

**AN ORDINANCE AMENDING THE VILLAGE'S ZONING REGULATIONS TO PROHIBIT CANNABIS BUSINESS ESTABLISHMENTS, AS DEFINED UNDER THE CANNABIS REGULATION AND TAX ACT, FROM LOCATING WITHIN THE VILLAGE OF BARRINGTON HILLS**

**WHEREAS**, the Village of Barrington Hills (hereinafter the "Village") is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

**WHEREAS**, the Village is authorized and empowered, under the Municipal Code and the Code of Ordinances of the Village of Barrington Hills, to regulate properties located within the municipal boundaries of the Village; and

**WHEREAS**, in furtherance of this authorization, the Village has adopted a zoning code, set forth in Title 5 Zoning Regulations of the Village's Municipal Code to, among other purposes, effectuate the Village's planning program and to regulate individual property use by establishing use districts, building site requirements, setback, density, parking and height regulations, and by specifying external impact standards for noise, smoke, odor, glare and vibration; and

**WHEREAS**, the Illinois Legislature recently passed the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, effective January 1, 2020 (the "Cannabis Act"); and

**WHEREAS**, section 55-25(5) of the Act authorizes the Village to prohibit, by Ordinance, the location of Cannabis Business Establishments, as defined under the Cannabis Act, within the Village; and

**WHEREAS**, Section 5-10-6(B) of the Village's Municipal Code provides that the Village's Zoning Board of Appeals may initiate an amendment to the text of the zoning code; and

**WHEREAS**, the Zoning Board of Appeals, at the direction of the Village Board, applied to amend the text of the zoning code relative to prohibiting the location of Cannabis Business Establishments, as defined under the Cannabis Act, within the Village; and

**WHEREAS**, Notice of Public Hearing with respect to the proposed text amendment was published in the Daily Herald Newspaper in the Village of Barrington Hills, as required by the Village Code and statutes of the State of Illinois; and

**WHEREAS**, pursuant to said Notice, the Zoning Board of Appeals of the Village of Barrington Hills conducted a Public Hearing on the proposed Text Amendment on October 21, 2019 and after hearing the amendment, the Zoning Board of Appeals voted to recommend adoption of the text amendment relative to prohibiting the location of Cannabis Business Establishments, as defined under the Cannabis Act, within the Village; and

**WHEREAS**, the Zoning Board of Appeals has forwarded its findings and recommendation in regard to the amendment to the Village Board, in the Findings and Recommendation, attached hereto and incorporated herein by reference as Exhibit "B;" and

**WHEREAS**, the President and Village Board of Trustees has considered the matter and determined that the proposed text amendment to Title 5 Zoning Regulations, as set forth in Exhibit A, relative to prohibiting the location of Cannabis Business Establishments, as defined under the Cannabis

Act, within the Village, be approved, as such action is believed to be in the best interests of the Village and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Barrington Hills, a home rule community located in Cook, Lake, Kane and McHenry Counties, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO:** That Title 5 Zoning Regulations, Chapter 5 be amended to add the regulation in Section 5-3-4(F) of the Village Code set forth in Exhibit A.

**SECTION THREE:** That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

**SECTION FOUR:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 28th day of October, 2019.

Ayes: 7      Nays: 0      Absent: 0

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 28<sup>th</sup> day of October, 2019.

APPROVED:

  
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Village President

ATTEST:

  
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Village Clerk