An "interim special use" may be granted for only a limited period of time, not to exceed (5) years.

ARTICLE IV. ADMINISTRATION AND ENFORCEMENT

Section 4.2. Zoning Board of Appeals

4.2-3 Jurisdiction

The board of appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the zoning enforcing officer charged with the enforcement of this ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

The concurring vote of ~~five (5)~~ four (4) members of the board of appeals shall be necessary to reverse any orders, requirements, decisions or determinations of the zoning enforcing officer or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance, or to effect any variations in this ordinance.

ARTICLE VIII. FARMING DISTRICT

Sec. 8.1. F District – Farming

Sec. 8.1-1 Permitted Uses.

G. Produce stand (1 portable) for the display and sale of only products which are produced on the premises, provided:

- 1. That such stand shall comply with the setback requirements.*

2. That adequate parking space be provided for the motor vehicles of customers off the highway right-of-way. (See article XIV, "Off Street Parking", of this chapter.)

3. That the lot from which the sale products are produced and sold shall contain not less than five (5) acres of land area.

4. This shall not include the cultivation, processing, infusing, dispensing or transporting of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Sec. 8.1-2. Special Uses.

gg. Produce stand (1) for the display and sale of a minimum of five (5) products which are produced on the premises, plus a maximum of ten (10) farm produce products, not grown on the site and not including any processed items of any kind, subject to the following restrictions:

1. A temporary use permit upon proper application by such owner or operator is issued by the Zoning Enforcing Officer.

2. Such permit shall not be valid for more than six (6) months (May 1 to November 1) out of each calendar year and a new permit shall be obtained each year during which the granted special use is in effect.

3. Such permit shall require compliance with subsection 25-8-1-1G of section 25-8-1.

4. Such permit shall not allow the serving or consumption of food on said premises.

5. At the time the temporary use permit is applied for, the applicant shall submit a plot plan and sketch portraying an open air structure, in detail, showing the construction of said structure for approval for the display and retail sale of the farm products.

6. The application for such permit shall list the types of produce to be sold, or offered for sale, which are grown or are to be grown on said parcel and shall also list the types of produce proposed to be imported for sale.

7. Such special use, when granted, shall apply only to the original applicant.

8. Where all produce sold or offered for sale is produced on the immediate premises, see subsection 25-8-1-1G of this section 25-8-1.

9. This shall not include the cultivation, processing, infusing, dispensing or transporting of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

~~ii. Interim use for a limited period of not more than five (5) years specifically for the cultivation of controlled substances licensed by the State of Illinois.~~

ii. Adult-use cannabis craft growers and cultivation centers.

Sec. 8.3. F2 District - Agricultural related sales, service, processing, research, warehouse and marketing: Special uses.

The purpose and intent of this district is to provide for the proper location and regulation of agriculturally related sales, services, processing, research, warehousing and marketing activities and other related uses that are dependent upon, or closely allied to, the agricultural industry.

Any use established in the F2 District hereafter shall be operated in such a manner as to comply with the applicable performance standards as set forth in Article XI, Section 11.1-5 of this ordinance.

8.3-1 Permitted Uses.

All uses in this district are special uses and must be approved in accordance with procedures and requirements of Section 4.8, Special Uses, of this ordinance.

8.3-2 Special Uses.

The following special uses may be allowed in the F2 District:

~~*i. Interim use for a limited period of not more than five (5) years specifically for the cultivation of controlled substances licensed by the State of Illinois.*~~

j. Adult-use cannabis craft growers, cultivation centers, infusers, and processors.

k. Adult –use cannabis transporters, if in combination with a craft grower, cultivation center, infuser and/or processor.

ARTICLE X. BUSINESS DISTRICTS

Sec. 10.1. RB District – Restricted Business

Sec. 10.1-1 Permitted Uses

F. Prescription drugstores (not including serving of any food or beverages). This shall not include the dispensing of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

G. Retail sale of foods, drugs, wearing apparel, hardware, furniture, household goods and supplies, office equipment and supplies, camping and recreational equipment (not self-propelled), garden supplies and other similar products, goods and merchandise are permitted so long as the aforesaid goods and/or merchandise is sold from a permanent structure. Temporary seasonal sales may be permitted for a period not to exceed six (6) months without erecting a structure providing a temporary use permit is obtained from the zoning enforcing officer. In the case of temporary food sales, a temporary food service license must be obtained from the Kane County environmental health department. This shall not include the dispensing of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Sec. 10.1-2. Special Uses.

~~b. Interim use for a limited period of not more than five (5) years specifically for the dispensing of controlled substances licensed by the State of Illinois.~~

~~b. Adult-use cannabis dispensers~~

Sec. 10.2. B1 District – Business

Sec. 10.2-1. Permitted Uses

S. Retail sale of foods, drugs, wearing apparel, hardware, furniture, household goods and supplies, office equipment and supplies, camping and recreational equipment (not self-propelled), garden supplies and other similar products, goods and merchandise is permitted so long as the aforesaid goods and/or merchandise is sold from a permanent structure. Temporary seasonal sales may be permitted for a period not to exceed six (6) months without erecting a structure providing a temporary use permit is obtained from the zoning enforcing officer. In the case of temporary food sales, a temporary food service license must be obtained from the Kane County environmental health department. This shall not include the dispensing of cannabis as defined by the Illinois Cannabis Regulation and Tax Act (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Sec. 10.2-2. Special Uses.

~~g. Interim use for a limited period of not more than five (5) years specifically for the dispensing of controlled substances licensed by the State of Illinois.~~

~~g. Adult-use cannabis dispensers~~

Sec. 10.4. B3 District – Business

Sec. 10.4-2. Special Uses.

~~p. Interim use for a limited period of not more than five (5) years specifically for the cultivation of controlled substances licensed by the State of Illinois.~~

~~p. Adult-use cannabis dispensers~~

~~g. Interim use for a limited period of not more than five (5) years specifically for the dispensing of controlled substances licensed by the State of Illinois.~~

Sec. 10.5. B4 District – Business

Sec. 10.5-2. Special Uses.

~~b. Adult-use cannabis dispensers~~

Sec. 11.1. LI District – Light Industry

Sec. 11.1-2. *Special Uses.*

Because permitted uses in the LI District are determined by compliance with applicable performance standards, there shall be not special uses except for as follows:

- ~~*b. Interim use for a limited period of not more than five (5) years specifically for the cultivation of controlled substances licensed by the State of Illinois.*~~
- a. Adult-use cannabis craft growers, cultivation centers, infusers, and processors.*
- b. Adult –use cannabis transporters, if in combination with a craft grower, cultivation center, infuser and/or processor.*

Sec. 11.2. I District – Industry

Sec. 11.2-1 Permitted Uses

In the I District any use is permitted except the following:

- ~~*m. Cultivation of controlled substances licensed by the State of Illinois.*~~
- ~~*n. Dispensing controlled substances licensed by the State of Illinois.*~~
- m. Adult-use cannabis business establishments*

Sec. 11.2-2. *Special Uses.*

The following special uses may be allowed in the I District subject to the provisions of Section 4.8 of this ordinance:

- ~~*a. Interim use for a limited period of not more than five (5) years specifically for the cultivation of controlled substances licensed by the State of Illinois.*~~
- a. Adult-use cannabis craft growers, cultivation centers, infusers, and processors.*
- b. Adult –use cannabis transporters, if in combination with a craft grower, cultivation center, infuser and/or processor.*