

Request: Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses

Purpose: Proposal Repeals Previously Adopted Medical Cannabis Related Zoning Ordinances; Adds Definitions for Recreational Cannabis Related Uses; Adds Definitions for Medical Cannabis Related Uses; Designates the Zoning Districts Where Recreational and Medical Cannabis Uses May Occur by Special Use Permit with Restrictions; Updates Appendix 9 to Reflect the Addition of Recreational and Medical Cannabis Related Uses; Corrects Citation Errors to the Zoning Ordinance Caused by the Addition of Recreational and Medical Cannabis Related Uses

Mr. Asselmeier summarized the request.

Mr. Asselmeier explained that this proposal was a zoning regulation focusing on establishing regulations that the County could enforce. The proposal was not a licensing regulation and did not duplicate the requirements of State law.

On June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed the County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where a medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related uses to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

In summary the changes are as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical

Cannabis Program Act.

3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, and places of worship. This distance requirement is the same distance requirement for outdoor shooting ranges.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act.
5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. Public Act 101-363 removed the distance requirements for Medical Dispensing Organizations. Onsite consumption of cannabis by the public is not allowed. Hours of operation will be from 6:00 a.m. until 8:00 p.m.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

At least one (1) Planning, Building and Zoning Committee member favored having cannabis uses in stand-alone buildings.

Townships were notified of this proposal and a combined meeting of the Regional Planning Commission and Planning, Building and Zoning Committee scheduled for September 10th on August 28, 2019.

ZPAC met on this proposal on September 3, 2019. ZPAC issued a neutral recommendation and requested that information regarding surveillance, security, and security related structural requirements be added to the proposed amendment. ZPAC also requested that cannabis uses not be allowed in the B-3 District. The vote was five (5) in favor and one (1) in opposition. Fran Klaas said the County should not create zoning regulations for cannabis because it is illegal federally. The minutes of this meeting were provided.

On September 10, 2019, the Kendall County Regional Planning Commission and Planning, Building and Zoning Committee held a combined meeting. The changes made to the proposal were as follows:

1. Fix the incorrect section reference for craft growers (special uses in the A-1 is Section 7.01.D not Section 7.01.C as was found in the original proposal).
2. Clarify that craft growers may co-locate with dispensing organizations and infuser organizations in the M-1 and M-2 Districts only.
3. Clarify that dispensing organizations may co-locate with craft growers and infuser organizations in the M-1 and M-2 Districts and only with infuser organizations in the B-3 District.
4. Clarify that infuser organizations may co-locate with craft growers and dispensing organizations in the M-1 and M-2 Districts and only with dispensing organizations in the B-3 District.

The minutes of the September 10th meeting were provided. Mr. Asselmeier noted that Na-Au-Say Township identified the incorrect zoning citation and requested the clarifications listed previously. Kendall Township expressed concerns about having cannabis uses in the B-3; the B-3 uses in Kendall Township focused more on auto related uses and were not intended for cannabis uses.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 25, 2019. The consensus of the Commission was to have stricter regulations in place as a starting point. These regulations could be relaxed at some point in the future, if deemed appropriate (i.e. it is easier to grant a land use right than to take away a land use right). The Kendall County Regional Planning Commission unanimously recommended approval of the proposal with an amendment that all cannabis uses allowed on B-3 zoned property (adult-use and medical dispensing organizations, adult-use infuser organizations, and adult-use processing organizations) be located a maximum one thousand feet (1,000') from an interstate highway. The minutes of this meeting were provided.

The proposed changes to the Kendall County Zoning Ordinance with changes proposed by ZPAC, changes made at the September 10th meeting, and the change proposed by the Kendall County Regional Planning Commission were provided.

Maps showing the potential location of cannabis were provided. Members reviewed the maps.

Information from Colorado regarding zoning regulations were provided.

Chairman Mohr asked if hemp was governed by this proposal. Mr. Asselmeier responded that hemp is governed separately than cannabis. Hemp is an agricultural purpose.

Chairman Mohr asked if a cannabis business could locate with a shooting range. Mr. Asselmeier responded that the current regulations for shooting ranges in the Kendall County Zoning Ordinance prevents cannabis businesses from locating with gun ranges. State law does not prevent a shooting range from co-locating with a cannabis business.

Chairman Mohr expressed concerns regarding having a cannabis business on B-3 zoned properties near churches and schools if the property was located near an interstate. Mr. Asselmeier responded that the church and school in Grundy County near the interstate did not have direct access to a property in Kendall County.

Mr. Asselmeier noted the odor concern and the difficulty in measuring odor.

Chairman Mohr opened the public hearing at 7:22 p.m.

Matthew Prochaska, Chairman of the Kendall County Planning, Building and Zoning Committee, stated that the Committee drafted this proposal from the template provided by the Illinois Municipal League and the Planning, Building and Zoning Committee wanted comments and input from the advisory boards. He emphasized the odor and security issues that arise from cannabis related businesses. He favored cannabis uses be in stand-a-lone buildings. He also suggested that cannabis businesses be allowed on B-3 zoned properties if the property was within one thousand feet (1,000') of an interstate highway junction because of concerns regarding the classification of the Prairie Parkway.

Member Fox asked if credit unions will take deposit of money from cannabis businesses. Mr. Prochaska responded that credit unions and banks chartered by the state that are not federally insured would accept deposits. Mr. Prochaska expressed concerns regarding security at cannabis related businesses and in the vicinity of cannabis related businesses.

Chairman Mohr asked if counties could levy taxes on cannabis businesses if the county opt-out. Mr. Prochaska responded that he has received conflicting opinions regarding this topic. The proposal in Kendall County would set the tax at the maximum rate permitted.

Member Fox asked if dispensaries will allow onsite consumption. Mr. Asselmeier responded that onsite consumption by members of the public was not allowed in the current proposal.

Discussion occurred regarding the sale of infused products compared with the sale of cannabis for smoking.

Chairman Mohr expressed concerns about having cannabis available for sale near an interstate highway where people can pull off of the interstate and quickly leave. Commander Langston noted that people purchase alcohol and presumably do not drink while driving.

Steve Gengler, Kendall Township Supervisor, asked about enforcement. Mr. Asselmeier responded that the regulations contained in the Kendall County Zoning Ordinance would be enforced by the Kendall County Planning, Building and Zoning Department. State law is enforced by those agencies empowered

by the State to enforce the law. Mr. Prochaska noted that the Planning, Building and Zoning Committee is examining citation enforcement.

Chairman Mohr adjourned the public hearing at 7:35 p.m.

Member Clementi expressed concerns about picking and choosing specific B-3 locations. Discussion occurred regarding the market for cannabis business at B-3 zoned locations and picking and choosing B-3 zoned locations.

Chairman Mohr favored requiring cannabis businesses be in stand-alone buildings as a way to control odors.

Member Clementi made a motion, seconded by Member LeCuyer, to recommend approval with the amendment that cannabis related businesses be located in stand-alone buildings only and the recommendation that the distance requirement to interstate highways for cannabis businesses located on B-3 zoned properties be dropped.

The votes were as follows:

Ayes (6): Cherry, Clementi, Fox, LeCuyer, Mohr, and Thompson

Nays (0): None

Absent (1): Whitfield

The motion passed. This proposal will go to the Kendall County Planning, Building and Zoning Committee on November 12, 2019, after the thirty (30) day review by townships with planning commissions.

The Zoning Board of Appeals completed their review of Petition 19-31 at 7:41 p.m.

NEW BUSINESS/OLD BUSINESS

Approval of Fiscal Year 2019-2020 Hearing/Meeting Calendar

Member Cherry made a motion, seconded by Member Fox, to approve the hearing/meeting calendar as presented. With a voice vote of six (6) ayes, the motion was approved.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petition 18-04, pertaining to changes to the Future Land Use Map in Lisbon Township was rejected by the County Board.

Mr. Asselmeier reported that Petition 18-24, pertaining to the Flisk Special Use Permit Amendment at 17 Ashe Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-12, pertaining to a special use permit for a banquet center at 10978 Crimmin Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-25, pertaining to renewing a special use permit for a billboard at 34 and Hafenrichter was approved by the County Board.

PUBLIC COMMENTS

Mr. Asselmeier reported that there was a request for a special use permit for outdoor storage at 7821 Route 71 and a request for a special use permit for a kennel and a variance to allow a kennel at the property at 3601 Plainfield Road.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

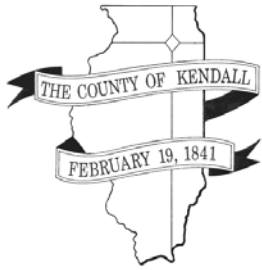
Member LeCuyer made a motion, seconded by Member Cherry, to adjourn. With a voice vote of six (6) ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 7:45 p.m.

The next hearing/meeting will be on October 28, 2019.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Exhibits

1. September 23, 2019 Memo on Petition 19-26
2. Memo on Petition 19-31 Dated September 26, 2019
3. Certificate of Publication for Petition 19-31 (Not Included with Report but on file in Planning, Building and Zoning Office).



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

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MEMORANDUM

To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: September 23, 2019

Re: Petition 19-26 Request for a Special Use Permit for a Landscaping Business at 276 Route 52
in Seward Township– Petitioner Requests a Layover

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at 276 Route 52 in Seward Township.

At the July 24, 2019, Kendall County Regional Planning Commission meeting, discussion occurred regarding the site plan and landscaping plan for the property. The Petitioner request a layover until the August 28th Kendall County Regional Planning Commission meeting.

On September 20, 2019, the Petitioners submitted the attached letter requesting a layover until October.

The notice of the Zoning Board of Appeals hearing was already printed prior to the ZPAC meeting.

If you have any questions regarding this request, please let me know.

Thanks,

MHA

LAW OFFICES

CARL R. BUCK
MARIO P. CARLASARE
FRANK S. CSERVENYAK, JR.
WILLARD L. HEMSWORTH III
NICKOLAS M. JERDE
WILLIAM V. KOZOL
MICHAEL J. LICHNER
LUIS J. MAGAÑA
KATHERINE L. MALONEY
LAURA I. MIROBALLI
MEGHAN E. PRESTON
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TIMOTHY J. RATHBUN
KATIE E. ROCK
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September 20, 2019

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JEFFREY L. FISHER, OF COUNSEL
207 South Water Street
Wilmington, Illinois 60481

VIA EMAIL (masselmeier@co.kendall.il.us)

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

RE: TZ Landscaping - 276 Route 52


Dear Mr. Asselmeier:

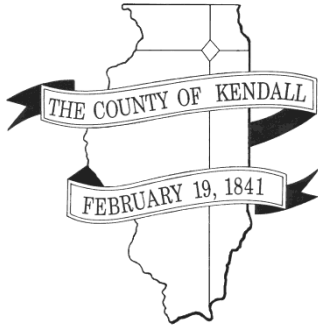
Please be advised that this firm represents TZ Landscaping in its application for a Special Use Permit. The tenants/applicants, Tom and Tyler Zurliene, are working with a survey company, Phil Young, to update the topography survey to include the buildings and structures. Due to this continued work, the tenants/applicants request to be pushed to the October agenda date.

Thank you for your time and consideration to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

RATHBUN, CSERVENYAK & KOZOL, LLC

By: 
Carl R. Buck



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

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MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: September 26, 2019
Re: Petition 19-31-Request by the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses

On June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed the County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where a medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related uses to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

In summary the changes are as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act.
3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, and places of worship. This distance requirement is the same distance requirement for outdoor shooting ranges.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning

Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act.

5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. Public Act 101-363 removed the distance requirements for Medical Dispensing Organizations. Onsite consumption of cannabis by the public is not allowed. Hours of operation will be from 6:00 a.m. until 8:00 p.m.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

At least one (1) Planning, Building and Zoning Committee member favored having cannabis uses in stand-alone buildings.

Townships were notified of this proposal and a combined meeting of the Regional Planning Commission and Planning, Building and Zoning Committee scheduled for September 10th on August 28, 2019.

ZPAC met on this proposal on September 3, 2019. ZPAC issued a neutral recommendation and requested that information regarding surveillance, security, and security related structural requirements be added to the proposed amendment. ZPAC also requested that cannabis uses not be allowed in the B-3 District. The vote was five (5) in favor and one (1) in opposition. Fran Klaas said the County should not create zoning regulations for cannabis because it is illegal federally. The minutes of this meeting are attached.

On September 10, 2019, the Kendall County Regional Planning Commission and Planning, Building and Zoning Committee held a combined meeting. The changes made to the proposal were as follows:

1. Fix the incorrect section reference for craft growers (special uses in the A-1 is Section 7.01.D not Section 7.01.C as was found in the original proposal).

2. Clarify that craft growers may co-locate with dispensing organizations and infuser organizations in the M-1 and M-2 Districts only.
3. Clarify that dispensing organizations may co-locate with craft growers and infuser organizations in the M-1 and M-2 Districts and only with infuser organizations in the B-3 District.
4. Clarify that infuser organizations may co-locate with craft growers and dispensing organizations in the M-1 and M-2 Districts and only with dispensing organizations in the B-3 District.

The minutes of the September 10th meeting are attached.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 25, 2019. The consensus of the Commission was to have stricter regulations in place as a starting point. These regulations could be relaxed at some point in the future, if deemed appropriate (i.e. it is easier to grant a land use right than to take away a land use right). The Kendall County Regional Planning Commission unanimously recommended approval of the proposal with an amendment that all cannabis uses allowed on B-3 zoned property (adult-use and medical dispensing organizations, adult-use infuser organizations, and adult-use processing organizations) be located a maximum one thousand feet (1,000') from an interstate highway. The minutes of this meeting are attached.

Attached please find the proposed changes to the Kendall County Zoning Ordinance with changes proposed by ZPAC, changes made at the September 10th meeting, and the change proposed by the Kendall County Regional Planning Commission.

Maps showing the potential location of cannabis uses are attached.

Information from Colorado regarding zoning regulations are also attached.

If you have any questions, please let me know.

MHA

ENCs.: Proposal (With ZPAC's Comments, Comments from 9-10-19 RPC and PBZ Meeting, and Comments from 9-25-19 RPC Meeting)
Maps
9-3-19 ZPAC Minutes
Information from Colorado
9-10-19 Combined Meeting of the Kendall County Regional Planning Commission and Planning Building and Zoning Committee
9-25-19 Kendall County Regional Planning Commission Minutes

Cannabis Related Proposal
(ZPAC Comments in Blue-ZPAC Opposed Cannabis Uses in the B-3)
(Changes from September 10th PBZ and RPC Meeting in Red)
(Change from September 25th RPC Meeting-Cannabis Businesses Located on B-3 Zoned Property
Must Be a Maximum 1,000 Feet from an Interstate Highway)

1. Ordinances 2014-28 (Medical Cannabis Cultivation Centers), 2014-31 (Medical Cannabis Dispensing Organizations) and 2017-28 (Expiration Timeline for Medical Cannabis Related Uses Extended to July 1, 2020) are repealed in their entirety.
2. Section 3.02 of the Kendall County Zoning Ordinance is Amended by Adding the Following Terms in the Appropriate Places Alphabetically:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT. An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

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.

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.

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.

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.

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.

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.”

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. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING 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. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.

3. Section 7.01.ED (Special Uses in the A-1 District) and Section 10.01.C (Special Uses in the M-1 and M-2 Districts) are amended by adding the following:

Adult-Use Cannabis Craft Grower Subject to the Following Conditions:

1. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing property zoned or used for residential purposes, unless the residential use is owned by the same owner as the Adult-Use Cannabis Craft Grower.
3. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, or place of worship.
4. **On properties zoned M-1 or M-2**, Adult-Use Cannabis Craft Growers may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Infuser Organizations or both.
5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access

- to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application
 - 7. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 - 8. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 - 9. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
4. Section 10.01.C (Special Uses in the M-1 and M-2 Districts) is amended by adding the following:
Adult-Use Cannabis Cultivation Centers Subject to the Following Conditions:
- 1. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - 2. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes.
 - 3. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing forest preserve, public park, or place of worship.
 - 4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 - 5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
 - 6. No outdoor storage is allowed.
 - 7. Electronic message boards and temporary signs are not allowed.
 - 8. Fences must be a minimum of eight feet (8') feet tall topped with barbed wire.
 - 9. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 - 10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 - 11. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the

State or County Regulation shall apply.

Medical Cannabis Cultivation Centers Subject to the Following Conditions:

1. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 2. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing forest preserve, public park, or place of worship.
 4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Compassionate Use of Medical Cannabis Program Act.
 5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
 6. No outdoor storage is allowed.
 7. Electronic message boards and temporary signs are not allowed.
 8. Fences must be a minimum of eight feet (8') feet tall topped with barbed wire.
 9. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 11. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.
5. Section 9.04.C (Special Uses in the B-3, M-1, and M-2 Districts) is amended by adding the following:
Adult-Use Cannabis Dispensing Organization Subject to the Following Conditions:
1. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within one thousand feet (1,000') of the property line of a pre-

- existing forest preserve, public park, or place of worship.
4. At least seventy-five percent (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 Cannabis Regulation and Tax Act and no dispensing organization shall also sell food for consumption on the premises other than as authorized below in the same tenant space.
 5. Onsite consumption of cannabis by the public shall not be allowed at Adult Use Cannabis Dispensing Organizations.
 6. **On properties zoned M-1 or M-2, Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Craft Growers and Adult-Use Cannabis Infuser Organizations or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.**
 7. **On properties zoned B-3, Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Cannabis Infuser Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.**
 8. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 9. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
 10. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
 11. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
 12. Hours of operation are 6:00 a.m. until 8:00 p.m.
 13. **The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.**
 14. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 15. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Medical Cannabis Dispensing Organization Subject to the Following Conditions:

1. Facility may not be located within one thousand feet (1,000') of the property line of a pre-

- existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, or place of worship.
 4. Onsite consumption of cannabis by the public shall not be allowed at Medical Cannabis Dispensing Organizations.
 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by State law.
 6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
 7. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
 8. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
 9. Hours of operation are 6:00 a.m. until 8:00 p.m.
 10. [The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.](#)
 11. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 12. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.
6. Section 9.04.C (Special Uses in the B-3, M-1, and M-2 Districts) is amended by adding the following: Adult-Use Cannabis Infuser Organization Subject to the Following Conditions:
1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line

- of a pre-existing forest preserve, public park, or place of worship.
 4. At least seventy-five percent (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 Cannabis Regulation and Tax Act.
 5. **On properties zoned M-1 or M-2, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Craft Growers or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.**
 6. **On properties zoned B-3, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.**
 7. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 8. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
 9. **The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.**
 10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 11. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
7. Section 9.04.C (Special Uses in the B-3, M-1, and M-2 Districts) is amended by adding the following: Adult-Use Cannabis Processing Organization Subject to the Following Conditions:
1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, or place of worship.
 4. At least seventy-five percent (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 Cannabis Regulation and Tax Act.

5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
 7. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 8. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 9. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
8. Section 10.01.C (Special Uses in the M-1 and M-2 Districts) is amended by adding the following:
Adult-Use Cannabis Transporting Organization Subject to the Following Conditions:
1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, or place of worship.
 4. The transporting organization shall be the sole use of the tenant space in which it is located and shall not transport any other products beside cannabis, unless specifically allowed by the Special Use Permit.
 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), (including type of security system and plans to address operations when security and surveillance system malfunction) total square footage, security installations/security plan and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.

- e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
7. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 8. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 9. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
9. Appendix 9-The Table of Uses is hereby amended to reflect the addition of these uses in the proper zoning districts.
 10. Any reference citation errors created by the addition of these definitions and uses to the Zoning Ordinance shall be corrected.
 11. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall 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.

Zoning Map A1, A1-BP, A1-SU, A1-SU-PUD

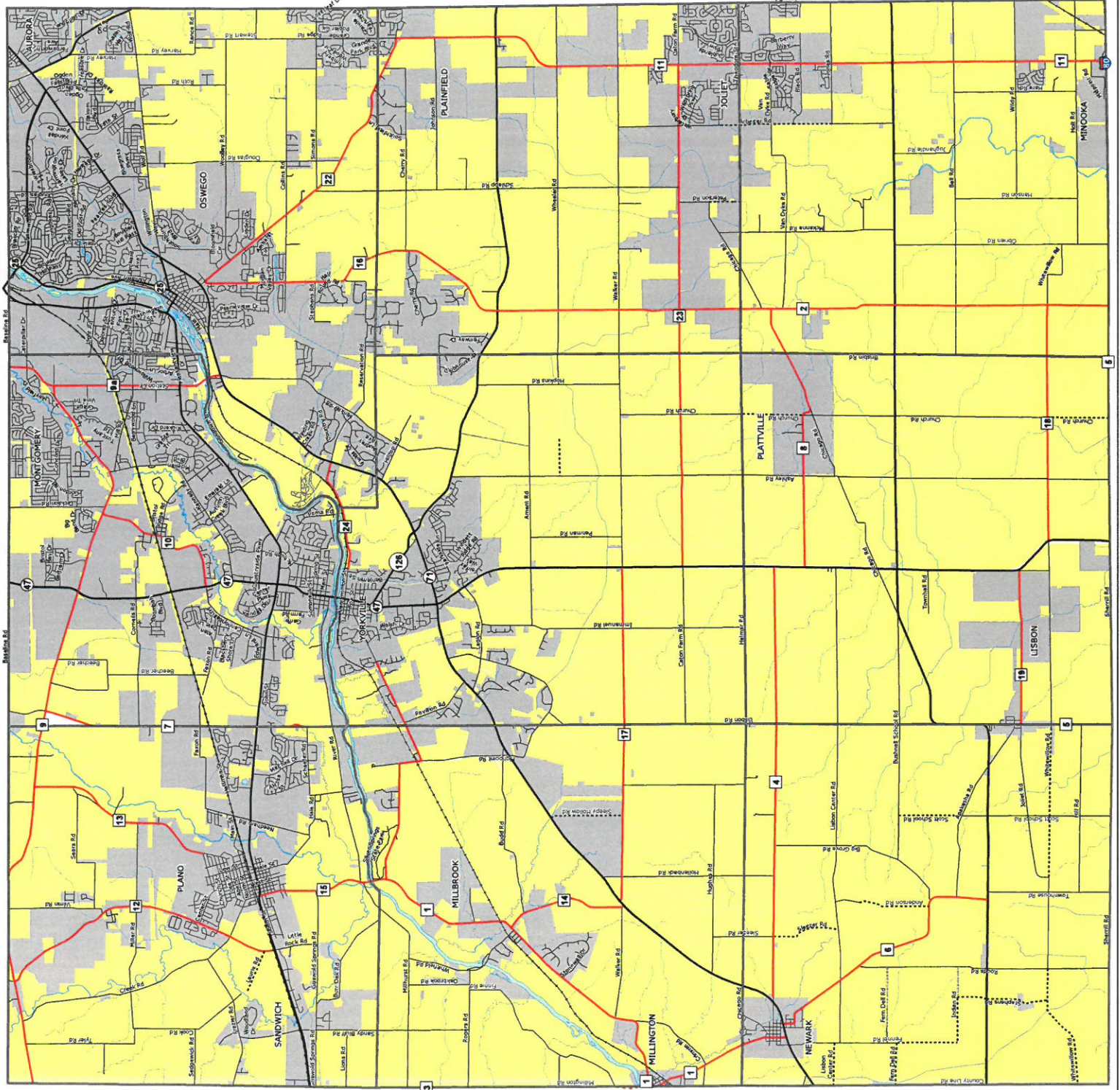
KENDALL COUNTY

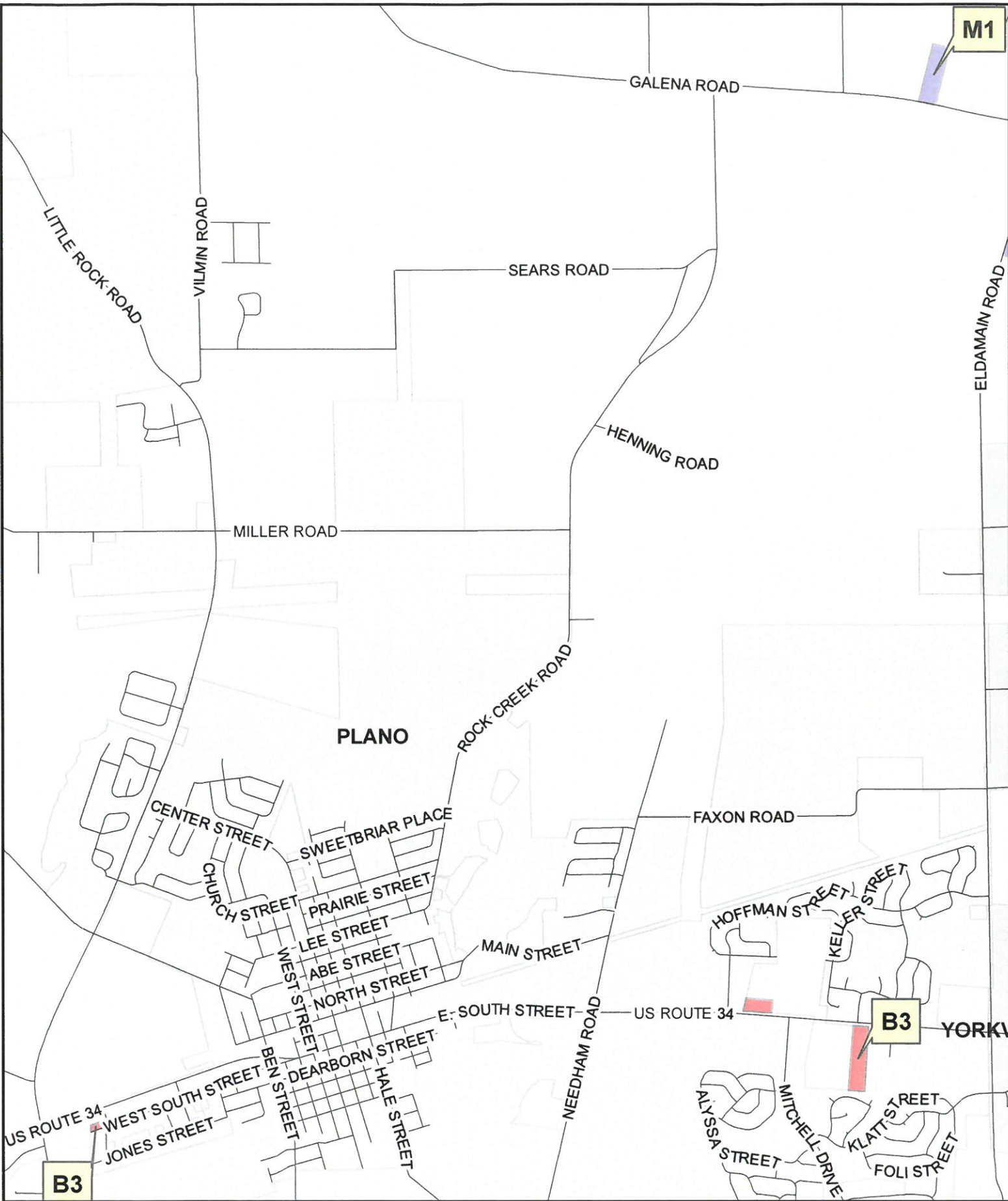
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Legend

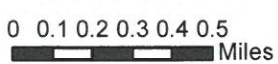
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- STATE
- FEDERAL
- BITUMINOUS
- GRAVEL
- DIRT
- LOCAL
- RAILROAD
- POLITICAL TOWNSHIPS
- COUNTY FOREST PRESERVE
- STATE PARK
- CORPORATE BOUNDARIES
- A1, A1-BP, A1-SU, A1-SU-PUD
- All Other Zoning/Municipalities



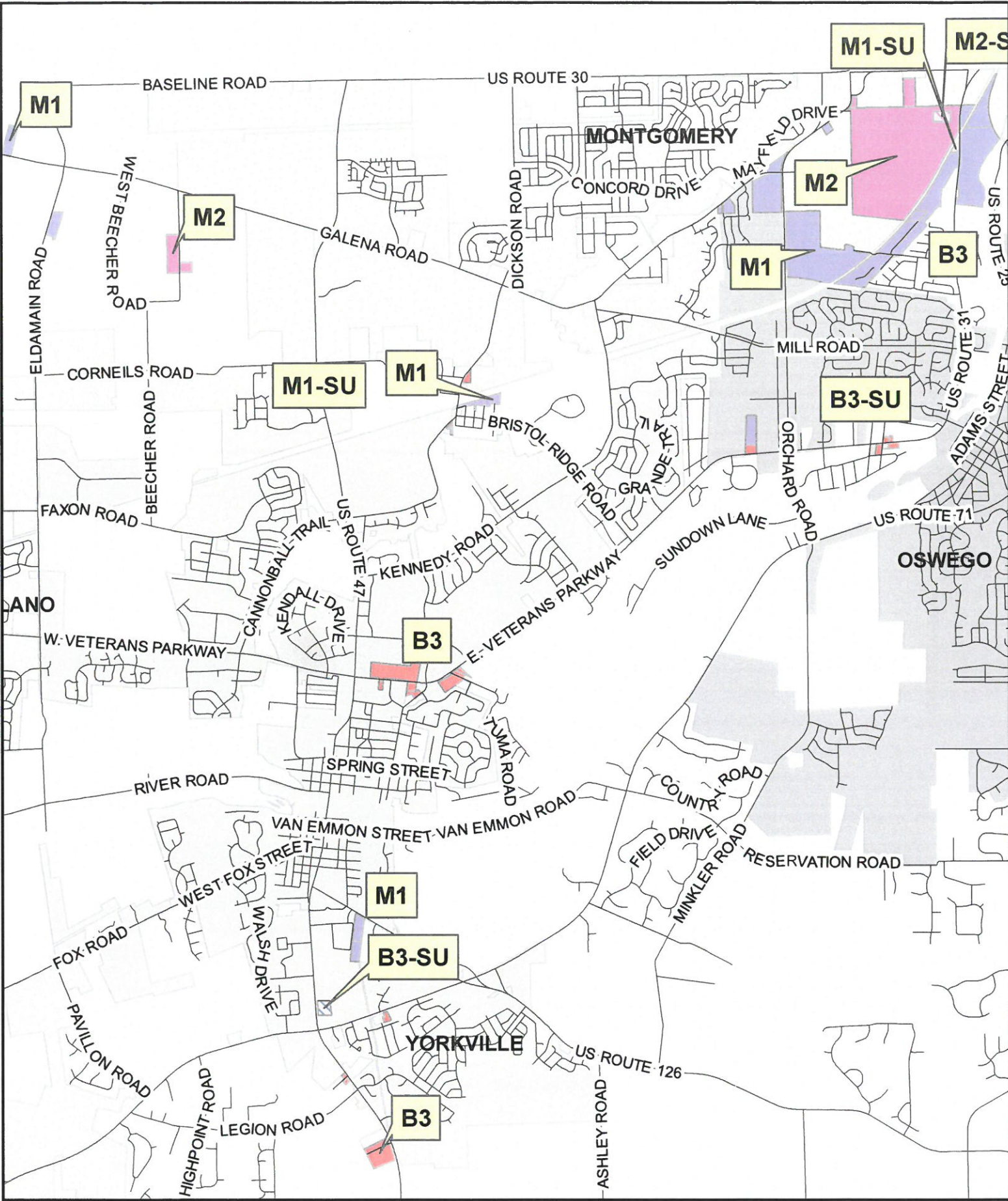


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Little Rock Township

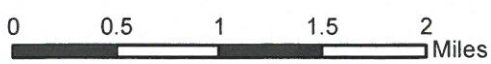


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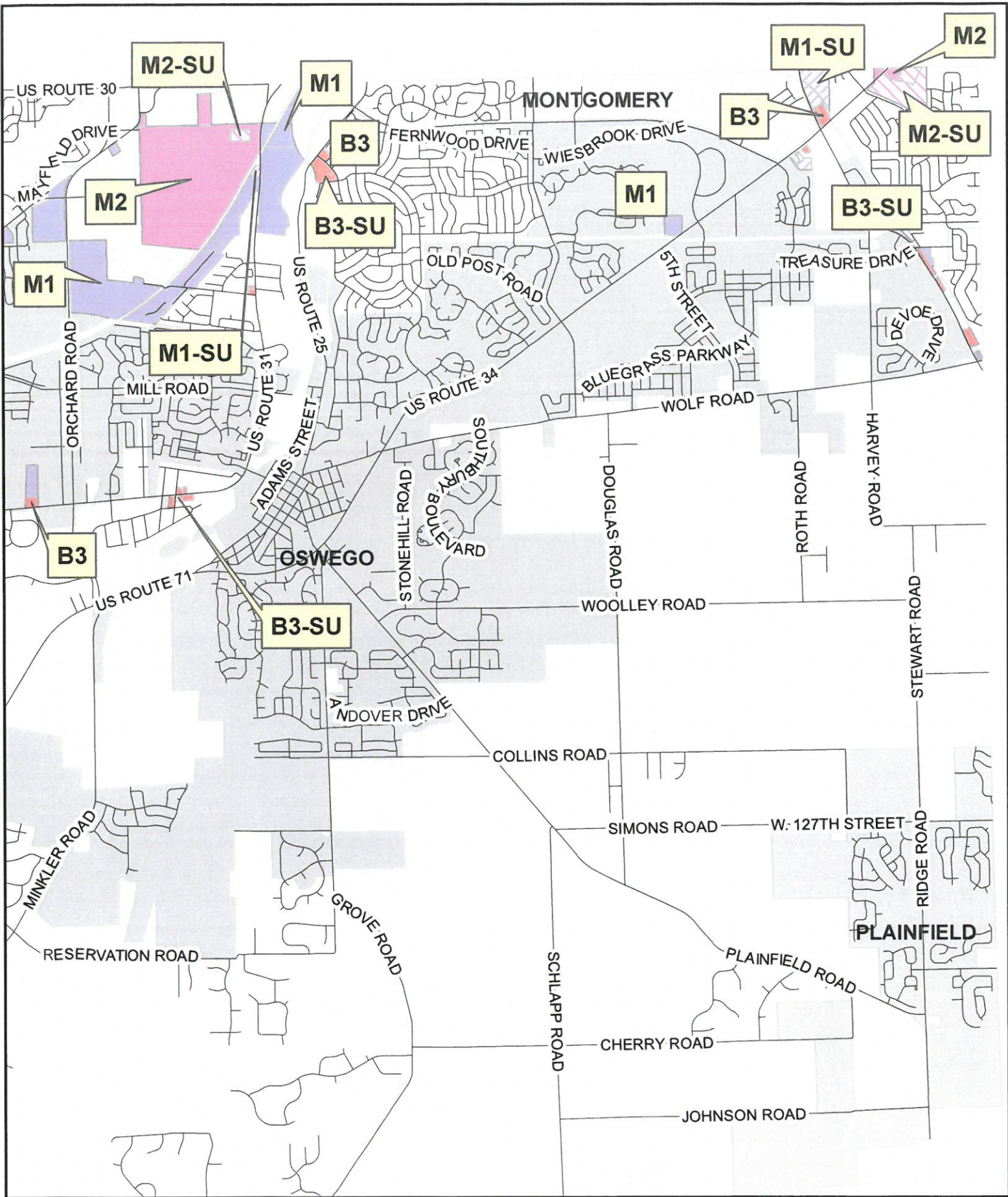


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Bristol Township



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Oswego Township



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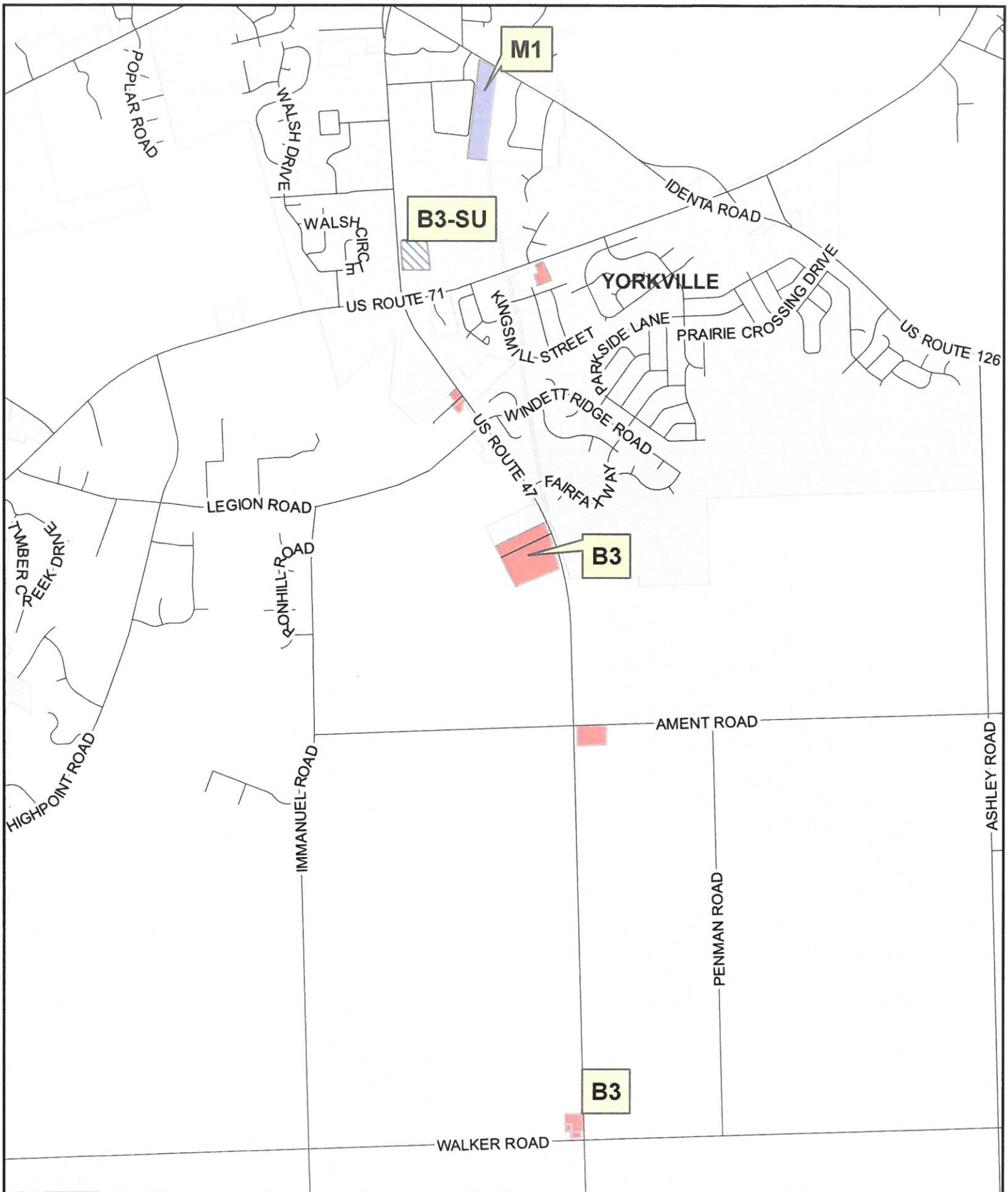


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Fox Township

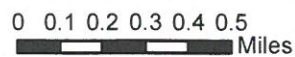


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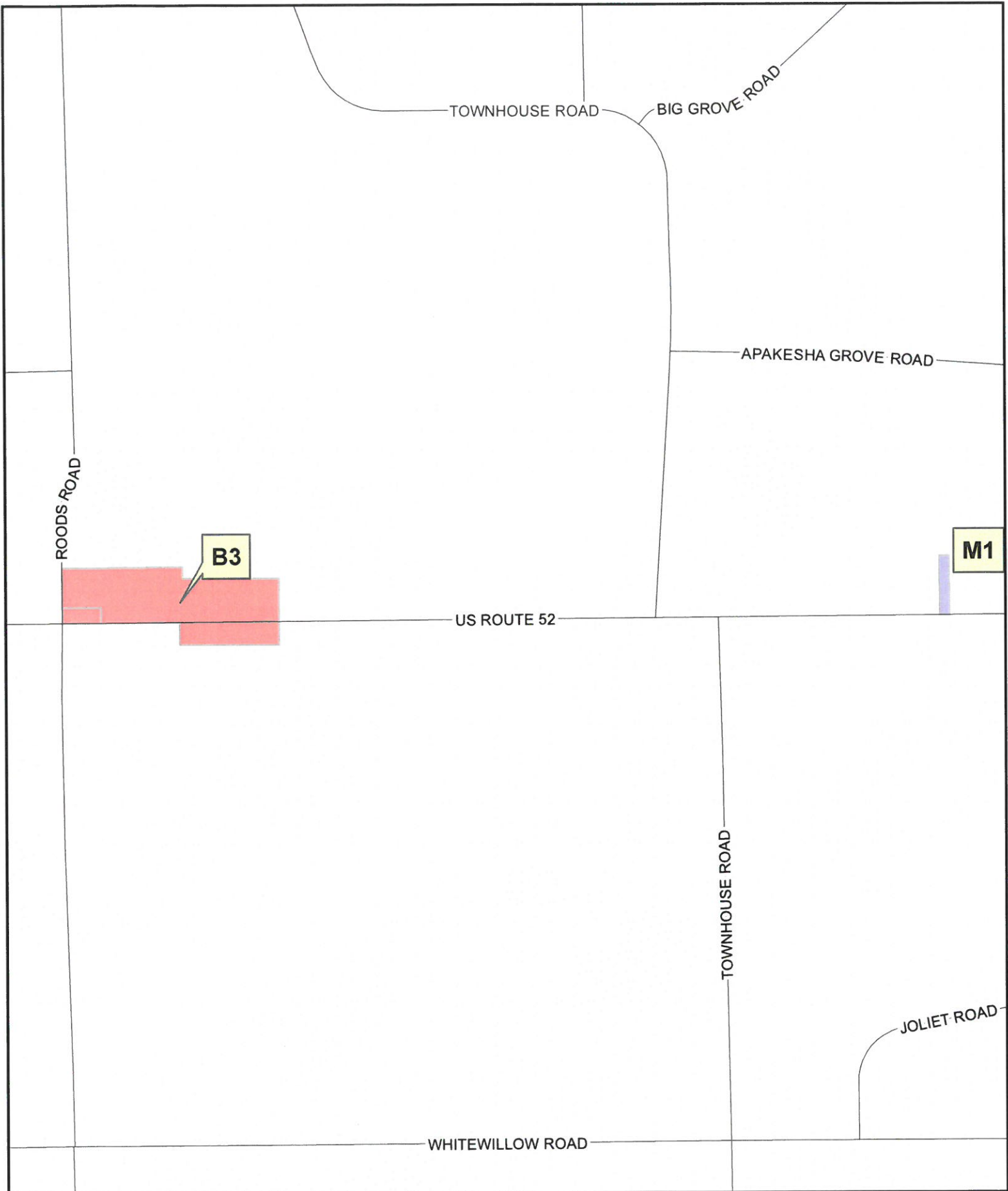


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Kendall Township

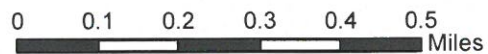


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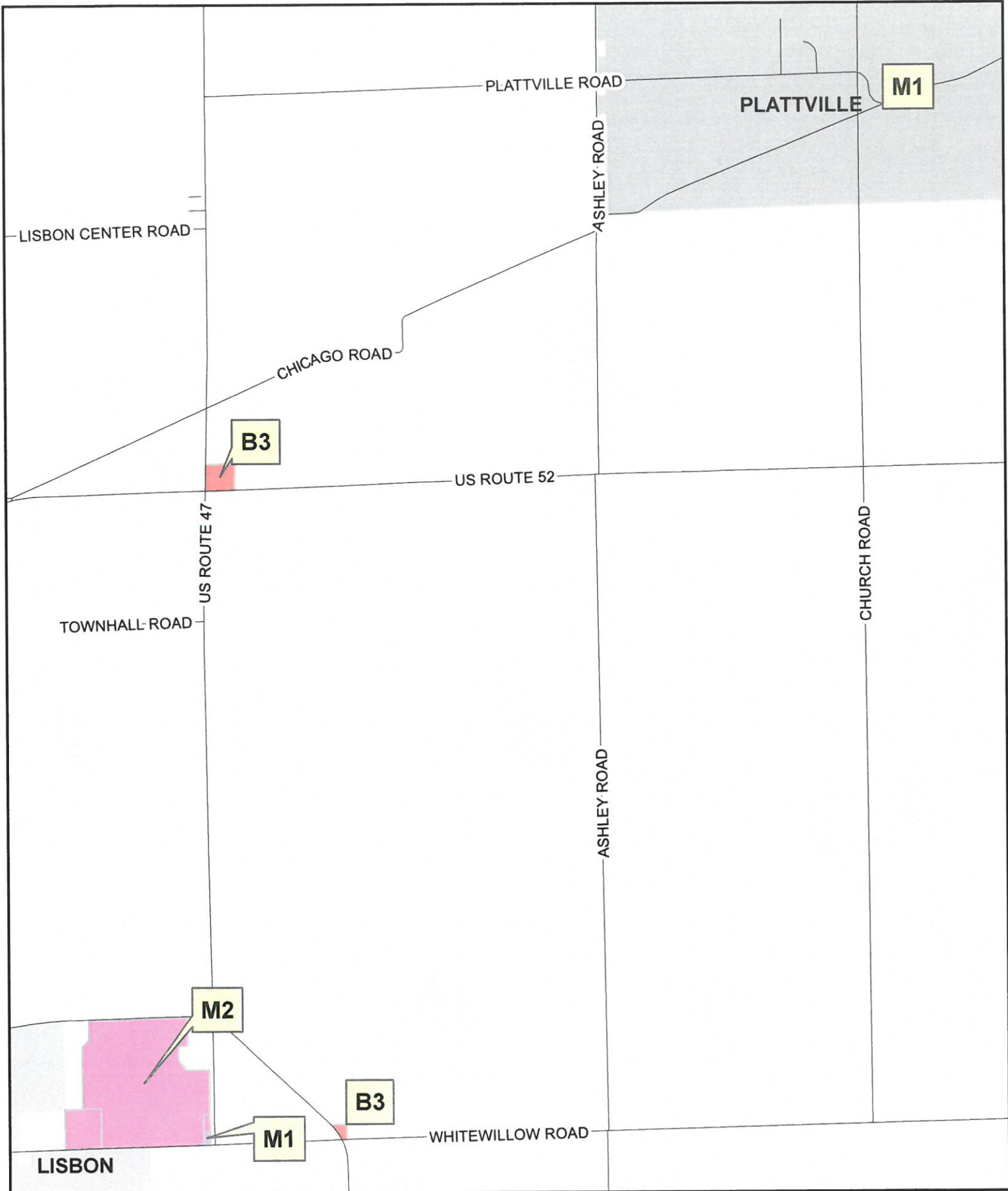


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Big Grove Township

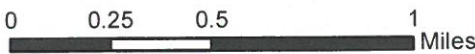


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Lisbon Township

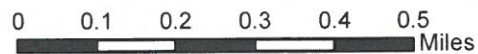


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Seward Township



Created: 7/24/2019

Buffers around Residential Buildings and Property Lines of Schools, Places of Worship, Day Cares, and Air Strips

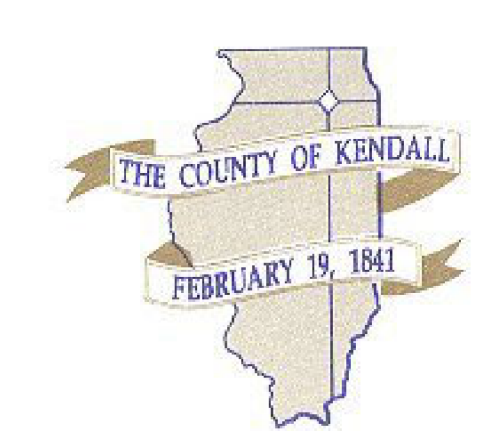
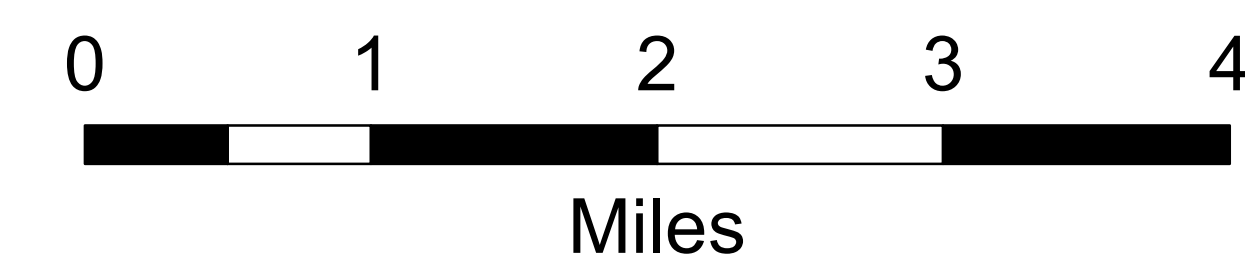
KENDALL COUNTY

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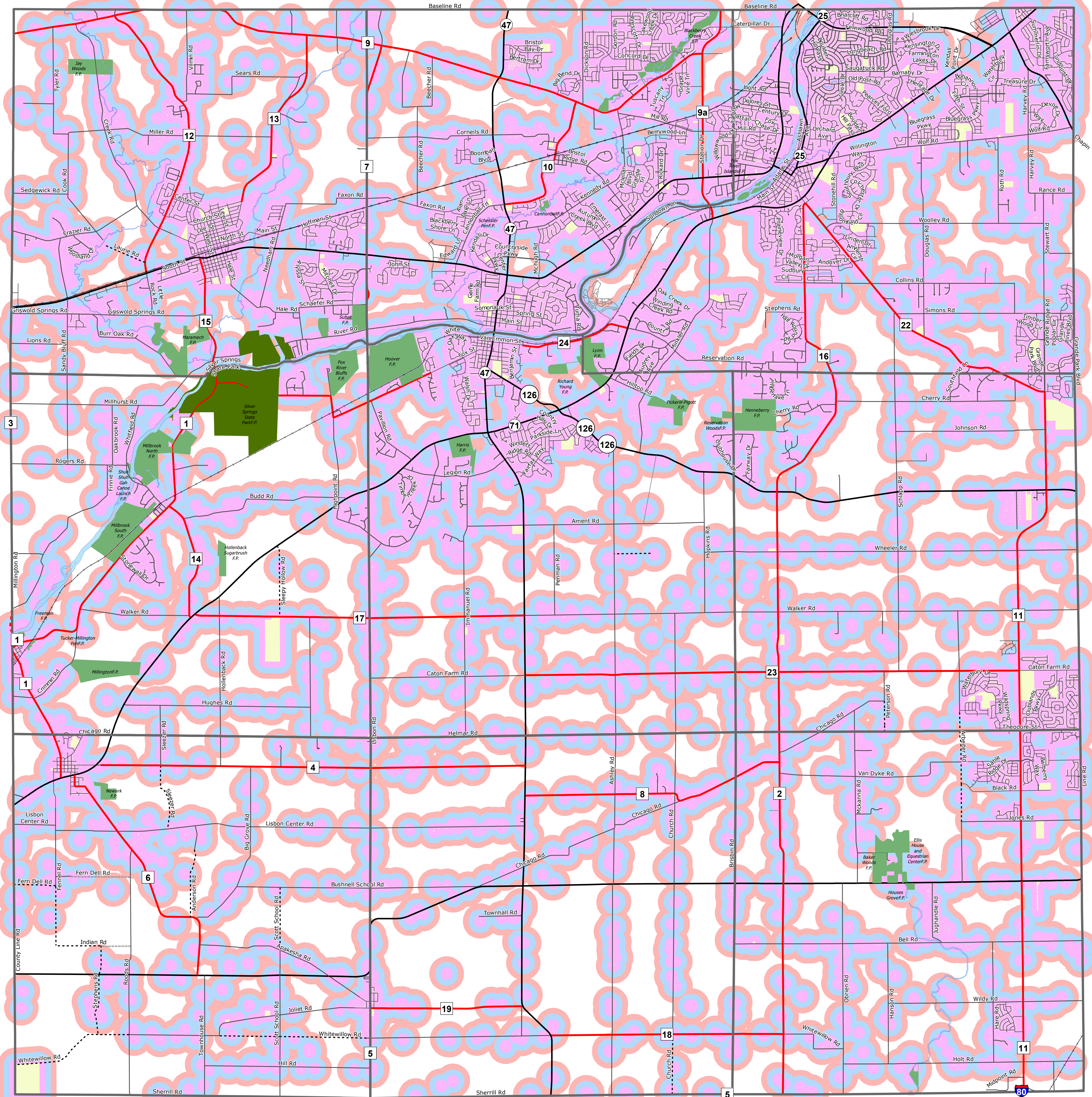
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Legend

- ADJACENT COUNTY
- COUNTY
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- STATE
- FEDERAL
- BITUMINOUS
- GRAVEL
- DIRT
- LOCAL
- RAILROAD
- POLITICAL TOWNSHIPS
- COUNTY FOREST PRESERVE
- STATE PARK
- CORPORATE BOUNDARIES
- 0 feet buffer
- 500 feet buffer
- 1,000 feet buffer
- 1,500 feet buffer



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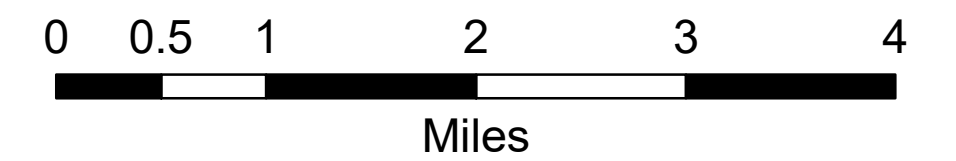
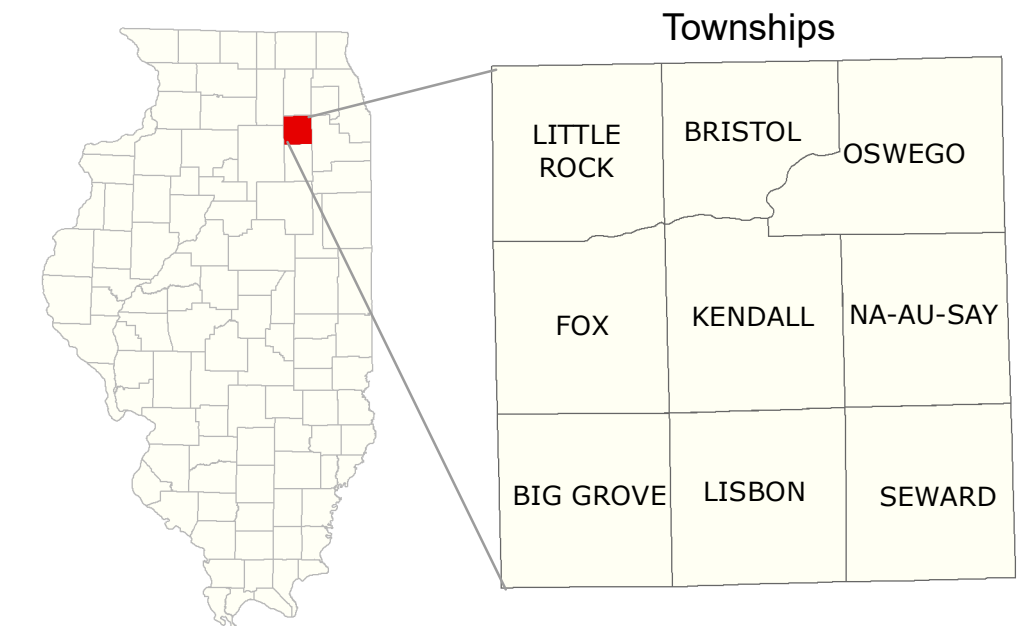
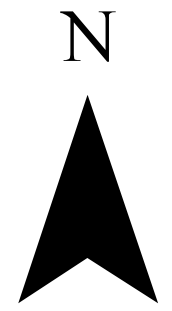


Distance from Corporate Boundaries, Forest Preserve Land, Parks, Medical Centers, Places of Worship, Schools, and Day Cares

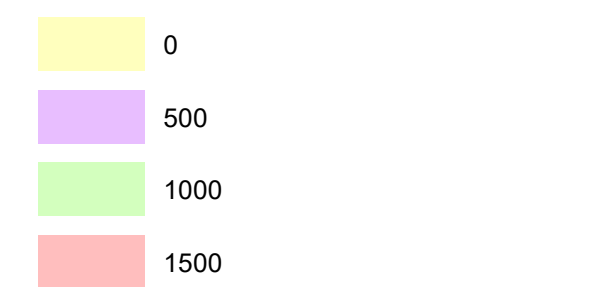
KENDALL COUNTY

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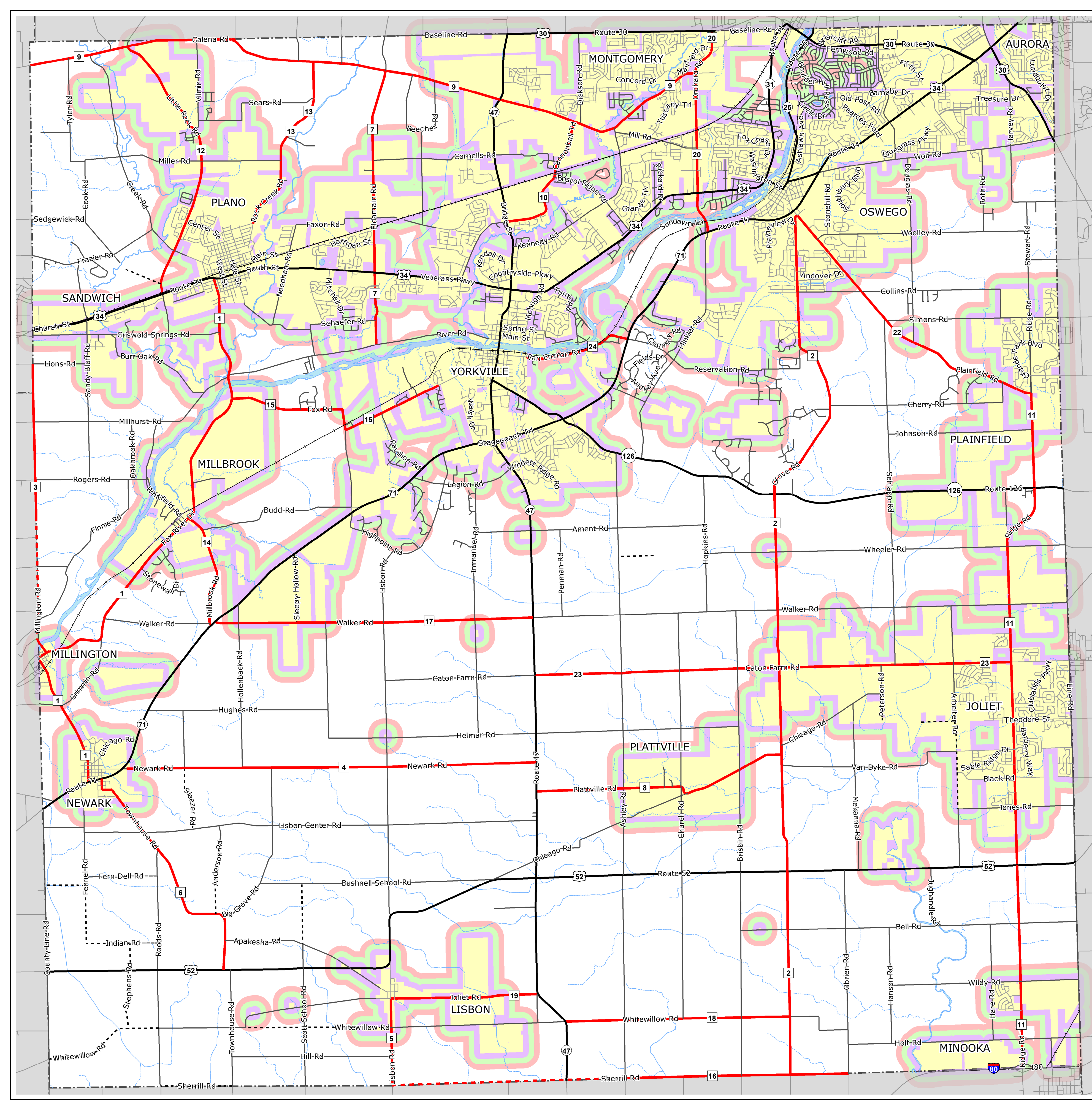
Distance in Feet



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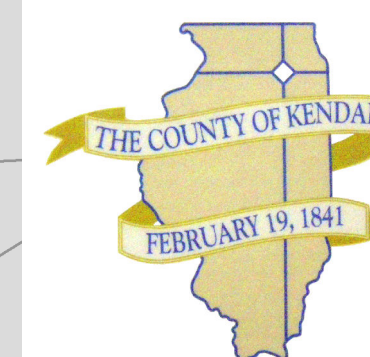
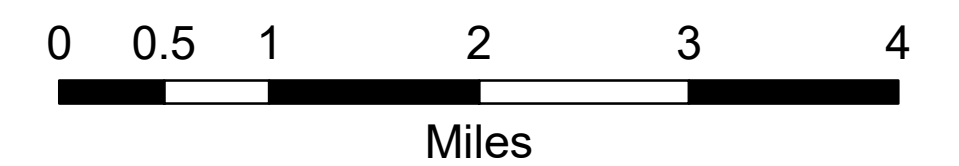
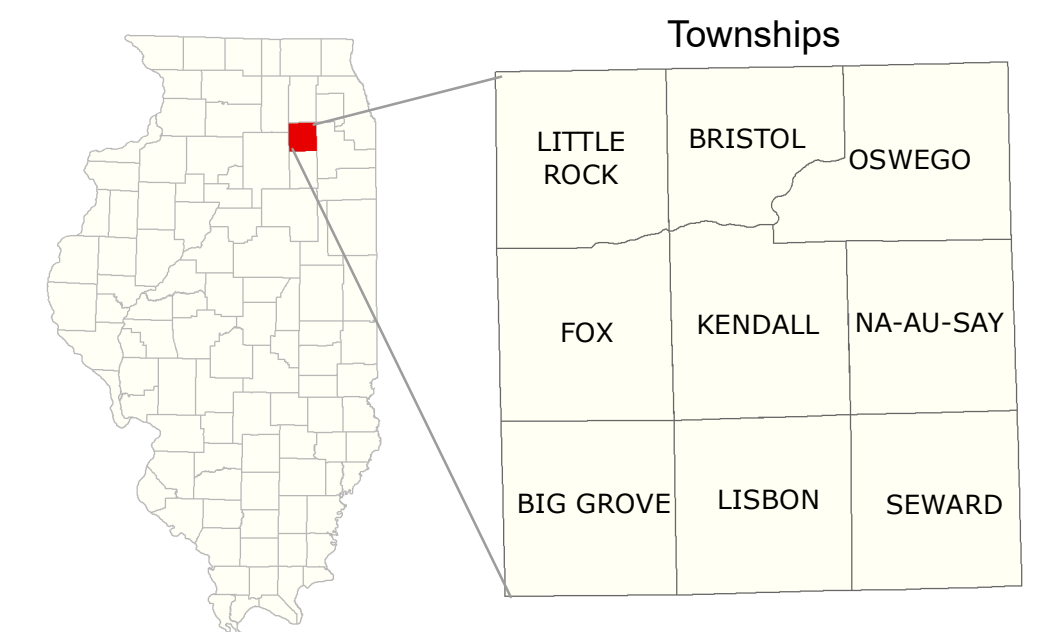
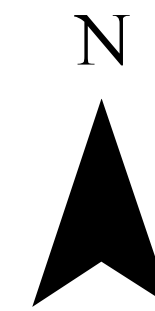


Schools and Day Cares

KENDALL COUNTY

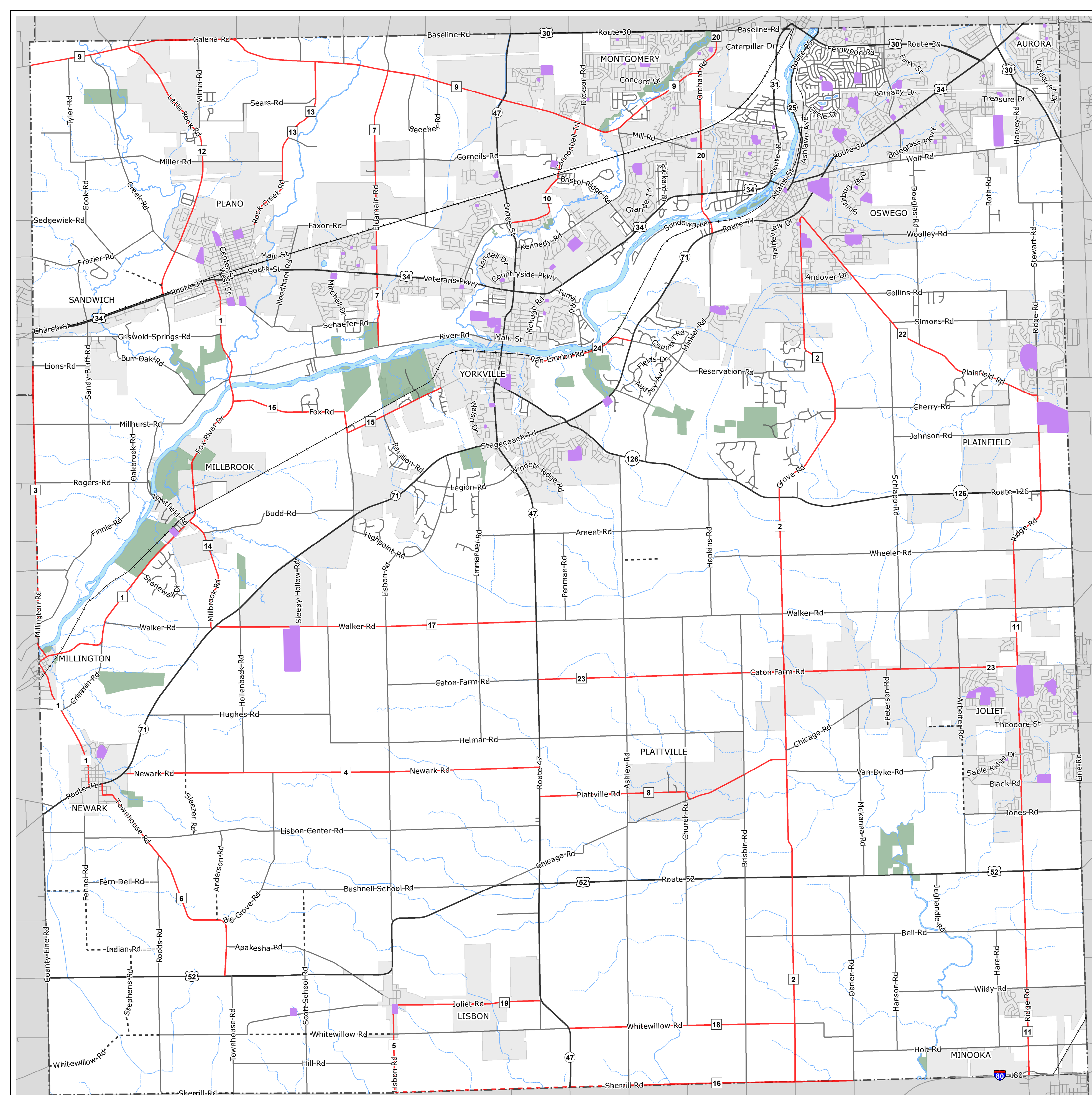
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**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
September 3, 2019 – Unapproved Meeting Minutes**

Senior Planner Chairman Matt Asselmeier called the meeting to order at 9:05 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Matt Asselmeier – PBZ Department
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff’s Department
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Matthew Prochaska – PBZ Committee Chair

Audience:

None

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented. With a voice vote of all ayes, the motion carried unanimously.

MINUTES

Mr. Guritz made a motion, seconded by Ms. Andrews, to approve the July 2, 2019, meeting minutes. With a voice vote of all ayes, the motion carried unanimously.

PETITIONS

Petition 19-31 Kendall County Planning Building and Zoning Committee

Mr. Asselmeier summarized the request.

Mr. Asselmeier noted that the intent of the Planning, Building and Zoning Committee was to have recreational and medical cannabis uses to have similar zoning requirements. In addition, this proposal only regulated the areas unique to County regulations; the proposal did not include restrictions already contained in State law.

On June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related use to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

In summary the changes were as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning

Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act.

3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, and places of worship. This distance requirement is the same distance requirement for outdoor shooting ranges.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act.
5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. Public Act 101-363 removed the distance requirements for Medical Dispensing Organizations. Onsite consumption of cannabis by the public is not allowed. Hours of operation will be from 6:00 a.m. until 8:00 p.m.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

Maps showing the potential location of cannabis uses were provided.

The zoning related proposal is separate from the County's consideration of opting out of allowing recreational cannabis uses.

Commander Langston asked why some of the uses would be special uses in the B-3. Mr. Asselmeier responded that some Committee members felt some of the cannabis related uses should be in more trafficked areas.

Mr. Klaas expressed concerns about the negative impacts of the legalization of marijuana. He noted that marijuana is still illegal at the federal level. He noted that the federal government recognizes the potential exists for drug abuse with marijuana. He worried about the desensitizing impacts of drug use on kids. He expressed concerns regarding the ability of law enforcement entities to recognize people that are high or drunk. He did not want to be a party to any type of regulation or legalization of cannabis.

Commander Langston expressed his concerns regarding allowing cannabis uses in the B-3 District because it bolsters desensitization. He felt that the black market will thrive. He wanted to see clear description of security systems and security plans (the plans, how the plans are monitored, system backups, and structural requirements).

Discussion occurred regarding the County Board opting-out and the impacts of opting-out on the Zoning Ordinance.

Mr. Rybski noted that Dr. Tokars will be attending a future meeting on this topic.

Mr. Guritz noted that legalization could mean people consuming marijuana in the forest preserves and additional interesting behavior. Marijuana was still a noxious weed per State law.

Mr. Guritz made a motion, seconded by Commander Langston, to issue a neutral recommendation with a request that the proposal be amended to remove cannabis uses from the B-3 District and to add surveillance, security, and security related structural requirements to the proposed text amendment.

Ayes (5): Andrews, Asselmeier, Guritz, Langston, and Rybski
Nays (1): Klaas
Present (0): None
Absent (4): Briganti, Chismark, Holdiman, and Prochaska

The motion passed. There will be a special Planning, Building and Zoning Committee meeting on this topic on September 10, 2019 at 6:30 p.m. The proposal will go to the Kendall County Regional Planning Commission on September 25, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 18-04, pertaining to changes to the Future Land Use Map in Lisbon Township was rejected by the County Board.

Mr. Asselmeier reported that Petition 18-24, pertaining to the Flisk Special Use Permit Amendment at 17 Ashe Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-12, pertaining to a special use permit for a banquet center at 10978 Crimmin Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-25, pertaining to renewing a special use permit for a billboard at 34 and Hafenrichter was approved by the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Ms. Andrews to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:40 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Special Meeting Minutes of September 10, 2019 - 6:30 p.m.

Chairman Ashton called the meeting to order at 6:33 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey (arrived at 6:40 p.m.), Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, and Claire Wilson (arrived at 6:39 p.m.)

Members Absent: Bill Davis

Staff Present: Matthew H. Asselmeier, Senior Planner, Scott Koeppel, County Administrator

Others Present: Elizabeth Flowers, Scott Gengler, Judy Gilmour, Matt Kellogg, Matthew Prochaska, Commander Jason Langston, Amy Cesich, Randy Cesich, Robyn Vickers, Dr. Amaal Tokars, Jackie Kowalski, Steve Gengler, Brad Blocker, and Katie Finlon

APPROVAL OF AGENDA

Commissioner Nelson made a motion, seconded by Commissioner McCarthy-Lange, to approve the agenda. With a voice vote of six (6) ayes, the motion passed unanimously.

PUBLIC COMMENT

None

NEW/OLD BUSINESS

Discussion and Possible Amendment to Petition 19-31-Request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses

Mr. Asselmeier summarized the request.

On June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related use to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

In summary the changes are as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act.
3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, and places of worship. This distance requirement is the same distance requirement for outdoor shooting ranges.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act.
5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. Public Act 101-363 removed the distance requirements for Medical Dispensing Organizations. Onsite consumption of cannabis by the public is not allowed. Hours of operation will be from 6:00 a.m. until 8:00 p.m.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

At least one (1) Planning, Building and Zoning Committee member favored having cannabis uses in stand-alone buildings.

Maps showing the potential location of cannabis uses were provided.

Townships were notified of this proposal and the September 10th meeting on August 28, 2019.

ZPAC met on this proposal on September 3, 2019. ZPAC issued a neutral recommendation and requested that information regarding surveillance, security, and security related structural requirements be added to the proposed amendment. ZPAC also requested that cannabis uses not be allowed in the B-3 District. The vote was five (5) in favor and one (1) in opposition. Fran Klaas said the County should not create zoning regulations for cannabis because it is illegal federally.

Planning, Building and Zoning Committee Chairman Prochaska emphasized the importance of having some type of zoning in place by January 1, 2020, and the implications of not having zoning regulations in place by that date.

Member Kellogg explained the purpose of this meeting and that the proposal was intended to be a working document. Changes to the proposal are anticipated.

Commissioner Wilson arrived at this time (6:39 p.m.).

Commissioner Nelson suggested having a more restrictive regulation at the beginning because the difficulties of taking a use away at a later date. He expressed concerns regarding the ability of a cannabis related use going anywhere in the County, if no zoning regulations are in place. The regulations could be modified in the future

Commissioner Casey arrived at this time (6:40 p.m.).

Member Flowers expressed agreement with Commissioner Nelson's suggestions. She expressed opposition to co-location of cannabis uses.

Member Gilmour favor a minimum of distance of one thousand five hundred feet (1,500') from cannabis uses to other protected uses. Planning, Building and Zoning Committee Chairman Prochaska and Member Kellogg favored a one thousand foot (1,000') distance.

It was noted that Planning, Building and Zoning Committee members did not agree on a stand-a-lone building requirement for cannabis uses. Discussion occurred regarding potential odors and odors from other types of businesses.

Regional Planning Commission Chairman Ashton if there was any update from the State regarding regulations. Mr. Asselmeier responded that the Department of Agriculture has not released any information regarding its rule-making progress.

County Administrator Koeppel stated that infuser and transporter applications will not be available until January 1, 2020. Growing applications will be available October 1, 2019.

Discussion occurred regarding enforcement. Commission Hamman asked who was going to be oversee these regulations. Mr. Asselmeier responded that the Zoning Inspector will be responsible for enforcing Kendall County's specific zoning regulations and that the Sheriff's Department and other law enforcement agencies will

be responsible for those enforcement areas assigned to them. The two (2) main areas of zoning regulations were zoning districts where the uses might be allowed and distances from protected uses as determined by the local government.

Mr. Asselmeier summarized that ZPAC did not want cannabis uses in the B-3 district, they wanted greater security information, and they wanted the Sheriff's Department to have access to the security system of cannabis related uses. Commander Langston explained the Illinois regulations as they relate to security system access. The law uses the phrase "upon request" as it relates to access to security systems. Security systems would not be live feed. Facial recognition use was discussed, but was not specifically required in State law. Commander Langston explained that video records must be retained for ninety (90) days and as long as necessary in cases of loss or theft. The Sheriff's Department is not responsible for dictating where security cameras must be placed.

Discussion occurred about placing cannabis uses in the B-3 District and the impact of odors on neighboring retail businesses. Discussion occurred about placing a cannabis related business in the former Caterpillar property; this property is zoned M-2. Commander Langston explained the Sheriff's Department's concerns about placement of cannabis uses in the B-3 District.

Commissioner Wilson asked why the setback distances were different for each use. Mr. Asselmeier explained that the distances related to craft growers were based on the distance used for outdoor shooting ranges. For cultivation centers, the distance came from State law. For dispensing organizations, the distance from schools was from State law and the distance from residential uses was from the Illinois Municipal League's template ordinance. For the remaining cannabis uses, the distances came from the Illinois Municipal League's template ordinance.

Brad Blocker, Na-Au-Say Township Supervisor, pointed out that the special use reference section for A-1 was incorrect; it should be Section D and not Section C. He noted that craft growers cannot co-locate with dispensing organizations and infuser organizations in the A-1 because only craft growers were allowed in the A-1 and the two (2) uses were not allowed in the A-1. He questioned the logic of using the distance measurement for gun ranges; he favored using the distance requirement for craft breweries. Member Kellogg said one thousand feet (1,000') was used by counties in Colorado; gun ranges were not the reason the distance was proposed at one thousand feet (1,000').

Member Kellogg suggested adding setbacks from halfway houses and correctional facilities to the proposal.

Commissioner Wilson expressed concerns regarding a medical dispensing organization locating within two hundred fifty feet (250') from residential uses and residential zoned property.

Commissioner Wilson asked about the definition of adult and the possibility of having a business license revoked similar to a liquor license. According to State law, the legal age to buy cannabis products is twenty-one (21). Discussion has occurred at the County level of an ordinance similar to the Liquor Control Ordinance that restricts the number of cannabis related businesses in the County and establishes a license similar to a liquor license. Discussion occurred about the difficulty and amount of time necessary to revoke a special use permit compared to revoking a liquor license. There was uncertainty about whether or not the Sheriff's Department would do compliance checks with cannabis businesses similar to the checks they do for liquor establishments. The consensus of both the Planning, Building and Zoning Committee and the Regional Planning Commission was to ask the State's Attorney's Office for an opinion whether or not a County can

designate a person with similar powers as the liquor commissioner but for cannabis related business and if the County can restrict the number of cannabis businesses similar to the way the County restricts the number of liquor establishments.

The State will put licenses out for the first seventy-five (75) dispensaries on October 1, 2019. If someone is awarded a license on January 1, 2020, they will pursue securing necessary zoning permits at their property after the preliminary award. If they secure applicable zoning permits, then the State will grant final licensure in May 2020. The licenses will be awarded on a points system. A medical dispensary can be awarded a recreational license on January 1, 2020. There will be a total of three hundred (300) dispensary licenses by the end of 2021.

Dispensaries can sell paraphernalia. The special use permit can restrict the other products sold at the establishment.

Randy Cesich explained the procedure for entering a cannabis dispensary in Colorado, the layout of the store, and the visible security presence inside the facility.

Discussion occurred regarding the interconnection of dispensaries regarding cannabis purchases.

Discussion occurred regarding using credit cards to purchase cannabis. Cash was not the way to purchase cannabis.

Discussion occurred regarding increased crime in Colorado since the legalization of cannabis.

Member Flowers asked Dr. Tokars if the new regulations will assist with addressing the opioid crisis. Dr. Tokars responded that the new law does not add anything to existing medical cannabis availability.

Planning, Building and Zoning Committee Chairman Prochaska asked Dr. Tokars about second hand smoke from cannabis uses. Dr. Tokars responded that little research exists about the impact of second hand THC.

Commissioner Wilson asked about tests that law enforcement can use to identify people under the influence of cannabis similar to an alcohol breathalyzer test. Commander Langston responded that no tests were currently available in Illinois.

Discussion occurred regarding fencing requirements; barbed wire is not required in State law.

Steve Gengler, Kendall Township Supervisor, agreed with the Sheriff's Department regarding the B-3 District. They did not foresee cannabis uses in the B-3 District; they favored cannabis uses in the M-1 and M-2 Districts.

Commissioner Wilson asked about the impact of legalization of cannabis businesses on the black market. Commander Langston responded that the black market did not pay taxes for sales of cannabis and still existed.

Discussion occurred regarding the intergovernmental agreements for zoning and the potential of those municipalities to opt-out. Mr. Asselmeier responded that a municipality could still opt-out in the same way that the County's zoning might allow alcohol in a specific zoning district, but the township where a given property is located is dry. Townships cannot opt-out.

Discussion occurred regarding the procedures to opt-out and potentially opt-in at some point in the future.

Discussion occurred regarding the potential tax revenue. The County can levy a sales tax at a maximum three point seven five percent (3.75%) in the unincorporated areas and a maximum three percent (3%) in municipalities. Municipalities can impose a three percent (3%) sales tax. A dispensary would have to pay six percent (6%) sales tax if they located inside a municipality and both the municipality and the County levied the maximum sales tax. Commissioner Nelson asked if the County could still collect taxes on cannabis sales inside a municipality if the County opted-out. County Administrator Koeppel thought the County could collect sales tax, but he did not have a legal opinion on the subject. The consensus of both the Planning, Building and Zoning Committee and the Regional Planning Commission was to ask the State's Attorney's Office if the County can still levy a tax on cannabis related business inside a municipality if the County opted-out.

Mr. Asselmeier presented the timeline for adoption. The proposal goes to the Regional Planning Commission on September 25th, the Zoning Board of Appeals hearing on September 30th, the townships would have the month of October to review and file objections, the matter would go to the Planning, Building and Zoning Committee and County Board in November. There is a one (1) month space for leeway.

The opt-out question will be at the Committee of the Whole on September 12, 2019.

COMMENTS FROM PRESS

None

ADJOURNMENT

Commissioner McCarthy-Lange made a motion, seconded by Commissioner Rodriguez, to adjourn. With a voice vote of eight (8) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 7:55 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved - Meeting Minutes of September 25, 2019 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:02 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Bill Davis, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, and Claire Wilson

Members Absent:

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Matthew Prochaska

APPROVAL OF AGENDA

Member Nelson made a motion, seconded by Member McCarthy-Lange, to approve the agenda. Chairman Ashton announced that the Petitioners for Petition 19-26 requested a layover to the next meeting. With a voice vote of nine (9) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Wilson made a motion, seconded by Member Bledsoe, to approve the minutes of the July 24, 2019, meeting. With a voice vote of nine (9) ayes, the motion carried unanimously.

Member Bledsoe made a motion, seconded by Member Rodriguez, to approve the minutes of the September 10, 2019, special meeting. With a voice vote of nine (9) ayes, the motion carried unanimously.

PETITIONS

19-26 Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant)

Members reviewed a letter from the Petitioners' attorney dated September 20, 2019, requesting a layover to the October meeting.

Chairman Ashton asked what happens if the Petitioner does not submit information for the next meeting. Mr. Asselmeier responded that the Commission was not bound to approve an extension. The Commission could decide to issue a recommendation based upon the available information. No cleanup has occurred at the property.

The matter was laid over until the October 23, 2019, meeting.

19-31 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the changes from the September 10th meeting. The changes were:

1. Fix the incorrect section reference for craft growers (special uses in the A-1 is Section 7.01.D not Section 7.01.C as was found in the original proposal).
2. Clarify that craft growers may co-locate with dispensing organizations and infuser organizations in the M-1 and M-2 Districts only.

3. Clarify that dispensing organizations may co-locate with craft growers and infuser organizations in the M-1 and M-2 Districts and only with infuser organizations in the B-3 District.
4. Clarify that infuser organizations may co-locate with craft growers and dispensing organizations in the M-1 and M-2 Districts and only with dispensing organizations in the B-3 District.

Discussion occurred regarding the odors from cannabis related uses. Odors arise at cultivating and processing facilities. Money from cannabis related businesses also tends to have cannabis on them and the money also smelled of cannabis.

Member Wilson asked about the difference between craft growers and cultivators. Specifically, she was concerned that cultivators were in M-1 and M-2 and craft growers were allowed in A-1 in addition to M-1 and M-2. Mr. Asselmeier responded that the proposed regulation for cultivators came from the existing zoning regulations for medical cannabis cultivators. Discussion occurred about the lack of regulations from the Illinois Department of Agriculture and the idea of being more restrictive with the regulations at the beginning and potentially loosening restrictions in the future. Member Nelson argued that it was easier to extend a land use right than it was to remove a land use right in the future.

Member Wilson asked about the fencing requirements for cultivators. Mr. Asselmeier responded that the fencing requirement came from the County's existing requirements for medical cultivators.

Discussion occurred about cannabis related uses in the B-3 District and the impact of restricting cannabis businesses to the M Districts. Discussion also occurred regarding having cannabis related businesses in an area like Boulder Hill. The suggestion was made to allow cannabis related businesses on B-3 zoned property near an interstate; the County regulates other special uses by proximity to roadways meeting certain classifications. County Board Member Matthew Prochaska stated that the County Board could be open to the idea of allowing cannabis businesses near an interstate.

Member Davis made a motion, seconded by Member Nelson, to recommend approval of Petition 19-31 with an amendment that any cannabis business located on B-3 zoned property be a maximum of one thousand feet (1,000') from an interstate highway.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Davis, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Wilson
Nays (0): None
Absent (0): None

The motion carried. The proposal goes to the Zoning Board of Appeals on September 30th.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Approval of Fiscal Year 2019/2020 Meeting Calendar

Member Nelson made a motion, seconded by Member Rodriguez, to approve the meeting calendar. With a voice vote of nine (9) ayes, the motion carried unanimously.

OLD BUSINESS

Update on Zoning Ordinance Project

Mr. Asselmeier reported that Comprehensive Land Plan and Ordinance Committee has reviewed Sections 1-9 and Section 12.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 18-04, pertaining to changes to the Future Land Use Map in Lisbon Township was rejected by the County Board.

Mr. Asselmeier reported that Petition 18-24, pertaining to the Flisk Special Use Permit Amendment at 17 Ashe Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-12, pertaining to a special use permit for a banquet center at 10978 Crimmin Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-25, pertaining to renewing a special use permit for a billboard at 34 and Hafenrichter was approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that there was a request for a special use permit for outdoor storage at 7821 Route 71 and a request for a special use permit for a kennel and a variance to allow a kennel at the property at 3601 Plainfield Road.

ADJOURNMENT

Member Wilson made a motion, seconded by Member McCarthy-Lange, to adjourn. With a voice vote of nine (9) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 7:52 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner