

Ordinance 2019-70

An Ordinance Amending the Northbrook Zoning Code (1988) Regarding Cannabis Business Establishments

Passed by the Board of Trustees, 10/22/2019
Printed and Published 10/23/2019

Printed and Published in Pamphlet Form
by Authority of the
President and Board of Trustees
VILLAGE OF NORTHBROOK
COOK COUNTY, ILLINOIS

I hereby certify that this document
was properly published on the date
stated above.

/s/ Debra J. Ford
Village Clerk

Ordinance 2019-70

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois THAT:

An Ordinance Amending the Northbrook Zoning Code (1988) Regarding Cannabis Business Establishments

shall be, and is hereby, adopted as follows:

Section 1. BACKGROUND.

On June 25, 2019, Governor J.B. Pritzker signed into law Public Act 101-0006, entitled the "Cannabis Regulation and Tax Act" (410 ILCS 705/1 *et seq.*, the "Act"). The Act legalizes the sale, possession and use of cannabis sativa and its derivatives and subspecies ("Cannabis") for recreational purposes by adults over age 21 starting January 1, 2020.

The Act grants municipalities limited authority to regulate commercial cannabis facilities, including cultivation centers, dispensaries, infusers, processors, and craft growers intending to serve recreational customers (collectively, "Cannabis Business Establishments").

On June 25, 2019, the Village's Board of Trustees adopted Resolution No. 19-97 which determined that it was in the best interest of the Village and its residents to direct the Village's Plan Commission to evaluate the classification of Cannabis Business Establishments and recommend to the Board of Trustees whether any, some, or all types of Cannabis Business Establishments should be allowed by special permit under the Zoning Code, as well as such other regulations as may be necessary, important, or beneficial to the Village and its residents, including, without limitation, whether and under what conditions should on-premises consumption of recreational Cannabis be allowed. Resolution No. 19-97 also directed the Plan Commission to hold a public hearing on the proposed Zoning Code amendments and to make a recommendation to the Board of Trustees regarding the same.

The Village has initiated an application to consider amending various sections of the Northbrook Zoning Code (1988), as amended (“**Zoning Code**”) concerning the definitions, standards and procedures for authorizing and regulating Cannabis Business Establishments in the Village of Northbrook (“**Text Amendments**”).

The Village President and Board of Trustees have determined that it is in the best interest of the Village and its residents to adopt the Text Amendments as set forth in this Ordinance in accordance with and pursuant to the Village’s home rule powers.

Section 2. PUBLIC HEARING

A public hearing to consider the proposed Text Amendments was duly advertised in *The Northbrook Star* on August 1, 2019 and held at the Plan Commission’s regular meeting on August 20, 2019. The public hearing was subsequently continued to the September 17, 2019 Plan Commission meeting. On October 1, 2019, the Plan Commission recommended, by Plan Commission Resolution No. 19-PC-16, that the President and the Board of Trustees approve the Text Amendments.

Section 3. AMENDMENTS TO ZONING CODE.

The Zoning Code shall be amended as set forth in **Exhibit A**, attached to and, by this reference, made a part of, this Ordinance.

Section 4. EFFECTIVE DATE.

This Ordinance shall be in full force and effect following its passage, approval, and publication in pamphlet form in the manner required by law.

Adopted: 10/22/2019

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Muriel Collison, Trustee |
| SECONDER: | Bob Israel, Trustee |
| AYES: | Frum, Ciesla, Israel, Collison, Han, Ross, Hebl |

ATTEST:

/s/ Debra J. Ford
Village Clerk

/s/ Sandra E. Frum
Village President

EXHIBIT A

ZONING CODE AMENDMENTS

The following provisions of the Zoning Code shall be, and is hereby, amended, as follows: [added text **bold and double underlined**; deleted text **struck through**]:

A. Subsection E of use table, entitled “Retail Trade,” in Section 5-102, entitled “**Permitted Uses, Conditional Uses, and Special Permit Uses**,” of Article V, entitled “**Commercial Districts**,” shall be amended to add the following uses:

| COMMERCIAL DISTRICTS USE LIST | | | | | | |
|-------------------------------|--------------------------------------|----------|----------|----------|----------|----------|
| VILLAGE SIC CODE | DESCRIPTIVE TEXT | C-1 | C-2 | C-3 | C-4 | C-5 |
| <u>5912.01</u> | <u>Medical Cannabis Dispensary</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> |
| <u>5912.02</u> | <u>Adult Use Cannabis Dispensary</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> |

B. New Subsections, under the category “Retail Trade,” shall be added to the table in Section 5-105, entitled “**Specific Approval Criteria for Conditional Uses and Special Permit Uses**,” of Article V, entitled “**Commercial Districts**”:

| SPECIFIC APPROVAL CRITERIA FOR CONDITIONAL USES AND SPECIAL PERMIT USES | |
|---|---|
| VILLAGE SIC CODE | DESCRIPTIVE TEXT |
| <u>5912.01</u> <u>and</u> <u>5912.02</u> | <u>Medical Cannabis Dispensary and Adult Use Cannabis Dispensary</u> <u>1. All Medical Cannabis Dispensaries and Adult Use Cannabis Dispensaries must obtain and, at all times, maintain a valid professional license issued by the Illinois Department of Financial and Professional Regulation to operate a Cannabis Dispensary. Copies of all state licenses as well as all renewals shall be provided to the Village Manager no later than 30 days of issuance as well as copies of corresponding application materials, including all required certifications, declarations, and affidavit, for state licenses and corresponding license renewals.</u> <u>2. Medical Cannabis Dispensaries and Adult Use Cannabis Dispensaries shall maintain all mandatory signage required by state or federal law.</u> <u>3. Additional Application Requirements. In addition to the minimum application requirements set forth in Article V of this Zoning Ordinance, applicants for a special permit for a Medical Cannabis Dispensary or Adult Use Cannabis Dispensary must submit their draft application for the Cannabis Dispensary that they plan to provide to the Illinois Department of Financial and Professional Regulation or, where applicable, to the Illinois Department of Agriculture, to receive the State license. These materials shall include, at minimum, the following elements:</u> <u>a. The names and addresses of all principal officers of the dispensing organization that will operate the Cannabis Dispensary;</u> |

- b. A description of the process of dispensing cannabis from the proposed Cannabis Dispensary;
- c. A description of air treatment systems that will be installed to reduce odors; and
- d. A plan for community engagement.

Information, documents, and plans submitted pursuant to this section may be in draft format pending approval from the Illinois Department of Finance and Professional Regulation. The Village reserves the right to request and inspect any additional materials submitted by the proposed dispensing organization to the Illinois Department of Financial and Professional Regulation as part of the application review process.

- 4. Drive-Through Windows and Facilities Prohibited. Medical Cannabis Dispensaries and Adult Use Cannabis Dispensaries shall not be permitted to have any accessory drive-through facilities or provide drive-through or “curbside” delivery service.
- 5. Signage. Notwithstanding any provision of this Zoning Code to the contrary, the following signage standards are applicable to Medical Cannabis Dispensaries and Adult Use Cannabis Dispensaries:
 - a. Exterior signs on the building shall not completely cover the windows of the Medical Cannabis Dispensary or Adult Use Cannabis Dispensary.
 - b. Electronic message boards are not permitted in connection with an adult use cannabis business establishment.
 - c. Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented toward youth, or language referencing cannabis.
 - d. The special permit ordinance authorizing the Medical Cannabis Dispensary or Adult Use Cannabis Dispensary shall include a signage plan depicting the allowed exterior signs for the dispensary.
- 6. Security and Video Surveillance. Each Medical Cannabis Dispensary and Adult Use Cannabis Dispensary must install and maintain in good working order security, video surveillance, and inventory protection and control systems: (a) as required by applicable state laws and regulations; and (b) in conformance with a security plan approved in advance by the Village Chief of Police.
- 7. Lighting. All interior, exterior and site lighting for Medical Cannabis Dispensaries and Adult Use Cannabis Dispensaries must be installed and maintained in good working order and of sufficient wattage for security cameras and the safety of customers and employees.

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| | <p>8. <u>On-Site Conduct.</u></p> <p>a. <u>Loitering is prohibited on any zoning lot used as a Medical Cannabis Dispensary or Adult Use Cannabis Dispensary, including all accessory parking lots.</u></p> <p>b. <u>It shall be prohibited to smoke, inhale or consume cannabis products within Medical Cannabis Dispensary or Adult Use Cannabis Dispensary, in any accessory parking lot, or anywhere on the zoning lot of such dispensary.</u></p> <p>9. <u>No person under the age of 21 may be permitted within any Medical Cannabis Dispensary or Adult Use Cannabis Dispensary, except as authorized by state law.</u></p> <p>10. <u>Hours of Operation. Medical Cannabis Dispensaries and Adult Use Cannabis Dispensaries may operate only between 7:00 a.m. and 10:00 p.m.</u></p> <p>11. <u>Restricted Locations. No Medical Cannabis Dispensary or Adult Use Cannabis Dispensary may be located on any lot that is:</u></p> <p>a. <u>Less than 1,500 feet from any other existing and operating Medical Cannabis Dispensary or Adult Use Cannabis Dispensary, including those located outside of the corporate limits of the Village of Northbrook.</u></p> <p>b. <u>Less than 250 feet from any lot used for a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.</u></p> <p>c. <u>Located within the Village Green Overlay District.</u></p> |
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C. Section 6-105, entitled “Specific Approval Criteria for Conditional Uses and Special Permit Uses,” of Article VI, entitled “Office Districts” shall be amended to modify the existing Specific Approval Criteria for Medical Cannabis Dispensaries as follows:

| SPECIFIC APPROVAL CRITERIA FOR CONDITIONAL USES AND SPECIAL PERMIT USES | | |
|---|-----|---|
| VILLAGE CODE | SIC | DESCRIPTIVE TEXT |
| 5912.01 | | <p>Medical Cannabis Dispensary</p> <p>1. All Medical Cannabis Dispensaries must obtain and, at all times, maintain a valid professional license issued by the Illinois Department of Financial and Professional Regulation to operate a medical cannabis dispensary. Copies of all state licenses as well as all renewals shall be provided to the Village Manager no later than 30 days of issuance as well as copies of corresponding application materials, including all required certifications, declarations, and affidavit, for state licenses and corresponding license renewals.</p> <p>2. Medical Cannabis Dispensaries shall maintain all mandatory signage required by state or federal law.</p> <p>3. No Medical Cannabis Dispensary may be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care</p> |

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| | <p>home, group day care home, part day child care facility, or any other licensed Medical Cannabis Dispensary.</p> <ol style="list-style-type: none"> 1. <u>All Medical Cannabis Dispensaries must obtain and, at all times, maintain a valid professional license issued by the Illinois Department of Financial and Professional Regulation to operate a Medical Cannabis Dispensary. Copies of all state licenses as well as all renewals shall be provided to the Village Manager no later than 30 days of issuance as well as copies of corresponding application materials, including all required certifications, declarations, and affidavit, for state licenses and corresponding license renewals.</u> 2. <u>Medical Cannabis Dispensaries shall maintain all mandatory signage required by state or federal law.</u> 12. <u>Additional Application Requirements. In addition to the minimum application requirements set forth in Article V of this Zoning Ordinance, applicants for a special permit for a Medical Cannabis Dispensary must submit their draft application for the adult use cannabis business establishment that they plan to provide to the Illinois Department of Financial and Professional Regulation or, where applicable, to the Illinois Department of Agriculture, to receive the State license. These materials shall include, at minimum, the following elements:</u> <ol style="list-style-type: none"> a. <u>The names and addresses of all principal officers of the dispensing organization that will operate the Cannabis Dispensary;</u> b. <u>A description of the process of dispensing cannabis from the proposed Cannabis Dispensary;</u> c. <u>A description of air treatment systems that will be installed to reduce odors; and</u> d. <u>A plan for community engagement.</u> <p><u>Information, documents, and plans submitted pursuant to this section may be in draft format pending approval from the Illinois Department of Finance and Professional Regulation. The Village reserves the right to request and inspect any additional materials submitted by the proposed dispensing organization to the Illinois Department of Financial and Professional Regulation as part of the application review process.</u></p> <ol style="list-style-type: none"> 3. <u>Drive-Through Windows and Facilities Prohibited. Medical Cannabis Dispensaries shall not be permitted to have any accessory drive-through facilities or provide drive-through or "curbside" delivery service.</u> 4. <u>Signage. Notwithstanding any provision of this Zoning Code to the contrary, the following signage standards are applicable to Medical Cannabis Dispensaries:</u> <ol style="list-style-type: none"> a. <u>Exterior signs on the building shall not completely cover the windows of the Medical Cannabis Dispensary.</u> b. <u>Electronic message boards are not permitted in connection with an adult use cannabis business establishment.</u> |
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| | <p>c. <u>Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented toward youth, or language referencing cannabis.</u></p> <p>d. <u>The special permit ordinance authorizing the Medical Cannabis Dispensary shall include a signage plan depicting the allowed exterior signs for the dispensary.</u></p> <p>5. <u>Security and Video Surveillance. Each Medical Cannabis Dispensary must install and maintain in good working order security, video surveillance, and inventory protection and control systems: (a) as required by applicable state laws and regulations; and (b) in conformance with a security plan approved in advance by the Village Chief of Police.</u></p> <p>6. <u>Lighting. All interior, exterior and site lighting for Medical Cannabis Dispensaries must be installed and maintained in good working order and of sufficient wattage for security cameras and the safety of customers and employees.</u></p> <p>7. <u>On-Site Conduct.</u></p> <p>e. <u>Loitering is prohibited on any zoning lot used as a Medical Cannabis Dispensary including all accessory parking lots.</u></p> <p>f. <u>It shall be prohibited to smoke, inhale or consume cannabis products within Medical Cannabis Dispensary, in any accessory parking lot, or anywhere on the zoning lot of such dispensary.</u></p> <p>8. <u>No person under the age of 21 may be permitted within any Medical Cannabis Dispensary, except as authorized by state law.</u></p> <p>9. <u>Hours of Operation. Medical Cannabis Dispensaries shall operate only between 7:00 a.m. and 10:00 p.m.</u></p> <p>10. <u>Restricted Locations. No Medical Cannabis Dispensary shall be located on any lot that is:</u></p> <p>g. <u>Less than 1,500 feet from any other existing and operating Medical Cannabis Dispensary or Adult Use Cannabis Dispensary, including those located outside of the corporate limits of the Village of Northbrook.</u></p> <p>h. <u>Less than 250 feet from any lot used for a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.</u></p> <p>i. <u>Located within the Village Green Overlay District.</u></p> |
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D. Subsection D of the use table, entitled "Manufacturing," in Section 7-102, entitled "Permitted, Uses, Conditional Uses, and Special Permit Uses" of Article VII, entitled "Industrial Districts" shall be amended to add the following uses:

| VILLAGE SIC CODE | DESCRIPTIVE TEXT | ICS | I-1 | I-2 |
|------------------|--|-----|----------|----------|
| 2834.01 | <u>Medical</u> Cannabis Cultivation Center | | S | S |
| <u>2834.02</u> | <u>Cannabis Craft Grower</u> | | <u>S</u> | <u>S</u> |

| | | | | |
|----------------|---------------------------|--|----------|----------|
| <u>2834.03</u> | <u>Cannabis Infuser</u> | | <u>S</u> | <u>S</u> |
| <u>2834.04</u> | <u>Cannabis Processor</u> | | <u>S</u> | <u>S</u> |

E. Section 7-105, entitled “Specific Approval Criteria for Conditional Uses and Special Permit Uses,” of Article VII, entitled “Industrial Districts,” and the remainder of Section 7-105 shall be amended as follows:

| SPECIFIC APPROVAL CRITERIA FOR CONDITIONAL USES AND SPECIAL PERMIT USES | |
|--|---|
| VILLAGE SIC CODE | DESCRIPTIVE TEXT |
| A. | MANUFACTURING |
| 2834.01 | <p>Medical-Cannabis Cultivation Center</p> <ol style="list-style-type: none"> 1. All Medical-Cannabis Cultivation Centers must obtain and, at all times, maintain a valid professional license issued by the Illinois Department of Agriculture to operate a medical-cannabis cultivation center. Copies of all state licenses as well as all renewals shall be provided to the Village Manager no later than 30 days of issuance as well as copies of corresponding application materials, including all required certifications, declarations, and affidavit, for state licenses and corresponding license renewals. 2. Medical-Cannabis Cultivation Centers shall maintain all mandatory signage, security and nuisance control measures required by Village, state or federal law. 3. No Medical-Cannabis Cultivation Center may be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, any area zoned for residential use, or any other Medical Cannabis Cultivation Center. |

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| <u>2834.02</u> <u>2834.03</u> <u>2834.04</u> | <p><u>Cannabis Craft Grower, Cannabis Processor and Cannabis Infuser</u></p> <ol style="list-style-type: none"> 1. <u>Cannabis Craft Growers, Processors, and Infusers must obtain and, at all times, maintain a valid professional license issued by the Illinois Department of Agriculture to operate such a facility. Copies of all state licenses as well as all renewals shall be provided to the Village Manager no later than 30 days of issuance as well as copies of corresponding application materials, including all required certifications, declarations, and affidavit, for state licenses and corresponding license renewals.</u> 2. <u>Cannabis Craft Growers, Processors, and Infusers shall maintain all mandatory signage, security measures, and nuisance and odor control measures required by Village, state or federal law.</u> 3. <u>No Cannabis Craft Grower, Processor, or Infuser shall be located on any lot that is less than 500 feet from any lot used for a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.</u> 4. <u>Notwithstanding any provision of this Zoning Code to the contrary, no Cannabis Craft Grower, Processor, or Infuser shall be authorized to have any accessory retail sales of products or sale of overstock goods or products.</u> |
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F. Section 12-206, entitled “Definitions,” of Article XII, entitled “Application and Interpretation,” shall be amended by revising and adding the following definitions in alphabetical order:

ADULT USE CANNABIS DISPENSARY. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation or successor to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies and educational materials to purchasers or to qualified medical cannabis patients and caregivers, including a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act.

MEDICAL CANNABIS CULTIVATION CENTER. A facility licensed by the Illinois Department of Agriculture to cultivate, process, transport, and perform other similar activities to provide cannabis and cannabis-infused products to cannabis business establishments.

CANNABIS BUSINESS ESTABLISHMENT. An establishment that operates pursuant to a licensed issued by the State of Illinois as a cannabis craft grower, cannabis cultivation center, cannabis dispensary, cannabis infuser, cannabis processor, or a combination of two or more of the aforementioned uses.

CANNABIS CRAFT GROWER. A facility licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other similar activities to make cannabis available for sale at an authorized cannabis dispensary or use by a cannabis processor. The maximum allowable size of a cannabis craft grower shall comply with the Illinois Cannabis Regulation and Tax Act.

CANNABIS INFUSER OR INFUSER ORGANIZATION. A facility licensed by the Illinois Department of Agriculture that directly incorporates cannabis or cannabis concentrate to produce cannabis-infused products.

CANNABIS PROCESSOR OR PROCESSING ORGANIZATION. A facility licensed by the Illinois Department of Agriculture that extracts constituent chemicals or compounds to produce cannabis concentrate into a resin, oil, or other form.

G. The Master Use Table contained in Appendix B of the Zoning Code shall be, and is hereby, amended to reflect the amendments to the C-2, C-3, C-4, C-5, ICS, I-1 and I-2 Districts, as specified herein:

| VILLAGE SIC CODE | DESCRIPTIVE TEXT | C-2 | C-3 | C-4 | C-5 | O-4 | ICS | I-1 | I-2 |
|------------------|--|----------|----------|----------|----------|-----|-----|----------|----------|
| 2834.01 | Medical Cannabis Cultivation Center | | | | | | | S | S |
| <u>2834.02</u> | <u>Cannabis Craft Grower</u> | | | | | | | <u>S</u> | <u>S</u> |
| <u>2834.03</u> | <u>Cannabis Infuser</u> | | | | | | | <u>S</u> | <u>S</u> |
| <u>2834.04</u> | <u>Cannabis Processor</u> | | | | | | | <u>S</u> | <u>S</u> |
| 5912.01 | Medical Cannabis Dispensary | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | S | | | |
| <u>5912.02</u> | <u>Adult Use Cannabis Dispensary</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | | | | |