

AN ORDINANCE AMENDING CHAPTERS 12 AND 28
OF THE ARLINGTON HEIGHTS MUNICIPAL CODE
TO PROVIDE FOR THE RETAIL SALE OF RECREATIONAL CANNABIS

WHEREAS, the Village of Arlington Heights is a home rule unit of local government, pursuant to Article 7, Section 6 of the 1970 Constitution of the State of Illinois and, as a home rule unit, the Village may exercise any power and perform any functions pertaining to its government and affairs; 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 City/Village deems sensitive; and

WHEREAS, on _____, the Village Board considered amendments to the Municipal Code to provide regulations for businesses related to adult-use cannabis facilities within the Village; and

WHEREAS, pursuant to notice, on _____, the Plan Commission, in Petition Number _____, conducted a public concerning the proposed amendments to Chapter 28 of the Municipal Code and has recommended adoption of the proposed amendments to the President and Board of Trustees; and

WHEREAS, the President and Board of Trustees have determined that amendments to Chapters 7, 8, 12, and 28 of the Arlington Heights Municipal Code is in the best interests of the Village of Arlington Heights,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: That Chapter 12 of the Municipal Code of the Village of Arlington Heights is hereby amended by renumbering Article XX Penalties to Article XXI and adding the following new Article XX Adult Use Cannabis Dispensaries, which shall read as follows:

Article XX Adult-Use Cannabis Dispensaries

Section 12-2001 Definition. Unless otherwise expressly stated, the following terms, phrases, and words shall have the meanings set forth below:

- a. Act. Cannabis Regulation and Tax Act (Public Act 101-0027, 410 ILCS 705/1 et seq.).
- b. Adult-Use Cannabis Business Establishment. A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

- c. Adult-Use 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, as it may be amended from time-to-time, and regulations promulgated thereunder.
- d. Adult-Use 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, as it may be amended from time-to-time, and regulations promulgated thereunder.
- e. Adult-Use 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, as it may be amended from time-to-time, and regulations promulgated thereunder.
- f. Adult-Use 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, as it may be amended from time-to-time, and regulations promulgated thereunder.
- g. Adult-Use 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, as it may be amended from time-to-time, and regulations promulgated thereunder.
- h. Adult-Use 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, as it may be amended from time-to-time, and regulations promulgated thereunder.

Section 12-2002 Prohibited Cannabis Businesses. The following businesses are not permitted within the Village: Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Infuser Organization or Infuser, and Adult-Use Cannabis Processing Organization or Processor.

Section 12-2003 License Required. A Business License shall be required to establish, operate, or maintain an Adult-Use Cannabis Dispensing Organization within the Village.

Section 12-2004 Application. An application for an Adult-Use Cannabis Dispensing Organization shall be made in conformity with the general requirements of this Code relating to applications for licenses. In addition, the applicant shall provide all required licenses from the State with the application as well as an affidavit affirming compliance with all requirements of the Act.

Section 12-2005 Regulations Applicable to Adult-Use Cannabis Dispensing Organizations. In addition to the regulations in the Act, the following shall apply to all Adult-Use Cannabis Dispensing Organizations located in the Village:

- a. No on-premises consumption of cannabis products is permitted.
- b. 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, and no dispensing organization shall also sell food for consumption on the premises.
- c. Based on the proposed location, the Village may require a parking study to ensure there sufficient parking for the proposed dispensary, depending on the location and the parking situation at that location.

Section 12-2006 Location of Adult Adult-Use Cannabis Dispensing Organizations. In addition to the location restrictions in the Act, the following shall apply:

- a. No Adult-Use Cannabis Dispensing Organization shall be located within 1,000 feet of the property line of a pre-existing primary or secondary school or public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Village, which is under the control, operation, or management of the Village or the Arlington Heights Park District.
- b. No Adult-Use Cannabis Dispensing Organization shall be located within 1,000 feet of the intersection of Dundee Road and Arlington Heights Road.
- c. There shall be no more than three Adult-Use Cannabis Dispensing Organizations in the Village. One may be located south of Central Road, one may be located north of Central Road but south of Hintz Road, and one may be located north of Hintz Road.
- d. No Adult-Use Cannabis Dispensing Organizations may be located in the Downtown District (the area zoned B5).

SECTION TWO: That Chapter 28, Zoning Regulations, of the Village of Arlington Heights Municipal Code, be and is hereby amended as follows:

- a. The following definition shall be added to Section 3.2, Definitions:

Adult-Use 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, as it may be amended from time-to-time, and regulations promulgated thereunder.

b. The Permitted Use Table in Section 5.5-1, Non-Manufacturing and Non-Residential, shall be amended by adding the use, “Adult-Use Cannabis Dispensing Organizations” to the Table, which shall be allowed as a Permitted Use in the B-2 and B-3 Zoning Districts only.

SECTION THREE: This ordinance repeals all ordinances or parts of ordinances in conflict with the provisions hereof, and shall be in full force and effect from and after its passage and approval, and publication in pamphlet form, in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED this _____ day of _____ 2019.

Village President

ATTEST:

Village Clerk