VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

ORDINANCE NO. 20 - 01

AN ORDINANCE APPROVING ZONING TEXT AMENDMENTS REGARDING CANNABIS BUSINESS ESTABLISHMENTS

Passed by the Board of Trustees, January 2, 2020

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VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

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Village Clerk

VILLAGE OF HARWOOD HEIGHTS

ORDINANCE NO. 20 - 01

AN ORDINANCE APPROVING ZONING TEXT AMENDMENTS REGARDING CANNABIS BUSINESS ESTABLISHMENTS

WHEREAS, the Village of Harwood Heights (the "***Village***") is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois;

WHEREAS, the Village is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution;

WHEREAS, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs;

WHEREAS, Public Act 101-0027 created the Cannabis Regulation and Tax Act (the "***Act***"), regulating the cultivation, sale, possession, and consumption of cannabis in Illinois; and

WHEREAS, the Act authorizes the sale and consumption of cannabis for recreational purposes throughout the State of Illinois; and

WHEREAS, the Village may not prohibit or regulate the use of cannabis except as otherwise provided in the Act; and

WHEREAS, the Act authorizes the Village to regulate adult-use cannabis businesses, such as dispensaries, cultivation centers, infusers, transporters, processers, and craft growers (collectively, "***Recreational Cannabis Business Establishments***"); and

WHEREAS, the Act authorizes the Village to enact reasonable zoning regulations regulating Recreational Cannabis Business Establishments as long as such regulations are not in conflict with the Act (410 ILCS 705/55-25(1)); and

WHEREAS, the Act allows the Village to enact ordinances governing the time, place,

manner, and number of Recreational Cannabis Business Establishments, including minimum distance limitations between cannabis business establishments and locations the Village deems sensitive (410 ILCS 705/55-25(2)); and

WHEREAS, the Act expressly authorizes the Village to regulate Recreational Cannabis Business Establishments through the use of special use permits (410 ILCS 705/55-25(2)); and

WHEREAS, the Village has the authority to regulate the on-premises consumption of cannabis at or in a cannabis business establishment ((410 ILCS 705/55-25(3)); and

WHEREAS, the Act further authorizes the Village to enact ordinances to prohibit or significantly limit the location of a Recreational Cannabis Business Establishment (410 ILCS 705/55-25(5)); and

WHEREAS, Subsection 35-10(a)(8) of the Act requires state-licensed "infusers" producing cannabis-infused products to show compliance with local zoning; and

WHEREAS, the Village may enact reasonable zoning ordinances not in conflict with the Compassionate Use of Medical Cannabis Program Act and its rules regulating registered medical cannabis cultivation centers and medical cannabis dispensary organizations (410 ILCS 130/140); and

WHEREAS, the President and Board of Trustees of the Village (the "***Corporate Authorities***") have evaluated the number of each type of Cannabis Business Establishment, as defined herein, that should be allowed in the Village based on promoting the health, safety and welfare, level of business interest in locating with the Village, providing adequate service to areas in the Village, community need and other reasonable grounds and further wishes to provide for the automatic reduction in the number of each type of Cannabis Business Establishment wherever the corresponding type of Cannabis Business Establishment has become vacant or

whose approvals have revoked or lapsed; and

WHEREAS, pursuant to 65 ILCS 5/11-13-1 *et seq.*, the Village has enacted zoning regulations that have been codified in Title 17 of the Village Code (the "***Zoning Code***"); and

WHEREAS, the President and the Board of Trustees of the Village have determined that it is the best interest of the health, safety, and welfare of the Village and its residents to amend the Zoning Code to establish regulations for Recreational Cannabis Business Establishments as authorized by the Act (the "***Proposed Amendment***"); and

WHEREAS, in accordance with Sections 17.56.010(A)(1), 17.56.020(A)(1), and 17.56.180 of the Zoning Code, the Proposed Amendment to the Zoning Code was referred to the Plan Commission for a public hearing and recommendation thereon in the Plan Commission's capacity as an advisory body to the Village Board of Trustees for proposed text amendments to the Zoning Code; and,

WHEREAS, pursuant to Sections 17.56.020(A)(1) and 17.56.180 of the Village Code, the Plan Commission has jurisdiction to hold a public hearing to consider the proposed text amendment(s) to the Zoning Code and, in its capacity as an advisory body, make a recommendation thereon to the Village Board, and the Village Board has final authority to adopt or reject such proposed text amendments;

WHEREAS, pursuant to notice duly published, the Plan Commission conducted a public hearing (Hearing 19-04) on December 18, 2019 (the "***Hearing***"), for the purpose of hearing and considering testimony on the Proposed Amendment; and

WHEREAS, at the conclusion of the public hearing, the Plan Commission recommended that the Village Board adopt the Proposed Amendment by a vote of 6-0 and adopted certain factual findings and conclusions as set forth more particularly in the *REPORT OF FINDINGS*

OF FACT AND RECOMMENDATION TO THE VILLAGE BOARD OF TRUSTEES FOR TEXT AMENDMENT APPROVAL dated January 2, 2020, which is appended hereto as **Exhibit A** ("***Plan Commission Report***");

WHEREAS, the Village Board reviewed and considered the Plan Commission Report and the legal standards and criteria by zoning text amendments are to be judged as set forth in the Village Code and governing law;

WHEREAS, except as otherwise noted herein, the Village Board concurs with the factual findings and legal conclusions rendered by the Plan Commission and substantially agrees with the recommendations made by that body as set forth in the Plan Commission Report with respect to the adoption of the Proposed Amendment, subject to and contingent upon the conditions set forth in this Ordinance; and

WHEREAS, the Corporate Authorities hereby make the findings of fact set forth hereinbelow and determine that, on balance, the Proposed Amendment satisfies the standards for a Zoning Code text amendment set forth in Section 17.56.180(C) of the Village of Harwood Heights Zoning Code, in that:

1. The actual text and effect of the Proposed Amendment is consistent with all other provisions contained in the Zoning Code;
2. The effect of the Proposed Amendment is consistent with the purposes of the Zoning Code as set forth in Section 17.04.020 of the Village Code, in that the Proposed Amendment (i) promotes the public health, safety, comfort, morals, convenience, and general welfare by defining and limiting Recreational Cannabis Businesses and directing a careful case-by-case analysis of the appropriateness of an adult-use dispensary prior to any approvals being granted, protecting property values by

limiting prospective locations, minimizing congestion by requiring adequate off-street parking capacity, limiting Recreational Cannabis Businesses to zoning districts in which such uses are deemed compatible with existing and prospective permitted and conditionally permitted uses.

3. The Proposed Amendment is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and other village codes, regulations, policies and guidelines, in that it promotes economic development and diversifies the range of such economic development and local services.

4. While the existing text of the Village Code prohibiting cannabis business establishments from locating within the Village was not in error at the time of its adoption, recent legal developments authorizing heavily-regulated medical and adult-use cannabis within the State have transformed the space and offer economic and personal services opportunities for residents and visitors not previously lawfully available within the Village.

WHEREAS, the Corporate Authorities desire to amend various provisions of the Zoning Code to regulate Recreational Cannabis Business Establishments and medical cannabis dispensaries as authorized by the Act and Compassionate Use of Medical Cannabis Program Act, respectively, and other applicable law; and

WHEREAS, the Corporate Authorities hereby find and determine that it is in furtherance of the public health, safety and welfare and in the best interests of the Village and its residents to approve the Proposed Amendment as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Harwood Heights, Cook County, Illinois, as follows:

SECTION 1. RECITALS. That the foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. AMENDMENTS TO TITLE 17, CHAPTER 17.04, SECTION 17.04.050. Title 17 ("Zoning Ordinance"), Chapter 17.04 ("General Provisions and Definitions"), Section 17.04.050 ("Rules - Definitions") of the Harwood Heights Village Code is hereby amended to add the following new defined terms, with all existing defined terms continuing in full force and effect as currently written unless expressly stated otherwise (additions **underlined in bold font**, deletions marked with strikethrough):

(Omitted text is unaffected by this ordinance)

Section 17.04.050 156.3. Rules – Definitions.

. . .

B. Definitions.

CANNABIS: As defined in Section 1-10 of the Cannabis Regulation and Tax Act.

CANNABIS BUSINESS ESTABLISHMENT: A Recreational Cannabis Business Establishment, as defined herein, and a Medical Cannabis Dispensary, as defined herein,

CANNABIS CRAFT GROWER: A "craft grower" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS CULTIVATION CENTER: A "cultivation center" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended, or as defined in Section 1-10 of the Compassionate Use of Medical Cannabis Program Act , 410 ILCS 705/1-10, as amended.

CANNABIS INFUSER: An "infuser organization" or "infuser" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS PROCESSER: A "processing organization" or "processer" as defined in

Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS REGULATION AND TAX ACT: 410 ILCS 705/1, *et seq.*, as amended.

CANNABIS TRANSPORTER: A "transporting organization" or "transporter" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

"Civic health care facilities" means a building or portion thereof; the principal use of which is for medical care and supervision including State or federally licensed facilities that provide outpatient medical and/or psychiatric treatment that involves regular pharmaceutical distribution or treatment, blood or plasma collection facilities other than hospitals, medical laboratories, substance abuse treatment, and dialysis centers. **"Civic health care facilities" does not include Recreational Cannabis Businesses or Medical Cannabis Dispensaries.**

"Clinic, medical or dental" means a building or portion thereof; the principal use of which is for offices of more than two (2) medical practitioners, including physicians, dentists, optometrists, chiropractors, podiatrists, psychologists, osteopaths, acupuncturists, physical therapists, respiratory therapists, or similar practitioners of medical, mental health and healing arts for persons, licensed for such practice by the State of Illinois, and their professional associates, who provide examination, diagnosis, consultation, treatment, therapy, or other preventative or correctional services on an outpatient basis. Facilities may include patient waiting rooms and treatment areas. Services may be available without a prior appointment. This classification does not include private medical and dental offices that are smaller in scale as set forth in this Chapter and which typically require advance appointments or "Civic Health Care Facilities" as defined herein. **"Clinic, medical or dental" does not include Recreational Cannabis Businesses or Medical Cannabis Dispensaries.**

"Drive-Through Facility" means a facility or structure that is designed via physical facilities, service or packaging procedures to encourage or allow drivers to remain in their vehicles to receive services, obtain goods, or be entertained while remaining in their motor vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with "fast-food restaurants", facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Examples include, but are not limited to fast-food drive-up windows, menu boards, gas pump islands, car wash facilities, auto service facilities, such as air compressor, water, and windshield washing stations. Parking spaces used for customer pick-up or loading of goods or products purchased on-site, on the phone, or on-line from the establishment are not a drive-through facility. Facilities designed for the picking-up or loading of goods or products purchased from the establishment that include a stacking lane and a service area are a drive-through facility. **"Drive-Through Facility" does not include Recreational Cannabis Businesses or Medical Cannabis Dispensaries.**

"Manufacturing establishment" means an establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods or products. **"Manufacturing establishment" does not include**

Recreational Cannabis Businesses or Medical Cannabis Dispensaries.

MEDICAL CANNABIS DISPENSARY: A facility operated by a registered "medical cannabis dispensing organization", or "dispensing organization", or "dispensary organization" as defined in Section 1-10 of the Compassionate Use of Medical Cannabis Program Act , 410 ILCS 705/1-10, as amended, that has not obtained an Early Approval Adult Use Dispensing Organization License.

ON-PREMISES CANNABIS CONSUMPTION ESTABLISHMENT: A Cannabis Business Establishment or Medical Cannabis Dispensary or other entity that is authorized or permitted to allow the on-premises consumption of cannabis.

RECREATIONAL CANNABIS BUSINESS ESTABLISHMENT: A "cannabis business establishment", "infuser organization" or "infuser", as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended from time to time, and such other cannabis business establishments authorized under that Act.

RECREATIONAL CANNABIS DISPENSARY: A facility operated by a "dispensing organization" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended, or a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

"Research laboratory" means a building or group of buildings in which are located facilities for scientific or medical research, investigation, testing, processing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. **"Research laboratory" does not include Recreational Cannabis Businesses or Medical Cannabis Dispensaries.**

SECTION 3. AMENDMENTS TO TITLE 17, CHAPTER 17.04, SECTION 17.04.060. Title 17 ("Zoning Ordinance"), Chapter 17.04 ("General Provisions and Definitions"), Section 17.04.060 ("Use Regulations") of the Harwood Heights Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~**bold and strikethrough**~~), with those subsections not referenced herein continuing in full force and effect as written:

17.04.060 - Use regulations.

A. The uses of land and erection, alteration and use of buildings or structures shall be limited to:

1. Uses lawfully established and existing on the effective date of this title, except uses lawfully established and existing on the effective date of this title and rendered nonconforming by the provisions herein shall be subject to the applicable regulations of this title.

2. Uses permitted or special uses in the zoning district in which the land, building or structure is to be located. **Unlisted uses are prohibited. The explicit listing of a particular use as being "prohibited" or "not permitted" in this Title are for convenience only and shall not be construed to permit other unlisted uses by inference.**

. . .

SECTION 4. AMENDMENT TO TITLE 17, CHAPTER 17.16, Section 17.16.030, TABLE 17.16.030.1.

Title 17 ("Zoning Ordinance"), Chapter 17.16 ("Business Districts"), Section 17.16.030 ("Business Districts Permitted and Special Uses"), Table 17.16.030.1 is hereby amended as follows (additions in **bold and underline**, deletions in ~~**bold and strikethrough**~~), with the text not referenced herein continuing in full force and effect as written:

Table 17.16.030.1: Business Districts Permitted and Special Uses lists permitted and special uses for the business districts.

A "P" indicates that a use is considered permitted within a given district. An "S" indicates that a use is considered a special use within a given district and a special use permit must be obtained as required in Section 17.56.210 (Special use permits). No letter (i.e., a blank space), or

the absence of the use from the table, indicates that use is not permitted within a given district.

Table 17.16.030.1: Business Districts Permitted and Special Uses lists permitted and special uses for the business districts. A "P" indicates that a use is considered permitted within a given district. An "S" indicates that a use is considered a special use within a given district and a special use permit must be obtained as required in Section 17.56.210 (Special use permits). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted **or specially permitted** within a given district. **Any use that is not identified in this Table as a permitted or a specially permitted use is prohibited.**

TABLE 17.16.030.1—BUSINESS DISTRICTS PERMITTED AND SPECIAL USES		
	Zoning District	
Use [1, 2] (P = Permitted; S = Special Use)	B1	B2
Antique shops		P
Art galleries		P
Art and school supply stores	P	P
Automobile accessory stores		P
Automobile sales establishments		S
Automotive service stations	S	
Bakeries	P	P
Banks and/or savings and loan institutions	S	S
Barber shops and beauty parlors	P	P
Book and stationery stores	P	P
Bowling alleys		S

Business or commercial schools or colleges	S	S
Business machine, sales and service		P
Camera/photographic supply stores	P	P
Candy and ice cream stores	P	P
Cannabis Craft Grower[3]		
Cannabis Cultivation Center[3]		
Cannabis Infuser[3]		
Cannabis Processer[3]		
Cannabis Transporter[3]		
Medical Cannabis Dispensary[3]	**S**	**S**
Recreational Cannabis Dispensary[3]	**S**	**S**
On-Premises Cannabis Consumption Establishment[3]		
Carpet and rug stores	P	P
Catalog sales offices	P	P
Catering establishments, when located on the ground floor	P	P
Catering establishments, when located above the ground floor		S
China/glassware stores	P	P
Churches, temples, and synagogues		S
Civic Health Care Facilities	S	S
Clinic, Medical or Dental	S	S
Clothes pressing establishments	P	P
Clothing stores	P	P

Clubs or lodges: private, fraternal, religious or charitable, when located on the ground floor	S	S
Clubs or lodges, private, fraternal, or religious, when located above the ground floor		S
Coin and philatelic stores		P
Cocktail lounges		P
Convents, monasteries, rectories, or parsonages, as accessory to religious institutions		S
Currency exchanges	S	S
Department stores		P
Drive-Through Facility	S	S
Drug stores	P	P
Dry cleaning and laundry receiving stations	P	P
Dry goods stores		P
Electrical appliance repair shops	P	P
Employment agencies and offices	S	
Fast food stores	P	P
Financial institutions	S	S
Flower shops	P	P
Food stores, meat and fish markets, and delicatessens	P	P
Fraternal, philanthropic, and charitable institutions, when located above the ground floor		P

Furniture stores		P
Furrier shops including the incidental storage and conditioning of furs		P
Garden supply stores	P	P
Gift shops	P	P
Grocery stores or supermarkets	P	P
Haberdashery stores	P	P
Hardware stores	P	P
Hobby shops, for retailing of items to be assembled or used away from the premises	P	P
Hotels and motels including dining and meeting rooms		S
Household appliance stores including radio and television sales with incidental repair facilities		P
Indoor theaters	S	S
Insurance offices	P	P
Interior decorating shops	P	P
Jewelry stores	P	P
Laboratories, medical, dental, or optical, when located on the ground floor	S	S
Laboratories, medical, dental, or optical, when located above the ground floor	P	P
Launderettes and hand laundries	P	P
Leather goods and luggage stores	P	P
Libraries, public or private	P	P
Liquor stores, package goods only	S	S

Loan offices		S
Locksmith shops	P	P
Lodging rooms and dwelling units located above the ground floor of a permitted use	S	S
Lumber yards		P
Mail order service stores		P
Medical and dental clinics, including laboratories incidental thereto	P	P
Medical or Dental Clinic	S	S
Medical or Dental Office	P	P
Meeting halls when located above the ground floor		S
Messenger or telegraph service stations	S	S
Millinery shops	P	P
Mortgage companies and/or real estate agencies	S	
Music stores, records and sheet music	P	P
Musical instrument sales and repair	P	P
Newspaper offices, not including printing	P	P
Office supply stores	P	P
Offices, professional, business, public or institutional	P	P
Office, medical or dental	P	P
Painting and decorating shops	P	P
Paint and wall paper stores	P	P
Photograph galleries	P	P

Photography studios including on-premise developing and printing of photographs	P	P
Plumbing shops	P	S
Post offices	P	P
Print shops	P	P
Printing and publishing		S
Production and repair		S
Public utility and governmental service uses	S	S
Radio and television broadcasting studios		P
Recreation buildings	S	S
Restaurants	P	P
Restaurants with Drive-Through Facilities	S	S
Restaurants with live entertainment and/or dancing	S	S
Restaurants with outdoor dining	S	S
Sales or show rooms	P	P
Schools, commercial or trade	S	S
Shoe and hat repair stores	P	P
Shoe stores	P	P
Sporting goods stores	P	P
Studio parlors	P	P
Tailor shops	P	P
Telephone booths and exchanges	P	P

Temporary buildings for construction purposes	P	P
Tobacco shops	P	P
Toy stores	P	P
Travel agencies	P	P
Undertaking establishments and funeral parlors	S	
Upholstering shops	P	P
Variety stores	P	P
Vending machine structures (housing)	P	P
Video rentals	P	P

Footnotes:

[1] The terms in this column ("Use") are defined in Section 17.04.050 (Rules—Definitions).

[2] Subject to Section 17.52.120.

[3] In addition to reviewing and evaluating the characteristics of and criteria for a proposed special use as set forth in Section 17.56.210 and evaluating the proposed special use for satisfaction of the approval criteria set forth therein, this use shall be subject to the additional regulations set forth in Chapter 17.50 of the Village Code.

SECTION 5. AMENDMENT TO TITLE 17, CHAPTER 17.20, SECTION 17.20.030, TABLE 17.20.030.1.

Title 17 ("Zoning Ordinance"), Chapter 17.20 ("Manufacturing Districts"), Section 17.20.030 ("Manufacturing Districts Permitted and Special Uses"), Table 17.20.030.1 is hereby amended as follows (additions in **bold and underline**, deletions in ~~**bold and strikethrough**~~),

with those subsections not referenced herein continuing in full force and effect as written:

Table 17.20.030.1: Manufacturing Districts Permitted and Special Uses lists permitted and special uses for the business districts.

A "P" indicates that a use is considered permitted within a given district. An "S" indicates that a use is considered a special use within a given district and a special use permit must be obtained as required in Section 17.56.210 (Special use permits). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within a given district.

Table 17.16.030.1: Business Districts Permitted and Special Uses lists permitted and special uses for the business districts. A "P" indicates that a use is considered permitted within a given district. An "S" indicates that a use is considered a special use within a given district and a special use permit must be obtained as required in Section 17.56.210 (Special use permits). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted **or specially permitted** within a given district. **Any use that is not identified in this Table as a permitted or a specially permitted use is prohibited.**

TABLE 17.20.030.1—MANUFACTURING DISTRICTS PERMITTED AND SPECIAL USES		
	Zoning District	
Use [1, 2] (P = Permitted; S = Special Use)	M1	M2
Adult bookstores		S
Adult entertainment cabarets		S
Adult motion picture theaters		S
Building material sales and storage including milling, planning, jointing or	S	S

manufacturing of millwork		
Cannabis Craft Grower[7]	S	S
Cannabis Cultivation Center[7]		
Cannabis Infuser[7]		
Cannabis Processer[7]		
Cannabis Transporter[7]		
Medical Cannabis Dispensary[7]	S	S
Recreational Cannabis Dispensary[7]	S	S
On-Premises Cannabis Consumption Establishment[7]		
Contractors' offices and shops	P	P
Manufacturing, processing, and heavy service businesses [3]	S	S
Offices, general	P	P
Parking lots and storage garages	S	S
Printing and publishing establishments	S	S
Public garages	S	S
Public open space	P	P
Research laboratories	S	S
Schools, commercial or trade	S	S
Training centers, engineering or sales	S	S
Warehouses	S	S
Watchmen quarters [4]	S	S
Wholesale establishments	S	S

Other		
Public utility and governmental service uses [5]	P	P
Bus transit facilities [6]	S	S
Filtration plants, pumping stations, water reservoirs and wells, sewage treatment plants and lift stations	P	P
Radio and television towers	S	S
Telephone exchanges, microwave relay towers and telephone transmission equipment and other such service buildings	S	S

Footnotes:

[1] The terms in this column ("Use") are defined in Section 17.04.050 (Rules—Definitions).

[2] Any business use similar to a permitted use listed in this table shall be considered a special use.

[3] Including fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing, and storing of materials, products and goods; provided operations conform with the performance standards and other general requirements applicable to an M1 district or M2 district.

[4] Dwelling units for watchmen and operating personnel and their families when the nature of operations require such personnel to reside on the premises where they are employed.

[5] Including offices, storing, testing, repairing and servicing.

[6] Including shelters, passenger stations, parking areas and service buildings.

[7] In addition to reviewing and evaluating the characteristics of and criteria for a proposed special use as set forth in Section 17.56.210 and evaluating the proposed special use for satisfaction of the approval criteria set forth therein, this use shall be subject to the additional regulations set forth in Chapter 17.50 of the Village Code.

SECTION 6. NEW CHAPTER 17.50 ("CANNABIS BUSINESSES"). Title 17 ("Zoning Ordinance") is amended to add a new Chapter 17.50 ("Cannabis Businesses") as follows (additions in **bold and underline**):

Section 17.50.010. Additional Special Use Application Requirements for Cannabis Businesses.

A. **In addition to the requirements set forth in Sections 17.56.170 and 17.56.210 of the Village Code relating to applications for a special use permit, an applicant for special use approval of a Recreational Cannabis Business Establishment other than a Recreational Cannabis Dispensary must submit all of the following information and documentation in its application for a special use permit for evaluation:**

1. **A complete copy of all applications and plans submitted for required State licenses;**
2. **Satisfactory proof that all required State licenses have been approved;**
3. **Proposed hours of operation;**
4. **An odor control plan;**
5. **A security plan describing how the Recreational Cannabis Business Establishment will provide security for its customers and employees;**
6. **An inventory control plan to prevent diversion, theft or loss of cannabis on premises and during delivery;**
7. **A floor plan detailing the location, layout, floor area, name and function of each room, including, without limitation, restricted or limited access areas;**
8. **A plan for the recycling and destruction of cannabis waste;**

9. A map of the surrounding area depicting that no part of the property on which the Cannabis Business Establishment will be located is within a prohibited distance from the property line of an existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, public park, or an area zoned for residential use;

10. A site plan detailing that the location is sufficient in size, utility infrastructure, including power allocation and lighting, parking, product handling and storage; and

11. An affidavit attesting that the proposed Recreational Cannabis Business is in full compliance with and, shall at all relevant times, remain in compliance with the Cannabis Regulation and Tax Act and administrative rules promulgated thereunder, as amended.

B. Cannabis Dispensaries. In addition to the requirements set forth in Sections 17.56.170 and 17.56.210 of the Village Code relating to applications for a special use permit, an applicant for special use approval of a Recreational Cannabis Dispensary or a Medical Cannabis Dispensary must submit all of the information and documentation described in Subsection 17.56.010(A) of the Village Code in its application for a special use permit for evaluation, plus the following additional information and documentation:

1. An affidavit attesting that the proposed Recreational Cannabis Dispensary or Medical Cannabis Dispensary is in full compliance with and, shall at all relevant times, remain in compliance with the applicable Cannabis Regulation and Tax Act and administrative rules promulgated thereunder, as amended, or the Compassionate Use of Medical Cannabis Program Act and administrative rules promulgated thereunder, as amended.

2. A description of any additional training and education that will be provided to the proposed Recreational Cannabis Dispensary or Medical Cannabis Dispensary agents.

3. A traffic study.

4. Data projecting the anticipated vehicle parking demand generated by the proposed facility including, without limitation, the number of available parking spaces and the peak number of employees at the facility at any one time.

Section 17.50.020. Additional Regulations for Recreational Cannabis Businesses.

A. Recreational Cannabis Business Establishments must comply with all applicable rules and regulations enacted by the State of Illinois, including licensing, registration and security requirements.

B. In addition to any minimum distance requirements established by State law, Recreational Cannabis Dispensaries and Medical Cannabis Dispensaries must be located at least 1,500 feet (measured property line to property line) from the property line of a pre-existing Recreational Cannabis Dispensary or Medical Cannabis Dispensary, and a minimum of 500 feet (measured property line to property line) from the property line a pre-existing public or private nursery school, preschool, elementary or secondary school or day care center, day care home, group day care home, part-day child care facility, or residential care home, public park, public library, church, chapel, temple, synagogue or other facility whose principal use is religious worship.

C. Additional Recreational Cannabis Business Regulations. In addition to all other required special use conditions, Recreational Cannabis Businesses must comply with the following conditions:

i. At all times, a Recreational Cannabis Business shall be in full compliance with the Cannabis Regulation and Tax Act and administrative rules promulgated thereunder, as amended.

ii. The development, use, operation, and maintenance of the Cannabis Business Establishment shall be in substantial compliance with all application documents and plans, except for minor changes and site work approved by

the Building Commissioner or a majority of the Village Board in accordance with all applicable Village rules, regulations, and ordinances.

iii. In addition to all state-imposed security requirements, the Village may require a Recreational Cannabis Business Establishment to provide sufficient additional safeguards in response to any special security concerns.

iv. All Recreational Cannabis Business Establishments must comply with all state, county, and Village regulations governing cannabis waste.

v. Unless otherwise prescribed by state law, the Board of Trustees may impose hours of operation for a Recreational Cannabis Business Establishment as a condition of any zoning certificate to reduce conflicts with surrounding land uses.

vi. Recreational Cannabis Business Establishments shall be subject to random and unannounced inspections by local law enforcement and inspections when reasonable cause to believe a violation of a Village ordinance exists.

vii. A Recreational Cannabis Business Establishment other than a Recreational Cannabis Dispensary or a Medical Cannabis Dispensary shall be deemed to be "Offices" for the limited purpose of computing the minimum number of off-street parking spaces as set forth in Table 17.28.150.1 of the Village Zoning Code.

viii. A Cannabis Business Establishment may only be permitted as a principal use and shall not be authorized as an accessory or temporary use.

ix. The maximum number of Cannabis Business Establishments or any particular type(s) of Cannabis Business Establishments allowed to operate

within the Village shall be as set forth in Section 17.50.060 of the Village Code, as amended from time to time.

Section 17.50.030. Drive-Through Facilities Prohibited.

Recreational Cannabis Business Establishments may not have a drive-through service.

Section 17.50.040. On-Premises Consumption Prohibited.

No Recreational Cannabis Business Establishment may allow the smoking, inhalation, or consumption of cannabis on the property or parking area in any form. A sign, at least 8.5 by 11 inches, shall be posted inside the cannabis business establishment in a conspicuous place and visible to patrons and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on the premises of this establishment."

Section 17.50.050. Additional Regulations for Recreational Cannabis Dispensaries and Medical Cannabis Dispensaries.

A. Medical Cannabis Dispensaries must comply with all applicable rules and regulations enacted by the State of Illinois, including licensing, registration, security and location requirements, including without limitation.

B. Additional Regulations for Recreational Cannabis Dispensaries and Medical Cannabis Dispensaries.

In addition to all other required special use conditions, Recreational Cannabis Dispensaries and Medical Cannabis Dispensaries must comply with the following conditions:

i. **The development, use, operation, and maintenance of Recreational Cannabis Dispensaries and Medical Cannabis Dispensaries shall be in substantial compliance with all application documents and plans, except for minor changes and site work as may be approved by the Building Commissioner or Village Board in accordance with all applicable Village rules, regulations, and ordinances.**

ii. **All parking lots and service areas serving Recreational Cannabis Dispensaries and Medical Cannabis Dispensaries shall be lit in such a manner and during such hours as may be deemed necessary by the Village to protect employees, customers, and visitors.**

iii. **Emergency vehicles, including, without limitation, police vehicles, shall at all times have unobstructed access to all sides of a structure containing a Recreational Cannabis Dispensary or Medical Cannabis Dispensary.**

iv. **Drive-through Recreational Cannabis Dispensaries and Medical Cannabis Dispensaries are prohibited.**

v. **Cannabis, cannabis infused products, cannabis paraphernalia, or similar products shall not be displayed for public view from the exterior of the Recreational Cannabis Dispensary or Medical Cannabis Dispensary.**

vi. Consumption of cannabis in any form, including without limitation, smoking, inhalation, or consumption, on the property or parking area of a Recreational Cannabis Dispensary or Medical Cannabis Dispensary is prohibited. A sign, at least 8.5 by 11 inches, shall be posted inside the cannabis business establishment in a conspicuous place and visible to patrons and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on the premises of this establishment."

vii. A Recreational Cannabis Dispensary or Medical Cannabis Dispensary shall be subject to random and unannounced inspections by local law enforcement and inspections when reasonable cause to believe a violation of a Village ordinance exists.

viii. Unless otherwise prescribed by state law, the Board of Trustees may impose hours of operation for a Recreational Cannabis Dispensary or Medical Cannabis Dispensary as a condition of any zoning certificate to reduce conflicts with surrounding land uses.

ix. A current, valid copy of a Medical Cannabis Dispensary organization's registration with the Department of Financial and Professional Regulation shall be submitted to the Harwood Heights Police Department at all times.

x. A current, valid copy of a Recreational Cannabis Dispensary organization's registration with the Department of Financial and

Professional Regulation shall be submitted to the Harwood Heights Police Department at all times.

xi. **Cannabis dispensary organizations that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 *et seq.*) and the Cannabis Regulation and Tax Act.**

xii. **All trash containers shall be located entirely within the interior of the primary structure to prevent uncontrolled access from the building's exterior, except for routine disposal of trash containers.**

xiii. **A Recreational Cannabis Dispensary or Medical Cannabis Dispensary may only be permitted as a principal use and shall not be authorized as an accessory or temporary use.**

xiv. **The maximum number of Recreational Cannabis Dispensaries or Medical Cannabis Dispensaries allowed to operate within the Village shall be as set forth in Section 17.50.060 of the Village Code, as amended from time to time.**

xv. **A Recreational Cannabis Business Establishment other than a Recreational Cannabis Dispensary or a Medical Cannabis Dispensary, including without limitation a Cannabis Craft Grower, shall be deemed to be a "warehouse, storage, wholesale and mail order establishments" for the limited purpose of computing the minimum number of off-street parking spaces as set forth in Table 17.28.150.1 of the Village Zoning Code.**

xvi. A Recreational Cannabis Dispensary or a Medical Cannabis Dispensary shall be deemed to fall within the "all other business and commercial establishments" use category of "Business, Commercial and Industrial Uses" for the limited purpose of computing the minimum number of off-street parking spaces as set forth in Table 17.28.150.1 of the Village Zoning Code.

Section 17.50.060. Limitation on Number of Cannabis Business Establishments.

A. The Corporate Authorities, in their sole legislative discretion, hereby establish that Cannabis Business Establishments are allowed within the corporate limits of the Village in the following numbers for each category, provided that all required zoning approvals are obtained and the applicant has demonstrated compliance with all applicable provisions of the Village Code:

Type of Cannabis Business Establishment	Maximum Number
Cannabis Craft Grower	1
Cannabis Cultivation Center	0
Cannabis Infuser	0
Cannabis Processer	0
Cannabis Transporter	0
Medical Cannabis Dispensary	1
Recreational Cannabis Dispensary	1
On-Premises Cannabis Consumption Establishment	0

B. In the event that:

i. A Cannabis Business Establishment's required State license, Village special use permit, or certificate of occupancy is lapsed or revoked; or

ii. A Cannabis Business Establishment is vacant for a continuous period of sixty (60) consecutive days or more,

then the maximum number of the corresponding type of Cannabis Business Establishment allowed in the Village as set forth in Subsection 17.50.060(A) shall be automatically reduced by one (1) without further notice.

SECTION 7. RESOLUTION OF CONFLICTS.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. SAVING CLAUSE.

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 9. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

VOTES

AYES: Trustee Schuepfer, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandowski

NAYS:

ABSENT:

ABSTAIN:

Passed and Approved this 2nd day of January, 2020.

Mayor Arlene Jezierny

ATTEST:

Marcia L. Pollowy, Village Clerk

EXHIBIT A

VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS
PLAN COMMISSION

In Re the Matter of:		**)**
Proposed Zoning Code Text Amendments	**)**	
Concerning Cannabis Businesses	**)**	**No. 19-04**

REPORT OF FINDINGS OF FACT AND RECOMMENDATION
TO THE VILLAGE BOARD OF TRUSTEES
TO APPROVE ZONING TEXT AMENDMENTS

(see attached pages)

VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS
PLAN COMMISSION

In Re the Matter of:	)	
Proposed Zoning Code Text Amendments	)	
Concerning Cannabis Businesses	)	**No. 19-04**

REPORT OF FINDINGS OF FACT AND RECOMMENDATION TO THE VILLAGE BOARD OF TRUSTEES TO APPROVE ZONING TEXT AMENDMENTS

I. BACKGROUND

The State of Illinois passed the Cannabis Regulation and Tax Act (the "*Act*"), legalizing the possession, use and sale of cannabis for recreational use for adults twenty-one (21) and over beginning January 1, 2020. While the possession and use of cannabis will be legal within the Village in accordance with the terms of the Act, the Village is authorized to exercise its zoning powers to determine whether and where cannabis businesses will be allowed to operate within the Village and what sort of time, place and manner restrictions those establishments may be subject to. In light of the Act, the Village is required to decide whether to permit "adult use" (this term is interchangeable with "recreational" for ordinance purposes) cannabis businesses to open and operate or to "opt-out" and prohibit such businesses from locating in the Village. Should such businesses be allowed, the Village is authorized to exercise its zoning powers to determine where such businesses should be allowed to operate and pursuant to what procedures and regulations within the Village's limited scope of authority. Recreational cannabis businesses include dispensaries, cultivation centers, craft growers, processors, infusers, and transporters.

The Plan Commission considered a draft ordinance providing recreational and medical cannabis business zoning regulations authorized by the Village Board. While the ordinance speaks for itself, broadly speaking, the draft ordinance considered by the Plan Commission would allow up to a maximum of one recreational cannabis dispensary and one medical dispensary in the Village. Each type of facility would require special use approval using the Village's typical special use hearing process, and would only be eligible to receive special use approval within the Village's B-1, B-2, I-1 and I-2 commercial and industrial districts, respectively. Although the initial draft ordinance discussed by the Plan Commission would have banned all other types of cannabis business from opening and operating within the Village, the Plan Commission ultimately recommended that "Cannabis Craft Growers" (as defined in the ordinance and Act) be specially permitted uses in the Village's I-1 and I-2 industrial zoning districts as well. In order to receive special use approval, qualifying cannabis businesses would be required to submit much more detailed operational information and plans than other types of prospective business in the Village, as well as being subject to stringent and comprehensive State and local regulations. The recommended ordinance would require special use permit applicants to certify that they are compliant with the all State regulations, submit copies of all State licenses, plans and applications, describe hours of operation, remit an odor control, security, inventory control, floor, site, and cannabis waste plans, maps depicting distances from prohibited

sensitive areas, training and education of employees, a traffic study, and parking data. In addition, the draft ordinance creates a 500 foot buffer between any dispensary and various types of child-centric businesses such as schools, day cares, libraries, parks, and other sensitive areas such as religious facilities. A 1,500 foot buffer would separate dispensaries from one another as required by State law. The Plan Commission recommends the elimination of the contemplated 250 foot buffer separating dispensaries from residential uses out of concern that such a requirement would effectively eliminate most prospective locations within the Village, given the close proximity between the Village's residential districts and its commercial and industrial thoroughfares. The Plan Commission does not recommend any distance separation or buffer requirements between a craft grower and any other types of uses, reasoning that craft growers would not generate any negative externalities presenting special or elevated concerns for youth, residents or other sensitive uses or locations.

II. PROCEDURES

A. JURISDICTION

The Plan Commission has jurisdiction pursuant to Section 17.56.020(A)(1) of the Village Code to hear zoning text amendment petitions and to make recommendations thereon to the Village Board, and the Village Board has final authority to approve, deny or conditionally approve the Zoning Code text amendments pursuant to Sections 17.56.010(A)(1) of the Village Code

B. NOTICE

Notice of the public hearing was properly provided by the Village publishing notice in the Pioneer Press' *Norridge-Harwood Heights News* between 15 and 30 days prior to the December 18, 2019 Plan Commission hearing.

C. PUBLIC HEARING

Prior to hosting the public hearing, the Plan Commission reviewed a memorandum from the Village attorney setting forth the procedures and criteria governing the adoption of text amendments to the Village Zoning Code.

After reviewing the proposed text amendment ordinance and attorney comments, the Harwood Heights Plan Commission conducted a properly noticed public hearing on December 18, 2019 to consider Petitioner's planned development permit application (the "Hearing"). At the Hearing, the Plan Commission deliberated on the merits of the proposed text amendments. No members of the public attended the Hearing. Plan Commission Chairman Chris White was absent, and Carl Christl was appointed temporary chairman and led the public hearing in that capacity.

D. CRITERIA

The Village is authorized by Section 17.56.010(A)(1) of the Village Code to amend its zoning ordinance as well as 65 ILCS 5/11-13-14. Although the statutory authorization to amend the Zoning Code does not provide substantive standards to guide how to validly do so, Section 17.56.180(C) of the Village Code provides the relevant factors to consider in the context of zoning text amendments.

First, pursuant to Section 17.56.180(A), the proposed text amendments must be consistent with the purposes of the Village's Zoning Code set out in Section 17.04.020. The proposed zoning code amendments should either help accomplish these purposes or at least not interfere with their accomplishment, as follows:

1. Promoting the public health, safety, comfort, morals, convenience, and general welfare;

2. Securing adequate natural light, pure air, and safety from fire and other dangers;

3. Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;

4. Lessening or avoiding congestion in the public streets and highways;

5. Conserving the value of land and buildings throughout the village; and

6. Preserving and enhancing aesthetic values throughout the village.

Of particular note, the above-stated purposes are fulfilled according to Section 17.56.180(B), by, inter alia:

". . .5. Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces surrounding buildings; [and]

. . .7. Permitting in each zoning district only those uses, buildings and structures that are compatible with the character of each district;. . ."

Next, Section 17.56.180(c) establishes factors that the Plan Commission and Village Board must consider in weighing a particular proposed text amendment, including, as is relevant to the text amendments presently under consideration:

+ Whether the actual text and effect of the amendment is consistent with all other provisions contained in this title;

+ Whether the effect of the amendment is consistent with the purposes of this title as contained in Section 17.04.020;

+ Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the comprehensive plan, other adopted plans, and other village codes, regulations, policies and guidelines; and

+ Whether the existing text or zoning designation was in error at the time of adoption.

In addition to the Village's locally-imposed criteria and standards, courts have established additional rules to ensure that zoning amendments are reasonable and undertaken with appropriate care. Illinois courts have ruled that the same care must go into rezoning as went into the original zoning, and that the same evaluative criteria apply. Therefore, in addition to all of these earlier factors, the Village should also consider the so-called "*LaSalle* [and *Sinclair Pipe*] factors," as follows:

· the existing uses and zoning of nearby property;

· the extent to which property values are diminished by the particular zoning restrictions;

· the extent to which the destruction of property values of plaintiff promotes the health, safety, morals, and general welfare of the public;

· the relative gain to the public as compared to the hardship imposed upon the individual property owner;

· the suitability of the subject property for the zoned purposes;

· the length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property;

· the community need for the proposed use; and

· the care with which the community has undertaken to plan its land use development

The Plan Commission's recommendation as to whether the application fulfills the text amendment approval criteria listed above is based upon testimony presented at the public hearing and the Plan Commission's determination as to the consistency of the proposed text amendments with the Comprehensive Plan and the impact of the text amendments on the community as a whole.

IV. FINDINGS OF FACT & LEGAL CONCLUSIONS

After reviewing all application materials, hearing testimony, receiving evidence, and listening to public comment at the Hearing conducted on December 18, 2019, the Harwood Heights Plan Commission finds as follows:

1. The foregoing recitals shall be and are hereby incorporated into and made a part of the Findings and Conclusions as if fully set forth herein.

2. All testimony and evidence presented at Public Hearing 19-04 are made a part of the official record of proceedings via the prepared transcript and are hereby incorporated into and made a part of the Findings and Conclusions as if fully set forth herein.

3. The Plan Commission finds and concludes that the Hearing was properly noticed.

4. The Village's current Zoning Code was adopted in 1988 and certain provisions have been amended in the interim as the need has arisen, including a comprehensive Zoning Code amendment adopted by the Village in 2011.

5. Much of the Village's current Zoning Code continues to fulfill its intended function as organizing the use of land in the Village in a way that maximizes and upholds the public health, safety, comfort, morals, convenience, aesthetics and general welfare as written, and no amendments are desirable or proposed to those sections.

6. Public Act 101-0027 created the Cannabis Regulation and Tax Act (the "***Act***"), regulating the cultivation, sale, possession, and consumption of cannabis in Illinois.

7. The Act authorizes the sale and consumption of cannabis for recreational purposes throughout the State of Illinois.

8. The Village may not prohibit or regulate the use of cannabis except as otherwise provided in the Act

9. The Act authorizes the Village to regulate adult-use cannabis businesses, such as dispensaries, cultivation centers, infusers, transporters, processers, and craft growers.

10. The Act authorizes the Village to enact reasonable zoning regulations regulating Recreational Cannabis Business Establishments as long as such regulations are not in conflict with the Act (410 ILCS 705/55-25(1)).

11. The Act allows the Village to enact ordinances governing the time, place, manner, and number of Recreational Cannabis Business Establishments, including minimum distance limitations between cannabis business establishments and locations the Village deems sensitive (410 ILCS 705/55-25(2)).

12. The Act expressly authorizes the Village to regulate Recreational Cannabis Business Establishments through the use of special use permits (410 ILCS 705/55-25(2)).

13. The Village has the authority to regulate the on-premises consumption of cannabis at or in a cannabis business establishment ((410 ILCS 705/55-25(3)).

14. The Act further authorizes the Village to enact ordinances to prohibit or significantly limit the location of a Recreational Cannabis Business Establishment (410 ILCS 705/55-25(5)).

15. Subsection 35-10(a)(8) of the Act requires state-licensed "infusers" producing cannabis-infused products to show compliance with local zoning.

16. The Village may enact reasonable zoning ordinances not in conflict with the Compassionate Use of Medical Cannabis Program Act and its rules regulating registered medical cannabis cultivation centers and medical cannabis dispensary organizations (410 ILCS 130/140).

17. The Plan Commission reviewed proposed zoning regulations for conformance with the health, safety and welfare.

18. The Plan Commission finds and determines with particularity that up to a maximum of one (1) recreational cannabis dispensary, up to one (1) medical cannabis dispensary, and up to one (1) cannabis craft grower may be located within the Village pursuant to issuance of a special use permit subject to and dependent upon a site-specific analysis and review of the detailed plans required to be submitted by the recommended ordinance, and such operations shall at all times comply with the Act and adopted measures specifically applicable to such businesses by virtue of the recommended ordinance.

19. The Plan Commission hereby finds and determines that the actual text and effect of the proposed ordinance ("Proposed Amendment") is consistent with all other provisions contained in the Zoning Code.

20. The Plan Commission hereby finds and determines that the effect of the Proposed Amendment is consistent with the purposes of the Zoning Code as set forth in Section 17.04.020 of the Village Code, in that the Proposed Amendment (i) promotes the public health, safety, comfort, morals, convenience, and general welfare by defining and limiting Recreational Cannabis Businesses and directing a careful case-by-case analysis of the appropriateness of an adult-use or medical cannabis dispensary or cannabis craft grower prior to any approvals being granted, protecting property values by limiting prospective locations, minimizing congestion by requiring adequate off-street parking capacity, limiting the aforesaid new uses to zoning districts in which such uses are deemed compatible with existing and prospective permitted and conditionally permitted uses.

21. The Plan Commission hereby finds and determines that the Proposed Amendment is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and other village codes, regulations, policies and

guidelines, in that it promotes economic development and diversifies the range of such economic development and local services.

22. The Plan Commission hereby finds and determines that recent legal developments authorizing heavily-regulated medical and adult-use cannabis within the State have transformed the space and offer economic and personal services opportunities for residents and visitors not previously lawfully available within the Village.

23. Requiring prospective businesses to apply to the Village for a special use permit prior to opening an authorized cannabis business will help the Village analyze and verify, on an individuated case by case basis, that such uses in a particular instance will not have a deleterious effect on neighboring properties, to impose such conditions on such uses as may be necessary to ensure the compatibility of such uses in a given case with other uses of property in the vicinity and to protect the safety of residents, visitors and property owners.

24. The Plan Commission finds that making the newly-defined uses subject to conditional use processes and would not result in a substantial hardship for such applicants and that such a measure is the least restrictive means of upholding the public health, safety, comfort, morals, convenience and general welfare in light of the density of the Village and close proximity of varied uses.

25. In all cases, the Plan Commission finds that the proposed amendments described above enhance the utility of the Zoning Code by addressing with specificity new types of businesses within Illinois.

26. The proposed amendments offer the Village enhanced oversight and control capabilities to ensure that intensive uses of land or uses producing unique or greater externalities on neighboring properties are subject to individualized review and approval.

27. The Plan Commission finds that the proposed text amendments will preserve and enhance the public health, safety, comfort, morals, convenience and general welfare and are in all cases consistent therewith.

28. The adverse impacts of the proposed text amendments on any particular property owner are outweighed by the benefits of such amendments to the community as a whole.

19. Based on the foregoing, and for other reasons elaborated on the record at the Hearing, the Plan Commission finds that the proposed text amendments would constitute an improvement to the Village and should be approved.

V. RECOMMENDATION

NOW THEREFORE, following a public hearing hosted by the Village of Harwood Heights Plan Commission, held on December 18, 2019 (Hearing No. 2019-4), the Plan Commission hereby recommends by a unanimous 6 – 0 vote (Chairman White absent) that the Village Board approve the proposed zoning text amendments in accordance with the

amended draft Ordinance discussed and recommended at the Hearing, for the reasons more fully set forth in the foregoing Findings of Fact and Recommendation to the Village Board of Trustees.

By: _____
Carl Christl, Plan Commission Temporary Chair at Hearing 19-04

Date: 1/2/20

STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATION

I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

I do further certify that the foregoing Ordinance 20-01 entitled:

AN ORDINANCE APPROVING ZONING TEXT AMENDMENTS REGARDING CANNABIS BUSINESS ESTABLISHMENTS

Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 2nd day of January, 2020.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.

I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 3rd day of January, 2020.

Corporate Seal

Marcia L. Pollowy
Village Clerk