

Village of Gilberts

Village Hall: 87 Galligan Road, Gilberts, Illinois 60136

Ph. 847-428-2861 Fax: 847-428-2955

www.villageofgilberts.com

VILLAGE PLAN COMMISSION / ZBA MEETING AGENDA

Wednesday, November 13, 2019 - 7:00 p.m. - Village Hall Board Room

ORDER OF BUSINESS

- 1. CALL TO ORDER**
- 2. ROLL CALL / ESTABLISH QUORUM**
- 3. PUBLIC COMMENT***

Intended for public comment on issues not otherwise on this agenda, those comments offered when individual issues are discussed

4. ITEMS FOR APPROVAL

A. A Motion to approve Minutes from the August 28, 2019 Plan Commission Meeting.

5. PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH REGULATIONS GOVERNING CANNABIS BUSINESS ESTABLISHMENTS

6. RECOMMENDATION TO THE VILLAGE BOARD CONCERNING PROPOSED AMENDMENTS TO THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH REGULATIONS GOVERNING CANNABIS BUSINESS ESTABLISHMENTS

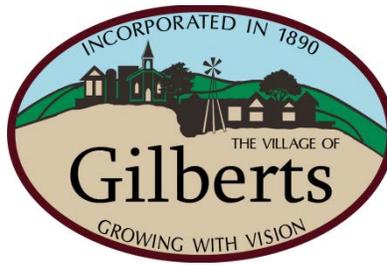
7. NEW BUSINESS

8. OTHER BUSINESS

9. ADJOURNMENT

***Public Comment Policy**

Anyone indicating a desire to speak during Public Comments portion of the Plan Commission Meeting will be acknowledged by the Commission Chairman. All remarks are to be addressed to the Commission Chairman and Board of Commissioners as a whole, not to any specific person(s). To ensure that everyone who wishes to speak has the opportunity to do so, please limit your comments to five minutes. Additional time may be granted at the discretion of the Commission Chairman. If you have written comments, please provide a copy to the Commission Chairman. If there are a number of individuals present to speak on the same topic, please designate a spokesperson that can summarize the issue. During Public Comments, the Commission Chairman, Commissioners and Staff will listen to comments and will not engage in discussion. The Commission Chairman or Commissioners may ask questions to better understand your concern, suggestion or request. Please direct any personnel concerns to the Village Administrator before or after the meeting. The Village of Gilberts complies with the Americans Disabilities Act (ADA). For accessibility Assistance, please contact the Village Clerk at the Village Hall, telephone number is 847-428-2861". Assistive services will be provided upon request.



**MINUTES FOR VILLAGE OF GILBERTS
PLAN COMMISSION/ZONING BOARD OF APPEALS MEETING
Village Hall: 87 Galligan Road, Gilberts, IL 60136
Meeting Minutes
Wednesday, August 28, 2019**

1. CALL TO ORDER

Chairman Mills called the meeting to order at 7:00 p.m.

2. ROLL CALL / ESTABLISH QUORUM

Village Clerk Courtney Baker called the roll. Roll call: Members present: Commissioners McHone, Page, Sullivan, Lateer, and Chairman Mills. Commissioners Borgardt and Del Vecchio were absent. Others present: Village Administrator Brian Bourdeau and Village Attorney Kurt Asprooth.

3. PUBLIC COMMENT

There were no public comments at this time.

4. ITEMS FOR APPROVAL

A. A Motion to approve Minutes from the August 14, 2019 Plan Commission Meeting.

A Motion was made by Commissioner Sullivan and seconded by Commissioner McHone to Approve the Minutes from the August 14, 2019 Plan Commission Meeting. Roll call vote: Commissioners McHone, Page, Sullivan, Lateer and Chairman Mills voted Aye. 0-nays. Motion carried.

5. RECOMMENDATION TO THE VILLAGE BOARD REGARDING A REQUEST FOR A SPECIAL USE PERMIT – PUB 72, CONTINUED FROM AUGUST 4, 2019

Chairman Mills invited anyone from the audience to approach the Commission to speak about the presented item.

Rollyn Anderson of 113 Railroad Street approached the Commission and stated that his property is only 100 feet from where the proposed volleyball court would be placed. Mr. Anderson stated that, at the last Plan Commission meeting, one of the commissioner suggested to the applicant to include a landscaping buffer between his and the applicant's properties yet this was not included in the most recent landscaping proposal.

Kay Kummerow of the Windmill Meadows subdivision approached the Commission and stated that she is concerned about safety regarding volleyball flying into oncoming traffic without high enough netting around the volleyball court. Ms. Kummerow also expressed concerns relating to the need for

additional landscaping, the hours that the volleyball court would be open, and the lack of Julie markings.

Attorney Asprooth advised that it is a condition of every applicant to be in compliance with the Village's current building and fire codes. If there are poles being put into the ground, the applicant would need to comply with Julie regulations.

Administrator Bourdeau advised that the applicant has not requested any variances from the Village Code with respect to noise so they would be held to the same standard as any other business or residence would be held to. Commissioner Lateer asked the applicant if the noise would end by 10:00pm which follows the Village ordinance regarding noise to which the applicant responded that lights out would be at 10:00pm.

Commissioner McHone called the applicants up to the dais to assist in explaining the landscaping plans that were presented in the Plan Commission packet. After some discussion between the commissioners and applicants, Administrator Bourdeau asked the applicant to confirm if they will be placing five-foot fencing around the volleyball court to which the applicant stated that they would put up fencing if it is required for approval.

A Motion was made by Chairman Mills and seconded by Commissioner McHone to Recommend the Approval of the Special Use Permit to Allow for the Owners to Construct and Operate an Outdoor Volleyball Court on the Property, Subject to the Following Conditions:

- (1) The proposed special use complies with all provisions of the applicable district regulations.**
- (2) The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large. The Owners will provide screening around the volleyball court to limit impacts on adjoining properties.**
- (3) The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.**
- (4) Adequate utility, drainage, and other necessary facilities have been or will be provided.**
- (5) The proposed special use, where such developments and uses are deemed consistent with good planning practice, can be operated in a manner that is not detrimental to the permitted developments and uses in the district, can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall conform to the applicable regulations of the district; and is deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the Village.**

Roll call vote: Commissioners McHone, Page, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays, 0-abstained. Motion carried.

6. NEW BUSINESS

There were no items to discuss at this time.

7. OTHER BUSINESS

There were no items to discuss at this time.

8. ADJOURNMENT

There being no further public business to discuss, **a Motion was made by Chairman Mills and seconded by Commissioner McHone to adjourn from the public meeting at 8:30 p.m.** Voice vote of Aye carried unanimously. Motion carried.

Respectfully submitted,

Courtney Baker
Village Clerk

VILLAGE OF GILBERTS
PUBLIC NOTICE
REGARDING A HEARING
ON PROPOSED
AMENDMENTS TO THE
GILBERTS UNIFIED
DEVELOPMENT
ORDINANCE

PUBLIC NOTICE IS
HEREBY GIVEN that the
Village of Gilberts Plan
Commission will conduct a
public hearing on November
13, 2019, at 7:00 p.m., at Gil-
berts Village Hall, 87 Galli-
gan Road, Gilberts, Illinois,
to consider text amend-
ments to the Gilberts Uni-
fied Development Ordi-
nance ("UDO") to establish
regulations governing can-
nabis business establish-
ments, and for such other
and further zoning approv-
als as may be required.
All persons interested in the
proposed amendments
should attend and will be
given an opportunity to pro-
vide written and oral testi-
mony. Additional informa-
tion about the proposed
UDO amendments and the
public hearing are available
from the Village of Gilberts
at (847) 428-2861. The public
hearing may be continued
from time to time without
further public notice.
Gilberts Plan Commission
Village of Gilberts
Published in Daily Herald
October 28, 2019 (4534691)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of

Algonquin, Antioch, Arlington Heights, Aurora, North Aurora, Bannockburn,
Barrington, Barrington Hills, Lake Barrington, North Barrington, South
Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills,
Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn,
East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake,
Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake,
Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods,
Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake,
Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich,
Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery,
Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake,
Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods,
Rolling Meadows, Rosemont, Round Lake, Round Lake Beach,
Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow,
St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills,
Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood,
Wilmette

County(ies) of Cook, Kane, Lake, McHenry

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the **DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 10/28/2019 in said **DAILY HERALD**.

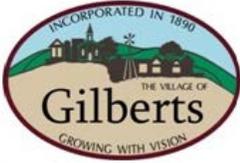
IN WITNESS WHEREOF, the undersigned, the said **PADDOCK PUBLICATIONS, Inc.**, has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY

Doula Baltz
Authorized Agent

Control # 4534691



Village of Gilberts
Village Hall
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To: Plan Commission
From: Brian Bourdeau, Village Administrator
Date: November 13, 2019 Plan Commission Meeting
Re: Items 5 and 6: Presentation and Discussion Regarding Land Use and Zoning Regulations Pertaining to the Cannabis Regulation and Tax Act

Background

On May 31, 2019, the Illinois General Assembly approved the Cannabis Regulation and Tax Act (the “Act”), and was signed by the Governor on June 25, 2019. The effective date of the legislation is January 1, 2020. The new law allows persons over the age of 21 to possess up to 30 grams of cannabis beginning January 1, 2020. Additionally, the Act would allow personal cannabis use in most private residences, but not in areas where smoking is already prohibited by the Smoke Free Illinois Act, including public places. The Act allows municipalities to either (1) “opt-out” by prohibiting or significantly limiting cannabis businesses in their jurisdiction or (2) permit cannabis businesses and adopt reasonable zoning regulations that do not conflict with the Act.

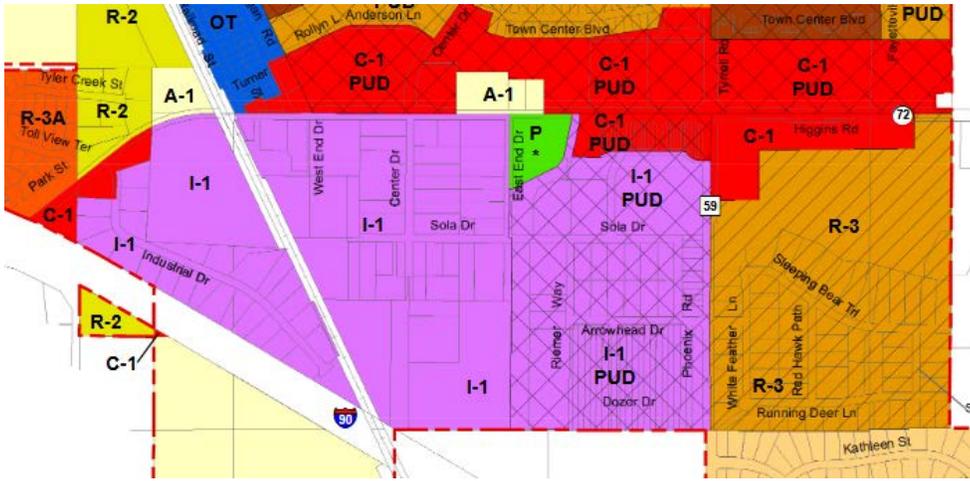
At the August 13, 2019 Village Board meeting, a concept presentation was provided to the Board which outlined the Act and the various options going forward. Based upon that meeting, the Board was interested in allowing cannabis businesses in the I-1 Industrial District and has requested that the Plan Commission consider and make recommendations relating to reasonable zoning regulations regarding cannabis businesses. By referring this issue to the Plan Commission, the Board is not expressing a view as to whether cannabis should or should not be legalized; the State of Illinois has already made that determination and the Village therefore has no authority prohibit the use of legal cannabis.

The Village may not restrict the private consumption of cannabis under the Act. However, the Act preserved local zoning authority and has granted municipalities the authority to enact reasonable zoning regulations pertaining to the commercial production and/or distribution (dispensaries) of adult-use cannabis. The Village may enact zoning regulations designating such guidelines as time, place, manner and number of cannabis business operations, including minimum distances between locations and whether a special use permit would be required. Types of cannabis businesses include: cultivation centers, craft growers, dispensaries, infusers and transportation organizations. The Act does prevent municipalities from regulating recreational cannabis in a manner more restrictive than provided for under the Act. While the Act also allows for the imposition of a municipal cannabis tax of up to 3.0%, a recommendation on that subject would fall outside the scope of the Plan Commission’s deliberations.

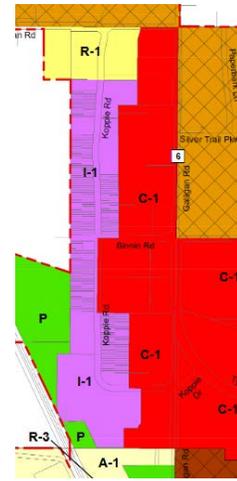
Items for Plan Commission

- 1) Determination of which Zoning District Would be Most Appropriate for Cannabis Businesses
The Village currently has two zoning districts that may be considered (1) C-1 Commercial and/or (2) I-1 Industrial. Based upon guidance and preference from the Village Board, the Plan

Commission is requested to consider the applicability of the I-1 Industrial District as an appropriate location for cannabis businesses. The Village currently has two primary I-1 Industrial Districts, only one of which is developed.



I-1 Industrial – Route 72/Tyrrell



I-1 Industrial – Koppie

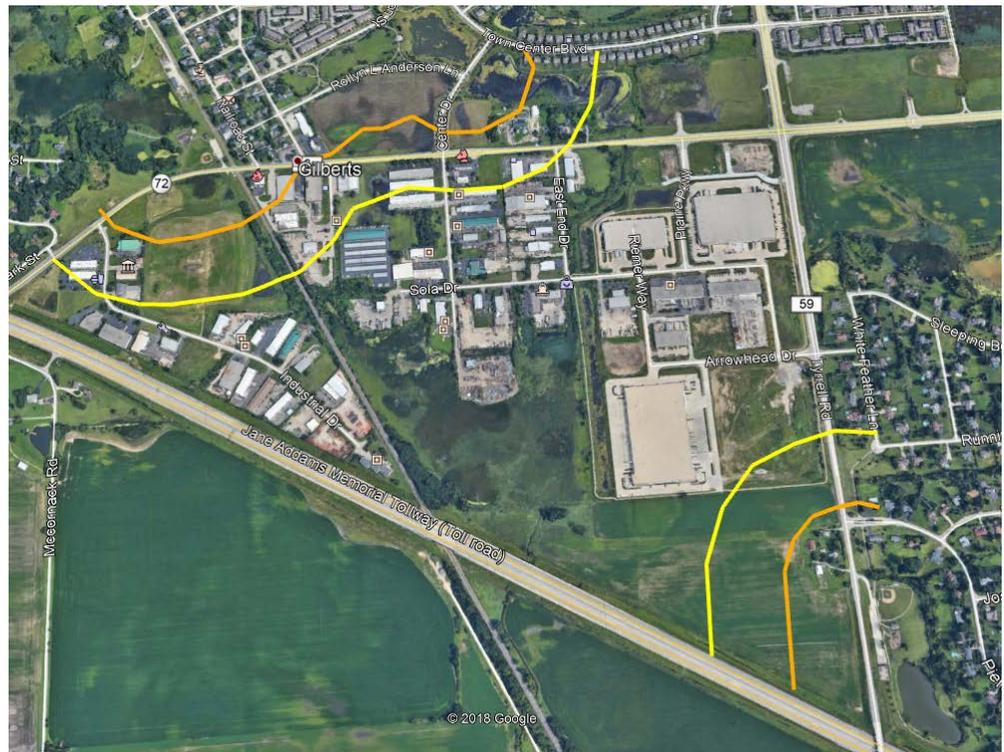
2) Permitted Versus Conditional (Special) Use

Most municipalities which have considered allowing cannabis businesses appear to prefer the special use option as it allows for a review on a case-by-case basis through a public hearing process and to allow specific conditions to be applied. Based upon guidance from the Village Board, the Plan Commission is requested to consider the special use option. The Plan Commission may also wish to consider the number of cannabis businesses that would be permitted. Note, this number may be constrained by any minimum distance regulations which the Plan Commission may recommend or are imposed by the state.

3) Establishment of Minimum Distances from Sensitive Areas

The Act allows municipalities to establish reasonable minimum distance criteria between cannabis

businesses and other uses that the Village may consider sensitive such as schools, parks, and religious uses. Included below is an overlay illustration of both a 1,000 foot (yellow) and 500 foot (orange) line as measured from the property lines of existing



Village parks near the I-1 Industrial District located south of IL Route 72 and west of Tyrrell Road. These lines are provided for illustration purposes only. The Plan Commission may wish to consider whether one of these measurements or another is most appropriate for the minimum distance from sensitive areas. In addition to the minimum distances from sensitive areas that the Act permits municipalities to establish, the Act also restricts the distance between facilities to 1,500 feet. This minimum distance measurement may not be altered through the local zoning process.

4) Additional Special Use Permit Conditions

The Plan Commission may wish to consider what, if any, additional reasonable special use permits conditions would be appropriate to consider for cannabis businesses. Potential items for consideration could include:

- A) Odor control regulations
- B) Security requirements of the facility, including cameras and screening
- C) Hours of operation, unless otherwise prescribed by state law
- D) Submission of a Signage Plan

Please note, the state addressed advertising signage in the Act:

- a. Is false or misleading;
 - b. Promotes overconsumption;
 - c. Depicts consumption of cannabis or cannabis products;
 - d. Depicts a person under 21 years of age consuming cannabis;
 - e. Make any health, medicinal or therapeutic claims;
 - f. Includes an image of a cannabis leaf or bud; or
 - g. Includes images designed to appeal to minors.
- E) Location of customer parking and lighting and security of said lot
 - F) Ability to view cannabis products and/or paraphernalia from any sidewalk, public or private right-of-way
 - G) Ability to have a drive-through
 - H) Delivery times and locations

Action

The Plan Commission has been requested to hold a Public Hearing and make a recommendation to the Village Board regarding what reasonable zoning restrictions would be appropriate governing cannabis businesses. A sample text amendment, subject to revision based upon the Plan Commission's recommendations is included for reference.

Many Chicagoland municipalities have or are considering zoning matters related to cannabis with communities both electing reasonable restrictions and also opting out. With respect to those communities geographically closest to Gilberts, East Dundee, West Dundee, Algonquin and Elgin have either approved or are considering allowing cannabis businesses to differing degrees and reasonable restrictions.

Village staff and the Village attorney will be available to present and answer any questions at the Plan Commission meeting.

Attachments

- A) Proposed Text Amendment Regarding Cannabis Business Establishments

VILLAGE OF GILBERTS

**AN ORDINANCE AMENDING THE VILLAGE’S UNIFIED DEVELOPMENT
ORDINANCE REGARDING CANNABIS BUSINESS ESTABLISHMENTS**

WHEREAS, on January 7, 2014, the Village Board of the Village of Gilberts (“*Village*”) adopted the Gilberts Unified Development Ordinance, as it has been and may be amended from time to time (“*UDO*”), which sets forth the zoning and development standards and procedures for the Village; and

WHEREAS, the enactment of 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 provides the Village with the power to regulate cannabis businesses, such as dispensaries, cultivation centers, infusers, transporters, processors, and craft growers (collectively, “*Cannabis Business Establishments*”); and

WHEREAS, the Act authorizes the Village to enact reasonable zoning ordinances or resolutions regulating 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 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 cannabis business establishments through the use of conditional (special) use permits (410 ILCS 705/55-25(2); and

WHEREAS, the Village also 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 cannabis business establishment’s location (410 ILCS 705/55-25(5); and

WHEREAS, the UDO does not currently address these new and unique uses authorized by the Act; 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 UDO to establish regulations for cannabis business establishments as authorized by the Act (the “*Proposed Amendment*”); and

WHEREAS, the Plan Commission conducted a public hearing, pursuant to notice published in accordance with Illinois state law, on the Proposed Amendment at its meeting held

on November 13, 2019, at which time the Plan Commission recommended *[approval]* *[denial]* of the Proposed Amendment; and

WHEREAS, the Village Board of Trustees has considered the Plan Commission’s recommendation and has determined that it is in the best interests of the Village 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 GILBERTS, KANE COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS The recitals set forth above are incorporated into Section 1 as set forth herein.

SECTION 2. AMENDMENT TO SECTION 10-6-3 OF THE UDO. Section 10-6-3 of Chapter 6 of the UDO, entitled “Special Uses,” is hereby amended as follows (deletions in ~~strike~~through, additions in **bold** and underline):

“10-6-3 SPECIAL USES

The following uses may be permitted in the I-1 District, subject to the issuance of a special use permit as provided in Section 10-11-11 of this code and subject to the additional standards set forth in this section:

* * *

9. Cannabis business establishments, subject to section 10-8-10 of this code.”

SECTION 3. AMENDMENT TO CHAPTER 8 OF THE UDO. Chapter 8 of the UDO, entitled “General Use Regulations,” is hereby amended by adding a new Section 10-8-10 as follows”

“10-8-10: CANNABIS USES

A. Special Use Permit Required. Cannabis business establishments, as defined in Section 10-13-13 of this UDO, shall only be allowed within the “I-1” Industrial zoning district and only upon the issuance of a special use permit. No cannabis business establishments shall be allowed in any other zoning district in the Village.

B. Requirements for Cannabis Business Establishments. In addition to the requirements for a special use permit under section 10-11-11 of this code, all cannabis business establishments must comply with the following requirements:

1. Location Restrictions. Unless otherwise prescribed by state law, a cannabis business establishment may not be located within 500

feet of the property line of a pre-existing public or private school, playground, public park, public library, or child care facility.

2. Site Plan Review. All cannabis business establishments shall be subject to site plan review as required by Section 10-11-14 of this Code. Cannabis business establishments must submit a site plan as part of the special use permit application. The Village may impose additional setback, landscaping, screening, and buffering requirements on a cannabis business establishment to mitigate impacts on surrounding properties as conditions of any approval of a special use permit.
3. State Licensing. Applicants seeking a special use permit for a cannabis business establishment must submit a complete copy of their license application and all plans submitted to the State of Illinois, or any agency thereof, as part of their special use permit application. Before issuance of a certificate of occupancy or otherwise opening to the public, cannabis business establishments must provide a copy of their license to operate as a cannabis business establishment from the respective state agency.
4. Compliance with State Regulations and Rules. All cannabis business establishments shall comply with the Cannabis Regulation and Tax Act, as amended, or the Compassionate Use of Medical Cannabis Program Act, as amended, and all applicable administrative rules and regulations.
5. Odor Control. All cannabis business establishments must submit a plan for the control of cannabis odors from the subject property as part of the special use permit application.
6. Security. All cannabis business establishments must submit a security plan as part of the special use permit application.
7. Drive-Thru Windows. A cannabis dispensary may not have a drive-through service.
8. Cannabis Dispensary Parking. Cannabis dispensaries are required to have 6 parking spaces per 1,000 square feet of floor area.
9. Traffic Study. Cannabis business establishments may be required to submit a study showing the impact of the proposed business on traffic in the surrounding area as part of the special use application. The Village will select the professional to conduct the traffic study, and the applicant will be responsible for the cost of the study.

10. Random Inspections. Cannabis dispensaries are subject to random and unannounced inspections by local law enforcement to verify compliance with all applicable laws, rules and regulations.
11. Cannabis Waste. All cannabis business establishments must submit a plan for the recycling and destruction of cannabis waste as part of the special use permit application, and all cannabis business establishments must comply with all state, county, and Village regulations governing cannabis waste.
12. Hours of Operation. Unless otherwise prescribed by state law, the Village may impose limits on the hours of operations of cannabis business establishments as a condition of any special use permit approval.
13. On-Premises Consumption Prohibition. No cannabis business establishment may allow the smoking, inhalation, or consumption of cannabis on the premises 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.”
14. Number. The number of each type of cannabis business establishments allowed in the Village may be established by the Board of Trustees.

C. Prohibited Uses. On-premises cannabis consumption establishments are prohibited from locating anywhere in the Village.”

SECTION 4. AMENDMENT TO SECTION 10-13-13 OF THE UDO. Section 10-13-13 of Chapter 13 of the UDO is hereby amended to add the following new definitions in proper alphabetical order:

“Cannabis: Cannabis shall have the same definition as “cannabis” set forth in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

Cannabis Business Establishment: A cannabis business establishment means a cannabis dispensary, cannabis cultivation center, cannabis craft grower, cannabis infuser, cannabis transporter, cannabis processor, and such other cannabis business establishments authorized under the Act, a medical cannabis dispensary, and a medical cannabis cultivation center.

Cannabis Dispensary: A cannabis dispensary means “dispensing organization” and “dispensary” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

Cannabis Cultivation Center: A cannabis cultivation center means “cultivation center” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

Cannabis Craft Grower: A cannabis craft grower means “craft grower” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

Cannabis Infuser: A cannabis infuser means “infuser organization” or “infuser” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

Cannabis Transporter: A cannabis transporter means “transporting organization” or “transporter” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

Cannabis Processor: A cannabis processor means “processing organization” or “processor” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

Medical Cannabis Dispensary: A medical cannabis dispensary means “medical cannabis dispensing organization”, or “dispensing organization”, or “dispensary organization,” as defined in Section 10 of the Compassionate Use of Medical Cannabis Program Act, as amended.

Medical Cannabis Cultivation Center: A medical cannabis cultivation center means a “cultivation center” as defined in Section 10 of the Compassionate Use of Medical Cannabis Program Act, as amended.

On-Premises Cannabis Consumption Establishment: An on-premises cannabis consumption establishment means a cannabis business establishment or other entity that is authorized or permitted to allow the on-premises consumption of cannabis.”

SECTION 5. AMENDMENT TO CHAPTER 13 OF THE UDO. Chapter 13 of the UDO, entitled “APPLICABILITY AND INTERPRETATION” is hereby amended by adding a new Section 10-13-14 as follows:

“10-13-14: UNLISTED USES.

Unlisted uses are prohibited by this code. The listing of a use as “prohibited” or “not permitted” in this Title shall not be construed to permit unlisted uses by inference.”

SECTION 6. SEVERABILITY. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several

applications, all valid applications shall remain in effect.

SECTION 7. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however that nothing in this Ordinance shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall only be effective upon the passage, approval, and publication in the manner required by law.

ADOPTED THIS _____ DAY OF _____, 2019, pursuant to roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Elissa Kojzarek	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Jeanne Allen	_____	_____	_____	_____
Trustee Lou Hacker	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS _____ DAY OF _____, 2019

Village President, Rick Zirk

(SEAL)

ATTEST: _____
Village Clerk, Courtney Baker

Published: _____