MEMORANDUM

TO: Plan Commission

FROM: Planning Staff & Ben Schuster, Attorney, Holland and Knight

DATE: August 16, 2019

RE: Text Amendments to the Deerfield Zoning Ordinance Regarding Zoning Regulations for Recreational Cannabis Businesses, Including Dispensaries

Background

On June 26, 2019, Governor Pritzker signed Public Act 101-0027, titled the "Cannabis Regulation and Tax Act" (the Act) into law. The Act legalizes the sale, possession and use of cannabis sativa and its derivatives ("Cannabis") for recreational purposes by adults over age 21 starting January 1, 2020. The Act grants municipalities broad authority to regulate the zoning of commercial cannabis facilities, including cultivation centers, dispensaries, infusers, processors, and craft growers (collectively, “Cannabis Businesses”)\(^1\) intending to serve recreational customers. The Act authorizes municipalities to completely prohibit the location and operation of Cannabis Businesses, restrict Cannabis Businesses to specific zoning districts, require Cannabis Businesses to obtain special use permits to operate, and condition the grant of a special use permit on compliance with certain regulatory restrictions. The Act also allows municipalities to impose a local retailer occupation tax of up to 3.0% of the retail purchase price of cannabis and to determine whether and under what conditions Cannabis Businesses may allow for on-premises consumption of Cannabis.

At their July 1, 2019 Board meeting, the Village Board passed a “Red Flag” resolution regarding the zoning of recreational Cannabis Businesses. See attached memo dated June 21, 2019 from the Village Attorney and the approved Resolution R-19-15 dated July 1, 2019. The resolution gave direction to the Plan Commission as follows: The Plan Commission is hereby directed to hold a public hearing on the following questions:

- Whether all or some Cannabis Business should be prohibited in the Village;
- If allowed in the Village, in what zoning districts should Cannabis Businesses be allowed to operate;

\(^1\) Although it is possible that certain cannabis businesses will continue to exclusively serve the medical cannabis market, it is assumed that most new cannabis businesses will seek to serve both the recreational and medical cannabis markets. For the purpose of this memo, “Cannabis Businesses” will refer to facilities that seek to serve the recreational market pursuant to the requirements of the Act.
If allowed in a particular zoning district, should Cannabis Businesses be classified as a permitted or special use; and
What specific operating conditions should be applied to Cannabis Businesses as a condition of receiving a special use; and
Whether and under what conditions, should on-premises consumption of recreational Cannabis should be allowed.

Mayor Rosenthal provided the following input to the Plan Commission at their July 1, 2019 Board of Trustees meeting:

1) Limit the number of permitted recreational cannabis dispensaries to one, pending review of Administrative Rules to the “Cannabis Regulation and Tax Act” to be issued by State agencies;
2) Prohibit on-premises or “social” consumption;
3) Limit retail dispensaries to the I-2 Limited Industrial and C-2 Outlying Commercial Zoning Districts;
4) Impose minimum distance requirements for recreational dispensaries from “sensitive uses” that parallel the requirements of Medical Cannabis Act (500 feet from a public park and 1,000 feet of any existing public or private preschool, elementary school, secondary school, day care center, day care home, group day care home, or part-day child care facility);
5) Impose a minimum distance of 2,000 feet from a high school;
6) Limit the size of the permitted dispensary to no more than 5,000 square feet in gross floor area;
7) Establish a 3% municipal cannabis retailer’s occupation tax;
8) Prohibit the location and operation of Craft Growers and Cultivation Centers in the Village; and
9) Prohibit the location and operation of Processors or Infusers.

Using the zoning code amendments adopted in 2015 for medical cannabis facilities (Ord. O-15-11) as a template and incorporating the Mayor’s comments as well as statutory definitions from the Act, staff has prepared the following draft regulations for a recreational cannabis dispensary business in Deerfield:

1. Amendments to Definitions

Add or amend the following definitions to Article 14 of the Zoning Ordinance:

"Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indicia, 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) and all other naturally produced cannabino
derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

"Dispensary" means the physical premises from which a dispensing organization or recreational cannabis dispensary will dispense cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, 401 ILCS 130/1 et seq., or customers pursuant to the Cannabis Regulation and Tax Act, Public Act 101-0027, as each may be amended.

"Dispensing organization" means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation 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 under the Compassionate Use of Medical Cannabis Pilot Program Act, 401 ILCS 130/1 et seq., to purchasers or to qualified registered medical cannabis patients and caregivers.

"Craft grower" means 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, use at a processing organization, or recreational cannabis dispensary.

"Cultivation center" means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport, and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments or dispensaries.

"Infuser organization" or "infuser" means 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.

"Processing organization" or "processor" means 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.
"Prohibited Cannabis business establishment" means a cultivation center, craft grower, processing organization, or a cannabis transporting organization.

"Recreational Cannabis Dispensary" means the physical premises from which a cannabis, paraphernalia, or related supplies and educational materials are sold or dispensed to customers pursuant to the Cannabis Regulation and Tax Act, Public Act 101-0027, as may be amended.

"Transporting Organization" means an organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a prohibited cannabis business, dispensary, or a community college licensed under the Community College Cannabis Vocational Training Program.

2. Amendments to Article 5.02-C

Allow recreational cannabis dispensaries in the C-2 Outlying Commercial District as a special use by amending Article 5.02-C (“Special Uses”) of Article 5.02 (“C-2 Outlying Commercial District”) of the Zoning Ordinance of the Village of Deerfield by adding as Paragraph (15) the following:

(15) Recreational Cannabis Dispensary

A recreational cannabis dispensary business, operated by a registered dispensing organization as a distribution facility provided in the “Cannabis Regulation and Tax Act.”

3. Amendments to Article 6.02-C

Allow recreational cannabis dispensaries in the I-2 Limited Industrial District as a special use by amending Article 6.02-C (“Special Uses”) of Article 6.02 (“C-2 Outlying Commercial District”) of the Zoning Ordinance of the Village of Deerfield by adding as Paragraph (21) the following:

(21) Recreational Cannabis Dispensary

A recreational cannabis dispensary business, operated by a registered dispensing organization as a distribution facility provided in the “Cannabis Regulation and Tax Act.”

4. Amendments to Article 2 to Adopt Regulations for Recreational Cannabis Dispensaries

That Article 2 (“General Provisions”) of the Zoning Ordinance of the Village of Deerfield be amended by adding a Section 2.13 entitled “Additional Regulations for Recreational Cannabis Dispensary Businesses” as follows:
2.13 Additional Regulations for Recreational Cannabis Dispensary Businesses

A. Application for Special Use. In addition to the requirements set forth in Article 13 of this Ordinance relating to applications for a Special Use, the application of a recreational cannabis dispensary for a Special Use to permit a recreational cannabis dispensary within the Village must include all of the following information and documents:

1. The legal name and, if different than the legal name, the trade name of the proposed recreational cannabis dispensary for which the special use is sought.

2. The commonly known address of the proposed recreational cannabis dispensary.

3. The legal name of the applicant, if different than the proposed recreational cannabis dispensary.

4. The address, telephone number and e-mail address of the recreational cannabis dispensary and applicant's principal place of business, if different than the common address of the proposed recreational cannabis dispensary. A post office box may not be submitted as the address of the applicant's principal place of business.

5. The legal names, addresses, telephone numbers, and e-mail addresses of: (a) all business entities with a financial interest in the recreational cannabis dispensary, and all officers, directors, partners, managers, and owners thereof; (b) sole proprietors and other individuals with a financial interest in the recreational cannabis dispensary; and (c) each proposed recreational cannabis dispensary agent. For all officers, directors, partners, managers, and owners of the business entities, and for all sole proprietors and other individuals with a financial interest in the recreational cannabis dispensary, the applicant must also provide their dates of birth and social security numbers and a detailed statement of their qualifications and experience related to the operation of a recreational cannabis dispensary or related occupation. A post office box may not be submitted as the address of any entity or individual with a financial interest in the recreational cannabis dispensary. Pursuant to 410 ILCS 130/145(a), this information, if clearly marked as confidential and submitted separately, shall be maintained by the Village as confidential information not subject to disclosure under the Illinois Freedom of Information Act.
(6) The proposed hours of operation of the proposed recreational cannabis dispensary.

(7) If the proposed recreational cannabis dispensary or the applicant is a business organization other than a sole proprietorship, the following information regarding the recreational cannabis dispensary and applicant entity:

(a) The type of business organization, the date of formation, and an affirmation that the organization is authorized to conduct the business of a recreational cannabis dispensary in the State of Illinois.

(b) If a limited liability company or a corporation, a copy of (i) its certificate of good standing issued by the Secretary of State no more than seven days prior to the date the application for a special use is filed with the Village; and

(ii) if the limited liability company or corporation uses an assumed name, a copy of the corporation’s assumed name registration issued by the Secretary of State.

(8) A description of any additional training and education that will be provided to the proposed recreational cannabis dispensary agents.

(9) A copy of a business plan for the proposed recreational cannabis dispensary that includes, without limitation, the following information:

(a) A description of the products and services that the proposed recreational cannabis dispensary desires to offer; and

(10) A security plan that describes how the proposed recreational cannabis dispensary will provide security for its inventory, customers, and employees shall be submitted to the Chief of Police for review and recommendation. The security plan shall be kept confidential to the extent permitted by law. Without limitation, the security plan must include the following information:

(a) A description of the procedures that the proposed recreational cannabis dispensary will implement to prevent
the diversion, theft, or loss of cannabis during the delivery of cannabis to the proposed recreational cannabis dispensary by a cultivation center, including, without limitation, the use of delivery manifests;

(b) A description of the procedures that the proposed recreational cannabis dispensary will implement to: (i) monitor the activities conducted within the proposed recreational cannabis dispensary; (ii) secure the recreational cannabis dispensary, including, without limitation, the recreational cannabis dispensary agents, and cannabis and currency stored at the recreational cannabis dispensary; and (iii) prevent the diversion, theft or loss of cannabis; and

(c) A description of the procedures that the proposed recreational cannabis dispensary will implement to restrict access to limited access areas and restricted access areas.

(11) A written statement that the applicant owns the property on which it proposes to operate the recreational cannabis dispensary or, if the applicant does not own the property, a written statement from the property owner certifying the owner's consent to the use of the property as a recreational cannabis dispensary.

(12) A map of the area surrounding the location of the proposed recreational cannabis dispensary: (a) showing that no part of the property on which the proposed dispensary is located within 1,000 feet, measured from property line to property line, of any part of the property line of any existing public or private preschool, elementary school, secondary school, day care center, day care home, group day care home, or part-day child care facility; (b) showing that no part of the property on which the recreational cannabis dispensary is located within 2,000 feet, measured from property line to property line, of any high school; (c) showing that no part of the property on which the recreational cannabis dispensary is located within 500 feet, measured from property line to property line, of any public park; (d) showing that the proposed location for the recreational cannabis dispensary is not zoned for residential use; and (d) identifying the businesses, and the nature of each business, located within 1,000 of any part of the property line of the proposed recreational cannabis dispensary in existence at the time that the application of a special use permit is filed with the Village.
(13) Floor plans and elevations of the proposed recreational cannabis dispensary building that must include, without limitation, the following information:

(a) The location, layout, floor area, name, and function of each room, including, without limitation, restricted access areas, limited access areas, rooms in which cannabis will be stored when the proposed recreational cannabis dispensary is open for business, and rooms in which cannabis will be stored when the proposed recreational cannabis dispensary is not open for business;

(b) The total floor area of the proposed recreational cannabis dispensary building;

(c) The doorways or pathways between rooms;

(d) The means of ingress and egress to and from the building of the proposed recreational cannabis dispensary, including, without limitation, fire exits;

(e) The location of all safes or vaults that will be used to store cannabis, cannabis products, and currency;

(f) The locations of any bullet-proof glass;

(g) The location of each toilet facility;

(h) An attestation that the proposed recreational cannabis dispensary will have video cameras for security purposes;

(i) An attestation that the proposed recreational cannabis dispensary will have panic button(s) for security purposes;

(j) The location of each natural and artificial lighting source; and

(k) The location of enclosed and secured loading and trash handling and disposal facilities.

(14) A description of how the proposed recreational cannabis dispensary will comply with any applicable provisions of the Americans with Disabilities Act and similar state and local laws and regulations.
(15) A plan to prevent customer overflow in the recreational cannabis dispensary.

(16) An attestation that the proposed recreational cannabis dispensary will have safes or vaults with sufficient capacity to safely store the anticipated quantities of cannabis and currency on the premises.

(17) Evidence acceptable to the Village’s Principal Planner that the proposed dispensary building complies with all applicable State and local building and fire regulations, and all other applicable local ordinances and regulations.

(18) A sign plan for the proposed recreational cannabis dispensary, consistent with the requirements that describes and depicts all proposed signs related to the proposed recreational cannabis dispensary, including, without limitation, the type of each proposed sign, the sign area and sign height of each proposed sign, the content of each proposed sign, the location of each proposed sign, and the illumination of each proposed sign, if any.

(19) A comprehensive site plan drawn to scale of the proposed recreational cannabis dispensary, which site plan must depict the following features, if applicable and without limitation: streets, traffic direction, sidewalks, trees, alleys, property lines, buildings, parking areas, handicapped parking spaces, fences, exterior walled areas, garages, vehicle delivery access doors, hangars, security features, garbage enclosure areas, and outdoor areas.

(20) A demonstration that the proposed location is suitable for public access, the layout promotes safe dispensing of cannabis, it is sufficient in size, power allocation, lighting, parking, handicapped accessible parking spaces, ADA-accessible entry and exits, product handling, and storage.

(21) Information sufficient to demonstrate that the proposed recreational cannabis dispensary complies with all applicable State laws and regulations, as such laws and regulations may be adopted or amended from time to time.

(22) Any other information or document that the Village’s Principal Planner determines is reasonably necessary to consider the application for a special use permit.
B. Limitation on Number of Special Uses. Not more than one special use permit shall be issued or outstanding at any one time for recreational cannabis dispensaries to be located within the Village.

C. Operational Standards. The establishment, development, and operation of any recreational cannabis dispensary located within the Village must comply with all conditions and restrictions set forth in the ordinance granting the special use for the recreational cannabis dispensary and with the following standards and requirements:

1. No recreational cannabis dispensary may be located within: (i) 1,000 of the property line of any existing public or private preschool, elementary school, secondary school, day care center, day care home, group day care home, or part-day child care facility; (ii) 500 feet of the property line of any public park; (iii) 2000 feet of the property line of any high school; and (iv) 1,500 feet of another recreational cannabis dispensary.

2. No recreational cannabis dispensary shall be more than 5,000 gross square feet in area.

3. All recreational cannabis dispensaries shall comply with all applicable State laws and regulations, as such laws and regulations may be adopted or amended from time to time.

4. No consumption of cannabis may be permitted on the premises.

5. Signage and advertising:
   a. All signage for recreational cannabis dispensaries shall be limited to one flat wall sign not to exceed 10 square feet in area, and one identifying sign not to exceed two square feet in area, which identifying sign may include only the dispensary’s address. Such signs shall not be directly illuminated. Exterior signs on the recreational cannabis dispensaries building shall not obstruct the entrance or windows on the recreational cannabis dispensaries.
   b. Electronic message boards and temporary signs are not permitted in connection with a recreational cannabis dispensaries.
   c. Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery.
oriented towards youth, or any language terms referencing cannabis, or any slang or street terms commonly associated with cannabis.

d. A sign shall be posted in a conspicuous place at or near all recreational cannabis dispensary entrances and shall include the following language: "Persons under the age of 21 are prohibited from entering." The required text shall be no larger than one inch in height. To the extent permitted by the “Cannabis Regulation and Tax Act”, the age restriction on entry to the premises shall not be required text.

e. Any additional merchandise packaging provided by the dispensary, such as bags, sacks, totes or boxes shall be opaque without text or graphics advertising or identifying the contents of the products contained within.

(6) Recreational cannabis dispensaries that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.) and the “Cannabis Regulation and Tax Act.”

(7) Recreational cannabis dispensaries may not have a drive-through service window.

(8) Any cannabis, cannabis-infused products, or cannabis waste on the premises of the recreational cannabis dispensaries must be stored within secure refuse containers located within a restricted access area of the dispensing organization at all times prior to the destruction and disposal thereof, which destruction and disposal must be performed pursuant to all applicable State laws and regulations, as may be amended from time to time.

(9) All waste other than cannabis waste must be stored within dumpsters or garbage cans located within areas of a fully enclosed building, with operable doors closed at all times other than during loading and unloading.

(10) All recreational cannabis dispensaries must be equipped with a secure unloading space for the reception of deliveries of recreational cannabis and recreational cannabis infused products, which space must be: (a) located within an enclosed area of the principal structure in which the recreational cannabis dispensaries operates; (b) secured by doors that are closed and locked during all times that deliveries of recreational cannabis or recreational cannabis infused products are unloaded; and (c) a restricted access area.
5. **Amendments to Article 2 to Prohibit Prohibited Cannabis Businesses**

That Article 2 ("General Provisions") of the Zoning Ordinance of the Village of Deerfield be amended by adding a Section 2.14 entitled "Prohibited Cannabis Businesses" as follows:

2.14 **Prohibited Cannabis Businesses.** No lot in any zoning district in the Village shall be used for a prohibited cannabis business, whether for a principal or an accessory use.
Subject: Resolution Regarding the Zoning, Regulation and Licensing of Recreational Cannabis Businesses

Action Requested: Village Attorney

Originated By: Mayor and Village Board of Trustees

Referred To: Mayor and Village Board of Trustees

Summary of Background and Reason for Request
On June 6, 2019, the Illinois General Assembly passed the “Cannabis Regulation and Tax Act” (the “Act”), which legalizes the sale, possession and use of cannabis and its derivatives for recreational purposes by adults over age 21 starting January 1, 2020.

The Village Attorney has prepared a memo detailing their recommendation for the Village Board to adopt a resolution that directs the commencement of a formal Zoning Ordinance amendment process related to recreational cannabis businesses.

Reports and Documents Attached:
Memorandum
Resolution

July 1, 2019

Date Referred to Board: ____________________

Action Taken: ________________________________
Memorandum

Date: June 21, 2019

To: Mayor Rosenthal and Village Board of Trustees
From: Steven M. Elrod
Benjamin L. Schuster
Brooke D. Lenneman

Re: “Red Flag” Resolution for Recreational Cannabis Businesses

On May 31, 2019, the General Assembly approved House Bill 1438, the “Cannabis Regulation and Tax Act” (the “Act”), and Governor Pritzker plans to sign the Act into law as early as June 25, 2019. The Act legalizes the sale, possession, and use of cannabis for recreational purposes by persons over the age of 21 in Illinois, starting on January 1, 2020.

In order to allow ample time for the Plan Commission and Village Board to review and enact appropriate regulations on the use of cannabis within the Village, we recommend that the Village Board adopt the attached resolution to formally commence the zoning amendment process.

The Village’s Zoning Ordinance is clear that unless a specific use is listed as a permitted, special, or temporary use in a particular district, the use is not allowed. The Zoning Code currently includes the following definitions for cannabis businesses:

**DISPENSARY**: The physical premises from which a dispensing organization will dispense cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

**DISPENSING ORGANIZATION (OR, “MEDICAL CANNABIS DISPENSING ORGANIZATION”)**: An organization that received Dispensing Organization Authorization Registration from the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center and to operate a dispensary within a dispensing organization district that includes territory within Village limits for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

“Medical cannabis dispensaries” are allowed only with a special use permit in the I-2 Limited Industrial and C-2 Outlying Commercial Districts. The Zoning Ordinance does not allow for facilities that either produce or offer for retail sale cannabis to the recreational market. Under the
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Zoning Ordinance’s standards for interpretation, the lack of defined uses for recreational cannabis cultivation centers or dispensaries means that such uses are prohibited in the Village. However, recreational cannabis uses could fall within other listed uses that are permitted in the Village, such as “Pharmacies” or “Specialty Food Retail Stores.”

To avoid any future confusion or disputes, we have prepared a draft resolution that directs the commencement of a formal Zoning Ordinance amendment process to define, classify, and impose permissible regulatory conditions on the operation of recreational cannabis businesses. This “red flag” resolution recognizes that the Zoning Ordinance does not directly and explicitly address the regulation of recreational cannabis businesses, and authorizes and directs the Village’s Plan Commission to promptly conduct a public hearing on possible Zoning Ordinance amendments. The resolution requires the Plan Commission to schedule a public hearing no later than 90 days after the effective date of the resolution. Under applicable Illinois law, this action will protect the Village against claims by prospective applicants of “vested rights.”

There is currently only one cannabis related business within the Village. Greenhouse Group is a medical cannabis dispensing organization located along Pfingsten Road. Owners of dispensaries or other new types of cannabis businesses (including infusers, processors, and craft growers) may contact the Village regarding potential new locations in the near future. Under the Act, the state has the authority to license up to 500 dispensary locations by 2022. This includes the 55 existing medical cannabis dispensaries, such as Greenhouse Group, that are authorized to apply for “secondary site” licenses to open an additional location as early as January 1st.

To assist in the Village’s preparation for a public hearing before the Plan Commission, we have attached to this Memorandum key definitions from the Act that should be incorporated into the Zoning Ordinance (Exhibit A) as well as some general guidelines on the Village’s zoning authority with regard to recreational cannabis businesses (Exhibit B). We recommend that these Exhibits be provided to the Plan Commission for review and consideration at its upcoming public hearing.

The Act also allows municipalities, including both home rule and non-home rule, to impose a retailer occupation tax on the sale of recreational cannabis in an amount up to 3.0% of the retail purchase price (so long as it is imposed in quarter percentage amounts). In conjunction with the Village’s zoning review, we recommend that the Village Board consider whether and to what level it should impose a local sales tax on cannabis.
Exhibit A

Key Definitions from Cannabis Regulation and Tax Act

"Cannabis" means 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) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

"Cannabis business establishment" means a cultivation center, craft grower, processing organization, dispensing organization, or transporting organization.

"Craft grower" means a facility operated by an organization or business that is licensed by the 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. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

"Cultivation center" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

"Dispensary" means a facility operated by a dispensing organization at which activities licensed by this Act may occur.

"Dispensing organization" means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation 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 under this Act to purchasers or to qualified registered medical cannabis patients and caregivers.
As used in this Act, dispensary organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

"Infuser organization" or "infuser" means a facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

"Processing organization" or "processor" means a facility operated by an organization or business that is licensed by the 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.
Exhibit B

Local Authority Guidelines

From Section 55-25 of the Act “Local Ordinances”: (emphasis added)

“Section 55-25. Local ordinances. Unless otherwise provided under this Act or otherwise in accordance with State law:

(1) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact reasonable Zoning Codes or resolutions, not in conflict with this Act or rules adopted pursuant to this Act, regulating cannabis business establishments. No unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may prohibit home cultivation or unreasonably prohibit use of cannabis authorized by this Act.

(2) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances or rules not in conflict with this Act or with rules adopted pursuant to this Act governing the time, place, manner, and number of cannabis business establishment operations, including minimum distance limitations between cannabis business establishments and locations it deems sensitive, including colleges and universities, through the use of conditional use permits. A unit of local government, including a home rule unit, may establish civil penalties for violation of an ordinance or rules governing the time, place, and manner of operation of a cannabis business establishment or a conditional use permit in the jurisdiction of the unit of local government. No unit of local government, including a home rule unit or non-home rule county within an unincorporated territory of the county, may unreasonably restrict the time, place, manner, and number of cannabis business establishment operations authorized by this Act.

(3) A unit of local government, including a home rule unit, or any non-home rule county within the unincorporated territory of the county may regulate the on-premises consumption of cannabis at or in a cannabis business establishment within its jurisdiction in a manner consistent with this Act. A cannabis business establishment or other entity authorized or permitted by a unit of local government to allow on-site consumption shall not be deemed a public place within the meaning of the Smoke Free Illinois Act.

(4) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may not regulate the activities described in paragraph (1), (2), or (3) in a manner more restrictive than the regulation of those activities by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(5) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances to prohibit or significantly limit a cannabis business establishment's location.
WHEREAS, on June 6, 2019, Illinois General Assembly passed House Bill 1138, titled the "Cannabis Regulation and Tax Act" (the "Act"), which 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; and

WHEREAS, the Act grants limited authority to municipalities to regulate commercial cannabis facilities, including cultivation centers, dispensaries, infusers, processors, and craft growers intending to serve recreational customers (collectively, "Cannabis Businesses"); and

WHEREAS, the Act authorizes municipalities to completely prohibit the location and operation of Cannabis Businesses, restrict the Cannabis Businesses to specific zoning districts, require Cannabis Businesses to obtain special use permits to operate, and condition the grant of a special use permit on compliance with certain regulatory restrictions; and

WHEREAS, the Act also allows municipalities to impose: (i) a local retailer occupation tax of up to 3.0% of the retail purchase price of Cannabis ("Local Sales Tax"); and (ii) determine whether and under what conditions Cannabis Businesses may allow for on-premises consumption of Cannabis; and

WHEREAS, the Village has a long tradition of utilizing its zoning and planning authority to ensure that compatible uses are maintained in its various neighborhoods; and

WHEREAS, "The Deerfield Zoning Ordinance 1978 ("Zoning Ordinance"), does not plainly address uses that would encompass Cannabis Businesses; and

WHEREAS, the Zoning Ordinance classifies "Medical Cannabis Dispensaries" as an allowable use pursuant to a special use permit in certain districts, and this use does not permit the service recreational customers; and

WHEREAS, "Cultivation Centers" are not allowable uses in any zoning district in the Village; and

WHEREAS, in the absence of explicit provisions in the Zoning Ordinance that authorize the use of property for recreational Cannabis Businesses, recreational Cannabis Businesses are currently prohibited in the Village in all zoning districts; and

WHEREAS, the Village's Board of Trustees has determined that it is in the best interest of the Village and its residents to direct the Village's Plan Commission to evaluate the classification of Cannabis Businesses and recommend to the Board of Trustees whether any, some, or all types of Cannabis Businesses should be allowed by special use permit under the Zoning Ordinance, 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:

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS, as follows:

SECTION 1: RECITALS. The facts and statements contained in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

SECTION 2: DIRECTION TO PLAN COMMISSION; NOTICE TO PUBLIC. The Plan Commission is hereby directed to hold a public hearing on the following questions:

A. Whether all or some Cannabis Business should be prohibited in the Village;
B. If allowed in the Village, what zoning districts should Cannabis Businesses be allowed to operate in;
C. If allowed in a particular zoning district, should Cannabis Businesses be classified as a permitted or special use;
D. What specific operating conditions should be applied to Cannabis Businesses as a condition of receiving a special use; and
E. Whether, and under what conditions, should on-premises consumption of recreational Cannabis be allowed.

The notice of such hearing shall be given as required by law within 90 days after the effective date of this Resolution. The public shall be deemed to have notice that the Village is considering Zoning Ordinance amendments regarding Cannabis Businesses as of the effective date of this Resolution.

SECTION 3: EFFECTIVE DATE. This Resolution shall be in full force and effect upon the passage and approval.

[SIGNATURE PAGE FOLLOWS]
AYES: Benton, Jester, Oppenheim, Struthers

NAYS: Seiden

ABSTAIN: None

ABSENT: Shapiro

PASSED: July 1, 2019

APPROVED: July 2, 2019

RESOLUTION NO: R-19-15

Harriet Rosenthal, Mayor

ATTEST:

Kent S. Street, Village Clerk
AMENDMENT TO A SPECIAL USE TO PERMIT THE INSTALLATION OF A NEW DIGITAL SCOREBOARD AT DEERFIELD HIGH SCHOOL – 1R

Mayor Rosenthal noted the petitioner requested this item to be tabled.

Trustee Benton moved to Table these two agenda items to the August 5, 2019, Board of Trustees meeting. Trustee Seiden seconded the motion. The motion passed unanimously on a voice vote.

NEW BUSINESS

RESOLUTION R-19-17 REGARDING THE ZONING, REGULATION AND LICENSING OF RECREATIONAL CANNABIS BUSINESSES

The Illinois General Assembly passed the Cannabis Regulation and Tax Act on June 6, 2019, which legalizes the sale, possession and use of cannabis for recreational use by adults over the age of 21 starting January 1, 2020. The Village Attorney’s office prepared a memo suggesting the Plan Commission to look into an amendment to the Zoning Ordinance.

Mayor Rosenthal noted the Police Department will be dealing with traffic and enforcement whether the sale of cannabis is allowed in Deerfield or not. She suggested the Plan Commission consider the following limitations:

- Limit the number of retail dispensaries to one, pending review of the administrative roles to be issued by the State agencies
- Prohibit on-site consumption
- Limit retail dispensaries to the I-2 and C-2 Zoning Districts
- Require a minimum setback of 500 feet from a public park and 1,000 feet from a school
- Require a minimum setback of 2,000 feet from a high school
- Limit the size of a retail dispensary to 5,000 square feet
- Establish a 3 percent sales tax on recreational cannabis
- Prohibit craft growers and cultivation centers
- Prohibit processing organizations or processors
- Prohibit infuser organizations or infusers
- Confirm the State law does not allow cannabis to be consumed in public
- Note that medical authorization is required for home growing of 5 plants or less

Trustee Oppenheim believes the Village may have some legal issues with making our requirements so much more stringent for marijuana than alcohol. If both substances are legal, there may be some legal challenges. Trustee Öppenheim believes people that want to open a business may question why there are so many more restrictions than alcohol. She believes it will be an ongoing challenge for years.
Ms. Lenneman noted liquor is set up with an alcohol licensing procedure. Cannabis is not part of that. Based on the Act, it is clear local zoning regulations have been contemplated. The number of licenses are limited. Trustee Jester suggested changing the word prohibited to permitted in the Ordinance. Mr. Street noted Section 2 Item A in the law allows the Village to prohibit retail sales. Ms. Lenneman noted it is the Village’s position that it is prohibited currently. Trustee Oppenhiem believes it would be ridiculous to have the medical marijuana establishments more restrictive than a recreational marijuana establishment. Trustee Struthers inquired if banning people smoking in apartments should be considered. Mr. Street noted landlords are allowed to restrict smoking.

Mayor Rosenthal noted on page 2 of the memo from the Village attorney’s office states recreational cannabis uses could fall within other listed uses that are permitted. She questioned whether it should state “cannot” fall and eliminate “pharmacies.” Ms. Lenneman noted although it is our position, we can argue that the Village will hold a Public Hearing regarding further discussion. Mr. Street indicated the Ordinance cannot leave this ambiguity.

She noted that approval of the Resolution send the matter to the Plan Commission. Trustee Seiden is not convinced it is a good use for the Village. Mayor Rosenthal noted there will be costs involved regardless of whether the Village approves it. Mayor Rosenthal suggested some verbiage updates for the Resolution.

Trustee Benton moved to approve the Resolution as amended. Trustee Struthers seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Struthers (4)
NAYS: Seiden (1)

AUTHORIZATION TO AWARD

Public Works Director Bob Phillips reported that
ADDITIONAL WORK FOR THE
the Woodland Subdivision water main project is
WOODLAND SUBDIVISION WATER
currently underway. He noted that the project
MAIN PROJECT
included televising the storm sewers. The footage
From the televising showed that some of the storm
sewers are in worse condition than previously believed and staff is recommending lining them at this time as part of the current capital program at a cost not to exceed $75,000.

Trustee Jester moved to approve. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Struthers (5)
NAYS: None

DISCUSSION
Recreational Marijuana Dispensaries
Possible Locations: HB1 and
500 ft Buffer Around Village Parks
and 2000 ft Buffer around
High Schools

Prohibited Site Location Based on HB1*

* Prohibited sites by HB1 include all residentially
zoned districts as well as a 1,000 ft buffer around
the property line of all childcare facilities and schools.
The map also includes a 500 ft buffer around all
Village of Deerfield parks.
VILLAGE OF DEERFIELD
LAKE AND COOK COUNTIES, ILLINOIS

ORDINANCE NO. 0-15-11

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD TO AUTHORIZE MEDICAL CANNABIS DISTRIBUTION FACILITIES AS A SPECIAL USE PURSUANT TO THE COMPASSIONATE USE OF MEDICAL CANNABIS PILOT PROGRAM ACT

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS, this 6th day of April, 2015.

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Deerfield, Lake and Cook Counties, Illinois, this 6th day of April, 2015.
AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD TO AUTHORIZE MEDICAL CANNABIS DISTRIBUTION FACILITIES AS A SPECIAL USE PURSUANT TO THE COMPASSIONATE USE OF MEDICAL CANNABIS PILOT PROGRAM ACT

WHEREAS, the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS Section 130/5 et seq., the “Act”) became effective on January 1, 2014; and,

WHEREAS, the Act provides for a maximum of sixty (60) medical cannabis dispensing facilities (“Distribution Facilities”) to be established pursuant to the Act and geographically dispersed throughout the State of Illinois; and,

WHEREAS, the Act provides that a Distribution Facility may not be located within 1,000 feet of the property line of a preexisting public or preschool or elementary or secondary school or daycare center, daycare home, group daycare home or part day childcare facility; and,

WHEREAS, the Act provides that municipalities may enact reasonable zoning regulations for Distribution Facilities, not in conflict with the Act, but prohibits municipalities from completely prohibiting the location of Distribution Facilities within the municipality; and

WHEREAS, the United States Department of Justice issued guidance on August 29, 2013 regarding marijuana enforcement by the Department of Justice under the Controlled Substances Act (the “DOJ Guidance”), and the exercise of prosecutorial discretion by the Department of Justice to refrain from prosecuting narcotics offenses against certain marijuana conduct authorized by state and local governments; and,
WHEREAS, the DOJ Guidance provides that prosecutors would not engage in narcotics enforcement against the cultivation, distribution, sale and possession of marijuana used for medical cannabis when authorized by state and local governments, provided that state and local laws authorizing such conduct implement strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale and possession of marijuana in compliance with such laws, and that such state laws and regulations affirmatively and effectively address federal narcotics enforcement priorities to prevent diversion of marijuana outside of the regulated system, and to prohibit marijuana marketing and trafficking access to minors; and

WHEREAS, the Plan Commission of the Village of Deerfield spent months studying the possible establishment of Distribution Facilities within the Village of Deerfield, and the zoning regulations that should be established in the best interests of the Village of Deerfield to regulate the possible location and use Distribution Facilities within the Village; and,

WHEREAS, the Plan Commission held public hearings on November 14, 2013, January 9, 2014 and February 13, 2014 to consider testimony and documentary evidence relating to possible location of Distribution Facilities with the Village of Deerfield pursuant to the Act and the enactment of reasonable zoning regulations that are consistent with the Act and in the best interest of the Village of Deerfield regulating the location and operation of Distribution Facilities in the Village of Deerfield; and,

WHEREAS, the corporate authorities of the Village of Deerfield have considered the testimony, documentary evidence, report and recommendation of the Plan Commission of the Village of Deerfield recommending approval of a text amendment to the Zoning Ordinance of the Village of Deerfield to allow Distribution Facilities as a special use in certain locations in the C-2 and I-2 Zoning Districts; and
WHEREAS, the Corporate Authorities of the Village of Deerfield have determined that it is in the best interest of the Village of Deerfield that the text of the Zoning Ordinance be amended as provided herein to authorize one (1) Distribution Facility as a special use in the Village of Deerfield pursuant and in accordance with the Zoning Ordinance of the Village of Deerfield as hereby amended;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION 1: That the above and foregoing recitals, being material to this ordinance, are hereby incorporated and made part of this ordinance as if fully set forth herein.

SECTION 2: That Section 14.02, entitled “Definitions”, of Article 14, entitled “Rules and Definitions,” of the Zoning Ordinance of the Village of Deerfield be and the same is hereby amended to add the following as defined words and phrases:

"Cardholder" means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the Department of Public Health.

"Designated caregiver" means a person who: (1) is at least 21 years of age; (2) has agreed to assist with a patient's medical use of cannabis; (3) has not been convicted of an excluded offense; and (4) assists no more than one registered qualifying patient with his or her medical use of cannabis.

"Dispensary" means the physical premises from which a dispensing organization will dispense cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

"Enclosed, locked facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store, and distribute cannabis for registered qualifying patients.

"Medical cannabis container" means a sealed, traceable, food compliant, tamper
resistant, tamper evident container, or package used for the purpose of containment of medical cannabis from a cultivation center to a dispensing organization.

"Medical cannabis dispensing organization", or "dispensing organization", or "dispensary organization" means an organization that has received Dispensing Organization Authorization Registration from the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center and to operate a dispensary within a dispensing organization district that includes territory within Village limits for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

"Medical cannabis infused product" means food, oils, ointments, or other products containing usable cannabis that are not smoked.

"Restricted access area" shall have the meaning set forth in 68 Ill. Adm. Code 1290.10, as may be amended.

SECTION 3: That Article 5.02-C ("Special Uses") of Article 5.02 ("C-2 Outlying Commercial District") the Zoning Ordinance of the Village of Deerfield be in the same is hereby amended to add the following as Paragraph 14 thereof:

14. Medical Cannabis Dispensary.

A medical cannabis dispensary, operated by a registered dispensing organization as a distribution facility as provided in the Compassionate Use of Medical Cannabis Pilot Program Act, provided that: (i) no such facility may be located within five hundred feet of the property line of any public park; (ii) such facility shall be established and operated in strict accordance with the regulations for medical cannabis dispensaries set forth in Article 2 of this Ordinance; and (iii) not more one (1) special use permit shall be issued or outstanding at any time for a medical cannabis dispensary within the Village of Deerfield.

SECTION 4: That Article 6.02-C ("Special Uses") of Article 6.02 ("I-2 Limited Industrial District") of the Zoning Ordinance of the Village of Deerfield be in the same is hereby amended to add the following as Paragraph 20 thereof:

20. Medical Cannabis Dispensary.

A medical cannabis dispensary, operated by a registered dispensing organization as a distribution facility as provided in the Compassionate Use of Medical
Cannabis Pilot Program Act, provided that: (i) no such facility may be located within five hundred feet of the property line of any public park; (ii) such facility shall be established and operated in strict accordance with the regulations for medical cannabis dispensaries set forth in Article 2 of this Ordinance; and (iii) not more one (1) special use permit shall be issued or outstanding at any time for a medical cannabis dispensary within the Village of Deerfield.

SECTION 5: That Article 2 ("General Provisions") of the Zoning Ordinance of the Village of Deerfield be and the same is hereby amended by adding Article 2.11 entitled "Additional Regulations for Medical Cannabis Dispensaries" as follows:

2.11 Additional Regulations for Medical Cannabis Dispensaries.

A. Application for Special Use. In addition to the requirements set forth in Article 13 of this Ordinance relating to applications for a Special Use, the application of a registered dispensing organization for a Special Use to permit a medical cannabis dispensary within the Village must include all of the following information and documents:

(1) The legal name and, if different than the legal name, the trade name of the proposed dispensing organization for which the special use is sought.

(2) The proposed commonly known address of the proposed medical cannabis dispensary.

(3) The legal name of the applicant, if different than the proposed dispensing organization.

(4) The address, telephone number and e-mail address of the dispensing organization’s and applicant’s principal place of business, if different than the common address of the proposed dispensary. A post office box may not be submitted as the address of the applicant’s principal place of business.

(5) The legal names, addresses, telephone numbers, and e-mail addresses of: (a) all business entities with a financial interest in the dispensing organization, and all officers, directors, partners, managers, and owners thereof; (b) sole proprietors and other individuals with a financial interest in the dispensing organization; and (c) each proposed dispensing organization agent. For all officers, directors, partners, managers, and owners of the business entities, and for all sole proprietors and other individuals with a financial interest in the dispensing organization, the applicant must also provide their dates of birth and social security numbers and a detailed statement of their qualifications and
experience related to the operation of a medical cannabis business or related occupation. A post office box may not be submitted as the address of any entity or individual with a financial interest in the dispensing organization. Pursuant to 410 ILCS 130/145(a), this information, if clearly marked as confidential and submitted separately, shall be maintained by the Village as confidential information not subject to disclosure under the Illinois Freedom of Information Act.

(6) The proposed hours of operation of the proposed dispensary.

(7) If the proposed dispensing organization or the applicant is a business organization other than a sole proprietorship, the following information regarding the dispensing organization and applicant entity:

(a) The type of business organization, the date of formation, and an affirmation that the organization is authorized to conduct the business of a dispensing organization in the State of Illinois.

(b) If a limited liability company or a corporation, a copy of (i) its certificate of good standing issued by the Secretary of State no more than seven days prior to the date the application for a special use is filed with the Village; and (ii) if the limited liability company or corporation uses an assumed name, a copy of the corporation’s assumed name registration issued by the Secretary of State.

(8) A description of any additional training and education that will be provided to the proposed dispensing organization agents.

(9) A copy of a business plan for the proposed dispensing organization that includes, without limitation, the following information:

(a) A description of the products and services that the proposed dispensing organization desires to offer; and

(b) A description of the procedures the proposed dispensing organization will implement to ensure the secure transfer of medical cannabis from restricted access areas to limited access areas.

(10) A security plan that describes how the proposed dispensing organization will comply with the security and recordkeeping regulations set forth in Sections 1290.400 - 1290.460 of Title 28 of the Illinois Administrative Code, 28 Ill. Admin. Code 1290.400 - 1290.460, as those sections may be amended from time to time, shall be submitted to the Chief of Police for review and recommendation. The security plan shall
be kept confidential to the extent permitted by law. Without limitation, the security plan must include the following information:

(a) A description of the procedures that the proposed dispensing organization will implement to prevent the diversion, theft, or loss of cannabis during the delivery of cannabis to the proposed dispensing organization by a cultivation center, including, without limitation, the use of delivery manifests;

(b) A description of the procedures that the proposed dispensing organization will implement to: (i) monitor the activities conducted within the proposed dispensing organization; (ii) secure the dispensing organization, including, without limitation, the dispensing organization agents, qualifying patients, and cannabis and currency stored at the dispensing organization; and (iii) prevent the diversion, theft or loss of cannabis; and

(c) A description of the procedures that the proposed dispensing organization will implement to restrict access to limited access areas and restricted access areas.

(11) A written statement that the applicant owns the property on which it proposes to operate the dispensary or, if the applicant does not own the property, a written statement from the property owner certifying the owner's consent to the use of the property as a dispensary.

(12) A map of the area surrounding the location of the proposed dispensary: (a) showing that no part of the property on which the proposed dispensary is located within 1,000 feet, measured from property line to property line, of any part of the property line of any existing public or private preschool, elementary school, secondary school, day care center, day care home, group day care home, or part-day child care facility; (b) showing that no part of the property on which the dispensary is located within 500 feet, measured from property line to property line, of any public park; (c) showing that the proposed location for the dispensing organization is not zoned for residential use; and (d) identifying the businesses, and the nature of each business, located within 1,000 of any part of the property line of the proposed dispensing organization in existence at the time that the application of a special use permit is filed with the Village.

(13) Floor plans and elevations of the proposed dispensary building that must include, without limitation, the following information:

(a) The location, layout, floor area, name, and function of each room, including, without limitation, patient counseling areas, restricted access areas, limited access areas, rooms in which
cannabis will be stored when the proposed dispensing organization is open for business, and rooms in which cannabis will be stored when the proposed dispensing organization is not open for business;

(b) The total floor area of the proposed dispensing organization building;

(c) The doorways or pathways between rooms;

(d) The means of ingress and egress to and from the building of the proposed dispensing organization, including, without limitation, fire exits;

(e) The location of all safes or vaults that will be used to store cannabis, cannabis products, and currency;

(f) The locations of bullet-proof glass;

(g) The location of each toilet facility;

(h) The location of each video camera;

(i) The location of each panic button;

(j) The location of each natural and artificial lighting source; and

(k) The location of enclosed and secured loading and trash handling and disposal facilities.

(14) A description of how the proposed dispensing organization will comply with the Americans with Disabilities Act and similar state and local laws and regulations.

(15) A plan to prevent patient overflow in waiting rooms and patient care areas.

(16) An attestation that the proposed dispensary will have safes or vaults with sufficient capacity to safely store the anticipated quantities of cannabis and currency on the premises.

(17) Evidence acceptable to the Zoning Administrator that the proposed dispensary building complies with all applicable State and local building and fire regulations, and all other applicable local ordinances and regulations.
(18) A sign plan for the proposed dispensary, consistent with the requirements set forth in Paragraph B(4) of this Ordinance, that describes and depicts all proposed signs related to the proposed dispensing organization, including, without limitation, the type of each proposed sign, the sign area and sign height of each proposed sign, the content of each proposed sign, the location of each proposed sign, and the illumination of each proposed sign, if any.

(19) A comprehensive site plan drawn to scale of the proposed dispensary, which site plan must depict the following features, if applicable and without limitation: streets, traffic direction, sidewalks, trees, alleys, property lines, buildings, parking areas, handicapped parking spaces, fences, exterior walled areas, garages, vehicle delivery access doors, hangars, security features, garbage enclosure areas, and outdoor areas.

(20) A demonstration that the proposed location is suitable for public access, the layout promotes safe dispensing of medical cannabis, it is sufficient in size, power allocation, lighting, parking, handicapped accessible parking spaces, ADA-accessible entry and exits, product handling, and storage.

(21) Any other information or document that the Zoning Administrator determines is reasonably necessary to consider the application for a special use permit.

B. Operational Standards. The establishment, development, and operation of any dispensary located within the Village must comply with all conditions and restrictions set forth in the ordinance granting the special use for the dispensary and with the following standards and requirements:

(1) Medical cannabis dispensaries shall be subject to Special Use review and approval under this Ordinance.

(2) All medical cannabis dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act and with all rules and regulations adopted in accordance thereto.

(3) Medical cannabis dispensaries shall be a minimum of one thousand (1,000) feet from all other medical cannabis dispensaries measured from property line to property line.

(4) Signage and advertising:

(a) All signage for medical cannabis dispensaries shall be limited to one flat wall sign not to exceed ten square feet in area, and one identifying sign not to exceed two square feet in area
which can only include the dispensary address. Such signs shall not be directly illuminated. Exterior signs on the dispensary building shall not obstruct the entrance or windows on the dispensary.

(b) Electronic message boards and temporary signs are not permitted in connection with a dispensary.

(c) Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or any language terms referencing cannabis, or any slang or street terms commonly associated with cannabis.

(d) A sign shall be posted in a conspicuous place at or near all dispensary entrances and shall include the following language: “Only cardholders, designated care givers, and staff may enter these premises. Persons under the age of 18 are prohibited from entering.” The required text shall be no larger than one inch in height. To the extent permitted by Compassionate Use of Medical Cannabis Pilot Program Act, the age restriction on entry to the premises shall not be required text.

(e) Any additional merchandise packaging provided by the dispensary, such as bags, sacks, totes or boxes shall be opaque without text or graphics advertising or identifying the contents of the products contained within.

(5) Medical cannabis dispensaries that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.) and the Compassionate Use of Medical Cannabis Pilot Program Act.

(6) Unless expressly authorized by the Compassionate Use of Medical Cannabis Pilot Program, it shall be unlawful for any medical cannabis dispensary to allow any person who is not at least 18 years of age on the premises. Dispensaries shall not employ anyone under the age of 18. Access shall be limited exclusively to dispensary staff, cardholders, designated care givers, local and state officials, and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act.

(7) Medical cannabis dispensaries may not have a drive-through service window.
(8) Any cannabis, cannabis-infused products, or cannabis waste on the premises of the dispensing organization must be stored within secure refuse containers located within a restricted access area of the dispensing organization at all times prior to the destruction and disposal thereof, which destruction and disposal must be performed pursuant to the requirements of 68 Ill. Admin. Code 1290.450, as may be amended.

(9) All waste other than cannabis waste must be stored within dumpsters or garbage cans located within areas of a fully enclosed building, with operable doors closed at all times other than during loading and unloading.

(10) All dispensing organizations must be equipped with a secure unloading space for the reception of deliveries of medical cannabis and medical cannabis infused products, which space must be: (a) located within an enclosed area of the principal structure in which the dispensing organization operates; (b) secured by doors that are closed and locked during all times that deliveries of medical cannabis or medical cannabis infused products are unloaded; and (c) a restricted access area.

SECTION 6: That Chapter 7 ("Businesses" of the Municipal Code of the Village of Deerfield is hereby amended to add the following business license regulations as Article 16 thereof entitled "Medical Cannabis Dispensaries":

Article 16. Medical Cannabis Dispensaries

Sec. 7-93. Definitions.

(a) "Medical cannabis dispensary" shall mean an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cannabis cultivation center for the purpose of dispensing medical cannabis, medical cannabis infused product, paraphernalia, or related supplies and educational materials to registered qualifying patients under the Compassionate Use of Medical Cannabis Pilot Program Act.

(b) "Medical cannabis infused product" means food, oils, ointments, or other products containing usable cannabis that are not smoked.

Sec. 7-94. License Required. No person shall engage in the business of dispensing medical cannabis, medical cannabis infused product, paraphernalia, or
related supplies and educational materials to registered qualifying patients under the Compassionate Use of Medical Cannabis Pilot Program Act without first having secured a license therefor pursuant to this Article.

Sec. 7-95. License Application. An application for a Medical Cannabis Dispensary business license must include all of the following information and documents:

(a) The legal name and, if different than the legal name, the trade name of the dispensing organization for which the license is sought.

(b) The common known address of the location where the medical cannabis dispensary will be operated, and evidence that the location is in compliance with all applicable zoning and building code requirements.

(c) The address, telephone number and e-mail address of the applicant and dispensing organization's principal place of business, if different than the common address of the medical cannabis dispensary.

(d) The legal names, addresses, telephone numbers, and e-mail addresses of: (a) all business entities with a financial interest in the dispensing organization, and all officers, directors, partners, managers, and owners thereof; (b) sole proprietors and other individuals with a financial interest in the dispensing organization; and (c) each proposed dispensing organization agent. Pursuant to 410 ILCS 130/145(a), this information, if clearly marked as confidential and submitted separately, shall be maintained by the Village as confidential information not subject to disclosure under the Illinois Freedom of Information Act.

(e) Upon request of the Village Manager, the applicant shall also provide the dates of birth and social security numbers and a detailed statement of qualifications and experience related to the operation of a medical cannabis business or related occupation provide for all officers, directors, partners, managers, and owners of the business entities, and for all sole proprietors and other individuals with a financial interest in the dispensing organization.

(f) If the proposed dispensing organization or the applicant is a business organization other than a sole proprietorship, the following information regarding the dispensing organization and applicant entity:
(1) The type of business organization, the date of formation and affirmation that the organization is authorized to conduct the business of a dispensing organization in the State of Illinois.

(2) If a limited liability company or a corporation, a copy of (i) its certificate of good standing issued by the Secretary of State no more than seven days prior to the date the application is filed with the Village; and (ii) if the limited liability company or corporation uses an assumed name, a copy of the corporation’s assumed name registration issued by the Secretary of State.

Sec. 7-96. License Fee. The annual license fee for a medical cannabis dispensary shall be the amount set forth in the annual fee resolution adopted by the corporate authorities.

SECTION 7: That the annual fee resolution of the Village of Deerfield be and the same is hereby amended to add the following as the annual license fee to be paid pursuant to Section 7-96 of the Municipal Code of the Village of Deerfield, as amended, to operate a medical cannabis dispensary in the Village of Deerfield as defined in Section 7-94 of the Municipal Code of the Village of Deerfield:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Municipal Code Reference</th>
<th>Description</th>
<th>Fee for FY 2015</th>
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<tr>
<td>(E) Businesses</td>
<td>7-96</td>
<td>License Fee</td>
<td>$1,000.00</td>
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</tbody>
</table>

SECTION 8: That this Ordinance, and each of its terms, shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should: (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law; or, (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Deerfield that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.
[This Space Left Blank Intentionally]
SECTION 9: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 6th day of April, 2015.

AYES: Benton, Jester, Nadler, Struthers

NAYS: Farkas

ABSENT: None

ABSTAIN: Seiden

APPROVED this 6th day of April, 2015.

Village President

ATTEST:

Village Clerk
Possible Locations: HB1 and 500 ft Buffer Around Village Parks

* Prohibited sites by HB1 include all residentially zoned districts as well as a 1,000 ft buffer around the property line of all childcare facilities and schools. The map also includes a 500 ft buffer around all Village of Deerfield parks.

<table>
<thead>
<tr>
<th>School and Childcare Facilities</th>
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<tbody>
<tr>
<td>1. ALAN B. SHEPARD JR. HIGH</td>
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<tr>
<td>2. BJBE EARLY CHILDHOOD CENTER</td>
</tr>
<tr>
<td>3. BRIGHT HORIZONS AT LAKE COOK</td>
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<tr>
<td>4. BRIGHT HORIZONS PARKWAY NORTH</td>
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<td>5. CHARLES CARUSO JR. HIGH</td>
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<td>6. CHICAGoland JEWISH HIGH SCHOOL</td>
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Existing Medical Cannabis Dispensary
151 S. Pfingsten Rd, Unit V
Various News Articles Regarding
Recreational Cannabis Businesses
In Other Communities
Decisions loom for Lake County communities on whether to welcome recreational marijuana sales. Many still are undecided.

By STEVE SADIN
JUN 27, 2019 | 3:16 PM

Ericka Hogan walks down an aisle of marijuana plants that are growing in a flowering room at Illinois Grown Medicine, a medical marijuana cultivation center in Elk Grove Village, on May 6, 2019. (Stacey Wescott/Chicago Tribune)

With a monumental shift coming to Illinois now that Gov. J.B. Pritzker has signed a bill legalizing recreational marijuana, many communities in Lake
County still are figuring out how to prepare for the change but some officials already like the idea of having added tax revenue.

Deerfield and other nearby villages, such as Highland Park and Buffalo Grove, are planning public discussions this summer for village officials as they consider establishing local regulations on recreational marijuana facilities once the new law goes into effect Jan. 1. Under the law, municipalities also have the option of prohibiting recreational marijuana dispensaries from operating in their communities.

Officials elsewhere in Lake County, including Libertyville and Vernon Hills, have said they’re still studying the details of the bill, which Pritzker signed into law earlier this week, before they formally respond to the change. Officials in both towns said they passed resolutions back in May urging state lawmakers not to legalize recreational marijuana use in Illinois.

Deerfield, though, is accustomed to having marijuana businesses operate within its borders after officials allowed a medical marijuana dispensary, Grassroots Cannabis, to open a facility along Pfingsten Road.

Mayor Harriet Rosenthal said village officials still need to study the changes in the law but officials seem open to the idea of allowing for a recreational marijuana dispensary. Even so, Rosenthal said she did not want to see the bill become law because of concern that instances of distracted driving and drug overdoses will increase.

“If we can find a suitable site in the village, we might as well get the revenue from the sales,” Rosenthal said. “Since it will be legal and (Grassroots’ owner) has kept his word as an operator, he will likely get first crack at a license.”
The new law allows the state’s 55 medical dispensaries to apply to sell recreational marijuana by Jan. 1. The existing dispensaries also can apply to open a second location.

As Deerfield officials continue to study the issue, village board members formally are planning to discuss their next steps during a meeting starting at 7:30 p.m. July 1 inside Village Hall.

Andrew Lichterman, assistant village manager in Deerfield, said the board will consider asking the Deerfield Plan Commission to start deliberations on whether to extend regulations that now apply to medical dispensaries, craft different rules or prohibit recreational dispensaries entirely.

Current zoning regulations in the village restrict medical marijuana dispensaries to a commercial area roughly bounded by Waukegan, Pfingsten and Kates roads, as well as Deerfield’s southern border.

Despite the uncertainty, Grassroots CEO Mitch Kahn, a Deerfield resident, said he anticipates his company will seek a dual license in Deerfield.
“We’re excited about the new law and the opportunity for a lot more people to have cannabis to help them with all kinds of things,” Kahn said, noting how it will take time for everyone to adjust to the law. “Changing social norms is a slow process.”

In nearby Highland Park, city council members are preparing for a presentation July 8, when they’ll start reviewing the new law, how it affects the city and how they should go about addressing different policy questions that come with the change, said City Manager Ghida Neukirch. Highland Park currently requires a special-use permit for medical cannabis dispensaries. West of Deerfield, officials in Buffalo Grove also already require a special-use permit for medical cannabis dispensaries. Buffalo Grove trustees still have to discuss whether to extend those existing regulations to recreational facilities, said Village Manager Dane Bragg.
Libertyville leaning against marijuana sales for recreational use

Mick Zawislak
Updated 7/17/2019 6:16 PM

Libertyville officials are leaning against allowing the sale of recreational marijuana in town, but public input is being sought before an official decision is made.

Libertyville leaders, like those in communities across the state, are determining how to proceed when the possession and private use of marijuana becomes legal in Illinois beginning Jan. 1. Communities can't outlaw its use, but they can decide to prohibit or restrict the location of businesses that sell it.

Village officials have held one informal discussion and are expected to approve a measure Tuesday directing the advisory plan commission to hold a public hearing Aug. 26 on possible zoning changes related to marijuana sales.

As it stands, marijuana sales would be categorized under village code as being miscellaneous retail and permitted in Libertyville's four commercial zoning districts. Doing nothing means that recreational marijuana could be sold at pretty much any retail outlet.
"We haven't taken any official action, but we're referring it to the plan commission for a hearing and the recommendation of the board will be we not have them," Mayor Terry Weppler said.

Information provided to the board included a sample resolution from Glencoe approved in June that directs its zoning commission to evaluate the classification of cannabis businesses and recommend whether some or all cannabis businesses should be prohibited or, if allowed, under what conditions.

Libertyville's public hearing will give residents an opportunity to weigh in. As such, the venue has been moved from village hall to larger quarters at the nearby Libertyville Civic Center.

Theoretically, the board could revise its stance to allow the sale in a specially designated area.

"We've had input from residents saying we don't want you to do it. Could that change? Absolutely," Weppler said.

One enticing aspect of allowing marijuana sales is that communities can impose a tax of up to 3% of a purchase in 0.25% increments.

While Libertyville is always watching its bottom line and looking for new revenue, that isn't a driving factor, according to Weppler. He noted that video gambling also generates revenue but residents opposed it and the board rejected the idea.

At this point, there is no way to know how much revenue that might generate and it will be difficult to establish revenue projections until dispensaries are operating in comparable communities, finance director Nick Mostardo said.
It appears a majority of the village board oppose sales of recreational marijuana, which would make it a moot point, he said.
Naperville votes to 'protect the brand,' banning recreational pot sales

Marie Wilson
Updated 7/17/2019 8:27 PM

Stores selling recreational marijuana will not be permitted to open in Naperville, city council members decided in a split vote, saying they want to protect their family-friendly brand and await data on how adult use affects communities.

"We have a great community here and we need to keep the protection of it paramount," council member Kevin Coyne said.

The move makes Naperville among the first suburban communities to ban sales of the drug, which will be legal for adult possession and private use across the state beginning Jan. 1 under the Cannabis Regulation and Tax Act.

Council member Patty Gustin on Tuesday sent an email to contacts encouraging them to speak out and said she fears the costs of increased addiction as well as the potential for "big marijuana" to profit from legal sales.

Prohibiting sales, she said, will safeguard Naperville's families, and losing potential tax revenue won't hurt the city's bottom line.
"The true cost is not opting out and sitting on our hands until this is forced upon us," she said during more than two hours of debate on the topic Tuesday night. "There's no dollar amount worth selling out our kids."

Several drug prevention advocates shared studies with the council about effects on teen brain development and the potential for increased use or decreased perception of risk. But many members remained unconvinced of the validity of the research, pointing out it's difficult to scientifically study marijuana because of regulations placed on the drug -- a federally illegal Schedule 1 substance.

Naperville is home to one medical marijuana dispensary, 3C Compassionate Care Center, which has been in operation since early 2016 in an industrial area on Quincy Avenue. The operator of that dispensary, Green Thumb Industries, sought to open a recreational arm for the business, and another dispensary chain with several locations in Illinois, Grassroots Cannabis, also petitioned to set up a recreational shop.

But council members doubted the financial windfall the sales could bring. Municipalities are allowed to place local sales taxes of up to 3% on recreational marijuana sales. But at that rate, selling $1 million worth of the drug would generate only $30,000 in increased revenue.

Council member Theresa Sullivan said that in the absence of reliable study data either way, the decision was an economic one for her. And the value of Naperville's image as a hub for families won out.

"It's an economic engine for us to keep that brand where it is," Sullivan said. "I want to protect the brand, and I just don't see that selling marijuana is going to do anything for our brand."
Members voting in the minority against prohibiting recreational sales, however, said the business would not detract from Naperville's reputation.

"We're afraid of something that will not happen," council member Judith Brodhead said. "I don't think it will hurt our brand one bit. No one is not going to move to Naperville because there happens to be one or two dispensaries in town."

Brodhead joined council members Benny White and John Krummen and Mayor Steve Chirico in voting against the ban. Chirico said he knows a societal cost will come with legal adult use of cannabis, but he also knows the substance already is in use.

"Given the cost we'll experience either way, why not have the tax revenues to help offset it?" Chirico said.

Some council members who voted to ban recreational sales advocated for the city to continue researching use rates and effects of the new industry before potentially revisiting the decision later.

Council member Patrick Kelly called this an "opt out and find out" approach. Council member Paul Hinterlong agreed, saying it's best not to be among the first to allow recreational sales as the market tests itself out and enforcement begins.

"I think it's going to be a learning curve for everyone," Hinterlong said. "I don't think we should be that learning curve."
Suburbs say no to recreational marijuana

Naperville, Libertyville and Bloomingdale vote themselves weed-free.

JOHN PLETZ

The race to roll out recreational marijuana in Illinois is encountering an unexpected obstacle: resistance from municipalities that want no part of the pot party.

Naperville City Council members recently voted 5-4 to reject recreational-use sales in the western suburb. Naperville joins Libertyville and Bloomingdale in pursuing opt-out rights under a little-noticed provision of legislation allowing recreational marijuana sales across the state starting Jan. 1. The law allows towns and cities to bar retailers from selling pot for recreational use within their borders.

Other suburbs, including North Aurora, Deerfield, Bannockburn and Mokena, are scheduled to take up the issue soon. More municipal bans could slow the growth of recreational sales and the tax revenue state officials expect from marijuana.

Naperville's action was particularly jarring because the town is home to a medical marijuana dispensary. State lawmakers are counting on holders of the state's 55 medical marijuana licenses to jump-start recreational sales. Under the law, medical dispensaries are allowed to sell to the public, and their owners are able to seek a license for an additional recreational-use retail location. North Aurora and Mokena also have medical dispensaries.

The Naperville vote leaves Green Thumb Industries, which operates a medical dispensary in the state's fourth-largest city, in limbo. "I was surprised by the vote," says Naperville Mayor Steve Chirico, who supports a recreational-use dispensary. "I knew there would be some opposition but not enough to sway the vote."
It's not just suburbs. Cresco Labs, another large marijuana company, which is seeking to move its small existing medical dispensary at 3812 N. Clark St. in Wrigleyville to a larger location at the John Barleycorn tavern three blocks away, also is in a precarious position.

The city of Chicago hasn't spelled out its approach to the recreational market, although a City Council proposal July 24 to tax marijuana sales at the maximum 3 percent allowed by the state, suggests aldermen favor recreational sales. However, Mayor Lori Lightfoot hasn't said how the city will decide where dispensaries will be located. "We look forward to working with the entire City Council on ways to maximize Chicago's cannabis industry expansion and revenues to ensure they have the highest benefit for all of Chicago's communities," she says.

Municipal governments have to weigh competing social, ethical and economic concerns. "Everyone has to choose what's right for them," says Steve Bosco, village administrator for North Aurora. "For us, it's not really about the money."

Based on industry estimates that a recreational dispensary would sell about $20 million worth of marijuana annually, Chirico figures it would generate about $500,000 a year in tax revenue for Naperville. He says the matter will come back to the council for a vote once the opt-out ordinance is drafted. "It was close," he says. "With one vote, it could flip."

**DEADLINE APPROACHING**

In the meantime, Green Thumb says, "We are actively evaluating various locations in supportive communities that are eager to have a cannabis store, tax revenue and the new job opportunities GTI will offer."

With the Jan. 1 deadline fast approaching, cannabis companies have to nail down specific locations before they can seek recreational-use licenses from the state. Only then can they begin construction to expand existing facilities or build new ones, if necessary. Governments say they can act on legislation within a couple of months. Cannabis companies aren't panicking yet. "(The program) will roll out on time. It's a question of how and where," says Mark de Souza, CEO of Revolution Enterprises, which operates a medical-use dispensary in Mount Prospect. De Souza says he's had preliminary discussions with elected officials there. "They haven't decided yet where they're at (with recreational use). We're in no rush."
There's another potential stumbling block: The scale of recreational use is much greater than medical. Existing dispensaries were built for a much smaller customer base, so cannabis companies will need larger facilities for recreational use.

There are about 70,000 people with state-issued medical-marijuana cards. The Marijuana Policy Project estimates 700,000 people in Illinois consume marijuana, based on surveys. There are 8.6 million residents over 21, the minimum age to purchase marijuana.

It's not clear whether the Department of Financial & Professional Regulation will allow existing medical dispensaries that move to larger locations to automatically seek a grandfathered recreational license, or whether it will treat them as new license applications.

There are still local zoning issues. Cresco hasn't submitted an application for recreational sales at the new Wrigleyville location the company is seeking for its existing medical dispensary. But Bennett Lawson, chief of staff for Ald. Tom Tunney, 44th, says it requires public input. "We want to hear from residents, businesses and stakeholders and move forward from there."

Add to that another wrinkle: The new mayor got elected in part by vowing to limit the power of aldermen to hold sway over zoning matters in their wards. "This is where the argument of why we should have aldermanic prerogative plays in," says Ald. Matt O'Shea, who represents the 19th Ward on the Far Southwest Side, which is home to many police and firefighters, but nonetheless introduced the marijuana tax ordinance in the City Council. "I think I know that any part of my community would say, 'Not in my backyard.'"

The law provides that an alderman may propose an ordinance banning recreational sales in any precinct of his or her ward if 25 percent of registered voters in the precinct sign a petition supporting such a ban.

Such NIMBYism put a damper on video gambling, which produced less tax revenue than the state forecast, in part because an unexpected number of municipalities, including Chicago, didn't allow them. Bob Bruno, a University of Illinois professor who co-authored a study on the economic impact of legalizing marijuana, doesn't foresee a repeat. "As jurisdictions opt out, others will be welcoming."
Northbrook board voices initial approval of first recreational cannabis business proposal

By ALEXANDRA KUKULKA
PIONEER PRESS | JUL 30, 2019 | 1:25 PM

The Northbrook Board of Trustees heard a proposal at its July 23, 2019 meeting from Grassroots, a company that currently runs a marijuana dispensary in Deerfield, to open a recreational cannabis dispensary in the now-vacant building at 755 Skokie Boulevard. (Alexandra Kukulka / Pioneer Press)
Even as Northbrook is in the early stages of considering how it will implement the state’s legalization of marijuana for recreational use as of the New Year, trustees recently reviewed an application from a cannabis business that wants to open a location in the village.

The company Grassroots would like to open a recreational cannabis dispensary within the existing vacant 11,000-square foot building at 755 Skokie Boulevard, according to a staff report.

The entire building wouldn’t be devoted to cannabis sales, and will likely also include medical space and offices, said Tom Poupard, director of development and planning services.

The approximately 2.6 acres of land also includes a closed gas station, but the property owner has agreed to tear it down and improve the parking and landscaping in that area as part of the proposal.

The cannabis company currently operates a dispensary in Deerfield, and wants “to expand its patient and customer reach” by opening a secondary location in Northbrook — in accordance with state statute already in effect, according to the report.

State law allows cannabis operators who have met or exceeded the requirements of the State of Illinois Medical Marijuana Pilot Program Act to open one additional “secondary” location for recreational use for every medical marijuana dispensary it currently operates.

In June, Gov. J.B. Pritzker signed a bill legalizing the sale and possession of recreational cannabis products in Illinois as of Jan. 1, 2020. Northbrook trustees held a Committee of the Whole meeting the same day the bill was signed to give village staff direction on how to regulate and tax cannabis businesses.

The trustees voiced support for amending the village’s zoning code to allow cannabis dispensaries by special permit and for collecting a local tax on sales of the drug. Poupard said the board will discuss the sales tax at a future meeting, likely in August.

He said the Plan Commission will work on amending the zoning code for the recreational dispensaries, and is expected to hold the first public hearing August 20.

In the meantime, village staff believes that the proposed Skokie Boulevard location for Grassroots’ business is “logical,” according to the report.

Trustee Muriel Collison said she supports the proposal, and that she agrees with staff that the location of the business is ideal.

“I do think it is an appropriate location. It’s one of the only locations that works on the map,” Collison said.

Trustee Robert Israel said he “can’t really find a reason to object to” the proposal.
“This would be a wonderful location for it,” Israel said. “It’s an ideal reuse of an existing facility.”

Trustee Jason Han said he is concerned that with the business so close to the highway, it could cause an increase in driving under the influence charges as customers leave.

To address that concern, Village President Sandra Frum asked village staff to clarify if the business will allow on-site consumption. Poupard said he does not believe that onsite consumption will be allowed, but that staff will “sort that out.”

He also stated that the village can legally regulate onsite consumption through the zoning code amendments.

Trustees asked the company owners to give more detail on parking, landscaping and plans for the vacant gas station portion of the property. But, overall, they voiced support and approved the proposal to move on to the Plan Commission.
Grayslake village board members on Tuesday will discuss banning the sale of recreational marijuana -- which will become legal in Illinois on Jan. 1 -- for at least one year.

Grayslake Assistant Village Manager Brett Kryska said the board first discussed a moratorium at a meeting July 16.

"Assuming they adopt the ordinance tomorrow, they would basically ban marijuana sales for now," Kryska said. "Then they would revisit the discussion after they see how it's playing out in other towns who allow it."

The ordinance calls for the topic to be discussed again in the first quarter of 2021, Kryska said.

Grayslake isn't alone in debating the issue. Some suburbs are studying whether to allow marijuana stores, while Naperville, Lake Barrington and Bloomingdale plan to officially ban sales.

The [Cannabis Regulation and Tax Act](https://www.legis.state.il.us/laws/acts/2019/633/)' was passed by state lawmakers on May 31 and signed by Gov. J.B. Pritzker on June 25. Municipalities can choose to not allow marijuana stores within their boundaries, or they can enact "reasonable" zoning ordinances and regulate how many and where
they are. That can include minimum distances from "sensitive" locations such as colleges and universities, the law states.

The state will issue up to 75 retail dispensary licenses, including 47 in the Chicago area, before May 1. Marijuana retail locations cannot be placed within 1,500 feet of each other, and advertising is prohibited within 1,000 feet of school grounds, parks and playgrounds, recreation and child care centers, public libraries, and game arcades with people under 21. Municipalities that allow marijuana sales can impose local sales taxes up to 3%, according to the law.

Kryska said if the ordinance is passed, the Grayslake board would likely direct the members of the plan commission and zoning board of appeals to study the impact of new marijuana laws and make a recommendation to board members when they decide to revisit the topic.

The village board will meet at 7 p.m. Tuesday at village hall, 10 South Seymour Ave., Grayslake.
Buffalo Grove likely to allow sale of recreational marijuana

Steve Zalusky

Updated 8/8/2019 2:12 PM

Buffalo Grove opposed the legalization of recreational marijuana use in Illinois, but now that it's a done deal, town leaders are moving toward allowing its sale in the village.

A majority of village trustees Monday said they would oppose a ban on the retail sale of marijuana after its use becomes legal for adults on Jan. 1.

Only Trustee David Weidenfeld, joined by a few members of the public, spoke in favor of preventing sales.

The matter is now in the hands of the village's planning and zoning commission, which, with public input, will recommend where in town sales should be permitted. Possible recommendations could include limiting sales to businesses along state roads or in industrial areas, allowing a maximum of two retailers in the village, and barring businesses within 1,000 feet of schools, child care facilities and group homes.

The village board will make the final decision.

Deputy Village Manager Christopher Stilling noted that the village already has a medical cannabis dispensary that has operated well since
opening in 2015. PDI Medical, 1623 Barclay Blvd., is one of 55 medical cannabis license holders in the state.

Recreational marijuana will exist in Buffalo Grove whether the village allows sales or not, because the village cannot regulate private possession or consumption, Stilling added.

The village would pursue a 3% retailer occupation tax on the sale of recreational cannabis, as well as other related taxes. Stilling said Buffalo Grove could, by a conservative estimate, rake in $300,000 to $400,000 a year in new revenue.

Trustees who support allowing marijuana sales say it's better to have the money spent in Buffalo Grove than in surrounding suburbs.

"The tax revenue is there. I would rather our residents purchase, or other people purchase, it from within the village from a vendor who we have experience with, who runs a class act, than send them someplace else," Trustee Andrew Stein said.

Trustee Eric Smith said he sees both sides of the argument, but "we would be doing a disservice to our community to opt out."

Weidenfeld, a longtime volunteer at OMNI Youth Services, which provides substance abuse counseling, denounced the state for legalizing marijuana use.

"The idea that we would want to approve something that incentivizes someone to increase the consumption and use of marijuana ... is to me more than deplorable. It's despicable," he said.
Jamie Epstein, who operates the Stand Strong Coalition devoted to preventing underage drinking and drug use, reminded trustees that the village has taken stands against puppy mills, gun shops and selling cigarettes to 18- to 21-year-olds.

"Sometimes you just have to do the right thing," she said.

Fellow opponent Carson Ezell, a student at Stevenson High School, said allowing sales would hurt public safety and the family friendliness of Buffalo Grove.

"We're going to be seeing a lot of THC-impaired drivers coming into Buffalo Grove," he said. "I don't think that is road traffic that we really want to see in our community."

But Village President Beverly Sussman said that while village leaders tried to discourage legalization by the state, it would be hard to turn down $400,000 in new revenue.
On Jan. 1, recreational marijuana sales will be banned in Highland Park. But for how long?

By KAREN BERKOWITZ

PIONEER PRESS | AUG 15, 2019 | 4:30 PM

In this 2019 file photo, marijuana plants grow inside a medical marijuana cultivation center in Elk Grove Village. (Stacey Wescott/Chicago Tribune)
Highland Park officials won’t allow the sale of recreational marijuana within the city’s borders when use and possession of the drug becomes legal Jan. 1.

But council members said they still could consider one or more dispensaries in the future, depending on how legalization fares in other suburbs.

The wait-and-see approach comes after city council members recently decided not to proceed with a public hearing process that would have helped determine Highland Park’s rules and regulations for recreational marijuana sales in the city. A straw poll revealed that a majority of members were not in favor of permitting sales at this time.

Councilman Adam Stolberg said the only reason for officials to allow for the sales in Highland Park would be new sales tax revenue, but he said the factor alone shouldn’t drive the city’s decision.

“If this is something down the road that other communities are doing and we feel we are missing the boat on, we have the ability to change our regulations,” he said.

Mayor Nancy Rotering said she’s also curious to see what happens elsewhere with recreational marijuana sales, but she stressed the city doesn’t need to allow sales “right out of the gate.”

“It is still an emerging industry and I would like to see some of the kinks worked out,” Rotering said.

In July, the council directed plan and design commissioners to schedule a public hearing to consider whether to allow recreational marijuana dispensaries in any zoning districts and address other related matters, including whether to cap the number of marijuana-related businesses.

During a discussion on the issue Aug. 12, a minority of council members — Michelle Holleman, Alyssa Knobel and Kim Stone — all said they still wanted to move ahead with the public hearing process.

Holleman cautioned members that residents likely now will go elsewhere to purchase marijuana, noting how restaurants and businesses in other communities also stand to benefit from the spillover of Highland Park residents who are seeking recreational marijuana.

“I’m hearing people say, ‘We don’t want this here.’ But I have to reiterate: This is here,” Holleman said. “I think it is hard to wrap your head around something that has been illegal for so long.”

Starting Jan. 1, Illinois adults who are 21 and older will be able to legally possess and use marijuana purchased from a licensed dispensary. Initially, sales will be limited to existing medical marijuana dispensaries that were granted early approval under the newly signed Cannabis Regulation and Tax Act.
Andy Hunt, co-owner of Elevele, a medical marijuana dispensary in Highland Park, said as a business person, he’s disappointed by the city’s latest decision. But he said he views it as a necessary part of the process.

“Frankly, it’s probably the smart move,” Hunt said. “Justifiably, I think, Highland Park wants to see what other cities are doing. They want to get a better understanding of how the program is being regulated.”

Hunt said he hopes Highland Park officials will allow for a public discussion on the issue at some point.

Hunt also had hoped to serve both medical and recreational customers at a new location at 260 Skokie Valley Road in Highland Park, if officials decided to allow recreational marijuana sales.

He said Elevele will be moving anyway to the larger building, which currently serves the Highland Park Tire and Auto Service, if the city decides to grant the medical marijuana dispensary a special-use permit.