

RESOLUTION NO. R-65-2019

**A RESOLUTION REGARDING THE ZONING, REGULATION, LICENSING,
AND POSSIBLE PROHIBITION OF RECREATIONAL CANNABIS BUSINESSES**

WHEREAS, on June 6, 2019, Illinois General Assembly passed, and on June 25, 2019, the Governor signed into law, House Bill 1438, titled the "Cannabis Regulation and Tax Act" ("Act"), legalizing the sale, possession and use of cannabis sativa and its derivatives and subspecies ("Cannabis") for recreational purposes by adults over age 21 starting January 1, 2020; and

WHEREAS, the Act grants limited authority to municipalities to regulate commercial cannabis facilities, including cultivation centers, dispensaries (retail operations), infusers, processors, and craft growers intending to serve recreational customers (collectively, "Cannabis Businesses"); and

WHEREAS, the Act authorizes municipalities to completely prohibit the location and operation of Cannabis Businesses, restrict Cannabis Businesses to specific zoning districts, require Cannabis Businesses to obtain special use permits to operate, and condition the grant of a special use permit on compliance with certain regulatory restrictions; and

WHEREAS, the Act also allows municipalities to (i) impose a local retailer occupation tax of up to 3.0 percent of the retail purchase price of Cannabis ("Local Sales Tax"), and (ii) determine whether and under what conditions Cannabis Businesses may allow for on-premises consumption of Cannabis; and

WHEREAS, the Village has a long tradition of utilizing its zoning and planning authority to ensure that compatible uses are maintained in its various neighborhoods; and

WHEREAS, the "Winnetka Zoning Ordinance" ("Zoning Ordinance"), does not plainly address uses that would encompass Cannabis Businesses; and

WHEREAS, in the absence of explicit provisions in the Zoning Ordinance that authorize the use of property for recreational Cannabis Businesses, recreational Cannabis Businesses are currently prohibited in the Village in all zoning districts; and

WHEREAS, the Village Council has determined that it is in the best interest of the Village and its residents to direct the Village Plan Commission to evaluate the classification of Cannabis Businesses and recommend to the Village Council whether any, some, or all types of Cannabis Businesses should be allowed by special use permit under the Zoning Ordinance, as well as such other regulations as may be necessary, important, or beneficial to the Village and its residents, including, without limitation, whether and under what conditions should on-premises consumption of recreational Cannabis be allowed;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: DIRECTION TO PLAN COMMISSION; NOTICE TO PUBLIC. The Plan Commission is hereby directed to hold a public hearing on the following questions:

- A. Whether all or some Cannabis Business should be prohibited in the Village;
- B. If allowed in the Village, what zoning districts should Cannabis Businesses be allowed to operate in;
- C. If allowed in a particular zoning district, should Cannabis Businesses be classified as a permitted or special use;
- D. What specific operating conditions should be applied to Cannabis Businesses as a condition of receiving a special use, specifically related to operational regulations for any Cannabis Dispensary, which under the Act are the establishments that will be authorized to sell recreational Cannabis at retail; and
- E. Whether, and under what conditions, should on-premises consumption of recreational Cannabis be allowed.

The notice of such hearing shall be given as required by law within 90 days after the effective date of this Resolution. The public shall be deemed to have notice that the Village is considering Zoning Ordinance amendments regarding Cannabis Businesses as of the effective date of this Resolution.

SECTION 3: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 16th day of July, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk