

**SECTION 11
BUSINESS DISTRICTS**

11.1 PURPOSE:

The Business Districts set forth herein are established to protect public health; to promote public safety, comfort, convenience and the general welfare; and to protect the economic base of the Village and the value of property. These general purposes include the following objectives:

To promote the most desirable use of land in accordance with a well-considered plan so as to ensure that adequate space is provided in appropriate locations for the various types of business uses, thereby protecting and strengthening the economic base of the Village.

To place in separate zoning districts those businesses which may create noise, odors, hazards or unsightliness, or those which may generate excessive traffic.

To establish neighborhood convenience centers in or adjacent to residential areas in order to provide efficient and convenient services for daily or frequent needs of the people of the Village.

To encourage the grouping of compatible businesses in appropriate locations which will draw mutually interchangeable modes of trade, thus promoting public convenience and business prosperity.

To arrange commercial centers such that traffic and pedestrian congestion will be minimal.

To provide for the establishment of off-street parking facilities, permitted and required, so as to alleviate traffic congestion and promote shopping convenience and business prosperity.

11.2 ZONING DISTRICTS:

The Business Zoning Districts shall be divided into the following zones:

- B-1 Neighborhood Business
- B-2 General Business
- B-3 Large Retail
- B-4 B-3 County Zoning

B-5 Downtown District
C-1 Commercial District

B-1 is established solely for the immediate neighborhood. It is intended to provide convenience shopping for persons living in adjacent residential areas. Permitted uses shall be those which are necessary to satisfy basic shopping needs which occur on a frequent or daily basis.

B-2 is established to provide for a more intense amount of business than found in the B-1 District. The district will provide a larger amount of facilities, stores and services as well as the sale and serving of alcoholic beverages.

B-3 is established to provide locations for major retail centers which would facilitate large volumes of traffic. The district is more intense than both the B-1 and B-2 zoning districts and typically would generate truck traffic.

B-4 is established for those specific lots that possessed B-3 zoning in the County prior to the 1991 annexation of the area commonly known as "Johnsburg". This zoning is in place only for those five parcels with B-3 zoning prior to the annexation. It incorporates the uses allowed under B-3 zoning in the County as of November 1991.

B-5 is established for those lots located along Johnsburg Road between Spring Grove Road and Hayden Avenue; Fairview Avenue between Church Street and Chapel Hill Road; Chapel Hill Road from Bay Road to Johnsburg Road; Church Street from Spring Grove Road to Johnsburg Road and St. Johns Avenue from Johnsburg Road to Church Street. (See attached Map Exhibit A)

11.3 PERMITTED USES:

One principal building shall be allowed per lot. Outside Storage of vehicles and equipment related to the business activities performed on the lot are permitted in the C-1 zoning district conditioned upon the following:

1. All vehicles and equipment shall be stored in an enclosed area utilizing board on board fencing not to exceed 6 feet in height. Said fencing shall be installed in accordance with Section 7 of the Johnsburg Zoning Ordinance regulating fencing and shall be maintained in good condition at all times.
2. Landscape screening approved by the Village shall be installed along the entire outside parameter of the fence.
3. All vehicles shall have current registrations.

4. Vehicles and Equipment shall not exceed the height of the fence.

Uses permitted in this Zoning District are set forth in Table 1 entitled, Permitted Uses.

11.4 B-1 - NEIGHBORHOOD BUSINESS DISTRICT - This District provides for neighborhood business uses. Development in this district must also meet the minimum requirements as set forth by the McHenry County Health Department for suitable soil if septic systems are utilized.

11.4-1 Minimum Lot Size - The minimum lot size for any main structure hereafter erected or structurally altered in this Zoning District shall be one acre, or forty-three thousand five hundred sixty (43,560) square feet with a minimum lot width of two hundred (200) feet at the established property line that abuts the road. The lot width for each lot within this District shall be a minimum of 200 feet. In the event there is any provision in this Zoning Ordinance which could be interpreted or construed to provide for or allow lot widths of less than 200 feet for a lot within this District this provision requiring minimum lot width of 200 feet shall control, govern and prevail. *(Amended by Ord 06-07-63)*

11.4-2 Height Requirements - Buildings hereafter erected in the B-1 Zoning District shall not exceed thirty five (35) feet including architectural features measured from the main grade level and shall not exceed two and one half (2 1/2) stories.

11.4-3 Required Setbacks - No building shall be erected or enlarged in the B-1 Zoning District unless the following setbacks are provided for and maintained in connection with such building, structure, or enlargement.

11.4-3.1 Front Yard - Each lot upon which a primary structure is constructed a front yard setback of not less than sixty (60) feet must be provided for.

11.4-3.2 Side Yard - On each lot upon which a primary structure is constructed, minimum side yards of twenty-five (25) feet must be provided for.

11.4-3.3 Rear Yard - Each lot upon which a primary structure is constructed a rear yard setback of not less forty (40) feet must be provided for.

11.4-3.4 Lots Abutting Residential - Each lot upon which a primary structure is constructed with neighboring residential lots, a setback of not less than fifty (50) feet shall be provided for along any yard abutting a residential lot.

11.4-4 LOT COVERAGE - Not more than thirty five (35) percent of any lot may be occupied by buildings or structures, excluding accessory buildings.

11.5 B-2 - GENERAL BUSINESS/LIQUOR DISTRICT - This District provides for general business uses as well as the potential for the sale of alcohol provided that the requirements of Chapter 9, Liquor Control Ordinance of the Johnsborg Municipal Code are met. Development in this district must also meet the minimum requirements as set forth by the McHenry County Health Department for suitable soil if septic systems are utilized.

11.5-1 Minimum Lot Size - The minimum lot size for any main structure hereafter erected or structurally altered in this Zoning District shall be two acres, or eighty-seven, thousand one hundred twenty (87,120) square feet with a minimum lot width of two hundred and fifty (250) feet at the established property line that abuts the road. The lot width for each lot within this District shall be a minimum of 250 feet. In the event there is any provision in this Zoning Ordinance which could be interpreted or construed to provide for or allow lot widths of less than 250 feet for a lot within this District this provision requiring minimum lot width of 250 feet shall control, govern and prevail. *(Amended by Ord 06-07-63)*

11.5-2 Height Requirements - Buildings hereafter erected in the B-2 Zoning District shall not exceed thirty five (35) feet including architectural features measured from the main grade level and shall not exceed two and one half (2 1/2) stories.

11.5-3 Required Setbacks - No building shall be erected or enlarged in the B-2 Zoning District unless the following setbacks are provided for and maintained in connection with such building, structure, or enlargement.

11.5-3.1 Front Yard - Each lot upon which a primary structure is constructed a front yard setback of not less than sixty (60) feet must be provided for.

11.5-3.2 Side Yard - On each lot upon which a primary structure is constructed, minimum side yards of twenty-five (25) feet must be provided for.

11.5-3.3 Rear Yard - Each lot upon which a primary structure is constructed a rear yard setback of not less fifty (50) feet must be provided for.

11.5-3.4 Lots Abutting Residential - Each lot upon which a primary structure is constructed with neighboring residential lots, a setback of not less than fifty (50) feet shall be provided for along any yard abutting a residential lot.

11.5-4 LOT COVERAGE - Not more than thirty five (35) percent of any lot may be occupied by buildings or structures, excluding accessory buildings.

11.6 B-3 LARGE-RETAIL BUSINESS DISTRICT - This District provides for larger retail business uses. Development in this district must also meet the minimum requirements as set forth by the McHenry County Health Department for suitable soil if septic systems are utilized.

11.6-1 Minimum Lot Size - The minimum lot size for any main structure hereafter erected or structurally altered in this Zoning District shall be five acres, or two hundred seventeen thousand eight hundred (217,800) square feet with a minimum lot width of four hundred (400) feet at the established property line that abuts the road. The lot width for each lot within this District shall be a minimum of 400 feet. In the event there is any provision in this Zoning Ordinance which could be interpreted or construed to provide for or allow lot widths of less than 400 feet for a lot within this District this provision requiring minimum lot width of 400 feet shall control, govern and prevail. *(Amended by Ord 06-07-63)*

11.6-2 Height Requirements - Buildings hereafter erected in the B-3 Zoning District shall not exceed thirty five (35) feet including architectural features measured from the main grade level and shall not exceed two and one half (2 1/2) stories.

11.6-3 Required Setbacks - No building shall be erected or enlarged in the B-3 Zoning District unless the following setbacks are provided for and maintained in connection with such building, structure, or enlargement.

11.6-3.1 Front Yard - Each lot upon which a primary structure is constructed a front yard setback of not less than one hundred (100) feet must be provided for.

11.6-3.2 Side Yard - On each lot upon which a primary structure is constructed, minimum side yards of fifty (50) feet must be provided for.

11.6-3.3 Rear Yard - Each lot upon which a primary structure is constructed a rear yard setback of not less seventy five (75) feet must be provided for.

11.6-3.4 Lots Abutting Residential - Each lot upon which a primary structure is constructed with neighboring residential lots, a setback of not less than one hundred (100) feet shall be provided for along any yard abutting a residential lot.

11.6-4 LOT COVERAGE - Not more than thirty five (35) percent of any lot may be occupied by buildings or structures, excluding accessory buildings.

11.7 B-4 - B-3 COUNTY ZONING - The B-4 Business District is intended to benefit parcels 09-14-101-013 and 09-14-101-015 whose property owner petitioned for and received B-4 zoning. The B-4 zoning district was established to provide for the uses and allowances provided for in the B-3 zoning district under the McHenry County Zoning Ordinance at the time the parcels were annexed to the Village in connection with the territory known as Johnsburg to the Village of Sunnyside in 1991. Uses allowed of under this district are as follows:

AGRICULTURAL IMPLEMENTS; SALES AND SVC	HOTEL (L)
ALCOHOLIC BEVERAGES; PACKAGE SALES*	LIBRARY; PUBLIC
AMPITHEATERS	LIQUOR STORE
AMBULANCE SERVICE GARAGE; COMMERCIAL	MARINA; MARINE SUPPLIES
ANTIQUÉ SALES; STRIPPING, REPAIR, RESTORE	MARKETS: FISH, FRUIT, MEAT, VEGETABLES
MILITARY SURPLUS STORE	MOBILE HOMES SALES
ARCHERY RANGE	MOTEL
ARENA; ENCLOSED	MOTORCYCLE, ATV, SNOWMOBILES:
ART GALERY, STUDIO, SALES, SUPPLY STORE	MOTORHOME SALES AND SERVICE
ASSISTED LIVING	MUNICIPAL FACILITIES
AUCTION HOUSE	MUSEUM (L)
AUDITORIUM	NURSERY; COMMERCIAL (PLANTS)
AUTOMOBILE REPAIR SHOP OR SERVICE STATION	PLUMBING SUPPLIES AND FIXTURE SALES
BEVERAGE: WHOLESALE AND STORAGE	POLICE STATION
BICYCLE: SALES OR REPAIR	PUBLIC UTILITY COMPANY YARDS AND GARAGE
BOILERS: RETAIL SALES	RENTAL SERVICE STORE
BOWLING ALLEY	RESORT
BUILDING MATERIALS: SALES	ROLLER SKATING RINK
BUS TERMINAL	SCHOOLS:
CATERER	COLLEGE, UNIVERSITY/JUNIOR
CLEANERS (CLOTHING); PICKUP	PRE SCHOOL THROUGH GRADE 12
CLINIC: MEDICAL, CHIROPRACTIC, DENTAL	COMMERCIAL OR TRADE
CLINIC: VETERINARY LARGE ANIMALS	SECOND HAND STORE (conditional use)
CLINIC: VETERINARY SMALL ANIMALS	SHOOTING RANGE (INDOOR) (conditional Use)
CLUB OR LODGE; PRIVATE, SOCIAL, POLITICAL FRATERNAL	SHOPPING CENTER
COIN AND PHILATELIC STORES	STONE, MARBLE & GRANITE GRINDING & CUT (Conditional Use)
COMMUNITY CENTER; PUBLIC	STORAGE, COMMERCIAL EQUIP. & VEHICLES
DEPARTMENT STORE	STORES, WHOLESALE
EXTERMINATION AND FUMIGATION SHOP	SWIMMING POOL, COMMERCIAL
FEED, GRAIN AND SEED SALES	TAILOR
FUNERAL HOME (SERVICES ONLY)	THEATERS; INDOOR MOVIE
FURNACE AND WATER HEATER SALES	TOOL GRINDING AND SHARPENING
FURNACE AND WATER HEATER REPAIR & SVC	TOWNSHIP/COUNTY /MUNICIPAL BUILDINGS
FURNITURE SALES; NEW AND USED	WAREHOUSE
GREENHOUSE; COMMERCIAL NURSERY CENTER	WAREHOUSE, MINI STORAGE
GROCERY; RETAIL	YMCA, YWCA
HANDICRAFT; CUSTOM PRODUCTION	YARD & GARDEN EQUIP., SALES AND SERVICE
HARDWARE STORE; RETAIL	
HOSPICES OFFICE FACILITY	

Development in this district must also meet the minimum requirements as set forth by the McHenry County Health Department for suitable soil if septic systems are utilized.

11.7-1 Height Requirements - Buildings hereafter erected in the B-4 Zoning District shall not exceed twenty five (25) feet measured from the main grade level and shall not exceed two (2) stories.

11.7-2 Required Setbacks - No building shall be erected or enlarged in the B-4 Zoning District unless the following setbacks are provided for and maintained in connection with such building, structure, or enlargement.

11.7-2.1 Front Yard - No front yard shall be required when all frontage between two intersecting streets lies within this district. However, when lots within this district are adjacent to and adjoining lots in a residential zoning district, all of which front upon the same street between two intersecting streets, there shall be established the same front yard setback for all of the frontage as has been established in the residential zoning district.

Exception: When existing buildings located in this district have already established a building line at the street line or at a lesser depth than required above, then all new buildings may conform to the same building line, except for the 50 feet of B-4 Business District frontage adjacent to the residential zoning district, whereupon there shall be provided a front setback of not less than 10 feet.

11.7-2.2 Side Yard - No side yard is required for a corner lot which abuts upon a residential zoning district or upon an alley separating this district from a residential zoning district. There shall then be provided a side yard equal to one-half the front yard required in the abutting residential zoning district, but in no case more than 10 feet. The same setback shall apply also if business buildings front the same intersecting street, commonly referred to as the side street.

11.7-2.3 Rear Yard - There shall be a rear yard of not less than 20 feet, provided, however, that a one-story accessory building may be located thereon, except for the 10 feet adjacent and parallel to the rear lot line or alley line for the storage of motor vehicles and the unloading and the loading of vehicles under roof as provided in this Section.

11.8 B-5 DOWNTOWN DISTRICT

The B-5 Downtown District is designed to promote the development of the area commonly known as Johnsburg's Downtown. The intent of the district is to create a combination of business, cultural and passive/active recreational uses that will blend in harmoniously with existing and future residential uses in the area. Development within the district contributes significantly to the Village's overall image. Proper use of property in the Downtown District will offer social and cultural benefits to the citizens of Johnsburg. A diverse blend of business, office, recreational and residential uses is desirable and crucial to the District's success. Flexibility in development criteria which helps to accommodate the construction of new buildings and the renovation of existing structures in areas that are limited by lot size and existing setbacks is encouraged. Uses permitted in this Zoning District are set forth in Table 1, entitled Permitted Uses.

The Downtown District is generally located along Johnsburg Road between Spring Grove Road and Hayden Avenue; Fairview Avenue between Church Street and Chapel Hill Road; Chapel Hill Road from Bay Road to Johnsburg Road; Church Street from Spring Grove Road to Johnsburg Road and St. Johns Avenue from Johnsburg Road to Church Street. (See attached Map Exhibit A)

Because of the existing building lines already established in this area and the special nature of the lots, consideration can be given to setbacks normally required in the Business District Zoning. Any structures proposed to be built in this area require a plan review by Village staff and architectural review by the Architectural Review Committee to accommodate the special needs of these lots.

11.9 C-1 COMMERCIAL DISTRICT

This District provides for the development of various commercial uses. Development in the C-1 Zoning District must meet the minimum requirements as set forth by the McHenry County Health Department for suitable soils if septic systems are utilized.

11.9-1 Permitted Uses - One principal building shall be allowed per lot. Uses permitted in this C-1 Zoning District are set forth in Table 1 herein, entitled "Permitted Uses." Such permitted uses do not extend to those which can be characterized as heavy industry or which are exclusive to the I-2 Heavy Industrial zoning classification of this Zoning Ordinance.

11.9-2 Bulk Requirements, Required Setbacks.

11.9-2.1 Minimum Lot Size - The minimum lot size for any main structure hereafter erected or structurally altered in this Zoning District shall be two acres, or 87,120 square feet with a minimum lot width of 250 feet at the established property line that abuts the road. The lot width for each lot within this District shall be a minimum of 250 feet. In the event there is any provision in this Zoning Ordinance which could be interpreted or construed to provide for or allow lot widths of less than 250 feet for a lot within this District this provision requiring minimum lot width of 250 feet shall control, govern and prevail. *(Amended by Ord 06-07-63)*

11.9-2.2 Height Requirements - Buildings hereafter erected in the C-1 Zoning District shall not exceed 35 feet including architectural features measured from the main grade level and shall not exceed 2 1/2 stories.

11.9-2.3 Required Setbacks - No building shall be erected or enlarged in the C-1 Zoning district unless the following setbacks are provided for and maintained in connection with such building, structure or enlargement.

11.9-2.3.1 Front Yard - Each lot upon which a primary structure is constructed a front yard setback of not less than 60 feet must be provided for.

11.9-2.3.2 Side Yard - On each lot upon which a primary structure is constructed, minimum side yards of 30 feet must be provided for.

11.9-2.3.3 Rear Yard - Each lot upon which a primary structure is constructed a rear yard setback of not less than 30 feet must be provided for.

11.9-2.3.4 Lots Abutting Residential Lots - Each lot upon which a primary structure is constructed with neighboring residential lots, a setback of not less than 100 feet shall be provided for along any yard abutting a residential lot.

11.9-3 Lot Coverage - Not more than 40 percent of any lot may be occupied by buildings and structures, including accessory buildings.

11.9-4 Accessory Buildings and Structures

- 11.9-4.1 Only one accessory building (excluding outside coolers) may be built for the principal building contained on a zoning lot as set forth herein.
- 11.9-4.2 An accessory building or structure shall not be erected prior to the establishment or construction of the main building to which it is an accessory.
- 11.9-4.3 Where a substantial part of the wall of an accessory building or structure is a part of the wall of the main building or where an accessory building or structure is attached to the main building in a substantial manner as by roof, such accessory building shall be counted as part of the main building.
- 11.9-4.4 Accessory buildings and structures may not be erected in front of the main building on a zoning lot with the exception of a temporary seasonal structure. Any such structure must be permitted by the Village.
- 11.9-4.5 An accessory building or structure may not be located nearer to any interior lot line than that permitted for the main building as set forth in this Section 11.9.
- 11.9-4.6 No accessory building shall be located on a reversed corner lot beyond the front yard required on the adjacent lot to the rear, nor be located nearer than 30 feet to the side lot line of the adjacent building or the lot to the rear.
- 11.9-4.7 Any accessory building shall only be utilized as an accessory to the primary use of the property.
- 11.9-4.8 No accessory building in the C-1 Zoning District shall have a floor space in excess of 15% of the principal use structure and cannot exceed the height of the principal building. All accessory buildings shall be constructed on a full foundation and comply with the appropriate provisions of the ordinances and building codes adopted by the Village of Johnsburg.

11.10 ACCESSORY BUILDINGS AND STRUCTURES B-1 THROUGH B-5 ZONING

- 11.10-1 Only one accessory building (excluding outside coolers) may be built for the principal building contained on a zoning lot as set forth herein.
- 11.10-2 All accessory building or structure shall not be erected prior to the establishment or construction of the main building to which it is an accessory.
- 11.10-3 Where a substantial part of the wall of an accessory building or structure is a part of the wall of the main building or where an accessory building or structure is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.
- 11.10-4 Accessory buildings or structures may not be erected in front of the main building on a zoning lot with the exception of a temporary seasonal structure. Any such structure must be permitted by the Village.
- 11.10-5 All accessory building or structure may not be located nearer to any interior lot line than that permitted for the main building when it is a part of the main building. However, when an accessory building or structure is located in the rear yard separate from the building, it may then be located within ten (10) feet of the side lot line, but not nearer than twenty (20) feet to the rear lot line.
- 11.10-6 No accessory building shall be located on a reversed corner lot beyond the front yard required on the adjacent lot to the rear, nor be located nearer than twenty (20) feet to the side lot line of the adjacent building on the lot to the rear.
- 11.10-7 Any accessory building shall only be utilized as an accessory to the primary use of the property.
- 11.10-8 No accessory building in a Business or Industrial Zoning district shall have a floor space in excess of 30% of the principal use structure and cannot exceed the height of the principal building. All accessory buildings shall be permanently anchored on all four corners. All accessory building in excess of 168 square feet shall be constructed on a full foundation and comply with the appropriate provisions of the ordinances and building codes adopted by the Village of Johnsburg.

11.11 CANNABIS BUSINESS ESTABLISHMENTS

11.11-1 Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village of Johnsburg Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended

from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

11.11-2 DEFINITIONS – As used in this Section, the following words and phrases will have the following meanings:

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, (P.A. 101-0027), 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, (P.A. 101-0027), 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, (P.A. 101-0027), 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, (P.A. 101-0027), 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, (P.A. 101-0027), 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, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

11.11-3 – PERMITTED USE: Adult-Use Cannabis Business Establishment facilities, as defined herein shall require approval as a permitted use (or alternatively as a conditional use), in the respective districts in which they are allowed per this Section, and shall be processed in accordance with the Johnsburg Zoning Ordinance and as provided herein.

11.11-4 – FACILITY COMPONENTS: In determining compliance with this Section, the following aspects of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the property:

- A. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- B. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
- C. Hours of operation and anticipated number of customers/employees.
- D. Anticipated parking demand based on Section 8 of the Johnsburg Zoning Ordinance and available private 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. Compliance with all requirements provided in 11.11-4.1 (Adult-Use Cannabis Craft Grower); 11.11-4.2 (Adult-Use Cannabis Cultivation Center); 11.11-4.3 (Adult-Use Cannabis Dispensing Organization); 11.11-4.4 (Adult-Use Cannabis Infuser Organization); 16.6-4.5 (Adult-Use Cannabis Processing Organization); or 11.11-4.6 (Adult-Use Cannabis Transporting Organization), as applicable.

I. Other criteria determined to be necessary to assess compliance with Section 11, Business Districts of the Johnsburg Zoning Ordinance.

11.11-4.1. Adult-Use Cannabis Craft Grower: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located as a permitted use (or alternatively as a conditional use), the proposed facility must comply with the following:

A. Facility may not be located within 1,500 feet 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.

B. Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.

C. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

D. For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be classified as “Industry” per Section 8 (Chart of Off-Street Parking Requirements) of the Johnsburg Zoning Ordinance, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 11.11-3 herein.

E. Petitioner shall file an affidavit with the Village affirming compliance with Section 11.11 as provided herein and all other requirements of the Act.

11.11-4.2 Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located as a permitted use (or alternatively as a conditional use), the proposed facility must comply with the following:

A. Facility may not be located within 1,500 feet 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.

B. Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.

C. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

D. For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be classified as “Industry” per Section 8 (Chart of Off-Street Parking Requirements), of the Johnsburg Zoning Ordinance provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 11.11-4 herein.

E. Petitioner shall file an affidavit with the Village affirming compliance with Section 16.6 as provided herein and all other requirements of the Act.

11.11-4.3 Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located as a permitted use (or alternatively as a conditional use), the proposed facility must comply with the following:

A. Facility may not be located within 1,500 feet 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.

B. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

C. At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises.

D. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

E. Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility required by Section 11.11-5 (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and any conditional use previously

approved by the Village may be suspended or revoked following notice and a hearing as provided in Section __ of the Village of Johnsburg Municipal Code if the facility is in violation of such permit or its conditional use requirement or conditions.

F. For purposes of determining required parking, said facilities shall be classified as “Retail” per Section 8 (Chart of Off-Street Parking Requirements) of the Johnsburg Zoning Ordinance, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 11.11-4 herein.

G. Petitioner shall file an affidavit with the Village affirming compliance with Section 11.1 as provided herein and all other requirements of the Act.

11.11-4.4 Adult-Use Cannabis Infuser Organization: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located as a permitted use, (or alternatively as a conditional use), the proposed facility must comply with the following:

A. Facility may not be located within 1,500 feet 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.

B. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

C. At least 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 Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

D. For purposes of determining required parking, said facilities shall be classified as “Industry” per Section 8 (Chart of Off-Street Parking Requirements) of the Johnsburg Zoning Ordinance, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 11.11-4 herein.

E. Petitioner shall file an affidavit with the Village affirming compliance with Section 11.11 as provided herein and all other requirements of the Act.

11.11-4.5 Adult-Use Cannabis Processing Organization: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, as a permitted use (or alternatively as a conditional use), the proposed facility must comply with the following:

A. Facility may not be located within 1,500 feet 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.

B. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

C. At least 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 Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

D. For purposes of determining required parking, said facilities shall be classified as “Industry” per Section 8 (Chart of Off-Street Parking Requirements) of the Johnsburg Zoning Ordinance, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 11.11-4 herein.

E. Petitioner shall file an affidavit with the Village affirming compliance with Section 11.11 as provided herein and all other requirements of the Act.

11.11-4.6 Adult-Use Cannabis Transporting Organization: In those zoning districts in which an Adult-Use Transporting Organization may be located as a permitted use (or alternatively as a conditional use), the proposed facility must comply with the following:

A. Facility may not be located within 1,500 feet 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.

B. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

C. The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

D. For purposes of determining required parking, said facilities shall be classified as “Industry” per Section 8 (Chart of Off-Street Parking Requirements) of the Johnsburg Zoning Ordinance, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 11.-4 herein.

E. Petitioner shall file an affidavit with the Village affirming compliance with Section 16.6 as provided herein and all other requirements of the Act.

11.11-5 ADDITIONAL REQUIREMENTS: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

11.11-6 CO-LOCATION OF CANNABIS BUSINESS ESTABLISHMENTS: The Village may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Johnsburg Zoning Ordinance. In a co-location, the floor space requirements of Section 11.11-4.4 and 11.11-4.5 shall not apply, but such co-located cannabis business establishments shall be the sole use of the tenant space.