

Fact Sheet

Cannabis Business Establishments Village Ordinance

The Cannabis Regulation and Tax Act (the “Act”) was signed into law to legalize the cultivation, sale, possession, and consumption of cannabis in Illinois, beginning January 1, 2020. In addition, the Village regulates Cannabis Business Establishments, as summarized below. See also *Section 156 Unified Development Ordinance (UDO)* of the Village Code of Ordinances*.

- Cannabis Dispensaries and Medical Cannabis Dispensaries are permitted in the B-1 and B-2 Districts only as Special Uses, requiring a public hearing and review by the South Elgin Planning and Zoning Commission and review and approval by the South Elgin Village Board.
 - These uses must meet minimum distance requirements of 250 feet from pre-schools, schools, day care centers, state licensed home day care centers, parks, and libraries. The Cannabis Business Establishment must be 100 feet from any principal residential building. In addition, state law requires that Cannabis Dispensaries be located at least 1,500 feet from the property line of an existing cannabis dispensary;
- Cannabis Infusers, Processors, Cultivation Centers, Medical Cannabis Cultivation Centers, Transporters, and Craft Growers are permitted in the I-Industrial District only as Special Uses, requiring a public hearing and review by the South Elgin Planning and Zoning Commission and review and approval by the South Elgin Village Board.
- The following are prohibited:
 - Cannabis Business Establishments as accessory uses; the various cannabis business establishments must be primary uses;
 - Cannabis Business Establishments as temporary uses;
 - On-premise Cannabis Consumption Establishments and on-premise consumption; and
 - Drive-thru service.
- The Village restricts the number of Cannabis Business Establishments by resolution. Currently, the Village Board allows one of each permitted Cannabis Business Establishment use.
- On-site parking is required for Cannabis Business Establishments in compliance with *Table 156.08B-A of the UDO*.
- Random and unannounced inspections by local law enforcement safety or health inspectors are permitted.
- The Village of South Elgin imposes a Municipal Cannabis Retailers’ Occupation Tax of 3% of the gross receipts from cannabis sales (not applicable to the sales of cannabis purchased under the Compassionate Use of Medical Cannabis Program Act).

**Refer to Ordinance 2019-50 Approving Text Amendments to the Unified Development Ordinance (UDO) Regarding Cannabis Business Establishments and Ordinance 2019-51 Adopting and Levying a Municipal Cannabis Retailers’ Occupation Tax.*

Submittal Requirements

Cannabis Business Establishments Zoning Entitlement

1. Applications Required:

- a. Community Development Application
- b. Special Use Application

2. Submittal Material Requirements: In addition to all other applicable Special Use Application requirements, Cannabis Business Establishments must submit all documents requested by the Zoning Administrator for evaluation under the applicable special use standards, which may include:

- a. A complete copy of all applications and plans submitted for required state licenses;
- b. An odor control plan;
- c. A security plan;
- d. An inventory control plan;
- e. A floor plan;
- f. A traffic study;
- g. A plan for the recycling and destruction of cannabis waste;
- h. A site plan. A site plan for any dispensary use must show adequate public access, the layout promotes the safe dispensing of cannabis, the location is sufficient in size, power allocation, lighting, parking, handicapped accessible parking spaces, accessible entry and exists as required by the Americans with Disabilities Act, product handling and storage; and
- i. A recoverable cost agreement, in a form acceptable to the Zoning Administrator, to reimburse the Village for the actual costs incurred in processing the application, including costs for legal publication, court reporter services, administrative preparation and review, document preparation and review, professional and technical consultants, legal review and consultation, and document recording.

3. Conditions: In addition to all other required special use conditions, cannabis business establishments must comply with the conditions provided in *Section 156.07.C.13.b* of the UDO.