

VILLAGE OF ANTIOCH

19-12-44

*AN ORDINANCE AUTHORIZING AND REGULATING
THE LEGAL MARKETING OF RECREATIONAL CANNABIS*

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

December 19, 2019

Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 19th day of December, 2019.

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ORDINANCE NO. 19-12-44

**AN ORDINANCE AUTHORIZING AND REGULATING
THE LEGAL MARKETING OF RECREATIONAL CANNABIS**

WHEREAS, the Village has long had in full force and effect a Municipal Code which includes a zoning code as Title 10 thereof which establishes and maintains regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people as well as the use of land within the community; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (the Act), which pertains to the possession, use, cultivation, processing, transportation and dispensing of Recreational cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Act, the Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the Village deems sensitive; and

WHEREAS, the corporate authorities by consensus indicated an intention to utilize the public process set forth in the zoning code in order to determine whether it is appropriate in this community to permit sales of cannabis, and, if so, what regulations to provide therefore, and as a result the Village served as the Petitioner in this zoning case; and

WHEREAS, the Planning and Zoning Board conducted a public hearing, pursuant to due published notice as required by law, on September 12, 2019 and discussed a draft ordinance which would modify certain provisions of the Municipal Code to add a new chapter thereto containing overlay district regulations specific to the growing, processing and sale of cannabis; and

WHEREAS, the Planning and Zoning Board recommended approval of the proposed draft ordinance on September 12, 2019; and

WHEREAS, the Village Board takes note that a conditional use is the same as a special use. *Pioneer Tr. & Sav. Bank v. McHenry County*, 89 Ill. App. 2d 257, 268, 232 N.E.2d 816, 823 (2d Dist. 1967), *rev'd on other grounds*, 41 Ill. 2d 77, 241 N.E.2d 454 (1968), and that the Village's Zoning Code uses the term special use in lieu of conditional use; and

NOW, THEREFORE, BE IT ORDAINED by the Village Board of Trustees of the Village of Antioch, Illinois as follows:

SECTION 1: Recitals. The recitals set forth above are incorporated herein.

SECTION 2: Cannabis Overlay Code Adoption. Chapter 17 is hereby added to Title 10 of the Antioch Municipal Code and it shall hereafter read as set forth on Exhibit A hereto.

SECTION 3: The special use regulations set forth in Section 10-15-5 of the Antioch Municipal Code are hereby amended and it shall hereafter read as follows (additions underlined, deletions ~~stricken~~):

10-15-5(A). Conditions Of Approval: The zoning board of appeals may recommend, and the village board of trustees may impose, such restrictions on the height, bulk and area of occupancy of any structure so approved for special use as may be reasonable under the particular circumstances. Off street parking facilities as well as off street loading and unloading spaces may also be stipulated in the order permitting the special use, and all other codes and ordinances of the village must be complied with. Special uses relating to Recreational Cannabis require compliance with the procedures outlined in the Cannabis Overlay Code, Chapter 17 of Title 10 of this Code.

SECTION 4: The B-1 zoning district regulations set forth in Section 10-6A of the Antioch Municipal Code are hereby amended by the addition of the following subsection 10-6A-2A:

10-6A-2A CANNABIS CONDITIONAL/SPECIAL USES: The following special uses relating to recreational cannabis may be permitted in specific situations in accordance with the procedures outlined in the Cannabis Overlay Code, Chapter 17 of Title 10 of this Code, as appropriate:

Recreational Cannabis Dispensing Organization.

SECTION 5: (Withdrawn as it relates to changes to the B-2 zoning district which is being abolished by the new zoning ordinance)

SECTION 6: The B-3 zoning district regulations set forth in Section 10-6C of the Antioch Municipal Code are hereby amended by the addition of the following subsection 10-6C-2A:

10-6C-2A CANNABIS CONDITIONAL/SPECIAL USES: The following special uses relating to recreational cannabis may be permitted in specific situations in accordance with the procedures outlined in the Cannabis Overlay Code, Chapter 17 of Title 10 of this Code, as appropriate:

Recreational Cannabis Dispensing Organization.

SECTION 7: (Withdrawn as the Planning and Zoning Board recommended not permitting cannabis businesses to locate within the downtown form based code areas)

SECTION 8: The M-1 zoning district regulations set forth in Chapter 10-7A of the Antioch Municipal Code are hereby amended by the addition of the following section 10-7A-2A:

10-7A-2A CANNABIS CONDITIONAL/SPECIAL USES: The following special uses relating to recreational cannabis may be permitted in specific situations in accordance with the procedures outlined in the Cannabis Overlay Code, Chapter 17 of Title 10 of this Code, as appropriate:

Recreational Cannabis Craft Grower Organization.
Recreational Cannabis Dispensing Organization.
Recreational Cannabis Infuser Organization.
Recreational Cannabis Processing Organization.
~~Recreational Cannabis Transporting Organization.~~
~~Recreational Cannabis Cultivation Organization.~~

SECTION 9: The M-2 zoning district regulations set forth in Chapter 10-7B of the Antioch Municipal Code are hereby amended by the addition of the following section 10-7B-2A:

10-7b-2A CANNABIS CONDITIONAL/SPECIAL USES: The following special uses relating to recreational cannabis may be permitted in specific situations in accordance with the procedures outlined in the Cannabis Overlay Code, Chapter 17 of Title 10 of this Code, as appropriate:

Recreational Cannabis Craft Grower Organization.
Recreational Cannabis Infuser Organization.
Recreational Cannabis Processing Organization.
~~Recreational Cannabis Transporting Organization.~~
~~Recreational Cannabis Cultivation Organization.~~

SECTION 10. Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

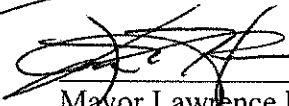
SECTION 11. Effective Date. This Ordinance shall be in full force and effect upon its passage and approval as required by law, provided that the actual possession, use, growing, processing, transportation, or sale of cannabis within the Village is authorized by the Act and this adopted code only on and after January 1, 2020.

Section 12. Codification. The Village's Codifier shall be permitted to alter the numbering of the code provisions set forth in this Ordinance and Exhibit A hereto in order to conform with code sections adopted in the new Village of Antioch Zoning Ordinance, when and if adopted.

ADOPTED THIS 19TH day of December, 2019.

AYES: 4: Macek, Poulos, Johnson and Mayor Hanson.
NAYS: 3: Pierce, Yost and Dominiak.
ABSTENTIONS: 0.
ABSENT: 0.

APPROVED THIS 19th day of December, 2019.



Mayor Lawrence M. Hanson

ATTEST:



Village Clerk Lori K. Romine

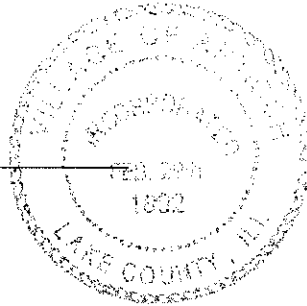


Exhibit A - Title 10, Chapter 17

RECREATIONAL CANNABIS MERCANTILE REGULATIONS.

10-17-1. Purpose and Applicability. It is the intent and purpose of this section to provide regulations regarding the cultivation, processing and dispensing of Recreational cannabis occurring within the corporate limits of the Village of Antioch, Illinois. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (the Act), as it may be amended from time-to-time, and regulations, promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

10-17-2: Definitions. The following terms shall have the meanings set forth hereinbelow:

RECREATIONAL CANNABIS BUSINESS ESTABLISHMENT: An Recreational cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

RECREATIONAL CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

10-17-3. Conditional/Special Use. Recreational Cannabis Business Establishment facilities, as defined herein, requiring approval of a special (conditional) use in the respective districts in which they are requested shall be processed in accordance with Sections 10-15-5 and 10-17-4 of this Code.

10-17-4. Recreational Cannabis Facility Components. In determining compliance with Section 10-15-5 of this Code (Conditional/Special Uses), the following components of the Recreational Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

- 4.1 Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property, including, but not limited to churches, synagogues, temples and other known houses of worship.
- 4.2 Proposed structure in which the facility will be located, which must be in a separate, standalone building), total square footage, security installations/security plan and building code compliance.
- 4.4 Hours of operation (which cannot exceed those allowed by the Act) and anticipated number of customers/employees.
- 4.4 Anticipated parking demand based on Section 10-11-6 of this Code and available private parking supply.
- 4.5 Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- 4.6 Site design, including access points and internal site circulation.
- 4.7 Proposed signage plan.
- 4.8 Compliance with all requirements provided in Sections 10-17-5 through 10-17-9 of this Code, as applicable.
- 4.9 Compliance with the Village's Site Plan Review procedures as provided for in 10-13-1 through 10-13-12 of this Code.

- 4.10 Other criteria determined to be necessary to assess compliance with Section 10-15-5 of this Code.

10-17-5. Recreational Cannabis Craft Grower: In those zoning districts in which a Recreational Cannabis Craft Grower may be located, the proposed facility must comply with the following:

- 5.1 Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
- 5.2 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- 5.3 For purposes of determining required parking, Recreational Cannabis Craft Grower shall be classified as a retail store and service shop under Section 10-11-6 of this Code, provided, however, that the Village may specify that additional parking be provided as a result of the analysis completed through Sections 10-17-3 and 10-17-4 of this Code.
- 5.4 Petitioner shall file an affidavit with the Village affirming compliance with this section.

~~**10-17-6. Recreational Cannabis Cultivation Center:** In those zoning districts in which a Recreational Cannabis Cultivation Center may be located, the proposed facility must comply with the following:~~

- ~~6.1 Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.~~
- ~~6.2 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.~~
- ~~6.3 For purposes of determining required parking, Recreational Cannabis Cultivation Center shall be classified as a manufacturing use per Section 10-11-6 of this Code, provided, however, that the Village may specify that additional or reduced parking be provided as a result of the analysis completed through Sections 10-17-3 and 10-17-4 of this Code.~~
- ~~6.4 Petitioner shall file an affidavit with the Village affirming compliance with this section.~~

This form of cannabis-related business is not permitted within the Village of Antioch.

10-17-7. Recreational Cannabis Dispensing Organization: In those zoning districts in which a Recreational Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

- 7.1 Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
- 7.2 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- 7.3 At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act.
- 7.4 (Withdrawn as the Planning and Zoning Board recommended not permitting areas for consuming cannabis within commercial businesses)
- 7.6 For purposes of determining required parking, said facility shall be classified as a retail store and service shop under Section 10-11-6 of this Code, provided, however, that the Village may specify that additional or reduced parking be provided as a result of the analysis completed through Sections 10-17-3 and 10-17-4 of this Code.
- 7.7 Petitioner shall file an affidavit with the Village affirming compliance with this section.

10-17-8. Recreational Cannabis Infuser Organization: In those zoning districts in which a Recreational Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

- 8.1 Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
- 8.2 Facility may not conduct any retail sales.
- 8.3 At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- 8.4 For purposes of determining required parking, said facilities shall be classified as a manufacturing use per 10-11-6 of this Code, provided, however, that the Village

may specify that additional or reduced parking be provided as a result of the analysis completed through Sections 10-17-3 and 10-17-4 of this Code.

- 8.5 Petitioner shall file an affidavit with the Village affirming compliance with this section.

10-17-9. Recreational Cannabis Processing Organization: In those zoning districts in which a Recreational Cannabis Processing Organization may be located, the proposed facility must comply with the following:

- 9.1 Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
- 9.2 Facility may not conduct any retail sales.
- 9.3 At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- 9.4 For purposes of determining required parking, said facilities shall be classified as a manufacturing use per Section 10-11-6 of this Code, provided, however, that the Village may specify that additional or reduced parking be provided as a result of the analysis completed through Sections 10-17-3 and 10-17-4 of this Code.
- 9.5 Petitioner shall file an affidavit with the Village affirming compliance with this section.

§ 154A.010. Recreational Cannabis Transporting Organization: ~~In those zoning districts in which a Recreational Transporting Organization may be located, the proposed facility must comply with the following:—~~

- ~~10.1 Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.~~
- ~~10.2 Facility may not conduct any retail sales.~~
- ~~10.3 The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.~~

~~10.4 For purposes of determining required parking, said facilities shall be classified as a manufacturing use per Section 10-11-6 of this Code, provided, however, that the Village may specify that additional or reduced parking be provided as a result of the analysis completed through Sections 10-17-3 and 10-17-4 of this Code.~~

~~10.5 Petitioner shall file an affidavit with the Village affirming compliance with this section.~~

This form of cannabis-related business is not permitted within the Village of Antioch.

10-17-11. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the recreational cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for a Recreational Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

10-17-12. Co-Location of Cannabis Business Establishments. The Village Board may approve the co-location of a Recreational Cannabis Dispensing Organization with a Recreational Cannabis Craft Grower Center or a Recreational Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Conditional Use criteria of Sections 10-17-3 and 10-17-4 of this Code. In a co-location, the floor space requirements of Sections 10-17-7.3 and 10-17-8.3 of this Code shall not apply but the co-located establishments shall be the sole use of the tenant space.

10-17-13. Number of Businesses Permitted. The total number of allowable licenses for the foregoing classes of Cannabis Business Establishments within the Village of Antioch shall be as follows:

Recreational Cannabis Craft Grower: _____

Recreational Cannabis Cultivation Center: _____

Recreational Cannabis Dispensing Organization: _____

Recreational Cannabis Infuser Organization: _____

Recreational Cannabis Processing Organization: _____

Recreational Cannabis Transporting Organization: _____

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)


CERTIFICATE

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on December 19, 2019, the Corporate Authorities of such municipality passed and approved Ordinance No. 19-12-44, entitled ***AN ORDINANCE AUTHORIZING AND REGULATING THE LEGAL MARKETING OF RECREATIONAL CANNABIS*** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 19-12-44**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on December 20, 2019 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 20th day of December, 2019.



Lori K. Romine, RMC/CMC
Village Clerk

