

**VILLAGE OF OSWEGO
KENDALL AND WILL COUNTIES, ILLINOIS**

ORDINANCE NO. 19 - 67

**AN ORDINANCE AMENDING SECTIONS 3, 8, AND 9 OF THE VILLAGE OF OSWEGO'S
ZONING ORDINANCE REGARDING ADULT USE RECREATIONAL CANNABIS IN THE
VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS**

(Recreational Cannabis)

**ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF OSWEGO**

This 10th day of December 2019

Published in this pamphlet form by authority of the President
and Board of Trustees of the Village of Oswego on December 11, 2019.

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AN ORDINANCE AMENDING SECTIONS 3, 8, AND 9 OF THE VILLAGE OF OSWEGO'S ZONING ORDINANCE REGARDING ADULT USE RECREATIONAL CANNABIS IN THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS

(Recreational Cannabis)

WHEREAS, the Village of Oswego ("Village") has a population of more than 25,000 and is therefore a "Home Rule Unit" under the 1970 Illinois Constitution; and

WHEREAS, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

WHEREAS, the State of Illinois approved the Cannabis Regulation and Tax Act which allows for the use of cannabis within the State of Illinois beginning January 1, 2020; and

WHEREAS, the Village of Oswego wishes to establish zoning regulations regarding the cannabis-based uses identified in the State Act; and

WHEREAS, the Village of Oswego's Planning and Zoning Commission held a public hearing on October 10, 2019 and recommended approval of the proposed text amendment at their meeting on November 7, 2019; and

WHEREAS, the Village Board of the Village of Oswego has reviewed the recommendation of the Planning and Zoning Commission for changes to Sections 3, 8 and 9 of the Zoning Ordinance

WHEREAS, it is in the best interests of the Village of Oswego and its residents that the proposed ordinance be adopted by the Village Board of the Village of Oswego.

NOW, THEREFORE, BE IT ORDAINED BY A MAJORITY VOTE OF THE CORPORATE AUTHORITY OF THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS, as follows:

Section 1: INCORPORATION OF RECITALS AND EXHIBITS

That the following Sections of the Village of Oswego’s Zoning Ordinance are amended as identified in the recitals set forth above and in exhibit “A” are incorporated herein by reference.

Section 2: SEVERABILITY

This ordinance and every provision thereof shall be considered severable. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 3: REPEALER

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

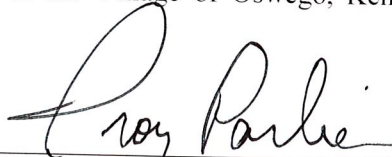
Section 4: EFFECTIVE DATE

This Ordinance shall be in full force and effect immediately upon its passage and approval. Publication in pamphlet form is hereby authorized, as provided by law.

PASSED by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this 10th day of December 2019.

JAMES MARTER	<u>AYE</u>	LUIS PEREZ	<u>AYE</u>
TERRY OLSON	<u>AYE</u>	JUDY SOLLINGER	<u>AYE</u>
PAM PARR	<u>AYE</u>	BRIAN THOMAS	<u>NAY</u>

APPROVED by me, Troy Parlier, as President of the Village of Oswego, Kendall and Will Counties, Illinois this 10th day of December 2019.



TROY PARLIER, VILLAGE PRESIDENT



TINA TOUCHETTE, VILLAGE CLERK

STATE OF ILLINOIS))
COUNTY OF KENDALL)) SS

CLERK'S CERTIFICATE
(ORDINANCE)

I, Tina Touchette, the duly qualified and acting Village Clerk of the Village of Oswego, Kendall and Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

AN ORDINANCE AMENDING SECTIONS 3, 8, 9 AND OF THE VILLAGE OF OSWEGO'S ZONING ORDINANCE REGARDING ADULT USE RECREATIONAL CANNABIS IN THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS

which Ordinance was duly adopted by said Board of Trustees at a meeting held on the 10th day of December 2019, approved by the Village President on the 10th day of December 2019 and thereafter published in pamphlet form to the extent required by law.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of December 2019.

Tina Touchette

Tina Touchette, Village Clerk
Village of Oswego



PROPOSED TEXT AMENDMENT

Section 3.02 Definitions

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. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering stage. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. Craft growers can distribute to a cultivation center, a craft grower, an infuser, or dispensing organization. By State law, a craft grower cannot be located in a residentially zoned property or within 1,500 feet of another craft grower or cultivation center.

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. Cultivation centers are limited to 210,000 square feet of canopy space for flowering plants. Cultivation centers may sell or distribute to dispensing organizations, craft growers, infusing organizations, and transporters.

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. As used in the Act, a “dispensing organization” shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License. Dispensing organizations cannot sell through a drive-thru window, vending machines, or transport to residents or other locations for sale. Per the Act, they are limited to the hours of 6:00am to 10:00 pm and cannot operate unless two people are working at the same time. A dispensary cannot be located within 1,500 feet of another dispensary. They also cannot advertise within 1,000 feet of a school, playground, hospital and health care facilities, recreation centers, child care centers, public parks, libraries, or arcade.

INFUSER ORGANIZATION: 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. They may only sell or distribute through a dispensary. They cannot be located within a residential zone.

ADULT-USE CANNABIS PROCESSING ORGANIZATION: 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:

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.

Section 8.02 B-2 Community Shopping District

B. Special Uses

13. Dispensing Organization where the proposed facility complies with the following:

13.01 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.

13.02 Facility may not be located within 250 feet of a pre-existing incorporated public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home and park. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. Parks are classified as public open space owned and operated by a public entity intended for public use for the purposes of this Section.

13.03 Facility may not be located in a dwelling unit

13.04 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

13.05 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act. Facility may not sell through a drive-thru window, vending machines, or transport to residents or other locations for sale. All sales of

retail marijuana shall be made in person, directly to the purchaser, within the restricted area of the retail marijuana establishment. No sales shall be made via telephone, internet or other means of remote purchase. Deliveries shall occur only in person to the purchaser at the time of purchase within the restricted area of the retail marijuana establishment.

13.06 Consumption on site or establishment of lounges shall not be permitted.

13.07 Facility is limited to the hours of 6:00am to 10:00 pm and cannot operate unless two people are working at the same time.

13.08 A dispensary shall not be located within 1,500 feet of another dispensary.

13.09 Any and all possession, storage, display, sales, testing, production, or cultivation of marijuana shall occur only within the restricted area of the marijuana establishment and shall not be visible from the exterior of the business.

13.10 Dispensing Organizations are prohibited from the "Downtown Core" area as designated in the 2015 Village Comprehensive Plan described as the area bounded by Jefferson Street to the north, Madison Street to the east, Harrison Street to the west, and Benton Street to the south.

Section 8.03 B-3 Community Service and Wholesale District

B. Special Uses

14. Dispensing Organization where the proposed facility complies with the following:

14.01 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.

14.02 Facility may not be located within 250 feet of a pre-existing incorporated public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home and park. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. Parks are classified as public open space owned and operated by a public entity intended for public use for the purposes of this Section.

14.03 Facility may not be located in a dwelling unit

14.04 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.

14.05 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act. Facility may not sell through a drive-thru window, vending machines, or transport to residents or other locations for sale. All sales of retail marijuana shall be made in person, directly to the purchaser, within the restricted area of the retail marijuana establishment. No sales shall be made via telephone, internet or other means of remote purchase. Deliveries shall occur only

in person to the purchaser at the time of purchase within the restricted area of the retail marijuana establishment.

14.06 Consumption on site or establishment of lounges shall not be permitted.

14.07 Facility is limited to the hours of 6:00am to 10:00 pm and cannot operate unless two people are working at the same time.

14.08 A dispensary cannot be located within 1,500 feet of another dispensary.

14.09 Any and all possession, storage, display, sales, testing, production, or cultivation of marijuana shall occur only within the restricted area of the marijuana establishment and shall not be visible from the exterior of the business.

14.10 Dispensing Organizations are prohibited from the "Downtown Core" area as designated in the 2015 Village Comprehensive Plan described as the area bounded by Jefferson Street to the north, Madison Street to the east, Harrison Street to the west, and Benton Street to the south

Section 9.01 Limited Manufacturing District

C. Special Uses

13. Craft Grower, Cultivation Organization, Infusing Organization, Processing Organization, Transportation Organization

13.01 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.

13.02 Facility may not be located within 250 feet of a pre-existing incorporated public school or park pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home and park. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. Parks are classified as public open space owned and operated by a public entity intended for public use for the purposes of this Section.

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

13.04 A craft grower shall not be located within 1,500 feet of another craft grower or a cultivation center.

13.05 A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering stage. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area.

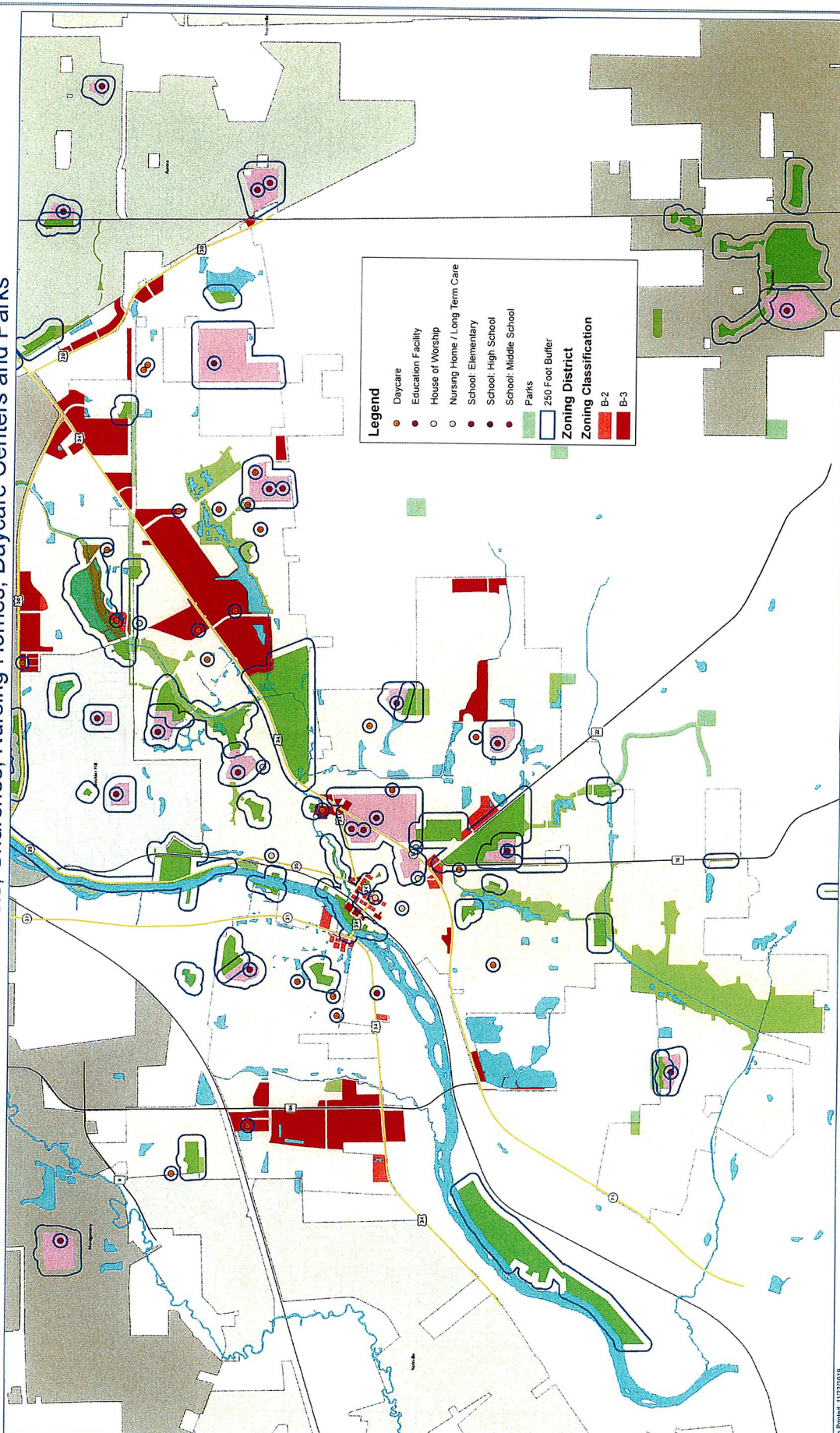
13.06 A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and

cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

13.07 A cultivation center may not contain more than 210,000 square feet of canopy space for plants in the flowering stage for cultivation of adult-use cannabis as provided in this Act.

13.08 Any and all possession, storage, display, sales, testing, production, or cultivation of marijuana shall occur only within the restricted area of the marijuana establishment and shall not be visible from the exterior of the business.

250 Foot Buffer Around Schools, Churches, Nursing Homes, Daycare Centers and Parks



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