

88-R-19

A RESOLUTION

Regarding the Zoning, Regulation, and Licensing of Cannabis Businesses for Adult Use

WHEREAS, on June 25, 2019, Governor J.B. Pritzker signed into law the "*Cannabis Regulation and Tax Act*" (the "Act"), which legalizes 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 establishes five different types of businesses associated with the sale of Cannabis, cultivation centers, craft growers, dispensaries, processors, and infusers ("Cannabis Businesses"); and

WHEREAS, the Act authorizes municipalities to completely prohibit the location and operation of Cannabis Businesses, restrict the 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 impose: (i) a local retailer occupation tax of up to 3.0% of the retail purchase price of Cannabis; and (ii) determine whether and under what conditions Cannabis Businesses may allow for on-premises consumption of Cannabis; and

WHEREAS, the City of Evanston ("City") 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 "City of Evanston Zoning Ordinance" as amended ("Zoning Code"), does not plainly address uses that would encompass Cannabis Businesses; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: Recitals. The foregoing recitals are incorporated into, and made a part of, this Resolution as findings of the City Council.

SECTION 2: Direction to Plan Commission and Public Hearing. The Plan Commission is hereby directed to hold a public hearing on the following questions:

A. Whether all or some Cannabis Businesses should be prohibited in the City; and

B. If allowed in the City, what zoning districts should Cannabis Businesses be allowed to operate in and add zoning definitions for the different cannabis businesses and uses; and

C. If allowed in a particular zoning district, should Cannabis Businesses be classified as a permitted or special use; and

D. What specific operating conditions should be applied to Cannabis Businesses as a condition of receiving a special use; and

E. Whether, and under what conditions, should on-premises consumption or social use space businesses be allowed in the City for consumption of adult use cannabis.

SECTION 3: The City Council provides this Resolution as Notice that future City legislation and regulations will be considered and put in place for Cannabis businesses.


SECTION 4: Effective Date. This Resolution will be in full force and effect upon its passage and approval by a majority of the members of the City Council.



Stephen W. Hagerty, Mayor

Attest:

Approved as to form:



Devon Reid, City Clerk
EdUARdo Gomez, Deputy City Clerk
Adopted: September 16, 2019



Michelle L. Masoncup, Corporation Counsel