

ORDINANCE NUMBER 2019- 34

**TEXT AMENDMENTS TO THE KENDALL COUNTY ZONING ORDINANCE  
PERTAINING TO ADULT-USE CANNABIS AND MEDICAL CANNABIS RELATED USES**

WHEREAS, the State of Illinois enacted the Compassionate Use of Medical Cannabis Program Act, which pertains to the possession, use, cultivation, transportation, and dispensing of medical cannabis, which became effective January 1, 2014; and

WHEREAS, pursuant to the Compassionate Use of Medical Cannabis Program Act, Kendall County may enact reasonable zoning ordinances or resolutions not in conflict with the Compassionate Use of Medical Cannabis Program Act, regulating medical cannabis business establishments, including rules adopted governing time, place, manner, and locations in the unincorporated portions of Kendall County that Kendall County deems sensitive; and

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

WHEREAS, pursuant to the Cannabis Regulation and Tax Act, Kendall County may enact reasonable zoning ordinances or resolutions not in conflict with the Cannabis Regulation and Tax Act, regulating cannabis business establishments, including rules adopted governing time, place, manner, and locations in the unincorporated portions of Kendall County that Kendall County deems sensitive; and

WHEREAS, Section 13.07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, on August 26, 2019, the Kendall County Planning, Building and Zoning Committee, hereinafter be referred to as "Petitioner", submitted text amendments to the Kendall County Zoning Ordinance amending Sections 3.02, 7.01.D, 9.04.C, 10.01.C, and Appendix 9 by deleting the regulations contained in Ordinances 2014-28, 2014-31, and 2017-28 and adding 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 to list of definitions and list of special uses in certain zoning districts with conditions, updating to Appendix 9 to reflect these additions, and citation corrections to reflect these additions; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on September 5, 2019, the Kendall County Zoning Board of Appeals conducted a public hearing on September 30, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested text amendment and zero members of the public testified in favor of the request, zero members of the public testified in opposition to the request, and three members of the public provided general comments and questions on the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on September 30, 2019; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has

reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a neutral recommendation of the requested text amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Ordinance 2014-28 Pertaining to Medical Cannabis Cultivation Centers, Ordinance 2014-31 Pertaining to Medical Cannabis Dispensing Organizations, and Ordinance 2017-28 Amending the Expiration Dates of Ordinance 2014-28 and Ordinance 2014-31 are hereby repealed in their entirety.
- III. Amended Text: Section 3.02 is amended by adding the following definitions in the appropriate places alphabetically in the list of definitions:

“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.”

IV. Amended Text: Section 7.01.D is amended by adding the following use alphabetically to the list of special uses in the A-1 Agricultural District:

“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. The measurement shall be from the cannabis use.
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. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand feet (1,000’) of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
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 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. This use shall be in a stand-alone building.
9. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
10. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

**Adult-Use Cannabis Cultivation Center 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. The measurement shall be from the cannabis use.
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. The measurement shall be from the cannabis use.
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, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
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 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') tall.
  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. This use shall be in a stand-alone building.
  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 Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Medical Cannabis Cultivation Center 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. The measurement shall be from the cannabis use.
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. The measurement shall be from the cannabis use.
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, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
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 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') tall.

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. This use shall be in a stand-alone building.
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."

V. Amended Text: Section 9.04.C is amended by adding the following uses alphabetically to the list of special uses in the B-3 Highway Business District, M-1 Limited Manufacturing District, and M-2 Heavy Industrial District:

"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. The measurement shall be from the cannabis use.
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. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
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. On properties zoned B-3, this use shall be within one thousand feet (1,000') of an interchange of an Interstate Highway and a County or State Highway.
9. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
10. 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 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.
11. No flashing light, search light, spot lights, or other similar lighting systems may be used on the exterior of the building.
  12. Electronic message boards and temporary signs are not allowed. Any additional merchandise packaging provided by an Adult Use Cannabis Dispensing Organization, such as bags, sacks, totes, or boxes shall be opaque and identify the name of the Adult Use Cannabis Dispensing Organization.
  13. Hours of operation are 6:00 a.m. until 10:00 p.m.
  14. 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.
  15. This use shall be in a stand-alone building.
  16. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  17. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

**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. The measurement shall be from the cannabis use.
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. The measurement shall be from the cannabis use.
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, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
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. On properties zoned B-3, this use shall be within one thousand feet (1,000') of an interchange of an Interstate Highway and a County or State Highway.
  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 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. 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. This use shall be in a stand-alone building.
  12. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  13. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

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. The measurement shall be from the cannabis use.
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. The measurement shall be from the cannabis use.
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, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
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 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. On properties zoned B-3, this use shall be within one thousand feet (1,000') of an interchange of an Interstate Highway and a County or State Highway.
  9. This use shall be in a stand-alone building.
  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 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. The measurement shall be from the cannabis use.
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. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
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 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 10:00 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. On properties zoned B-3, this use shall be within one thousand feet (1,000') of an interchange of an Interstate Highway and a County or State Highway.
  12. This use shall be in a stand-alone building.
  13. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  14. 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."

VI. Amended Text: Section 10.01.C is amended by adding the following uses alphabetically to the list of special uses in the M-1 Limited Manufacturing District and M-2 Heavy Industrial District:

"Adult-Use Cannabis Craft Grower subject to the conditions contained in Section 7.01.D.

Adult-Use Cannabis Cultivation Center subject to the conditions contained in Section 7.01.D.

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. The measurement shall be from the cannabis use.
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. The measurement shall be from the cannabis use.
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, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
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 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. This use shall be in a stand-alone building.
9. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
10. 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 Center subject to the conditions contained in Section 7.01.D.”

VII. Appendix 9-Table of Uses is hereby amended to reflect the addition of these uses in the proper zoning districts.

VIII. Any reference citation errors created by the addition of these definitions and uses to the Zoning Ordinance shall be corrected.

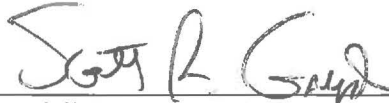
IX. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19<sup>th</sup> day of November, 2019.

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Scott R. Gryder

