

Exhibit A: Amendments to Lake County Unified Development Ordinance – Medical Cannabis Facilities

Amend Article 6, Subsection 6.2/Use Table (p. 6-5 and 6-6) to read as follows:

| Use Category | Use Types | Residential | Non-Residential | Use Standards |
|------------------------------|--------------------------------------|--------------------|------------------------|----------------------|
| Retail Sales and Service | Medical Cannabis Dispensary | | P in GC, LI, and II | §§6.3.32 |
| Manufacturing and Production | Medical Cannabis Cultivation Centers | | P in LI and II | §§6.3.31 |

Amend Article 6, Section 6.3 to include the following subsection 6.3.31 Medical Cannabis Cultivation Centers (p. 6-23) and modify subsequent numbering accordingly to read as follows:

6.3.31 Medical Cannabis Cultivation Centers (Manufacturing and Production Use Category)

6.3.31.1 Minimum Distance from Protected Uses

No medical cannabis cultivation center shall be established, maintained or operated on any lot that has a property line within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use.

6.3.31.2 Measurement

For the purposes of Section 6.3.31.1, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on an applicable cultivation center is located to the nearest point on a property line of any protected use (as defined in Section 6.3.31.1).

6.3.31.3 Site Plan Review

The use shall be subject to the Site Capacity Calculation/Site Plan Review procedures.

6.3.31.4 Compliance with State Regulations and Rules

Each cultivation center shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto.

6.3.31.5 Single Use Site

No cultivation center may be established in multiple use or tenant property or on a site that shares parking with other uses.

6.3.31.6 Setbacks

Each cultivation center shall be a minimum of 50 feet from its surrounding property lines.

6.3.31.7 Parking

Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by cultivation center staff and are continually recorded in a tamper proof format.

6.3.31.8 Signage

- a. All commercial signage for a cultivation center 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 may only include the cultivation center address. Such signs shall not be directly illuminated.
- b. Electronic message boards and temporary signs are not permitted in connection with a cultivation center.
- c. Signage ~~should~~ shall [RPC, ZBA Recommended] not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.

6.3.31.9 Age and Access Limitations

Each cultivation center shall prohibit any person who is not at least eighteen (18) years of age from entering the cultivation center property. Cultivation centers shall not employ anyone under the age of eighteen (18). Access to the cultivation center site shall be limited exclusively to cultivation center staff, local and state officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.)

6.3.31.10 Security and Video Surveillance

- a. All cultivation, production and related operations at a medical cannabis cultivation center shall occur in an enclosed locked facility ("facility"). Each cultivation center shall provide and maintain adequate security on the entire site on which the cultivation center sits, including lighting, video surveillance, **security personnel [ZBA Recommended]** and alarms reasonably designed to ensure the safety of persons and to protect the site from theft. The facility shall be enclosed by high security fence **or wall [RPC, ZBA Recommended]**. The fence **or wall [RPC, ZBA Recommended]** must be adequately secure to prevent unauthorized entry and include gates tied into an access control system.
- b. The medical cannabis cultivation center parking area, cultivation, production, warehousing areas and shipping bays and entrance shall be monitored by video surveillance equipment whose live images can be viewed by cultivation center staff and continually recorded in a tamper proof format.
- c. A sign shall be posted in a prominent location which includes the following language "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility."
- d. The Planning, Building and Development Director shall review the adequacy of lighting, security and video surveillance installations with assistance from local law enforcement officials. **The Director has the discretion to conduct periodic review of security features as appropriate. [RPC, ZBA Recommended]**
- e. Loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the facility.

6.3.31.11 Noxious Odors

All cultivation centers shall operate in a manner that prevents odor impacts on neighboring premises or properties and, if necessary, the facility shall be ventilated with a system for odor control.

6.3.31.12 Conduct on Site

- a. ~~It shall be prohibited to conduct retail sales of medical cannabis or medical cannabis infused products at medical cannabis cultivation centers.~~

A cultivation center may not sell or distribute any cannabis to any individual or entity other than a dispensary organization registered under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.). [ZBA Recommended]

- b. ~~It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products, at a cultivation center.~~

- c. ***It shall be prohibited to consume cannabis products in a cultivation center or anywhere on the site occupied by the cultivation center. A sign, at least 8.5 by 11 inches, shall be posted inside a cultivation center building in a conspicuous place and visible to staff and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on cultivation center property." [RPC, ZBA Recommended]***

Amend Article 6, Section 6.3 to include the following subsection 6.3.32 Medical Cannabis Dispensary (p. 6-23) and modify subsequent numbering accordingly to read as follows:

6.3.32 Medical Cannabis Dispensary (Retail Sales and Services Use Category)

6.3.32.1 Minimum Distance from Protected Uses

- a. No medical cannabis dispensing organization shall be established, maintained or operated on any lot that has a property line within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.
- b. ***No medical cannabis dispensary shall be established, maintained or operated on any lot that has a property line within 500 feet of the property line of a pre-existing residential zoning district, place of worship, park, or forest preserve. [ZBA Recommended]***

The Regional Planning Commission removed subsection (b) of section 6.3.32.1. The Zoning Board of Appeals reinserted it.

6.3.32.2 Measurement

For the purposes of Section 6.3.32.1, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which an applicable dispensary is located to the nearest point on any property line of any protected use (as identified in Section 6.3.32.1).

6.3.32.3 Site Plan Review

The use shall be subject to the Site Capacity Calculation/Site Plan Review procedures.

6.3.32.4 Compliance with State Regulations and Rules

All dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto.

6.3.32.5 Single Use Site

No dispensary shall be established in multiple use or tenant property or on a site that shares parking with other uses.

6.3.32.6 **Setbacks**

Each medical cannabis dispensary shall be a minimum of 30 feet from its surrounding property lines.

6.3.32.7 **Buffering from Other Medical Cannabis Dispensaries**

Each dispensary shall be a minimum of 1,000 feet from all other dispensaries, as measured from the applicable property lines.

6.3.32.8 **Parking**

- a. Parking shall be located in an area which is visible from a public road or a private road that is accessible to the public. It cannot be screened from the roadway with vegetation, fencing or other obstructions.
- b. Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by dispensary staff and are continually recorded in a tamper proof format.

6.3.32.9 **Exterior Display**

No dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights or any similar lighting system.

6.3.32.10 **Signage and Advertising**

- a. All commercial signage for a dispensary 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 may 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~~ *should* [RPC, ZBA Recommended] not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or language referencing 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 caregivers, and staff

may enter these premises. Persons under the age of 18 are prohibited from entering."
The required text shall be no larger than 1 inch in height.

- e. Any additional merchandise packaging provided by a 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.

6.3.32.11 Drug Paraphernalia Sales

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 (410 ILCS 130/1 et seq.)

6.3.32.12 Age and Access Limitations

Each dispensary shall prohibit any person who is not at least eighteen (18) years of age from entering the dispensary facility. Dispensaries shall not employ anyone under the age of eighteen (18). Access to the dispensary facility shall be limited exclusively to dispensary staff, cardholders, designated caregivers, local and state officials, and those specifically authorized under Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.)

6.3.32.13 Hours of Operation

Dispensaries shall operate only between 8 am and 7 6 pm.

6.3.32.14 Drive-Thru Windows

Dispensaries may not have a drive-through service.

6.3.32.15 Security and Video Surveillance

- a. Each dispensary shall be an enclosed locked facility ("facility"). Each dispensary shall provide and maintain adequate security on the entire property on which the dispensary exists, including lighting, video surveillance, **security personnel [ZBA Recommended]** and alarms reasonably designed to ensure the safety of persons and to protect the site from theft.
- b. The dispensary parking area, client entrance, sales area, back room, storage areas and delivery bay and entrance shall be monitored by video surveillance equipment whose live images can be viewed by dispensary staff and continually recorded in a tamper proof format.
- c. A sign shall be posted in a prominent location which includes the following language "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons."

- d. The Planning Building and Development Director shall review the adequacy of lighting, security and video surveillance installations with assistance from local law enforcement officials. ***The Director has the discretion to conduct periodic review of security features as appropriate. [RPC, ZBA Recommended]***
- e. Each dispensary shall report all criminal activities occurring on the property to the applicable law enforcement agency immediately upon discovery.
- f. Deliveries shall occur during normal business hours within a secure enclosed delivery bay and shall not be visible from the ***exterior of the [ZBA Recommended]*** facility.

6.3.32.16 Conduct on Site

- a. Loitering is prohibited on the dispensary property.
- b. It shall be prohibited to consume cannabis products in the medical cannabis dispensary or anywhere on the site occupied by the dispensary. A sign, at least 8.5 by 11 inches, shall be posted inside the dispensary building in a conspicuous place and visible to a client and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on dispensary property."

Amend Article 14, Subsection 14.2/Terms Defined (p. 14 -23) and modify subsequent numbering accordingly to read as follows:

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| <u>57</u> | <u>Cardholder</u> | <u>A qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the <i>Illinois [ZBA Recommended]</i> Department of Public Health pursuant to the <u>Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.)</u></u> |
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Amend Article 14, Subsection 14.2/Terms Defined (p. 14 -26) and modify subsequent numbering accordingly to read as follows:

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| <u>107</u> | <u>Designated caregiver</u> | <u>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.</u> |
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Amend Article 14, Subsection 14.2/Terms Defined (p. 14 -28) and modify subsequent numbering accordingly to read as follows:

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| <u>147</u> | <u>Enclosed, locked facility</u> | <u>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.</u> |
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Amend Article 14, Subsection 14.2/Terms Defined (p. 14 -36) and modify subsequent numbering accordingly to read as follows:

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| 271 | <u>Medical cannabis infused product</u> | <u>Food, oils, ointments, or other products containing usable cannabis that are not smoked.</u> |
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Amend Article 14, Subsection 14.2/Terms Defined (p. 14 -36) and modify subsequent numbering accordingly to read as follows:

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| 272 | <u>Medical cannabis container</u> | <u>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.</u> |
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Amend Article 14, Subsection 14.2/Terms Defined (p. 14 -36) and modify subsequent numbering accordingly to read as follows:

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| 273 | <u>Medical cannabis cultivation center (“cultivation center”)</u> | <u>A facility operated by an organization or business that is registered by the Illinois [ZBA Recommended] Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.</u> |
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Amend Article 14, Subsection 14.2/Terms Defined (p. 14 -36) and modify subsequent numbering accordingly to read as follows:

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| 274 | <u>Medical cannabis dispensing organization (“dispensing organization,” “dispensary organization” or “dispensary”)</u> | <u>A facility operated by an organization or business that is registered by the Illinois [ZBA Recommended] Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.</u> |
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