

ORDINANCE #20-08

AN ORDINANCE AMENDING TITLE 10, CHAPTER 1 (PURPOSES AND DEFINITIONS), CHAPTER 5 (COMMERCIAL C ZONE) AND CHAPTER 6A (LIGHT MANUFACTURING ZONE) OF THE HODGKINS MUNICIPAL CODE PERTAINING TO ADULT-USE CANNABIS

WHEREAS, the Village of Hodgkins, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act, P.A 101-0027 (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 Act, the Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the Village deems sensitive; and

WHEREAS, the Zoning Board of Appeals conducted a public hearing, as required by law, on February 24, 2020 in regards to the proposed amendments to Title 10 (Zoning Ordinance) of the Hodgkins Municipal Code pertaining to adult-use cannabis; and

WHEREAS, the Zoning Board of Appeals recommended approval of the proposed amendments to TITLE 10 on February 24, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Hodgins as follows:

Section 1

The recitals set forth above are incorporated herein.

Section 2

Chapter 1 (Purposes and Definitions of TITLE 10 of the Hodgkins Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

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 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 establishment, per the 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 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 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 cannabis product, per the 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 Act, as it may be amended from time-to-time and regulations promulgated thereunder.

Section 3

Chapter 1 (Purposes and Definitions of TITLE 10 (Zoning Ordinance) of the Hodgkins Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

ADULT-USE CANNABIS:

1. Purpose and Applicability: It is the intent and purpose of the Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village of Hodgkins. Such facilities shall comply with all regulations provided in the 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.
2. Conditional Use: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a condition use in the respective districts in which they are requested shall be processed in accordance with Section 10-2-5 (Conditional Uses) of this Title and Section 3 (Adult –Use Cannabis Facility Components) as provided herein.
3. Adult-Use Cannabis Facility Components: In determining compliance with Section 10-2-5 (Conditional Uses) of this Title, the following components of the Ault-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 properties:
 - 3.1 Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - 3.2 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.
 - 3.3 Hours of operation and anticipated number of customers/employees.
 - 3.4 Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - 3.5 Anticipated parking demand and available private parking supply.
 - 3.6 Site design, including access points and internal site circulation.
 - 3.7 Proposed signage plan.
 - 3.8 Compliance with all requirements provided in Section 4 (Adult-Use Cannabis Craft Grower); Section 5 (Adult-Use Cannabis Cultivation Center);

Section 6 (Adult-Use Cannabis Dispensing Organization); Section 7 (Adult-Use Cannabis Infuser Organization); Section 8 (Adult-Use Cannabis Processing Organization); or Section 9 (Adult-Use Cannabis Transporting Organization), as applicable;

3.9 Other criteria determined to be necessary to assess compliance with Section 10-2-5 (Conditional Uses of this Title.

Section 4

Adult-Use Cannabis Craft Grower: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

4.1 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.

4.2 The facility must be in area zoned Light Manufacturing.

4.3 For purposes of determining required parking, Adult –Use Cannabis Craft Grower shall be classified as Light Manufacturing per Section 6A of this Title.

4.4 Petitioner shall file an affidavit with the Village affirming compliance with this Section 4 and all other requirements of the Act.

Section 5

Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

5.1 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.

5.2 Facility must be located in area zoned “Light Manufacturing”.

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

5.4 For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be classified as “Light Manufacturing”, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 10-2-5 (Adult-Use Cannabis: Conditional Use) herein.

5.5 Petitioner shall file an affidavit with the Village affirming compliance with this Section 5 as provided herein and all other requirements of the Act.

Section 6

Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be locate, the proposed facility must comply with the following:

6.1 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 the Section.

6.2 Facility must be located in area zoned "Commercial" or "Light Manufacturing".

6.3 Facility may be shared with an Adult-Use Craft Grower but separation of activities and employed personnel of the Adult-Use Cannabis Dispensing Organization must be in accordance with the Act.

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

6.5 For purposes of determining required parking, said facilities shall be classified as "Commercial" per Section----of the Village of Hodgkins Municipal Code, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through this Section 10-2-5 (Adult-Use Cannabis: Conditional Use) herein.

6.6 Petitioner shall file an affidavit with the Village affirming compliance with Section 6 as provided herein and all other requirements of the Act.

Section 7

Adult-Use Cannabis Infuser Organization: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

7.1 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 public or private school for purposes of this Section.

7.2 Facility shall be located in a "Light Manufacturing" zoning area.

7.3 An infuser may share premises with an Adult-Use Cannabis Craft Grower or an Adult-Use Dispensing Organization, or both, provided each licensee operates in accordance with the Act.

7.4 For purposes of determining required parking, said facilities shall be classified as "Light Manufacturing" per Section "" of the Village of Hodgkins Municipal Code, provided however, the Village may require that additional parking be provided as a result of the analysis completed through Section 10-2-5 (Adult-Use Cannabis: Conditional Use) herein.

7.5 Petitioner shall file an affidavit with the Village affirming compliance with this Section 7 as provided herein and all other requirements of the Act.

Section 8

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.

Section 9

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 Conditional Use criteria within the Village of Hodgkins Municipal Code. In a co-location establishment the uses therein shall be exclusive to the Facility.

Section 10

If any action, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity shall not affect any of the other provisions of this Ordinance.

Section 11

All Ordinances or parts thereof in conflict with the provisions that are hereby repealed insofar as the conflict herewith.

Section 12

This Ordinance shall be in full force and effect from and after its adoption and approval. The Village Clerk is directed to publish this Ordinance in pamphlet form after its adoption.

ADOPTED this 12th day of October, 2020 by roll call vote as follows:

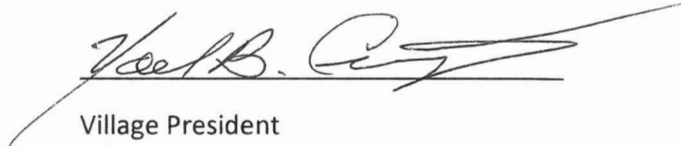
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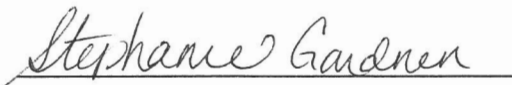
NAYS: 0

ABSENT: 0

ABSTAIN: 0

APPROVED by me the same day and date as written above.


Village President


Village Clerk

Published by me this 12th day of October, 2020