

CHAPTER 159: CANNABIS BUSINESS ESTABLISHMENTS

§159.001 PURPOSE.

It is the intent and purpose of this Section to provide reasonable regulations regarding the cultivation, dispensing, infusing, processing and transporting of adult-use cannabis. Such facilities where allowed, shall comply with all the regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) as it may be amended from time to time, and regulations promulgated hereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

§159.002 TYPES OF CANNABIS ESTABLISHMENTS.

(A) Adult Cannabis Business Establishment:

- (1) Adult-Use Cannabis Craft Growers are permitted as a Special Use in the A-1 Agriculture Preservation, A-2 Agriculture District, C-2 General Commercial, I-1 Light Industrial and I-2 Heavy Industrial zoning districts and shall meet the requirements set forth in §159.03 Standards for a Cannabis Business Establishment.
- (2) Adult-Use Cannabis Cultivation Centers are permitted as a Special Use in the A-1 Agriculture Preservation, A-2 Agriculture District, C-2 General Commercial, I-1 Light Industrial and I-2 Heavy Industrial zoning districts and shall meet the requirements set forth in §159.03 Standards for a Cannabis Business Establishment.
- (3) Adult-Use Cannabis Dispensing Organizations are permitted as a Special Use in the C-2 General Commercial, I-1 Light Industrial and I-2 Heavy Industrial zoning districts and shall meet the requirements set forth in §159.03 Standards for a Cannabis Business Establishment.
- (4) Adult-Use Cannabis Infuser Organizations or Infusers are permitted as a Special Use in the C-2 General Commercial, I-1 Light Industrial and I-2 Heavy Industrial zoning districts and shall meet the requirements set forth in §159.03 Standards for a Cannabis Business Establishment.
- (5) Adult-Use Cannabis Processing Organizations, or Processors are permitted as a Special Use in the C-2 General Commercial, I-1 Light Industrial and I-2 Heavy Industrial zoning districts and shall meet the requirements set forth in §159.03 Standards for a Cannabis Business Establishment.
- (6) Adult-Use Cannabis Transportation Organizations or Transporters, are permitted as a Special Use in the C-2 General Commercial, I-1 Light Industrial and I-2 Heavy Industrial zoning districts and shall meet the requirements set forth in §159.03 Standards for a Cannabis Business Establishment.

§159.003 STANDARDS FOR A CANNABIS BUSINESS ESTABLISHMENT.

(A) Setbacks:

- (1) All cannabis business establishments, excluding perimeter fencing shall comply with the road setbacks and side and rear setbacks established in the underlying zoning district.
- (2) The horizontal separation distance between any cannabis business establishments shall be (1,500) feet from the property line of a pre-existing cannabis business establishment.
 - (a) Exception: A craft grower may share premises with a processing organization or a dispensing organization, or both, provided that they meet all the regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(B) Minimum Submittal Requirements for a Special Use Permit:

- (1) Applicants shall provide a signed statement with their special use application certifying, at a minimum, that the applicant has actual notice that, notwithstanding any state law:
 - (a) Cannabis is a prohibited Schedule 1 controlled substance under federal law;

- (b) The state permits participation in the Cannabis Regulations and Tax Act (P.A. 101-0027) only to the extent provided by the strict requirements of the Cannabis Regulation and Tax Act (P.A. 101-0027), and related administrative rules (“Act”);
 - (c) Any activity not sanctioned by the Act may be a violation of state law;
 - (d) Cultivating, distributing, or possessing cannabis in any capacity, except through a federal approved research program, is a violation of federal law.
 - (e) Use of adult use cannabis, in tandem with other conduct, may be a violation of state or federal law;
 - (f) Use of adult use cannabis may affect an individual’s ability to receive federal or state licensure in other areas.
 - (g) The County’s approval of a Special Use or Building Permit does not in any manner authorize, support, or endorse the violation of federal or state law; and
 - (h) Applicants shall indemnify, hold harmless, and defend the County of Tazewell for any and all civil or criminal penalties relating to participation in the program, including, but not limited to, approval of any special use or building permit (s) by the County.
- (2) Security. The proposed security plan to protect the premises, purchases, and employees shall be included as part of the application. The Permittee shall demonstrate how they will monitor both patron and employee conduct on the business premises and within the parking areas under their control to ensure behavior does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
- (3) Site Design. A proposed site plan for the property on which the Adult-Use Cannabis Business Establishments Organization facility will be located shall identify, co-tenancy (if in a multi-tenant building), total square footage, security installations, ingress and egress access point and internal site circulation.