

ORDINANCE NO. 2126-21

AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF HAWTHORN WOODS – TITLE 9, SECTION 9-2-2, SECTION 9-6A1-3, SECTION 9-6B-3, SECTION 9-8B-4, SECTION 9-11-5, SECTION 9-12-8, AND SECTION 9-14-2

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, as follows:

SECTION ONE: That Title 9, Section 9-2-2 of the Village Code of the Village of Hawthorn Woods is hereby amended by deleting the following language:

“MEDICAL CANNABIS CONTAINER: 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 CULTIVATION CENTER OR CULTIVATION CENTER: A facility operated by an organization or business that is registered by the Illinois department of agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

MEDICAL CANNABIS DISPENSING ORGANIZATION, OR DISPENSING ORGANIZATION, OR DISPENSARY ORGANIZATION OR DISPENSARY: A facility operated by an organization or business that is registered by the Illinois 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.

MEDICAL CANNABIS FACILITY: A medical cannabis cultivation center or a medical cannabis dispensary.

MEDICAL CANNABIS INFUSED PRODUCT: Food, oils, ointments, or other products containing usable cannabis that are not smoked.”

And the following language shall be added:

“CANNABIS: "Cannabis" shall have the same definition as "cannabis" set forth in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS BUSINESS ESTABLISHMENT: A "cultivation center", "craft grower", "processing organization", "infuser organization", "dispensing organization", or "transporting organization" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended, and such other cannabis business establishments authorized under the Act, as amended.

CANNABIS CRAFT GROWER: "Craft grower" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS CULTIVATION CENTER: "Cultivation center" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS DISPENSARY: "Dispensing organization" and "dispensary" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS INFUSER: "Infuser organization" or "infuser" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS PROCESSER: "Processing organization" or "processer" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS TRANSPORTER: "Transporting organization" or "transporter" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.”

SECTION TWO: That Title 9, Section 9-6.A1-3 of the Village Code of the Village of Hawthorn Woods is hereby amended by deleting reference to: “Medical cannabis cultivation center

and Medical cannabis dispensary”, and the following language shall be added:

“Cannabis Dispensary

Cannabis Infuser

Cannabis Processor

Cannabis Transporter”

SECTION THREE: That Title 9, Section 9-6B-3 of the Village Code of the Village of Hawthorn Woods is hereby amended by adding the following language:

“Cannabis Dispensary”

SECTION FOUR: That Title 9, Section 9-8B-4 of the Village Code of the Village of Hawthorn Woods is hereby amended by adding the following language:

“Cannabis Craft Grower

Cannabis Cultivation Center”

SECTION FIVE: That Title 9, Section 9-11-5.I.1 of the Village Code of the Village of Hawthorn Woods is hereby deleted in its entirety and in lieu thereof, the following language shall be substituted:

“1. Cannabis dispensary, cannabis cultivation center, cannabis craft growers, cannabis processors, cannabis infusers, and cannabis transporters:

- a. Cannabis dispensary: A minimum of 25 parking spaces or a reduced number of spaces deemed appropriate per a traffic study or as many spaces as determined by the Village Board to meet the parking demand of the facility.
- b. Cannabis cultivation center, cannabis craft growers, cannabis processors, cannabis infusers, and cannabis transporters: One space per employee plus as many

additional spaces as determined by the Village Board to meet the parking demand of the facility.”

SECTION SIX: That Title 9, Section 9-11-8 of the Village Code of the Village of Hawthorn Woods is hereby amended by adding the following language:

“Cannabis dispensary: A minimum of one secure delivery area capable of accommodating delivery vehicles.

Cannabis cultivation center, cannabis craft growers, cannabis processors, cannabis infusers, and cannabis transporters: A minimum of one secure delivery area capable of accommodating delivery vehicles.”

SECTION SEVEN: That Title 9, Section 9-12-8.G of the Village Code of the Village of Hawthorn Woods is hereby deleted in its entirety and in lieu thereof, the following language shall be substituted:

“G. Signs For Cannabis Business Establishments:

1. All signage for cannabis business establishments shall comply with the regulations set forth in Section 9-12-8C and Section 9-12-8D of this Title; such signs shall not be illuminated. Electronic message boards and temporary signs are not permitted in connection with a cannabis business establishment.
2. Signs shall be neutral in color and shall not be neon or internally illuminated. Signs and lighting shall follow Dark Sky regulations.
3. Signs shall not include any realistic or stylized graphical representation of the cannabis plant or its parts or any realistic or stylized graphical representation of drug paraphernalia; or include reference to commonly known graphics, including a rainbow bear or peace symbol or wording to

that effect.

4. Signs shall not include any wording that would identify the property as a cannabis business establishment or use clinical, botanical or slang terms for cannabis, cannabis consumption, cannabis intoxication or drug paraphernalia including, but not limited to, "cannabis", "marijuana", "weed", "pot", "420", "4/20", "4:20", "joint", "Mary Jane", "ganja", "hash", "herb", "doobie", "bong", "blunt", "bowl", "zoned", "sloshed", "burnt", "stoned", "green day", "reefer", "smoke", "toke", "wacky tobaccy/baccy", "spliff", "roach", "skunk", "high" etc., or current terminology in use not listed here.

5. No visual display inside the cannabis business establishment shall be visible from outside the cannabis facility.

6. A sign shall be posted in a conspicuous place at or near all dispensary entrances and shall include the following language: "Persons Under The Age Of 18 Are Prohibited From Entering". The required text shall be no larger than one inch (1") in height.

7. Signage on delivery trucks entering the property shall comply with subsections G3 and G4 of this section.

8. When sign provisions in another village zoning district or subsection of this chapter are more restrictive than the provisions of this subsection G, the stricter provision shall apply."

SECTION EIGHT: That Title 9, Section 9-14-2C-7 of the Village Code of the Village of Hawthorn Woods is hereby deleted in its entirety and in lieu thereof the following language shall be substituted:

"7. Cannabis business establishments, subject to the following conditions:

All cannabis business establishments must comply with the requirements of this chapter.

- a. Compliance with state regulations and rules. All cannabis business establishments must comply with all applicable state and local laws, including the Cannabis Regulation and Tax Act, as amended, the Compassionate Use of Medical Cannabis Program Act, as amended, and applicable administrative rules.
- b. Submittal requirements. After a pre-application meeting with the Community Development Director, an applicant for a special use shall be required to submit plans and documents as deemed necessary, including, but not limited to, a plat of survey, a site plan, engineering plan, architectural plans and elevations, building material samples, dark sky compliant photometric plan, signage plan, business and operational plan, business hours, security plan, traffic study and any document required for a state license submittal application.
- c. Minimum setbacks from incompatible land uses. As measured from a cannabis business establishment's property line, the following minimum setbacks from incompatible uses shall apply:
  1. A cannabis dispensary may not be located within 150 feet of the building footprint of any sensitive places, which shall include: schools, parks, residential homes, substance abuse treatment clinics or centers, churches (house of worship), cemeteries, municipally zoned properties, and child care facilities.
  2. A cannabis dispensary may not be located within 1,500 feet of the property line of another cannabis dispensary.
- d. Parking and loading.

1. Cannabis dispensary: Refer to Section 9-11-5I and Section 9-11-8 of this Title.
  2. Cannabis cultivation center, cannabis craft growers, cannabis processors, cannabis infusers, and cannabis transporters: Refer to Section 9-11-5I and Section 9-11-8 of this Title.
  3. Parking areas shall be located in an area which is visible from a public road or a private road that is accessible to the public.
  4. Parking areas shall be dark sky compliant and monitored by video surveillance equipment whose live images can be viewed by cannabis business establishment staff and continually recorded in a tamper proof format. A photometric plan will be required.
- e. Traffic impact. The Village shall require a cannabis business establishment to submit a traffic study. The Village Board may deny a special use permit for a cannabis business establishment if a traffic study shows the proposed use would reduce the Highway Capacity Manual level of service grade to D, E or, F for any street within 250 feet of the property.
- f. Exterior display. No cannabis business establishment shall be maintained or operated in a manner that causes, creates or allows the public viewing of cannabis, 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, neon, black lights, or spot lights or any similar lighting system.
- g. Signage and advertising.
1. Signage shall comply with the standards of the underlying zoning district outlined

in Section 9-12-8G and the advertising provisions of the Cannabis Regulation and Tax Act, as amended.

- h. Age and access limitations. Age limitations shall be set forth per the Cannabis Regulation and Tax Act, as amended, the Compassionate Use of Medical Cannabis Program Act, as amended, and applicable administrative rules.
- i. Hours of operation. Unless otherwise prescribed by state law, the Village Board may impose hours of operation for a cannabis business establishment as a condition of any special use permit.
- j. Drive-through windows. A cannabis business establishment shall not have a drive-through service.
- k. On-Site Consumption. On-site consumption is prohibited in any cannabis business establishment.
- l. State license. Before issuance of a special use permit, certificate of occupancy or otherwise opening to the public, cannabis business establishments must file with the Village of Hawthorn Woods Community Development Director a copy of all required state licenses to operate as a cannabis business establishment.
- m. Number. The maximum number of cannabis business establishments authorized to operate within the village corporate limits at any one time shall be limited to one cannabis dispensary and two other types of cannabis business establishments as defined as cannabis infuser, cannabis processor, cannabis transporter, cannabis craft grower, or cannabis cultivation center for a total of three cannabis businesses establishments.”

SECTION NINE: That all ordinances and resolutions, or parts thereof, in conflict with the

provisions of this Ordinance are, to the extent of such conflict, superseded by this Ordinance.

SECTION TEN: That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

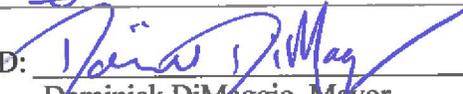
The foregoing Ordinance was adopted by a roll call vote as follows:

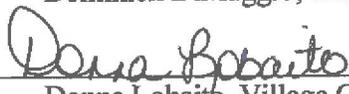
AYES: Bayer, Rios, David, McCartney, Regalick.

NAYS: Kaiser

ABSTENTIONS: 0

ABSENT: 0

APPROVED:   
Dominick DiMaggio, Mayor

ATTEST:   
Donna Lobaito, Village Clerk

PASSED: October 25, 2021

APPROVED: October 26, 2021

PUBLISHED: November 23, 2021